



A COMMON PURPOSE

25 convicted of murder, 14 condemned to death, 2 lawyers fighting for justice.

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A **STUDY GUIDE** BY MARGUERITE O'HARA

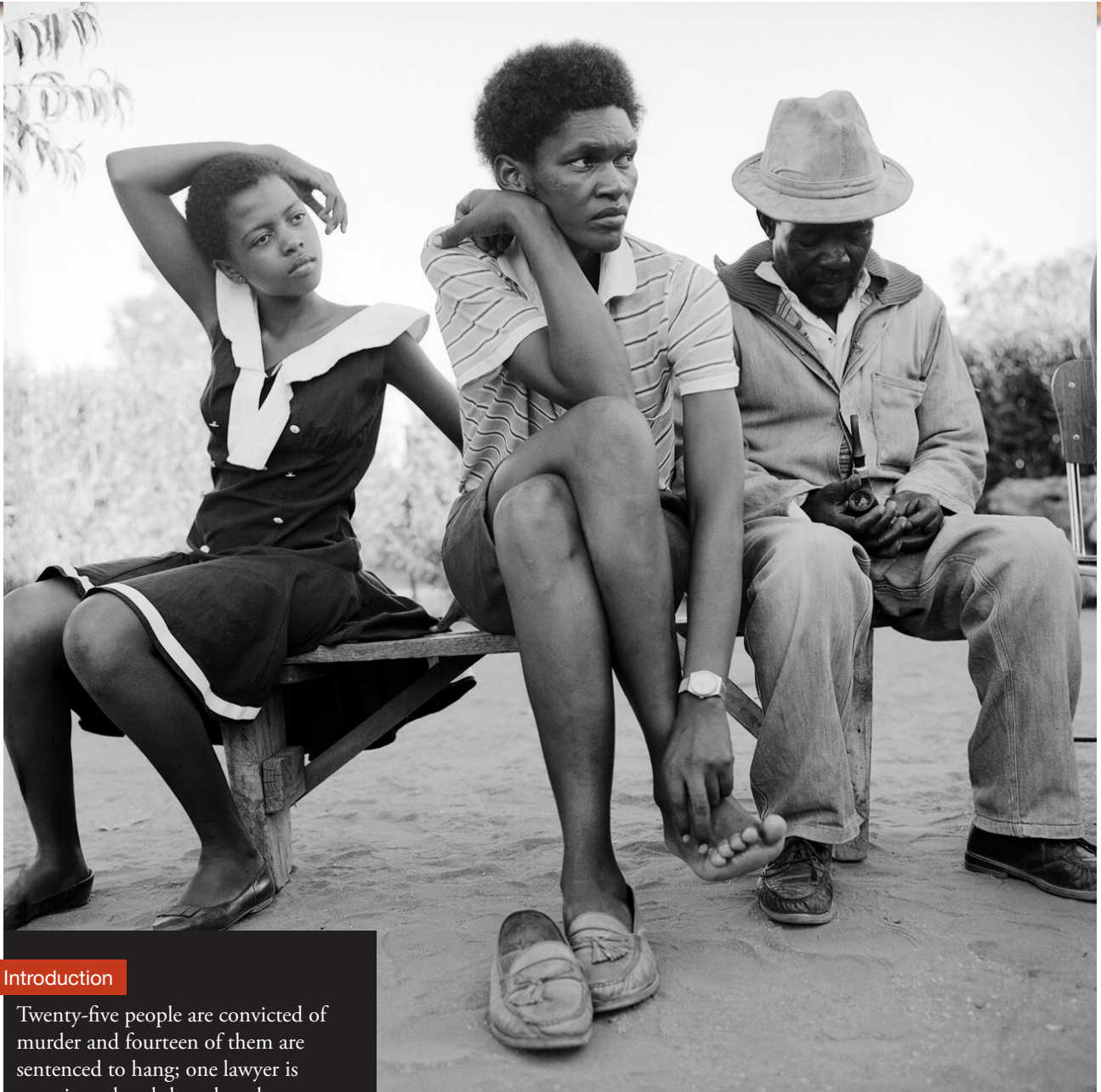


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Introduction

Twenty-five people are convicted of murder and fourteen of them are sentenced to hang; one lawyer is assassinated and the other chooses exile. *A Common Purpose* (Mitzi Goldman, 2011) is the dramatic story behind a notorious murder trial that marks South Africa's transition from the apartheid era to a democratic South Africa. Told through the perspectives of defence lawyer Andrea Durbach, the *Independent* newspaper journalist John Carlin and the accused themselves, the story unfolds to reveal a landmark victory in legal history's biggest case on extenuation. This is a timeless and inspirational story about the fight for justice in a country where injustice was enshrined in law. The film runs for 75 minutes and there are a number of extras providing more footage about the people and some of the events. The film cleverly uses archival material to weave together critical aspects of South's apartheid past and democratic present, telling the story from various points of view.

Synopsis

In the late 1980s, during the most violent period of the apartheid regime, twenty-five men and women were rounded up in Paballelo, a black township bordering the town of Upington in South Africa, to stand trial for the murder of a black policeman. Upington – a small town near the border of South Africa and Namibia, known as a stronghold of Afrikaner nationalism – was besieged by a three-year legal trial, which culminated in fourteen of the twenty-five accused being sentenced to death, in the assassination of Namibian barrister and human rights advocate Anton Lubowski, and in the exile of the young, white lawyer Andrea Durbach, who represented the twenty-five.

A Common Purpose tells the story of how the trial irrevocably changed the lives of the accused and their legal team as South Africa began its transition to a post-apartheid state. The film is structured around the return to South Africa of lawyer Andrea Durbach, a Sydney resident since 1989 and currently Director of the Australian Human Rights Centre at the University of NSW Faculty of Law. The film traces her reunion with her clients and their families eighteen years after the landmark trial and explores the impact of the trial on their lives in the new South Africa.



injustice asking us to consider hard, moral questions. What would I have done in the circumstances? How can I ensure things like this do not happen again? How can we avoid becoming complicit as bystanders in unjust acts?

Contemporary history is best understood through real stories of past events. Through extraordinary archival material we see and hear the people directly involved as they bring the past to life visually. Legal trials such as that of the Upington 25 often tell stories that go well beyond the legal processes. The film takes us into the lives of the people who lived through the terror of racism and brutality, a legal trial that nearly saw more than half of the accused executed, and the transition of their country to a non-racial democracy.

Mitzi Goldman, the film's director, outlines her hopes for the film as providing an example of the uses and misuses of the law:

We intend to use the film as a tool to promote justice, human rights and to show that the creative use of law can effect positive change. This documentary highlights the tentative relationship between law and justice and that through the exercise of law, people can ultimately achieve just outcomes, reconciliation and, in some cases, reparation. It speaks beyond the particular experience of South Africa, illustrating the tension between law and justice and the potential for law to exact justice even in the most entrenched examples of state-imposed inequity¹.

Curriculum Relevance

This documentary would be an excellent resource for middle, senior and tertiary students studying:

- Politics and Society
- History
- Legal Studies
- Values Education
- Religion and Society (and related subjects)
- English
- Civics and Citizenship
- Social Movements

For students studying at tertiary level, this film would be a valuable resource for students of:

- Law
- History
- Political Science
- International studies
- Psychology
- Media Studies
- Anthropology

The film raises complex questions of racism, poverty, justice and the misuse of power. The strength of this film is its acute demonstration of an intensely human dimension of fighting political injustice. Irrespective of the background of viewers, the film challenges us to question our own responses to

The film shows how oppressive systems can be sustained for many years by spreading fear through the threat and use of violence against ordinary citizens who dare to oppose oppressive governments. These regimes are often only changed through the widespread opposition of ordinary citizens who are able to highlight the injustices of discrimination against themselves and others. International pressure and media attention can also assist in the dismantling of oppressive regimes.

It would be useful for students to have some awareness of the history of South Africa, and particularly of the apartheid system, before watching the documentary.

Most students will be aware of the citizen uprisings from Egypt to Syria in what is sometimes referred to as 'the Arab Spring'. All over the globe, people are insisting on their human rights and a fairer share of wealth. 'Justice for all' no longer refers just to a legal system.

The consequences of apartheid – racial segregation enforced by law – were severe and long-lasting for victims and even for those who benefited from the system, being the majority of white South Africans. Those who appear in the documentary clearly show that the past cannot easily be set aside. A *Common Purpose* demonstrates the importance of allowing the people involved to tell their own stories and to have their experiences validated and remembered.

South African History

In 1994, South Africa, where a white minority had ruthlessly repressed a black majority since 1948, achieved an extraordinary transformation, forging peace and democracy from a state of sectarian civil war. The elections that led to Nelson Mandela assuming presidency of the country were marked by worldwide rejoicing, but the traumas and divisions of the past were not so easily forgotten. While laws can be changed on the statute books, it takes much longer for the behaviours and attitudes of people to adjust to and accept the implications and realities of a radically changed political situation. Economic, political and social changes are not able to quickly remedy the massive legacy of violence and oppression of generations.

Today South Africa is a powerful, wealthy nation, but it is still driven by gross inequalities and the grinding poverty of millions. In addition, the country has one of the highest rates of HIV/AIDS in the world.

The transition to representative democracy in South Africa is even more remarkable when the country's history, particularly since 1948, is examined. Below are some key events in the period between 1948 and 1994 as the apartheid system reinforced white supremacy and privilege through draconian legislation. Throughout this period, the country and its government faced increasing opposition to their racist policies from both within and outside South Africa. In 1994, free elections were held and a representative government led by Nelson Mandela was elected.

The following account of how apartheid became entrenched as a political and social system is very condensed. Only major aspects of policy and key events are included; its effects on people are clearly shown in the documentary – Upington (white town) and Paballelo (black township) – as well as in almost every scene showing the massive racial inequalities and disparities of opportunity.



Key Events

South Africa was colonised by the Dutch in the seventeenth century. Later, British domination of the Dutch descendants (known as Boers or Afrikaners) resulted in the establishment by the Afrikaners of the republics of the Orange Free State and Transvaal. Tensions between Afrikaners in the north and the British in the south sparked the Boer War (1899–1902). Following South Africa's independence from Britain in 1910, an uneasy power-sharing arrangement between the British and the Afrikaners held sway until 1948, when the Afrikaner National Party gained a strong majority.

While the white population had always dominated black people since the start of the colony, strategists in the National Party devised the policy of apartheid as a means of cementing their control over the country. With the enactment of apartheid laws from 1948 on, racial discrimination was institutionalised.

Racial laws touched every aspect of life, including a prohibition of marriage and sexual relations between black and white people and the sanctioning of 'whites-only' jobs. In 1950, the Population Registration Act required that all South Africans be racially classified into one of three categories: white, black or 'coloured'. The category of 'coloured' also included Asian people. Under the Act, the classification (by a government department) that a person was 'white' would take into account 'his habits, education, and speech and deportment and demeanour'. A member of an African tribe or race was considered a black person, and a 'coloured' person was neither black nor white but of mixed race. Non-compliance with the race laws was dealt



with harshly. All black people were required to carry 'pass books' containing their fingerprints, photo and personal information when entering white areas, which they often needed to do for work reasons.

A series of statutes were passed from the 1950s onwards to deal harshly with any form of dissent; the government was empowered to declare 'states of emergency' as a means to quell protest and political activism. Penalties included fines, imprisonment and whippings. The penalties imposed on any form of political protest, even non-violent protest, were severe. In 1960, thousands of black people demonstrated in the township of Sharpeville against the pass laws; sixty-nine people were killed and 187 people wounded by the police.

During the various states of emergency that the government declared intermittently until 1989, anyone could be imprisoned without trial for months at a time. Many prisoners were tortured in custody and many died as a result. Those who were tried were often sentenced to death, banished, or imprisoned for life, like Nelson Mandela.²

Despite the entrenchment of apartheid policy and the repression of millions of black and coloured people, political activism and resistance continued. Black South Africans and a small number of white South Africans maintained their opposition to the gross injustices until the government was forced by political and economic pressures from both within and outside the country to accept that the system was neither viable nor humane. These pressures led to the release of Nelson Mandela and other political prisoners from years in jail, and to free elections in 1994, with the appointment of Nelson Mandela as the first black President.

People – South Africa's population today

South Africa is a nation of peoples of diverse origins, cultures, languages and beliefs. According to the South African 2011 Census, the population stands at 51.77 million. Africans are in the majority at 41 million, making up 79 per cent of the population. The white population is

estimated at 4.5 million (9 per cent), the coloured population at 4.6 million (8.9 per cent) and the Indian/Asian population at 1.2 million (2.5 per cent). *See Pie Chart 1*

Read more: <<http://www.southafrica.info/about/facts.htm#Uahdu5WAHHg>>

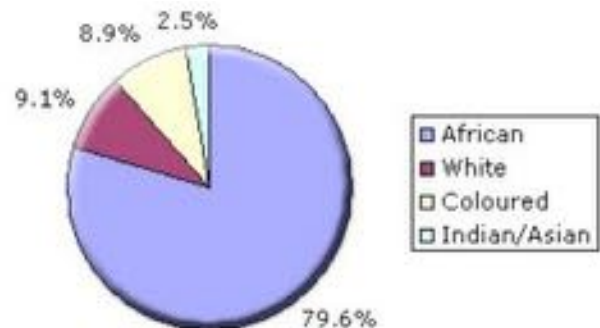
South Africa's population by language

While more than three quarters of South Africa's population is black, they are neither culturally nor linguistically homogeneous. Nine of South Africa's eleven official languages are African, reflecting a variety of ethnic groups which nonetheless have a great deal in common in terms of background, culture and descent.

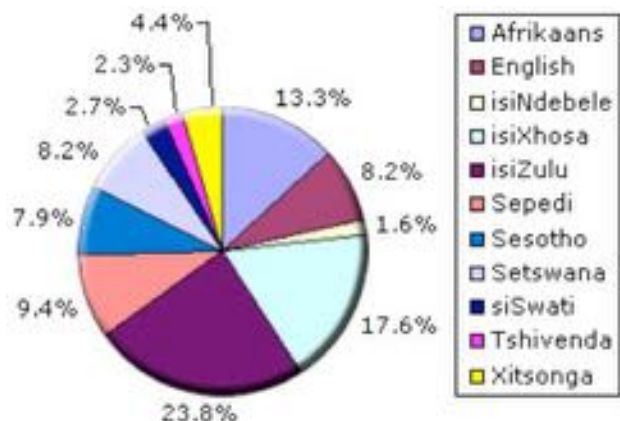
In *A Common Purpose*, many of the black people speak English while others speak Afrikaans, such as Beatrice Sethwala – the mother of Lucas 'Jetta' Sethwala, the black policeman who was killed – and Evelina de Bruin and Xolile Yona (two of the twenty-five accused). *See Pie Chart 2*

Africans include the Nguni people (comprising the Zulu, Xhosa, Ndebele and Swazi), the Sotho-Tswana people (comprising the Southern, Northern and Western Sotho [Tswana]); the Tsonga, and the Venda.

PIE CHART 1



PIE CHART 2



South Africa's white population descends largely from the colonial immigrants of the mid-seventeenth to nineteenth centuries – Dutch, German, French Huguenot and British. Linguistically they are divided into Afrikaans- and English-speaking groups, although many small communities that have immigrated over the last century retain the use of other languages. European Jews came mainly from Lithuania before and after World War Two.

The label 'coloured' is a contentious one, but is still used for people of mixed race. Many are descended from slaves from east and central Africa, the indigenous Khoisan who lived in the Cape, and indigenous Africans, and a significant number speak Afrikaans.

The majority of South Africa's Asian population is Indian in origin. Many are descended from indentured workers brought to work on the sugar plantations of the east coast of South Africa in the nineteenth century. They are largely English-speaking, although many also retain the languages of their origins. There is also a group of Chinese South Africans.³

Since the early 1960s, white South Africans have emigrated and resettled in countries such as Australia, New Zealand, the UK, Canada and the United States. Accurate South African Government figures for exactly how many white South Africans have emigrated are hard to ascertain, but one report put the figure at 800,000 since 1995.⁴

Truth and Reconciliation Commissions

When representative democracy is established following a period of the violation of human rights, some countries – such as Sierra Leone, Chile and East Timor – have set up tribunals where both victims and perpetrators of past injustices can come together and give accounts of their experiences. In South Africa the *Truth and Reconciliation Commission* (TRC) was established for this purpose.

After the unbanning of the African National Congress (ANC) and other political parties, Nelson Mandela and other political prisoners were released in 1990. All political parties met to form the first democratic government of national unity and to determine how best to guide South Africa into the future. It was important that the evils of the apartheid – racism, inequality, censorship, state brutality etc. – were publicly acknowledged and the government's wrongdoing addressed.

After looking at how other countries had dealt with human rights abuses, South Africa's leaders decided not to go down the path of the Nuremberg trials, where those accused of war crimes during World War Two were prosecuted. The new multi-racial government believed that national unity was best served through reconciliation. The Commission used terms such as 'reparation' (instead of 'retaliation'), 'reconciliation' and 'reconstruction.' Perhaps most significantly, it declared



that 'amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past'.

In 1996, seventeen TRC commissioners were appointed. For two years they conducted hearings and investigations across the country. Their aims included:

- returning dignity to victims of apartheid crimes
- recommending measures of reparation
- granting amnesty to perpetrators who admitted to human rights violations
- restoring moral order in society
- seeking, recording and publicly declaring the truth
- creating a culture of human rights and respect for the rule of law
- writing a report on its findings and activities and recommending measures to prevent such human rights violations from ever happening again.

The TRC received over 20,000 statements from victims, 2000 of whom testified in public hearings. The TRC also received nearly 8000 applications for amnesty from perpetrators of apartheid crimes. As we see in the film, in 1996 (in Upington) and in 1999 (in Bloemfontein), the TRC heard testimonies from some of the Upington 25, including from the mother of the murdered policeman, Beatrice Sethwala, and from Justice Bekebeke, one of the accused.

Questions for students to consider:

- Do you think such public hearings are an effective way for people to acknowledge the evils of the past?
- Why is it important for people to testify at these hearings?



Map of South Africa

Upington is in the Northern Cape region. Paballelo was the black 'township' that existed on the outskirts of Upington. Although similar in size to the town of Upington, Paballelo did not appear on official maps.
<http://www.mapsofworld.com/south-africa/southafrica-political-map.html>

- If, like Nelson Mandela and others, you had been imprisoned for many years, could you forgive those who imprisoned and mistreated you?
- Why would people who had committed atrocities be likely to come forward and publically admit what they had done?
- Who do you think would benefit most from such hearings?
- How is being a bystander or silent witness to terrible events different from being an active participant or perpetrator?
- Are you aware of any other countries that have held hearings similar to the TRC?
- In Australia, there has been a call for the establishment of a Stolen Generations Reparations Tribunal to hear testimonies of and award reparations to Aboriginal and

- Torres Strait Islander Australians separated from their families under Australia's forced removal policies. In 2008, Prime Minister Kevin Rudd apologised 'for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country'. Do you think a national apology is sufficient to redress the injustices caused by the removal and subsequent harm endured by the Stolen Generations and their families?
- Do you think it is important for the truth about what happened in the past to be accurately documented? Why?
- Why are some governments reluctant to acknowledge mistakes and mistreatment of their citizens?

People appearing in the film

Many of the Uppington 25 and their family members appear in this film, describing their experiences both at the time of the trial in 1989 and later when Andrea Durbach and her film crew returned to South Africa to see what had happened to them after the trial and with the end of apartheid. *See table of people appearing in film this page.*

STUDENT ACTIVITY

Responding to the film

The story told in the film moves between different time frames – November, 1985 when the Uppington event occurred, the events surrounding the trial in 1988–89, the Appeal in 1991, the Truth and Reconciliation hearings in 1996 and 1999 (post-apartheid) and the 2000s when Andrea Durbach returned to South Africa to reunite with many of the people she represented almost twenty years earlier.

13 November, 1985, Uppington

As Justice Bekebeke, one of the accused, says at the TRC hearing:

What happened on the thirteenth must be seen in the light of that we were called to a meeting, shot at after that and



when we tried to run away, we are being shot at by another policeman from the front. We would have passed that house without doing anything to it.

- Why had the people from Paballelo gathered to meet at the soccer field? What were the grievances they had come to discuss?
- What action did the police take that directly led to the crowd's angry response? What ultimatums did they issue to the people at the meeting?

..... PEOPLE APPEARING IN THE FILM

MYNER GUDLANI BOVU	Uppington 25 – accused 5
JUSTICE BEKEBEKE	Uppington 25 – accused number 10
SUSAN BEKEBEKE	Mother of Justice
JOHN CARLIN	Journalist for the <i>Independent</i> newspaper
EVELINA DE BRUIN	Uppington 25 – accused number 18
INNOCENTIA DUBE	Daughter of Xoliswe Dube (below)
XOLISWE DUBE	Uppington 25 – accused number 16
TROS GUBULA	Uppington 25 – accused number 2

ANDREA DURBACH	Solicitor for the Uppington 25
ALFRED GUBULA	Community leader related to three of the defendants
BOY JAPHTA	Uppington 25 – accused number 15
ABEL KUTU	Uppington 25 – accused number 3
BEATRICE SETHWALA	Mother of Lucas 'Jetta' Sethwala, the murdered policeman
ZUKO XABENDLINI	Uppington 25 – accused number 6
XOLILE YONA	Uppington 25 – accused number 20

Fact Box 1

ANDREA DURBACH EXPLAINS THE 'COMMON PURPOSE DOCTRINE'

Even if you didn't causally kill the person ... even if you were in no way connected with the physical killing of the deceased ... you can nonetheless be found to be as guilty as the perpetrator of the deed because you were actively associated with the crowd which had formed 'a common purpose' to kill him.

The judge in this case said the common purpose of that crowd or of the twenty-six people was to drive Sethwala out of his house so that he could be killed. (According to the judge) the demonstration of that common purpose was the throwing of the stones ... with the purpose of getting him out of the house so he'd be killed.

Interview with Andrea Durbach in the film.

- Why did the firing of tear gas canisters by police to disperse the crowd result in such widespread panic?
- How did Jetta Sethwala, the policeman in the house, respond to the stone-throwing by the people outside?
- What happened next?

See Fact box 1

- What was Justice Bekebeke's acknowledged part in what happened?
- How did the police response and the behaviour of the crowd contribute to what happened to the young boy who was shot and to the policeman (Lucas Sethwala) who was killed and whose body was burnt?

Events surrounding the trial

While the trial itself is at the heart of this film, it is not shown in the documentary as actual trials are rarely allowed to be filmed. Most documentaries involving a court case involve a dramatic reconstruction of the event. It is only very recently in Australia that cameras have been allowed to film trials and then they can only be shown after the sentences and appeal processes have been completed. Clearly, such policies are designed to protect people. It is also the case that many legal trials are not filled with the kind of drama that is represented on *Law and Order* and other television dramas.

The real horror and injustice of apartheid really took root in me; I really understood it when I went to cover the Upington trial for the first time. That was the moment when I really understood, in my head and in my heart, what apartheid was all about.

– John Carlin, the *Independent* South African correspondent.

South Africa has no jury system. The judge in the trial heard the case with assessors who assisted the judge in relation to their evaluation of the facts of the case. The judge alone handed down the judgment.

- How did journalist John Carlin become involved in this case?
- What was Anton Lubowski's role in the trial? What is the essential difference between the work of a solicitor (attorney) and barrister (advocate)?
- What did Andrea Durbach have to do in order to have an initial meeting with some of the families of her clients before representing them at court the following day?
- Why was it so important for the lawyers to get a postponement of the trial from the judge?
- How did sixty-year-old Evelina de Bruin come to be numbered amongst the twenty-five defendants charged with murder?
- What was the standard 'alibi defence' presented by the defendants? Why did they choose to adopt this position?
- Explain the theory of 'de-individuation' and why it was used in this case.
- What happened to Xolile Yona when he was sent to Cape Town to be psychologically assessed?
- How did Andrea Durbach know that she was being watched and intimidated?
- What happened to some of the people attending the prayer vigil for the Upington 25 at Paballelo just before the verdict was handed down? *See Fact Box 2*
- Discuss what you might consider as 'extenuating circumstances' in a situation where someone is accused of 'bullying'.

Sentencing

They say justice must be done and this is a court of justice but justice is not practised here in this country of ours.

– Xolile Yona's brother

Death row in Pretoria was a death factory. They were executing people every week.

– John Carlin

- What sentences were handed down to the Upington 25?
- When the defendants were allowed to address the court, how did they respond to their sentences?
- On arrival at the jail in Pretoria, in what way did the treatment of Evelina de Bruin and the thirteen men exemplify the cruel and inhuman treatment experienced by black people under apartheid?

Fact Box 2

Extenuation – In law, **extenuating circumstances** in criminal cases are often unusual or extraordinary factors that may serve to mitigate or lessen the severity of the crime and reduce any consequent punishment, for example the very young age of an offender or a history of abuse.



The peoples' stories

Aspects of how my clients were treated, every aspect of how we were having to work is contaminated by the apartheid world ... and the agents of apartheid, the police.

– Andrea Durbach

- What do we learn about Justice Bekebeke in the film? What was one of his formative experiences as a child?
- What do Susan Bekebeke, Xolile Yona and Alfred Gubula have to say about the movement for political change when they were younger?
- What does Andrea Durbach recall about the uprisings during the 1970s and 1980s?
- How did her upbringing and experiences as a white South African lead her to become politically active?
- Describe some of the scenes which show us something of the living conditions of the black population during this time.
- How did Anton Lubowski demonstrate his opposition to the South African regime?

What happened next?

It was just some vile and horrible form of vengeance.

– John Carlin

- What was the main purpose of Andrea Durbach's trip to London after the trial?

- How can media exposure of an issue such as this one put pressure on governments to reconsider their treatment of people convicted of crimes?
- What was Durbach hoping to achieve by publicising the case in London?
- What happened to barrister Anton Lubowski on his return to Namibia?
- How long did fourteen of the Upington 25 sit on death row in Pretoria?
- How far is Pretoria from Upington? What difficulties would this have caused for the prisoners and their families?
- What was the result of the appeal against the death sentences?
- How many of those originally charged and found guilty of murder served prison sentences for their presumed role in the killing of the policeman?

Free at last

What I'm interested in is that interplay between how law can take away rights but it can also give rights, provide rights, and assert rights.

– Andrea Durbach

See Fact Box 3

- Describe some of the homecoming rituals of the released prisoners when they finally came home. Why are such processes important?

Fact Box 3

Until the end of apartheid, a racist educational system perpetuated South Africa's social hierarchy in which skin colour was very closely correlated to class. When apartheid ended, public school education became available to all children.

In 1953 the government passed the Bantu Education Act, which the people didn't want. We didn't want this bad education for our children. This Bantu Education Act was to make sure that our children only learnt things that would make them good for what the government wanted: to work in the factories and so on; they must not learn properly at school like the white children. Our children were to go to school only three hours a day, two shifts of children every day, one in the morning and one in the afternoon, so that more children could get a little bit of learning without government having to spend more money. It was a terrible thing ... that Act.

— Baard and Schreiner, *My Spirit is Not Banned*, Part 2

In what are now infamous words, Minister of Native Affairs and future Prime Minister Dr. Hendrik F Verwoerd explained the government's new education policy to the South African Parliament:

There is no space for him [the 'Native'] in the European Community above certain forms of labour. For this reason it is of no avail for him to receive training which has its aim in the absorption of the European Community, where he cannot be absorbed. Until now he has been subjected to a school system which drew him away from his community and misled him by showing him the greener pastures of European Society where he is not allowed to graze.

— (Quoted in Kallaway, 92)⁵

- When Andrea Durbach returns to South Africa some years after the apartheid system has been overturned and South Africa has become a representative democracy, she meets up with a number of the defendants and their families, including Innocentia Dube, daughter of accused number 16.

What does Innocentia say about the realities of life in Upington as part of the new South Africa?

Read the information about education (*See Fact Box 4*) and then describe how Innocentia's educational opportunities have been different from those of previous generations.

Final Screen Texts

The screen texts at the end of the documentary outline what has happened to several members of the Upington 25 since apartheid ended.

- ▶ **Justice Bekebeke** served ten months of a ten-year sentence. He graduated as a lawyer and is Director General of the Northern Cape.



- ▶ **Myner Gudlani Bovu** is Director for Community Services with the local municipality. He has four daughters.
- ▶ **Evelina de Bruin** lives with two of her children and has eighteen grandchildren. Her husband Gideon passed away in 1996.
- ▶ **Innocentia Dube**, daughter of Xoliswe Dube, has completed her financial management studies. She is a senior clerk with the local municipality.
- ▶ **Eric 'Tros' Gubula** works in Parks Management in Namibia.
- ▶ **Boy Japhta** works as a superintendent at the local municipality. He has one child.
- ▶ **Zuko Xabendlini** works as Assistant Communications official for the local municipality. He has two children and two grandchildren.
- ▶ **Xolile Yona** served ten months of a ten-year sentence. He is now a supervisor with the local municipality. He has seven children.
- ▶ **Andrea Durbach** lives and works in Sydney, Australia. She is the Director of the Australian Human Rights Centre, Faculty of Law, University of New South Wales.

Music

We hear people singing (and dancing) quite often during the film. Frequently they are singing 'Nkosi Sikelel' iAfrika', now the South African national anthem.

'Nkosi Sikelel' iAfrika' was composed in 1897 by Enoch



Sontonga, a teacher at a Methodist mission school in Johannesburg. It was one of many songs he composed, and he was apparently a keen singer who composed the songs for his pupils.

For decades, 'Nkosi Sikelel' iAfrika' was regarded as the unofficial national anthem of South Africa and it was always sung as an act of defiance against the apartheid regime. A proclamation issued by the State President on 20 April 1994 stipulated that both 'Nkosi Sikelel' iAfrika' and 'Die Stem' (the 'Call of South Africa'), the official anthem under apartheid, would be the national anthems of South Africa. In 1996 a shortened, combined version of the two anthems was released as the new national anthem.

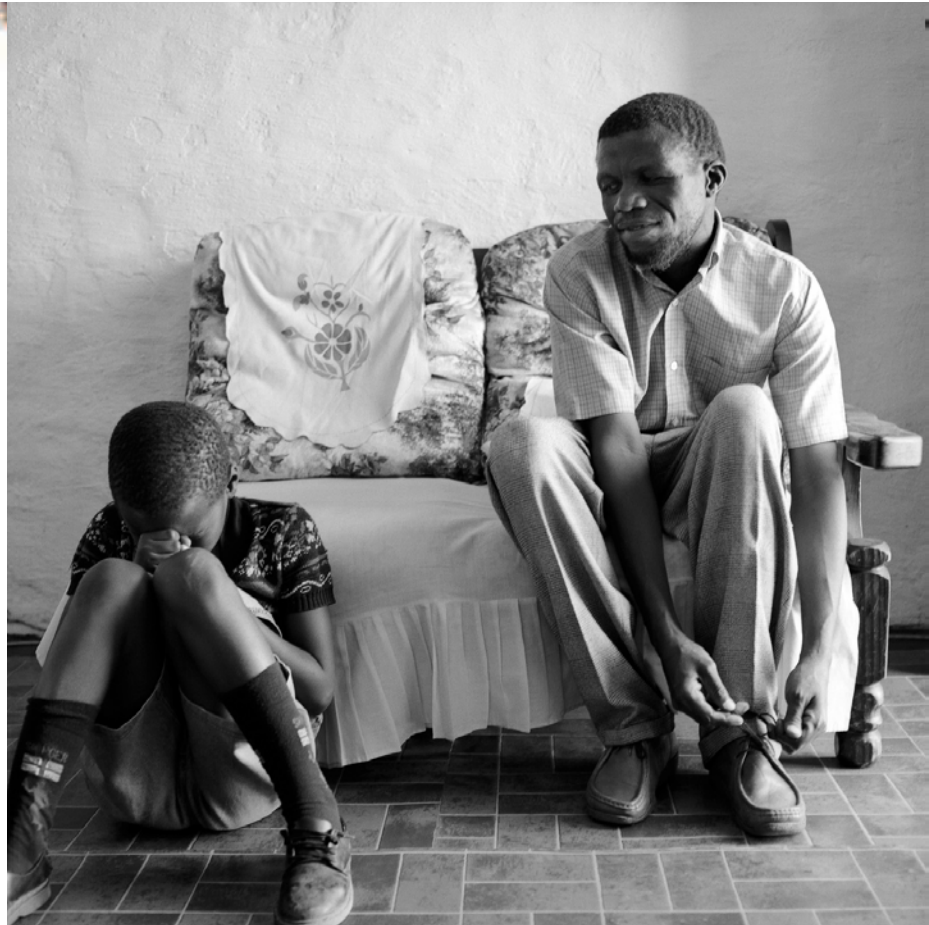
- What were the reasons the defendants 'always came up from the cells to the courtroom singing'?
- How is community and group singing shown to be a sustaining force amongst the people of Paballelo?
- How can singing, dancing and chanting unite groups of people with a common cause?

The making of the film

See Table 2

There are some interesting extra features on the DVD of *A Common Purpose*, including one that contains extended police video and sound footage of the events in 1985 at Uppington. The footage conveys a powerful sense of the situation, of the heat, dust and chaos.

A Common Purpose won the Audience Award for Best Documentary at the 2011 Sydney Film Festival. It was also nominated for best feature documentary at the AFI/AACTA



Awards in 2013. Read director Mitzi Goldman's Director's Statement about how the making of this film came about:

A Common Purpose has been an intensely rewarding process. From the moment I saw the footage of Andrea's reunion with the 'Uppington 25' I was drawn to the story. The emotion at the reunion of Andrea with her former clients after twenty years was palpable.

I have had a long-standing interest in South Africa's history. In the late 1980s. I was acutely aware of the deep injustice

TABLE 2: KEY CREW

PRODUCER/DIRECTOR	Mitzi Goldman
EDITOR	Hilary Balmond
CINEMATOGRAPHY	Ezra Jwili
ORIGINAL SCORE	Mark Ginsberg & Ryan Grogan
STILLS	Jillian Edelstein
SOUND	Digital City Studios
DEVELOPMENT PRODUCER	Steve Pasvolsky
<i>A Common Purpose</i> is a Looking Glass Pictures production with development assistance from Screen NSW and investment from Screen Australia	
http://www.lookingglasspictures.com.au	
Sales / info: mitzi@lookingglasspictures.com.au	

that was practised in South Africa under apartheid. Looking back I suppose I was always quietly on the lookout for an emblematic story to tell from the era that would transcend the history and bring us into the 'new' South Africa.

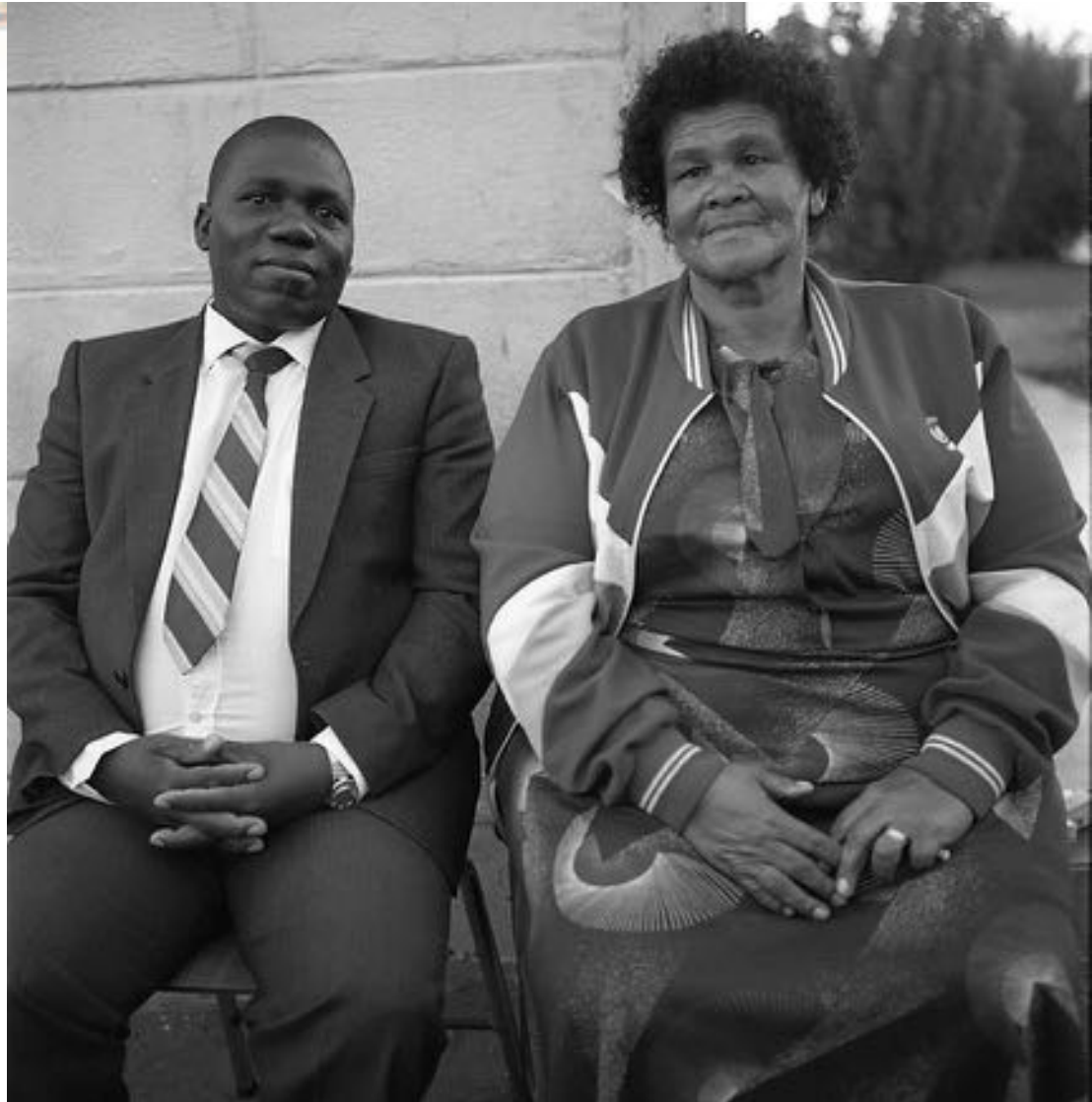
Andrea had written a book about the trial, which was published in Australia and in the US, titled Upington. An option was taken out on the book to make a feature film and the reunion was filmed as an extra for the final DVD. Steve Pasvolsky, the writer with the option deed on the book, returned from South Africa with twenty hours of striking footage believing that it would make a more powerful documentary than a drama. I agreed that it would be a strong documentary and agreed also to take over the project. It took us two-and-a-half years to complete the film.

While searching for finance I began to research the archives for footage to illustrate the story. With a master four-hour interview from Andrea I began to piece together the puzzle, weaving between past and present, telling the story collectively from various points of view.

The inherent dramatic structure within the story guided our narrative. The strength of the archival material we found provided the context but needed to be balanced with the specific story of Upington so the history of apartheid did not dominate the narrative. Our focus was on the Upington story, which in itself was a powerful parable for the times.

The film is a bigger story than one that deals solely with the injustices endemic to a death penalty trial in apartheid South Africa. A Common Purpose is a film that carries a contemporary and universal message about the abuse of law to exert power, and its corresponding potential, to exact justice.

During post production we had a number of screenings with young people in their twenties. It was astounding how little they knew about the apartheid regime. Even in South Africa, the younger generation knows remarkably little about the detail of the apartheid years. One of the most compelling



reasons for completing the film was to have a record of the trial and the impact it had on the accused and subsequent generations. I travelled with the completed film to South Africa to screen it to the participants and their families. Their small houses filled with the neighbours and children from the township gathering around the television, transfixed by the story. This was the most rewarding moment of all. To see the realisation on the faces of the young and the relief and acknowledgement in the tears of the elders made my work, as the messenger, so worthwhile. I am honoured to have had the opportunity to realise the story on screen.

- Discuss the following points, which are raised in the Director's Statement above:
 1. Why make the film as a documentary?
 2. How to balance archival material with the central narrative
 3. The universal message of the film
 4. The impact of recording the trial for future generations
- What did you learn about the apartheid regime in practice through watching this film?
- If you were able to talk with either the director or with Andrea Durbach, what questions would you like to put to them about the story and the making of the film?



Student Activity

Looking at broader issues

1. Justice, the law and capital punishment

Fifty-nine countries retain capital punishment. However, five countries are responsible for more than 90 per cent of these sentences being carried out – China, Iran, Saudi Arabia, Pakistan and the United States. As China classifies judicial statistics as a state secret, the numbers executed annually in China are only estimates. In Australia the last person hanged was Ronald Ryan in Victoria in 1967. In many countries, people sit on death row for many years awaiting appeals.

- What are the arguments for and against capital punishment?
- In what circumstances do you think the death penalty may be warranted?
- Should a country where non-residents commit death-penalty crimes be able to execute these people?
- If you were caught up in a legitimate protest meeting that turned violent, would you expect to be charged with any crimes that occurred as a direct result of the chaos and disorder that occurred at the protest meeting?
- Are all racial and gender groups equally represented in crime statistics in Australia? What factors might influence these statistics?
- Are there aspects of our judicial system that you think might illustrate that it is not fairly administered to all those charged with criminal offences?

2. Freedoms – being politically active and acting strategically

While *A Common Purpose* is about what happened in South Africa, there are many aspects of the film that have universal relevance. In Australia, people live in a democracy and can freely express their opinions through the ballot box and in other lawful ways. We are encouraged to become active citizens.

National issues you may feel strongly about:

- The prolonged detention of 'boat people'/asylum seekers in remote detention centres
- The allocation of irrigation water from a river system to tobacco farmers
- Withdrawal of public funding to all 'private' (i.e. non-government) schools
- Granting a mining licence to a company in an area bordering a National Park

State issues that may provoke you to act:

- Increasing the driving licence age to twenty-one
- The segregation of all government schools into either 'all boys' or 'all girls' schools
- The introduction of an 11pm until 6am curfew for everyone under eighteen
- Banning the wearing of 'hoodies' in any public place

A local matter that seems unfair:

- Allowing the takeover of public parkland and rezoning of it to residential in order to build high-rise buildings
- The banning of all dogs off-lead in a suburb, including in parks
- Allowing a planning permit in a residential area to convert a disused school into a prison.
- The establishment of a safe injecting centre in your local shopping area

Choose one of these issues and decide which of the actions listed in **Table 3 (overleaf)** would be most likely to result in change. When you have chosen one of these issues, or one of your own choosing that is of concern to you, write the issue you have chosen at the top of the table.

In the first column, 'Action', is a list of possible actions we might take to express our views. In the second column, headed 'How effective?', list how useful this strategy might be in bringing about change. In the third column, headed 'Under apartheid', indicate whether such an action was possible for people protesting against apartheid policies in South Africa between 1948 and 1994. What may have happened to people taking such action?

TABLE 3

ISSUE:

ACTION	HOW EFFECTIVE?	UNDER APARTHEID
Voting in a local, state or federal election		
Writing letters to newspapers		
Contacting a television current affairs program		
Circulating a petition signed by others to present to your State or Federal Member of Parliament		
Organising a protest march through the streets		
Standing for Parliament		
Joining a political party		
Taking strike action		
Boycotting and encouraging others to boycott a product		

ACTION	HOW EFFECTIVE?	UNDER APARTHEID
Developing an online campaign through social media. (Was this an option for people living under apartheid in South Africa at the time?)		
Putting up posters in public places		
Leafleting and letterboxing		
Deliberately disobeying the local laws of, say, trespass or access		
Spray-painting messages on buildings		
Holding a public meeting		
Organising a media event on a colourful and noisy scale		
Becoming a member of a trade union or other pressure group		
Passive resistance		
Withholding taxes or rates		

References and Resources

A contemporary newspaper report of the trial describing the situation:

<http://www.csmonitor.com/1989/0316/oupp.html>

A 1989 article from *The New York Times* about the case:

<http://www.nytimes.com/1989/02/22/world/paballelo-journal-for-one-moment-of-mob-rage-must-25-now-die.html?pagewanted=print&src=pm>

An article about education in South Africa during and since apartheid

<http://overcomingapartheid.msu.edu/sidebar.php?id=3&page=1>

The books and films listed below offer personal accounts of life in South Africa from different perspectives:

<http://www.southafrica.info/about/arts/bestbooks.htm#Uah97pWAHHg>

<http://www.sahistory.org.za/topic/history-south-african-literature-timeline1824-2005>

Alan Paton, *Cry the Beloved Country*, Charles Scribner's Sons, 1948 (later editions available)

Andre Brink, *A Dry White Season*, W H Allen and Co. Ltd/ Harper Collins, 1979

Nelson Mandela, *Long Walk to Freedom*, Black Bay Books, 1994

Zakes Mda, *Ways of Dying*, Oxford University Press and Picador, 1995

JM Coetzee, *Disgrace*, Viking, 1999

Andrea Durbach, *Upington*, Allen & Unwin, 1999

Antjie Krog, *Country Of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*, 1999 – a journalist's reflections on the Truth and Reconciliation Commission.

Long Night's Journey into Day: South Africa's Search for Truth and Reconciliation (Deborah Hoffmann and Frances Reid, 2000) – an award-winning Oscar-nominated documentary available on DVD from Ronin Films

A selected list of other feature films and documentaries about South Africa can be found at <<http://www.globalexchange.org/countries/africa/southafrica/films.html>>.

Links to sites about Apartheid and racism studies:

<http://www.overcomingapartheid.msu.edu>

<http://www.apartheidmuseum.org>

<http://www.ctholocaust.co.za>

<http://www.racismnoway.com.au>

A 2012 article by Andrea Durbach discussing the use of the 'common purpose doctrine' to support murder charges against 270 striking miners in South Africa.

These charges relied on their supposed common purpose with the South African security forces – none of whom have been similarly charged – who shot and killed thirty-four miners and injured scores more in August 2012. The 'common purpose' legal principle is at the centre of the turmoil which followed the shootings of striking miners by South African security forces at the Lonmin platinum mine. As Durbach says in her piece: 'despite the recent release of the 270 striking miners held on distorted murder charges, there is little space for relief if the doctrine can be invoked to serve unjust ends'.
<http://www.abc.net.au/unleashed/4244446.html>

Endnotes

¹ <http://www.documentaryaustralia.com.au/films/details/608/a-common-purpose>

² <http://www-cs-students.stanford.edu/~cale/cs201/apartheid.hist.html>

³ <http://www.southafrica.info/about/people/population.htm>

⁴ <http://www.newsweek.com/id/184783>

⁵ <http://overcomingapartheid.msu.edu/sidebar.php?id=3&page=1>



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