

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

Ass 2

SAAKNOMMER: CC 482/85

DELMAS

1987-01-29

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 29 JANUARY 1987.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi I just want to get clarity. You said guest speakers were always approached personally to speak in the Vaal? -- I said that the guest speakers I knew to have been approached as individuals, though I myself personally was never involved in approaching any guest speaker.

Do you know whether the VCA at any stage approached UDF in general to supply speakers for any occasion? Or did it (10) not happen? -- I do not know of any instance when it happened.

Was it ever discussed to approach UDF to supply speakers for meetings? -- I do not know of any occasion that it happened.

You see I would like to refer you to EXHIBIT T19 and ask you to comment on it, that is a Civic Association ...

COURT: Just a moment, E?

MR JACOBS: T19, T for Tommy. That is a Vaal Civic Association, VCA, report to the UDF General Council dated 22/2/1984.

COURT: Just a moment, whose report is this?

MR JACOBS: VCA, signed by Johnny Motete and McCamel. T19. (20) In the front is, the first part is a secretarial report and then ...

COURT: Well then it is T19, the second document. Is that correct?

MR JACOBS: The second document. Have you got it in front of you? The part, the written document with the heading "Vaal Civic Association, VCA". -- I have got the document in front of me.

I beg your pardon, you must speak a bit louder. -- I have the document in front of me. (30)

Now/....

Now I would like you to have a look at paragraph 6 on the

COURT: Well before we deal with that this document is dated 22 February, 1984, is that correct? -- That is so.

And is it correct that it is signed by Johnny Motete and Lord McCamel? -- That is so.

Yes, thank you.

MR JACOBS: Will you read paragraph 6 there on the second page. Do you agree it seems from this paragraph that the UDF was to ... (10)

COURT: Well let us, just to make it easier for somebody who reads the record read into the record the portion of this paragraph on which you are relying? Otherwise one has to get out all these documents later on when you read the record.

MR JACOBS: As the Court pleases.

COURT: Are you relying on the first portion there as a complaint about the UDF not responding properly to invitations:

"We for example expected speakers on Sunday the 19th February. Please notify us in good time if you cannot be represented". (20)

MR JACOBS: Have you got any response to that, any comment? -- I have read the portion referred to now.

And there is a complaint about UDF not responding properly? Correct? -- That is so.

And does it refer to speakers here? -- That is so.

And it seems as if UDF was approached to supply the speakers? -- According to the report yes it seems so.

COURT: Well is the report correct or incorrect? -- I will not say whether the report is incorrect or correct because as I said I did not know of any instance where VCA had approached (30)

UDF/....

UDF for speakers. With regard to the particular meeting I personally was approached to speak at this meeting by the area representative for that area, for the meeting where these, for the area where this meeting was to be held and I was not approached by VCA as such but by an area representative and I did not know of any intention to invite UDF speakers at that moment.

Yes but this is not what this debate is about. If what is stated here is correct, that the UDF did not respond properly to invitations, that they had expected speakers from (10) the UDF on the 19th February and that they did not turn up, then it would appear that also if your evidence is correct that you know of no occasion that the VCA discussed approaching the UDF for speakers it would appear that you do not know much about the discussions inside the management of the VCA? -- This may have been discussed at a meeting that I did not attend, that is approaching the UDF, and this could have also been out of the initiative of the particular area representative and the complaint lodged through the VCA's representatives to the UDF. (20)

MR JACOBS: Well if you were a speaker at that particular meeting ... -- I was not a speaker at that particular meeting.

At which meeting? -- The meeting of the 19th. The only meeting I know of the 19th.

Were you a speaker at that meeting of the 19th or not?

-- I was not a speaker at that meeting.

Were you present at that meeting of the 19th? -- I could not be present at that meeting, that is why I could not be a speaker there.

Did you know about this meeting of the 19th? -- I had (30)
known/....

known about this meeting of the 19th.

Did you know, what did you know about it? -- Well I had known that the area committee for Zone 7 was to be launched on that day.

And did you discuss this meeting at any of the VCA committee meetings? -- Well we were notified by the area representatives of the intention to launch the area committee.

Yes, and did you discuss it in the executive? -- The only time we discussed it was when the area committee requested the Chairman, Reverend Lord McCamel to chair the launching (10) meeting.

Yes, where did you discuss it? -- It was at one of the executive meetings.

And did you discuss the speakers to be invited? -- That I did not, it did not take place at that meeting.

There was no discussion? -- No.

And after this meeting of 19 February did you attend a committee meeting of the UDF? -- I have never attended a meeting of the UDF.

Of the VCA? -- I have attended a number of meetings (20) after that one.

Can you remember after the meeting of the 19th when you attended the meeting? -- No I would not be in a position to remember which meeting I attended thereafter.

Was there no discussion in the meeting of the committee after that, or some of them after that about people not turning up when they were asked, or the UDF asked to supply the speakers? -- I cannot remember that being discussed.

Now yesterday we were still busy with this EXHIBIT AN6, that is the receipt for the money received for the trip (30)

to/...

to Lenasia? Is it Lenasia? -- That is so.

Now before that did you discuss this whole incident in the committee meeting of the VCA? -- The incident being?

This meeting in Lenasia, going to it and so on? -- There was a notice received by the Vaal Civic Association of such a rally.

COURT: Was the rally discussed at your meetings, your executive meetings? -- The attendance to the rally was discussed.

MR JACOBS: And what notice did you receive in this connection? -- Well it was a notice to the effect that there will (10) be a UDF rally.

I beg your pardon, I cannot hear you? -- There was a notice to the effect that there would be a UDF rally.

And from whom did you receive this notice, was it in the form of a letter or what? -- It was a letter written by the UDF to the Vaal Civic Association.

Yes and what did they write in this letter? -- What I remember they were notifying us of the rally, that was called the people's rally to be held in Lenasia on a particular date.

And that you must attend? -- I can say it was an in- (20) vitation letter to the rally.

Yes. And what did you discuss then? In the meeting? -- Well we discussed on attending that rally.

Yes, what did you discuss about the attending? -- That if we want to attend the rally then we will organise transport and invite people to attend this rally too.

Who would do the organising, did you appoint a committee or what was the position? -- Well I remember the person who was, I cannot remember if we elected a particular committee for organising that but I know, I remember a person who (30)

was, /....

was, the one who was organising for people to be able to attend that rally was Mr Tembekile Hlalugo.

I beg your pardon? -- Mr Tembekile Hlalugo. Though I cannot remember if he was officially appointed to organise that.

Now how did it come that he was the organiser? -- Like I say I cannot remember whether he was officially appointed to do that.

Is he a member of the VCA? -- He was.

Area representative? -- That is so.

For which area? -- For the hostel area. (10)

Hostel area. And now what did you discuss about the transport? -- What we discussed about the transport is that if there are people who want to go then we will have to organise a bus for the trip.

Yes, and what did you organise about the payment for the bus? -- Yes we did organise about the payment for the bus.

Yes, now tell the Court? -- We borrowed money from the UDF for payment of the bus.

I beg your pardon? -- We borrowed money from the UDF for payment of the bus. (20)

Who borrowed the money? -- Vaal Civic Association.

I beg your pardon? -- The Vaal Civic Association.

Did they decide to borrow money from the UDF? -- That is so.

Yes, and who was the person to approach UDF to borrow money? -- The Chairman of the Vaal Civic Association, Reverend Lord McCamel.

Now how much money did you borrow from them? -- Well I cannot remember precisely what amount it was that we eventually got from the UDF but I can estimate it to be in the region (30)

of/....

of about R200.

You borrowed R200? -- That is my estimation.

And how many people did you organise to go with the bus on this trip? -- I cannot remember counting the number of people in the bus.

Was it only one bus full? -- Well it was on bus full and the other bus was not full.

Were there two buses? -- That is so.

And how much did that cost you? -- Well I cannot remember how much it cost us. (10)

Yes. If I, did you go on that bus trip? -- I did go on the bus trip.

How much did you pay? -- I paid about R2,50.

R2,50? -- That is so.

Did everybody pay R2,50? -- Well people paid according to the amount they could afford for the trip.

Now how did you work out what the other people must pay? -- Well we requested that people should pay R2 but if you could afford to pay more to assist towards the payment of the bus itself then that was welcome. (20)

When did you borrow that money from UDF then? Was it before the bus left for Lenasia or not? -- Well I will not remember how many days before the bus was left but it was after we had received the quotations from the bus company.

And how much did the buses cost you eventually? -- Like I said I cannot remember how much the cost was.

If I understood your evidence correctly you said that you collected the money as the people, or the passengers, got onto the bus? -- That is so.

So you collected all the money at that stage? -- That (30)

is/....

is so.

Did you plan it like that? -- Seeing that we did not have money ourselves to be able to afford the payment of these buses that was what was suggested for us to be able to pay that money, then we would have to ask people to contribute towards the trip.

Yes. -- To pay for the trip.

COURT: Were the people paying when they boarded the bus? -- That is so.

MR JACOBS: And that did happen? -- That did happen. (10)

And that will cover the cost of the bus? Of the two buses? -- The intention was it would cover the cost of the bus.

It did cover the cost of the buses, or did you and the VCA pay any additional money for the bus? -- That did cover the cost of the bus.

Now why were you so elaborate to borrow money from UDF if you could have recovered the money at the time when they boarded the bus and they can pay the buses? -- We could not get the bus out without any payment towards it, that is why we were forced to borrow from UDF. (20)

I beg your pardon? -- We could not get the bus from the depot, that is why we had to borrow money from the UDF in order to get the bus out.

How much money did you have to pay in advance? -- Well I cannot remember the details of the amount and the cost thereof because I was not directly involved. The person who was directly involved was Mr Tembekile Hlalugo.

Now if you borrowed R200 from UDF why did you not pay back the R200 to them then afterwards? -- I estimated the amount to be in the region of R200 because I said I could not (30)

remember/....

remember the exact amount that was borrowed.

You see I can understand if you borrow a lump sum but why R128,50, why the fifty cents? -- Because that was the money that remained after the buses had been paid off.

Is it not so that UDF arranged for the buses and then you collected the money and you paid it over later on and that is why it is R128,50? -- Well that is not so.

Which other members of the VCA attended that meeting? Accompanied you on the buses? -- I cannot remember them all but I can remember that in the bus that I was in Mrs Mosiya- (10) leng was there and Mr Maloisani was there.

Mr? -- Maloisani. And Mr Motete was in that bus too.

Mr Motete. Yes? Who else? -- Those are the people I remember who were in the bus I was in.

But you went as a group is it not? -- I did not get the question?

Is it not so that you went as a group, the whole group of people from the Vaal, the two buses they travelled together, is that not so? -- They drove out together but I was in one bus for the rest of the trip. (20)

And before the buses started you were standing outside in a group and waiting? -- At the bus stop where the bus picked me up.

You were waiting in a group, all the people from the Vaal? -- No.

Where were the other people then? -- The buses started from some other areas and I was picked up at the bus stop in Zone 3. So when I boarded the bus there were people already in the bus and it was on its way out of Sebokeng and Evaton towards Lenasia. (30)

And at the meeting itself did you not congregate as a group? Did you sit together? -- No when we came in there were marshalls and they marshalled us to different sides of the hall.

Did you sit as a group? -- With some people we sat as a group.

The people from the Vaal, you sat as a group? -- With some of the group from the Vaal.

And when you left did you leave as a group? -- In two buses, yes.

Yes, as a group out of the hall? -- Well when we (10)
left I cannot say we left as a group because everybody else who attended moved towards the area where the buses were parked and those were buses from all areas that had attended the meeting. So it will be wrong for me to say we moved as a group as such.

Did you, when did you leave? -- At the end of the meeting.

After everything was finished? -- That is so.

Is it not so that during the meeting you were called out by somebody that the buses are going to leave? -- That is not so. (20)

COURT: Not so? -- Not so.

MR JACOBS: Did Esau Raditsela attend this meeting, did you see him there, either at the buses? -- No he was not in the bus, I did not see him.

Edith Lethlake? -- She did attend the meeting.

In which bus? -- I do not know whether she was in the other bus or she used another means of transport.

Any other of the accused, did you see them at the meeting there itself, whether you do not know whether they came by bus or not? -- Well I cannot remember any of the other accused, (30)

being/...

being there.

And what happened on that meeting, did you fully subscribe to what happened there, and the speeches and so on? -- I attended the rally as a member of the Vaal Civic Association which was an affiliate to the UDF and the people who came to speak there came to speak there about what they thought.

As speakers from UDF and affiliates of UDF? -- And those who were not affiliates of UDF.

Were there any people not affiliated to the UDF, speakers at that meeting? -- Well I remember Bishop Tutu was there (10) but I do not know him to be belonging to an organisation affiliated to the UDF.

Is he in any way attached to UDF? -- I only know him to be a patron of the UDF.

So he is a patron of UDF? -- That is so.

Anybody else? -- Well I cannot remember all the speakers there.

And did you subscribe to what was said on that meeting? Is that in accordance with your belief and also the belief of the VCA? -- I cannot say I subscribed to all that was (20) spoken there. I fully identified myself with the aim of that meeting.

Can you be more specific and tell the Court with what you do not agree? -- As I said I do not remember everything that the speakers said. As such I will not be in a position to say I fully agree with everything that was said.

Is there anything you can remember that you do not agree with? -- I will not be in a position to remember that.

And can you say were you satisfied what happened on that meeting is also what you in the Vaal or in the VCA are (30)

aspiring/....

aspiring for? -- Can I get the question again please?

What you heard at that meeting was it in line with what you in the VCA also aspire for? -- What happened wholly, fully?

In the meeting there, on the policy, strategy and everything that was said? -- We aligned ourselves with the aims of that meeting and I cannot, I will repeat once more, remember everything that every speaker said at that meeting. As such I will not say that I fully align myself with everything that was said there.

But after the meeting, as you were going back to Vereeniging, were you satisfied, did you discuss it between yourselves and say you were satisfied, that is a good meeting reflecting your thoughts as well? -- I was satisfied that I had attended that meeting. (10)

COURT: No that is not the question. In your presence at the meeting or after the meeting was there any objection by anybody to anything which had been said at that meeting, or done at that meeting? -- Not that came to my awareness.

MR JACOBS: And you yourself were also satisfied? -- I cannot remember having any direct objection. (20)

Yes. Now Mr Vilakazi can you tell us, except for the members of the committee, I am sorry of the VCA, which other people accompanied you on that bus? -- There were residents in the Vaal.

Any other organisations? -- I did not know of any particular organisation that was in the bus.

Were there any members of COSAS present on that bus? -- I did not know any individual members belonging to COSAS.

As a group? -- Not ...

COURT: Is your answer that at the time you knew nobody who belonged/.... (30)

belonged to COSAS or is your answer that on that bus there was nobody you knew to be a COSAS member? -- On that bus I did not know anybody to be a COSAS member.

MR JACOBS: Do you know the members, who are the members of the COSAS executive in the Vaal? -- I know some people to be members of COSAS. Whether they held office, some of them, I did not know.

Will you name them please? -- Well I know Mr Thlopane is an organiser of COSAS, that is ...

Which accused? -- No. 14. (10)

Accused no. 14 is a member of COSAS? -- As an organiser of COSAS.

I beg your pardon? -- As a member of COSAS, in the executive.

In the executive of COSAS. -- That is so.

Yes, who else? Did I understand you correctly he is an organiser of COSAS and in the executive? -- Well I would take it as an organiser he should be in the executive.

Who else? -- No I did not know any other member.

You do not know any other member of COSAS? -- Of the (20) executive.

Of the executive yes. -- That was the question yes.

And ordinary members of COSAS? -- Well I have seen a number of young people in the area who were members of COSAS.

Any of the other accused? -- Not among the accused.

Were there any banners in that bus going to Lenasia and coming back from Lenasia? -- In the bus that I was in I saw no banner.

And in the other bus? -- I do not know if there was any banner in the other bus. (30)

Did/...

Did you see that other bus at all going to Lenasia or coming back from Lenasia? -- I saw it in Sebokeng whilst they were still together but it had to turn back as it was not full and I left with the one that was full and proceeded to Lenasia and that other one followed later.

COURT: It did follow? -- It did follow later.

Was it then full? -- It was still not full. As I saw it on our journey home that it was not full.

MR JACOBS: Did you see any banners in that other bus then?

-- I did not see a banner in that other bus. (10)

Posters? -- There was a poster outside the, posted on the bus itself.

I beg your pardon? -- There was, I remember a poster posted outside the bus itself.

Poster outside the bus itself. Which bus now?

COURT: Posted onto the bus? -- That is so, yes.

MR JACOBS: Which bus? -- That is the bus that I had boarded.

And the other one did you see any posters on them? -- Well I cannot remember if that other one did also have a poster. (20)

Was it only one poster that you saw? -- On the side of the bus, yes.

Any other place, why do you specify the side of the bus? Did you see any posters in another place then? -- As the bus came in, the side on which I was in, where I boarded the bus I saw a poster on the side. I did not look the other side of the bus.

Did you later on see any other posters? -- Well I cannot remember.

What poster did you see on the bus? -- It was a poster (30)
advertising/....

advertising the rally.

Was it a UDF poster? -- It was a UDF poster.

Who fixed it to the bus? -- I found the poster on the bus.

Do you know? Do you know who did it? -- I did not hear the question. No I do not know who fixed it onto the bus.

Did you receive any posters from UDF with the invitation to distribute? -- The invitation was per letter and there was no posters.

Did you receive any posters afterwards to advertise this rally? -- I did not receive any posters. (10)

Not you yourself but the Committee, the VCA? -- Well I would not know if the chairman did receive any posters. I personally have no knowledge of the sending through of posters.

If you received posters from UDF did you not discuss it always in the committee and distribute it, make plans how to distribute it? -- Well there were times when anything that was received was discussed, but I do not know if these posters did ever come to the Vaal through the chairman.

Is it a question of you not remembering it or is it a question of that there was nothing like that? -- Personally (20) I had no knowledge of posters coming through the Vaal Civic Association to the Vaal.

Coming through? -- The Vaal Civic Association, sent through to the Vaal Civic Association.

Is it now, I repeat my question. Is it a question of you not remembering it or what is it? -- It is a question of my personally not having the knowledge thereof.

When you received the other, did you receive, from time to time did you receive posters and pamphlets from UDF for distribution? -- Like I said yesterday I cannot, other (30)

than/....

than the poster that we received in November I cannot remember any other that was sent through for distribution through the UDF.

That means no poster, no pamphlet for distribution? -- That I can remember other than the one mentioned yesterday here.

The one that you received that you can remember who distributed it, what did you decide on that? -- We distributed it.

Yourself? -- I personally took part in distributing it.

Did you get any children, school children, COSAS people, to distribute pamphlets? -- In my area I did it personally. (10)

In the other areas? -- I would not know

COURT: Are you now speaking posters or pamphlets?

MR JACOBS: Posters and pamphlets. -- I am talking in terms of pamphlets.

Okay, sorry, pamphlets.

COURT: Well let us just get clarity again. The question was did you receive posters and pamphlets from the UDF for distribution? The answer was there was only one poster in November - that is the one you spoke about - that I remember. No other posters and pamphlets as far as I remember. -- One (20) pamphlet in November, not poster.

November is not a poster but a pamphlet? -- That is so.

MR JACOBS: Do you know of any other areas distributing the pamphlet by using COSAS members? -- I did not know what happened in other areas with regard to distribution of pamphlets.

And the distribution of the VCA pamphlets, who distributed them during the whole period? -- In my area I did it with the assistance of my neighbours.

Was COSAS ever used to distribute pamphlets in the (30)

Vaal?/....

Vaal? Used by the UDF? Used by the VCA? - I did not know of any relationship that existed between COSAS as an organisation and the Vaal Civic Association in the Vaal complex.

Did you not work together, COSAS and Vaal Civic Association? -- As I said I did not know of any relationship that existed between the two organisations.

Nothing at all, you know nothing at all.... -- Nothing at all that I know of.

Did you try to work with them and try to get them to work with you, the VCA? -- That is an attempt that I do not know (10) of.

I beg your pardon? -- I do not know of such an attempt?

Did you discuss in the VCA executive meetings, did you discuss working together with COSAS and other organisations in the Vaal? -- The only time we discussed it we discussed the feasibility of having the organisations working together in the Vaal but I do not know of any instance when that decision was actually implemented, that an organisation was approached, other than the knowledge that we had discussed the feasibility of working with organisations like COSAS itself. (20)

Now what decision are you referring to now? Which decision was taken that you do not know when it was taken? -- The decision on the question that did we discuss working together, I am saying that we did discuss the feasibility of working together with organisations like COSAS.

When did you discuss that? Can you remember? -- It was some time during 1984.

1984 some time? -- That is so.

Not before that? -- Well I would not remember if there was any discussion at a meeting that I attended before that. (30)

Why/....

Why would you not remember that? -- Because there is nothing that has reminded me throughout the time that I have not been with the Vaal Civic Association to be able to remember every detail of any meeting.

Now what did you discuss on working together with the other organisations? Did you discuss, name the organisations in your discussion? -- We did not name the organisations, if I remember we discussed everything in accordance with the areas like the women groups, the student groups, the youth and the church groups and other community organisations. (10)

And did you mention it, COSAS, that COSAS -- Well I would not remember if by name at some instance that an organisation was isolated by name.

And what about AZAPO? Did you discuss working together with AZAPO? -- There has never been any instance when we have discussed working together with AZAPO.

Can you remember at what stage it was, why did this discussion come up of you working together with other organisations in the Vaal? -- Simply because these organisations, we always had a speaker saying I am from such and such an organisation at our meetings. (20)

Yes. Only because ...

COURT: Just a moment now. Does this mean that you always had a speaker from the women's group, youth group, the students groups, at your meetings? -- At our meetings we always have a speaker from that particular group of people, say from the students saying "I am speaking as a student".

So at your meetings you had speakers of VOW, Vaal Organisation of Women, COSAS representing the scholars and somebody representing the trade unions, is that the pattern? -- If there/.... (30)

there was a speaker from that group and introducing himself that "I am from such a particular group" then that is how we would know that there was a speaker from that group and we need to work together.

Well I am not asking you whether you knew or you did not know. Was it in fact so that generally there was a speaker of the women's organisation, of the student's organisation, COSAS, and of the trade union, labour organisation? -- I know of particular organisations that were representing, their speakers there. (10)

Yes?

MR JACOBS: So was it the only reason, because they were speakers on some of your meetings? -- Well some of the speakers would call for some kind of working together, and we thought also it would be a good idea if we had worked together.

Who thought so? Can you be more specific on that? You said "We thought it would be good working together"? -- Well since we were a civic organisation in the Vaal area we thought it would be a good idea to share experiences with other organisations in the area. (20)

Now I asked you who? -- The Vaal Civic Association.

All the members of the Vaal Civic Association or were there specific persons? -- That is how it was discussed at the meeting that I attended.

And in which way must you work together, can you be more explicit on that? -- Well to see if there can be co-operation where there was a mutual issue that involved all the groups of people in the area.

To see if you can find mutual areas where you can work together? -- That is so. (30)

Did/...

Did you discuss any mutual areas that you can foresee that can be used as a basis to work together? -- Well I cannot remember any suggestion of a particular mutual area ever coming up at that particular meeting. As I say the meeting that I attended there was a discussion with that regard, not that I can remember if any particular area was isolated.

And what did you do in order to get the other organisations and VCA working together? You as an organisation, as the VCA? -- Well I only know that at the meeting of the 26th we had requests from the Vaal Organisation of Women to share (10) the platform with us.

I beg your pardon? -- I only know that at the meeting of the 26th of August 1984 we had a speaker from Vaal Organisation of Women.

Yes. But that does not answer my question Mr Vilakazi. I asked you if you discussed working together and I asked you what did you do in order to get the organisations to work together? After your discussion? -- Until the meeting of the 26th I know of nothing that was done towards the working together. (20)

Why not? -- Because nothing to that effect came to my knowledge.

Well it was, were any decisions taken to approach any of the organisations to work together? -- As I said the only instance I remember being discussed was to look into the feasibility of working together with these organisations and I said I cannot remember any particular decision that was taken at any of the meetings that I attended.

COURT: The meeting of the 26th that you referred to, is that the public meeting of 26 August 1984? -- That is so. (30)

MR JACOBS:/.....

MR JACOBS: Did you, this question of working together with the other organisations, did it come out yourself in the Vaal Civic Association, was it only a need that you in the Vaal Civic Association feel that must be taken up? -- Well that I perceived it that it was the feeling of the Vaal Civic Association.

At that stage when you discussed it? -- That is so.

It arises only at that, it arose at that stage when you discussed it as well? -- That is so.

Not before that? -- Well I would not know at a meeting (10) that perhaps I did not attend.

So is it then correct for me to say that you did not, the Vaal Civic Association, they did not fulfil their mandate from the people of the Vaal given to you at the meeting of 9 October 1983? -- In what sense?

Because you did not, there was a resolution taken that "We pledge to strive for the unity of our people under the banner of the Vaal Civic Association, to strive for co-operation and unity with our people in other areas of our country and to work to co-operate with genuine (20) people's organisations in the country."

-- As far as I am concerned that resolution was fulfilled.

I beg your pardon? -- That resolution was fulfilled.

Oh it was fulfilled? -- Yes.

How? -- By affiliating with the United Democratic Front.

And what about the meetings in your own area? -- In our own area until August 1984 I did not know of any instance when there was any co-operation with other organisations on a formal basis. I know that at the meeting of the 26th, after we had had requests from the Vaal Organisation of Women, (30)

we/....

we had a speaker from VOW and also we had a speaker from the Ratepayers Association, which was also a community organisation in the area.

COURT: Was AZAPO not a genuine people's organisation? -- AZAPO was a genuine people's organisation. But in the Vaal complex I did not know of any instance where the Vaal Civic Association had anything to do with AZAPO in the area.

So in fact you were mandated at your founding meeting to work together with AZAPO as well? -- Well with all other organisations that the people have initiated. (10)

Well that is, the question is were you mandated to work with AZAPO as well? -- There was no specifics on the organisations.

According to your definition that is the conclusion is it not? -- Well I do not know if we can reach that conclusion without looking at what actually happened.

I am just asking what your mandate was, not what you did. -- Well the mandate was broad.

So the mandate was broad enough to cover co-operation with AZAPO, in fact it was an instruction to work with everybody? -- Everybody, yes it was ... (20)

Including AZAPO? -- Well with all organisations that were initiated by the people.

Well all genuine people's organisations, including AZAPO? -- Well I would agree to that.

ASSESSOR (MR KRÜGEL): Well could you just repeat that, organisations that were initiated by? -- Initiated by the people.

MR JACOBS: Mr Vilakazi I suppose there are a lot of people in the Vaal being members of AZAPO? -- That I do not know.

Well we have got accused no. 2 here for instance, now (30)
accused/...

accused no. 1, but previously he was of AZAPO? -- I do not understand the question.

COURT: What is, how do you mix up accused no. 1 and no. 2?

MR JACOBS: I mean accused no. 2, he was a member of AZAPO.

COURT: Well is the question then accused no. 2 was a member of AZAPO?

MR JACOBS: Yes. Do you know that? -- What?

That accused no. 2 is a member of AZAPO? -- That I know.

And he is from the Vaal? -- That is so.

Have they got a committee in the Vaal? -- That I do (10)
not know.

You do not know that? -- That I do not know.

Do you know it now? Whether they have got a committee in the Vaal? -- That I do not know.

So you as a member of the community of the Vaal do not know about if there were any members of AZAPO in the Vaal? -- I know there are members of AZAPO in the Vaal but the question came are there many members of AZAPO in the Vaal complex, and that I said I do not know.

Fair enough. And do you know whether they attended the (20) meetings, say for instance the meeting of 9 October 1983 and were they part of the community attending that meeting? -- I did not see accused no. 2 at that meeting and I did not see anybody I knew as a member of AZAPO there.

COSAS is that a genuine people's organisation? -- I regard it as such.

Were there many members of COSAS in the Vaal? I use the word "many" now. -- I know of the existence of COSAS in the Vaal but I do not know how many members it had.

I did not ask you how many but were there many or (30)
would/...

would you say there were only a few members of COSAS in the Vaal? -- Well I have never been to a COSAS meeting to know that, to be able to estimate whether they have many members in the Vaal or not.

And that is all the, let us call it again school children or scholars, in the high school? -- Well I do not know if all scholars in the high school are members of COSAS.

I beg your pardon? -- I did not know if all scholars or high school students were members of COSAS.

COURT: Well in fact COSAS represents the high school (10) scholars, is that not so? -- That is how I know it to be.

MR JACOBS: But you knew that COSAS existed and that as a people's organisation with a branch in the Vaal? -- I knew COSAS to be of existence in the Vaal complex.

And did they attend, the people, the high school people, the scholars did they attend the meetings regularly?

COURT: Whose meetings?

MR JACOBS: Meetings of VCA, whether area committee or whether as a, meetings organised by area committees or VCA as an organisation? -- I never attended any meeting called by (20) any particular area committee. I only attended meetings of the Vaal Civic Association executive and no members of COSAS attended.

And these ... -- These executive meetings.

And what about the mass meetings, the organisation of mass meetings? -- Mass meetings I have seen some young people with COSAS T-shirt. Whether they were members of COSAS themselves I did not know.

Right. And on the meeting of the 9th were there young people there, scholars? -- There were young people at that (30) meeting./....

meeting.

Were there many of them? -- That is something I did not really take into notice, to check at the average age of the people gathered at that meeting.

But you observed, did you not observe that just as you look at the people, you can see here are a lot of young people here? -- Not unless they sat as a group in a particular part of the hall.

But you observed people being young people there, scholars?
-- There were young people there. (10)

And they were part of the decision making on that meeting?
-- I cannot remember seeing any resolution being motivated for by any young person there.

But on the deciding, they deciding when a resolution was put to the vote, they decided on it? -- Those resolutions were decided on by all the people who attended there.

Yes, so they were part of the decision making? -- At that meeting?

Yes. -- I cannot see how they could have been excluded, having attended there. (20)

Yes, and it was part of that decision there that VCA should co-operate with the people's organisations also in the country, in the country also includes people in the Vaal? -- That is so.

So what did you do in fulfilling your obligation and your command given to you as the VCA? -- With regard to that particular resolution. There are a number of things that the Vaal Civic Association have done in fulfilling this mandate as lined out in the resolutions. But because of a number of problems that were there within the Vaal Civic Association(30) itself/....

itself there were situations where you find that the Vaal Civic Association has not reached a position where it could fulfil all of the resolutions as lined out at the meeting of the 9th.

You did not even discuss this resolution and what to do about it? -- Well I said earlier in the day that this did come up and I do not know of any steps that were taken. Even if the Vaal Civic Association did take particular steps, but if the decision had been taken at a meeting that I did not attend and this was not conveyed to me I would not be in the position to say this is the position. (10)

Because, I asked you this specifically because you gave your evidence yesterday that you discussed these resolutions on the week after the 9th, on the meeting of the week after 9 October 1983. -- Not only then but continuously throughout time.

I beg your pardon? -- But throughout time.

So you did not discuss this one, you left it out specifically? -- I am not saying we did not discuss that one particularly. I am saying all the resolutions, as from that (20) week we started discussing. In the light of implementing them.

In the light of? -- Implementing them.

Was it not an important resolution this, to get in the line of the unity you were seeking in the UDF as well as in the Vaal complex? -- Well we had already started doing something about it by affiliating to the United Democratic Front.

Yes but did you do any specific on your side to get the unity of the people in the Vaal? -- That I say we did by affiliating with the UDF.

Now how did you get the people to be united by being (30)
affiliated/....

affiliated to the UDF? -- As we were also representing, the Vaal Civic Association was also representative of the people and other organisations in the UDF were representative of the people by coming together, affiliating and coming together there I see that as uniting the people.

COURT: So you would only meet in Johannesburg in Khotso House but you would never meet in the Vaal? -- Well I did not know of any situation where we in the Vaal Civic Association met with other organisations in a formal set up.

MR JACOBS: What do you mean by formal, what about informal?(10)
-- Where a meeting of all organisations came together.

And informal? -- Well informal would be a situation where a member of the Vaal Civic Association can meet with a member of a particular organisation and discuss issues of mutual interest.

But what did you do to get the people in the Vaal together, working together, to unite them in the Vaal? The people, not the organisation or the top hierarchy of the organisation but the people? -- Well we worked towards establishing area committees that would assist in organising (20) the people in the Vaal complex and bring them together within the Vaal Civic Association.

COURT: Are you saying that there was no contact at all between the executive of the VCA and the executive of COSAS? -- Not that I know of.

MR JACOBS: Is VOW a genuine organisation of the people? -- That is how I regard it.

Did you do anything to get them to work with you? -- I know VOW had made a request and I had heard of this request at a meeting that I had attended and VOW shared the (30)
platform/....

platform at the meeting of the 26th.

Now did you in the VCA, did you do anything before the meeting of the 26th of August 1984, and since the launching of the VCA to fulfil your obligation and mandate? With regard to VOW? -- At the executive level I did not know of any meeting between the Vaal Civic Association executive and Vaal Organisation of Women.

Any other level? -- Well unless at informal level or at area committee level, there could have been such situations. But since my area committee was established only on 26 (10) August that opportunity had not reached the Zone 3 area committee.

Did you do anything at any level to fulfil your obligation? -- I did not know of any level where I found myself in that position.

By the way would you say the ANC is a genuine people's organisation? -- I had heard of the existence of the ANC before it was banned and as it was before it was restricted, as it has been initiated by the people of South Africa, I regarded it as an organisation that was initiated by the people of (20) South Africa. As such it would only be fitting to see it as a genuine people's organisation.

And do you still regard it after its banning as a genuine people's organisation? -- It is a genuine people's organisation since it was initiated by the people.

So this will also fall, the ANC would also fall within your mandate? -- That is not so.

Now all people's organisations? -- That resolution is clear that in our country, inside our country.

Would you say the ANC is not inside our country? -- As (30)

far/....

far as I know the ANC is banned inside this country.

Yes but has not the ANC still got members in this country?

-- That I do not know of.

Underground members? -- That I do not know of.

Is it not generally claimed by the ANC that it is in the country, under the people? -- That is a claim by the ANC. It does not mean that. If I read about it it is what I would know.

Now you said that, can you remember on the meeting that you attended in Lenasia, the UDF People's Weekend, did you see a VCA placard at that meeting, in the hall? -- I saw a (10) banner written VCA at that meeting.

COURT: Against the wall?

MR JACOBS: Where did that VCA banner come from? -- I had seen it in the Vaal complex the previous day.

Where? -- I had seen it at the house of Esau Raditsela.

At the house of Esau Raditsela? -- That is right.

What were you doing there, what was happening there? -- Well I was there to enquire about transport.

Why did you enquire from Esau? -- Because he was a fellow executive member. (20)

But was there not somebody else, the organiser of this whole trip? -- Mr Tembekile Hlalugo was to have been at the house of Esau Raditsela at the time that I went there.

So the organiser was there as well. Who else did you find there?

COURT: Well was he there or was he not there? -- He was there.

MR JACOBS: Yes, who else did you find there? -- I found the chairman, Mr, the Reverend Lord McCamel.

Yes. Yes go on? -- Those are the three people I found there. (30)

Only/....

Only the three of them? -- That is so.

Edith, did you find her there? -- No I did not see her there.

Dorcas Raditsela? -- As the lady of the house, yes she was present. But she is not a member of the Vaal Civic Association.

So what were they doing there? -- Who?

Esau, Lord McCamel and Hlalugo and you? -- Well they were there to meet to discuss the transport to Lenasia. So I knew that at that time I would find Mr Hlalugo there when I went(10) to enquire for transport.

So what happened there, what were you to discuss about the transport at that day, the day before you left? -- The times to depart and how the bus will run in the township, where the bus would collect people.

Yes, what else? -- Well I would not remember every detail of what happened but I can remember...

Were you there to organise for the next day's departure? -- Can I have the question again?

Were you there to organise for the next day's departure- (20) of the buses? -- The organiser and the chairman and the Vice-Chairman were to meet there to discuss the departure and I went there for information.

And when did you see ...

COURT: What is the date of this meeting?

MR JACOBS: 29 October 1983. Ek gaan, kort hierna gaan ek oorgaan na hierdie getuie dan gaan ek na V19(a) en V19(b) verwys. Now where did you see the banner then? You said you saw it at this occasion? -- Yes I saw it in the possession of Mr Hlalugo.

(30)

Did/....

Did you know, is that the first time that you knew anything about this banner? -- That is so.

Now what, did you ask them where it comes from? -- Well he said he had brought it along from Johannesburg.

From where in Johannesburg? Where did they get it in Johannesburg? -- I did not ask him where he got it in Johannesburg.

Well you are a member of the executive of VCA, I suppose you should have asked him, or you must have asked him. You must have been interested in the banner for VCA? -- The (10) thing is he was busy painting the name VCA on that banner.

Who? -- Before it came from Johannesburg it was not a VCA banner. He was only making the writing on it in paint "Vaal Civic Association". So it was only then that it was to be a VCA banner.

Now ...

COURT: Was it a UDF banner on which he was writing VCA? -- That is so.

Were the words "UDF" on it? -- I remember the logo, I cannot remember if the words "UDF" were on it. (20)

MR JACOBS: So it was, what logo do you remember? -- It was a banner with a UDF logo.

What logo? -- I only know of one UDF logo.

Well just tell the Court Mr Vilakazi, I asked you what was standing on that banner? -- There was a UDF logo on the banner.

Only that? Did it have anything else on it ...

COURT: You are asked for a description of the logo? -- The description of the logo. The description of the UDF logo has got people marching and within a big circle with a background(30)

of/....

of South Africa.

MR JACOBS: Is that the main one always being used? -- And the people in front are carrying a flag with the initials "UDF".

And they were painting on, what were they painting on the banner when you were present there? -- Not "they" but Mr Hlalugo was painting "Vaal Civic Association" on the banner.

Only "VCA" or the full letters? -- I think it was "Vaal Civic Association", I think it was the full letters.

And what was the colour before he painted on it? -- It was just white. (10)

White and which, red letters, black letters? -- If I remember well he used black letters.

What else did you discuss there while you were there? -- Well I enquired about the information I wanted and thereafter I left.

While we are on this topic Mr Vilakazi of Esau's house did you attend any meetings, VCA meetings at the house of Esau? -- No.

Never? -- Never.

So why did you not attend the meetings when they were (20) held at the house of Esau? Can you give any reason to the Court? -- There has never been any Vaal Civic Association meeting that I knew of that was called and held at Esau's house.

You say there were never any meetings of the VCA held at Esau's house? -- That I know of.

Is there any reason why you would not know if there were any held there? -- If I was not available and if it was decided that the meeting would be held at Esau's house then I would not know. (30)

Now/....

Now on that meeting in Lenasia on ...

COURT: Just a moment. You mentioned 1983, the People's Weekend?

MR JACOBS: 19(a) and 19(b).

COURT: No as having been held on 29 October 1983. On EXHIBIT V19(a) it is set out as 1984 and on EXHIBIT V19(b) it is set out as 1983. Which is correct?

MR JACOBS: Edele ek dink ons het reggemaak toe ons die video getoon het. 19(a) het ons tot 1983 verander.

COURT: Thank you, sorry for the interruption. (10)

MR JACOBS: Now at this meeting in the hall did you see any poster, VCA poster in that hall? -- Yes I saw it against the wall.

Now where did that poster come from? -- I do not know how it came but I suppose as Mr Hlalugo was there he might have brought it along.

You suppose. But you were a member, Mr Vilakazi I find if strange, you were a member of the VCA executive and do not know a lot about the workings of the VCA and what they were doing? There was a poster in a meeting to which you were (20) invited and there was a poster and everything and you do not know anything about it? -- I do not think it is right to say I do not know anything about it. I saw the poster being printed and this was done by Mr Hlalugo.

COURT: The banner or the poster? -- The banner. And this was painted by Mr Hlalugo.

MR JACOBS: But I am referring to a poster? -- Referring to a poster?

That is what I asked you. Did you not listen to the question? -- When you started this question it was referring(30) to/....

to the banner.

COURT: Well you may have been at cross purposes. The question was, it related to a poster. So did you see any poster in the hall at the meeting of the People's Weekend? -- If the question relates to a poster then I would say there was no VCA poster at that meeting.

MR JACOBS: You are sure of that? -- That I am sure of.

MR BIZOS: My Lord I would appeal to My Learned Friend that in view of the loose way in which poster and banner have been used that we do not elevate this to a contradiction because(10) the witness has spoken of a banner.

COURT: Yes it is not elevated to a contradiction Mr Bizos.

MR BIZOS: Not yet.

COURT: That is why I clarified it.

MR BIZOS: As Your Lordship pleases. I think that My Learned Friend was about to.

MNR JACOBS: Ek dink My Geleerde Vriend loop my vooruit op dinge wat nie so is nie. Ek het spesifiek, I did ask you specifically about a poster, whether you saw a poster in that hall, is that correct? -- Well the answer is no I did not (20) see any poster.

And you are sure there was no poster from the VCA? -- Well I saw no poster there.

Because I would like, what would you say if I tell you that according to the video and the transcript on page 6 of V19(a) there was a Vaal Civic Association, can be seen. -- Well I saw a banner, that is the one I referred to.

You did not see a poster.

COURT: Does it also mention a banner to be seen?

MR JACOBS: I have not seen any place... (30)

COURT:/.....

COURT: Well I think if this is going to be a great controversy we had better look at the video again.

MR JACOBS: Did you see at that meeting a flag in the colours of the ANC? -- A flag in the colours of the ANC?

Yes, black, green and yellow? -- I saw flags belonging to organisations and flags bearing the colours of those particular organisations. There was no ANC flag that I saw there.

You did not see a flag, black, green and yellow? -- I saw colours ...

Or a banner? -- I saw banners with the names of the (10) organisations, whether they were black, green and gold, those that I saw were red, black and all the colours, and colours of their organisations and the names of their organisations being there.

Now whose banner did you see there that was black, green and yellow? Black and green with a yellow background? -- Well I did not take much notice on the colours of particular organisations. Perhaps if, as Your Lordship suggested we could play the video and we could see the names there.

Did you see ... (20)

COURT: Well let us first, do first things first. Do you know that the colours of the ANC are black, green and yellow, or gold? -- Of the ANC?

Yes. -- I know them to be like that.

Well did you see any flag in those colours? -- There were colours of organisations with those colours.

In those instances was the organisation's name set out, printed, painted, onto that flag? -- Those that I remember seeing, yes.

MR JACOBS: Did you see a banner there with the words (30)

"Long/....

"Long Live Congress"? Black, green and yellow background? -- I cannot remember seeing that one. What organisation's name did it bear?

That is all, what was on this banner was "Long Live Congress", black, green and yellow background. -- I cannot remember seeing that one.

You cannot dispute it was there? -- Well since I would not remember I cannot dispute unless we played the video.

You were present in the court when we played the videos? -- That is so. (10)

I was not, at that time my attention was not drawn particularly to any particular event or issue in the hall, during the playing of this video. Now that the Advocate wants to discuss the banners I think it can only be fair if the video is played, because I remember the banners that bore names and I cannot remember noticing any banner with colours and writings and not mentioning the name of the organisation. If it is there in the video I cannot dispute it but if it is just put as a suggestion and I do not remember it still I cannot dispute it. (20)

ASSESSOR (MR KRÜGEL): Mr Jacobs at what page are you now?

C.495 MR JACOBS: At page 4 of AV19(a). I just want to get clarity something. Before the correctness of the transcripts were allowed in this court did you check through the video, did you look through the videos on every part of this and did you discuss it with your counsel and where you were not satisfied you told him and he came back and we altered it or we discussed on it? Can you remember that? -- We I do remember that.

And were you satisfied after checking through it that the transcription as it was at that stage was correct after(30) your/....

your discussion with your counsel? -- The transcripts which I assisted with in checking and the transcripts that I did not participate in checking.

COURT: Anyway as far as this Court is concerned until otherwise convinced the transcripts are correct as before Court so we can work on this.

MR JACOBS: So you say you cannot remember, you cannot give, tell the Court anything about this banner, if you do not see it again? -- That is so.

But if I put it to you that this transcript is correct(10) and the banner is visible there will you accept it so? -- As during the showing of the video my attention was not drawn to the particular viewing of the banner and as I have said that within the working of the transcripts, checking on the correctness of the transcripts we had to interchange the accused persons since this was quite a tedious exercise itself, having to listen and listen to every word which was difficult again and at times the one is exposed to the blaring of the machine, we had to interchange so I may not have participated on that particular video. I cannot dispute it as such unless the (20) video can be played and I can look at that particular part that the advocate wants to refer to.

COURT: Well if it is not disputed I am accepting the transcript as correct and the transcript says that the banner was visible, "Long Live Congress", black and green with a yellow background.

MR JACOBS: And on page 7 there was a person wearing the colours of the ANC around his neck.

MR BIZOS: Is My Learned Friend referring to the middle of the page?

(30)

MR JACOBS: Page 7 of the same exhibit. A Black female can be seen wearing necklace made of beads with the colours black, green and yellow.

COURT: Black, yellow and green.

MR JACOBS: Black, yellow and green.

COURT: What is the question?

MR JACOBS: Do you agree with that, did you see it or not?

-- As I said earlier on that my attention was not drawn to particular issues on the video.

COURT: No, no, it is not a question whether you remember (10) seeing it on the video. It is a question of whether you remember seeing it at the meeting? -- At the meeting?

At the meeting. We are discussing the meeting, we are not discussing the video. -- Then it would be unfair that the advocate uses the transcript and questions me on what is shown through the eyes of the camera as the camera was focussed at different points in the hall and I was seated at one particular point in the hall and what is seen through the eyes of the camera I cannot really be in a position to say whether I saw this or I remember that there was a particular person at the meeting. (20) Lest we work on the video that did you remember seeing this on the video and if I remember I can say yes. With regard to the meeting questions then would have to be directly at what I saw at the meeting.

That is what I thought we were busy with. We are not discussing the video. We are discussing your recollection of the meeting and it is not unfair for counsel to use the transcript of the meeting as he was not at the meeting. -- But if the counsel suggests, as counsel suggests that now, I am saying but I did not see that but it is in the transcript. Then it becomes (30) unfair./....

unfair.

Well I will rule whether it is unfair or not, that question. Just continue with the cross-examination.

MR JACOBS: Thank you sir. I would now refer to page 14. Can you remember seeing somebody there

MR BIZOS: My Lord I am sorry to interrupt but the question that was put to the witness was was there a Black female wearing the colours of the ANC. The transcript only says that a Black female can be seen wearing a necklace made of beads with colours black, yellow and green. (10)

COURT: No the question was was there a Black female wearing a necklace made of beads with colours, black, green and yellow. So I corrected the questioner by saying no black, yellow and green.

MR BIZOS: No the question just immediately before that, "Did you see a woman wearing the colours of the ANC", that was the question. And whilst I am on my feet I have been given a note by the person who actually did check this transcript who informs me that the Congress referred to was "Long Live Congress", is the Transvaal Indian Congress which was the host organization at this meeting and I am further informed that the Alexandria Youth Congress was in similar colours and those matters appear on the video. So that what I am saying, with the greatest respect, that if My Learned Friend is going to use the admitted facts, which he is fully entitled to, without showing the video to the witness, which is entitled to do and I do not offer any objections in relation to that, but it at least should be done fully and correctly. That the Congress, that this was the, the banner that he is referring to on my instructions, and I do not rely on my own memory in this (30) matter/....

matter, were the convening organisation's banner, which also happens to be a Congress.

COURT: But what is your objection? I thought that Congress referred to the Transvaal Indian Congress?

MR BIZOS: If that is what My Learned Friend is busy with then I am sure that you can have a formal admission right away. But I do not think that that is how My Learned Friend wanted to put it onto the record and because he started off by saying was the ANC flag there and the ANC colours, and that is the sort of loose questioning that we find ourselves subject (10) to and it is only going to prolong the proceedings.

COURT: What is your next question?

MR JACOBS: Can you tell us just one thing before we go to my next question, do you know the colours of the Transvaal Indian Congress? -- I do not know the colours of the Transvaal Indian Congress.

Did you see a person wearing a T-shirt, black, green and yellow colours? -- T-shirt?

Yes. -- I saw a number of people in their organisation's colours, some of the colours were similar to the colours of (20) the banners. I cannot remember taking particular notice of a person with those colours of a T-shirt.

Now during that meeting was there singing? Was there any singing during that meeting? -- That is so.

The songs they were singing would you classify them as freedom songs? -- Well I cannot remember a particular song that was sung there that related to freedom.

COURT: No, no, the question is would you classify any song which was sung there as a freedom song? -- It would depend on do I remember the songs, all the songs that were sung there, (30) and/....

and the answer will be I do not remember all the songs sung there. And the question if any of the songs were a freedom song then I will have to be referred to the song to be able to see if it goes with my description of a freedom song.

Edele ek wil die Hof verlof vra om my miskien 'n kort verdagting kan kry, ek wil kyk of ek 'n afskrif van die bewysstuk kan kry. Ek het ongelukkig net my eie voorbeeld. Ek wil graag

HOF: Die getuie kan myne neem. Watter een, 19(a), en 19(b)?

MNR JACOBS: Eerste 19(a) sal ek vat Edele, wat ek nou wil (10) oorgaan, die liedere.

MR BIZOS: My Lord if Your Lordship will be at a disadvantage we can hand our copy to Your Lordship.

COURT: Have you got a spare copy?

MR BIZOS: Not a spare one but it is marked and I do not want to put it before the witness. There are some markings on it.

COURT: We can sort this out after the tea adjournment but in the meantime we can continue this way. You are referring to which page?

MR JACOBS: Page 3. (20)

COURT: I its V19(a) page 3.

MR JACOBS: Yes V19(a) page 3. Now there is a song "Sivamososha ka Mandela". Do you see it on page 3? -- That is so, I see it there.

Do you agree that that is a song singing about Mandela's soldiers? -- It does say that "We singa ma soldier ka Mandela" (?)

And the ... -- And the translations there, the literal translation is "We are Mandela's soldiers".

COURT: Do you remember that song being sung? -- I remember that song being sung. (30)

MR JACOBS: /.....

MR JACOBS: Did you yourself sing it? -- I did sing it.

You know the song as well? The wording of the song, you yourself know the wording of the song as well? -- I know the wording of the song.

And it goes further, the translation, "We will be waiting for our death". The next line? -- That is the wording of that song.

So it is a Mandela, so you are singing about Mandela's soldiers. Who are Mandela's soldiers? -- People who are Mandela's soldiers are people who believe in the same (10) principles of freedom of the Black people in South Africa as advocated by Mr Nelson Mandela.

Will that include Umkhonto we Sizwe? -- Well if Umkhonto we Sizwe adheres to that then they regard themselves as Mandela's soldiers.

But Mr Mandela is the leader of the ANC, Umkhonto we Sizwe is part of the ANC and they are the, what is Umkhonto we Sizwe? -- Well I know Umkhonto we Sizwe to be the military wing of the African National Congress.

So would they be part of Mandela's soldiers? -- Well I (20) do not know if they would be part of Mandela's soldiers. What I know is they are ANC soldiers and this song here, as I know it to be, it refers to people who see themselves as followers of the principles that are advocated by Mr Nelson Mandela.

And they will die for those principles, correct, as soldiers? -- Well if they are committed to the principles of justice, peace and democracy in the country, that is what the song says.

They will die for those principles? -- If it is a just principle, yes. (30)

I/....

I did not ask you if it is a just principle or what principle. You were singing here that you will die for that principle then, according to you. -- Yes, and people sing it, they sing it because they see that as a just principle.

Yes, and they will die as soldiers? -- Like soldiers who die for just principles.

Yes. So you will die for your principles, you are singing here that you will die for your principles as soldiers? -- To take the literal translation of it is to remove it from the actual meaning of the song. (10)

COURT: Well "ukufaa" (?) means to die is it not? -- That is so. But to say to die as soldiers.

And "sosha" refers to soldiers, is that not so? -- That is so.

Why can it not be taken literally? -- I want the Court to note that the song as it is is taken from an old Christian song that says "Singa ma soldier ga Christo" (?). As I grew up I sang the song in church that I am a soldier of Christ and I will die for Christ. Because I believe that Christ was preaching peace, reconciliation and love. And this song as sung (20) about Mr Mandela does not mean that these people as they say they are soldiers of Christ, as it is that Christ had followers but I cannot remember in the Bible Christ's soldiers being pitted against the Roman Empire soldiers in war but those soldiers of Christ were soldiers who went from country to country preaching the gospel of peace, love and reconciliation among them people like Paul who was himself a soldier of the Roman Empire but was converted into a soldier of peace by Christ as Christ's follower. The same song as it is here, these are people who see Mandela by saying that he is our (30) leader/....

leader because he advocates the same principles we believe in, those of love, peace, democracy and justice in the country, and it is in that context that I sang that song.

Somebody who knows that Mr Mandela was imprisoned after having been found guilty of taking up arms against the government would he not think, singing this song, that it could easily be taken literally? -- Unless he enquires.

From whom? -- The people who sing this song.

And if he does not? -- Then it will be wrong for him to reach any conclusions because he has no information. (10)

MR JACOBS: Mr Vilakazi did you explain all this that you explained now to the Court to the people before they start singing, every time before they start singing this song, what they are singing? -- I am talking about why I sing this song and why I know some people sing this song.

But you cannot speak for the audience being, consisting of a few hundred, a thousand, or more people, that they see it the same as you? -- But I am questioned on my participation there

Just answer my question please. -- I can speak on behalf of the people who were there because I know that those are (20) the people who are united under the banner of the United Democratic Front, which itself is an organisation that is committed to peace and justice in the country. If those people had vowed to take up arms against the country they would not have been at Lenasia on that day in 1983. They would have been outside the country.

Why do you say that? How can you speak for other people, what they will be doing? -- Because I know that those are people who are committed for peace and justice in the country under the banner of the United Democratic Front, and those (30) organisations/....

organisations represented there.

How do you know that, can you tell us? -- Because I and my organisation, the Vaal Civic Association, before affiliating to the United Democratic Front read the declaration of the UDF, and the working principles, and it was on those bases that we affiliated to the United Democratic Front.

And it is on that basis that you also know all the people at that meeting knew about this big story of yours of Mandela, and comparing Mandela to Christ? -- Because it is a big story to them that is what they (10)

All those people there knew about that? -- ... that is what they believe in, otherwise they would not have been under the banner of the United Democratic Front.

So all those people, all the people in the Vaal for instance who went to that, the residents of the Vaal who accompanied you in that bus to Lenasia also knew that? Whether they were members of the VCA or not they knew it? -- Otherwise they would not have gone there.

So are you saying then that all the people that accompanied you knew all this that you explained now about Mandela and (20) the meaning of this song? -- I cannot think of any other, about the meaning of this song? That is how it is generally known to me, that is how the people generally regard Mr Nelson Mandela. I cannot say if all people did know the meaning as I put it here. If those who did not know and had problems with the wording of this song they were free to enquire.

At the meeting they can enquire "What are we going to sing now"? -- What are we singing about now.

From who must they enquire then? -- From those singing.

From those singing? -- That is so. (30)

Will/....

Will you have a look at page 5? Have you got it in front of you? -- Before we proceed I have a request to the Court. I would like to take a seat.

COURT: Yes certainly. Whenever you feel like it sit down please.

MR JACOBS: Have you got page 5 in front of you? There is another song there at the bottom, the song "Siyoyiwela" (?) Have you got that? -- I have got that.

What is the first line, can you read it out? -- It is written here "Siyoyiwela siyoyiwela silandi lu Tambo". (10)

What is the meaning of that? -- We shall fight for ourselves and follow Tambo.

Did you sing that, can you remember that song being sung there? -- I remember this song was sung there.

Did you also sing it? -- I did not know that song at that time, I did not sing it.

So the people were singing here about following Tambo? -- I did hear that.

Was it the first time for you to hear this song on that day? -- Yes it was the first time I heard that song. (20)

Do you know today what is the meaning of this song? -- I have heard it being sung.

Do you know the meaning? -- Of this?

Yes. -- Yes.

So you were, what is the meaning of this? -- Well I attach the same meaning as the meaning with regard to the previous song that we have handled here. That people ...

Yes carry on. -- Will follow Tambo as their leader because they see Tambo as leader of the people just prior to the banning of the ANC. (30)

Would/....

Would you agree that this is the popularising of Tambo under the people there singing it? -- I do not see it as popularising of Tambo because people will sing about the people who have taken leadership amongst the African people from time and end and these people will be praised for what good that the country had from these people.

COURT: So you said to us that you regarded Mr Mandela as your leader. Do you also regard Mr Tambo as your leader? -- Mr Tambo, Mr Mandela has been projected as a leader of the Black people in the country and Mr Tambo has been projected as a (10) member of an organisation that was an organisation of the people of South Africa, that is African National Congress, and this song could have referred to any person who had taken leadership in the ANC from the time of its inauguration in 1912 until its banning. It must be noted that Mr Tambo had taken leadership of the ANC, had been in the executive, even before it was banned. Then it is out of those, the contributions of these organisations of the people then in uniting the people in the country and in fighting for peace and justice, then through peaceful means by petitioning the Prime Minister's of the (20) country, by embarking on marches, by trying to come together to bring the people into one nation in the country that people will see about the people in the executives of such organisations and that is my understanding of the singing of that song.

This question is actually easy. Do you regard Mr Tambo as your leader? Yes or no? -- At the moment as he is the leader of the African National Congress and I am not a member of the African National Congress I will not see Mr Tambo the same way as I would see Mr Mandela.

I just ask you the question again. Do you regard (30)

Mr Tambo/....

Mr Tambo as your leader? What is the difficulty? -- Well I regard Mr Tambo as the leader of the African National Congress.

The question is do you regard Mr Tambo as your leader? -- What I can say I regard Mr Tambo as the leader, one of the leaders of the Black people and as a Black person myself I would see him also as my leader.

COURT ADJOURNS FOR TEA. COURT RESUMES.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi and Mr Tambo is the leader of the ANC and also commander in chief (10) of Umkhonto we Sizwe? -- I have read about that in the Press.

I beg your pardon? -- I have read about that in the Press. You know that? -- That is so.

And when you sing that you shall follow him then you associate yourself with Umkhonto we Sizwe? -- That is not so.

Well if ...

MR BIZOS: The witness' evidence was that he did not sing this song My Lord. Just for the sake of clarity.

COURT: Yes, just remember that.

MR JACOBS: The other words that are of importance here is (20) "The people shall govern", that the people at that meeting were singing.

COURT: Have you got the reference, the bottom of the page.

MR JACOBS: Page 5 at the bottom. -- I cannot see, I can only see the translation, I cannot see the exact words to that effect in the song itself.

COURT: No you can take it that words like "the people shall govern" were used in English, that is what that reference means. It is not part of the song, or it may be the tail end of the song but that it was said in English. -- Well I cannot (30)

think/....

think of any actual words in this song to that effect.

MR JACOBS: Now will you turn over to the next page. Just before we get that you said that the feelings of the people who participated at that meeting is a general feeling of all the Blacks? -- That is so, in as far as the leadership of Mr Tambo amongst the Black people before the ANC resorted to violence and was banned in the country.

So they do not regard, do you now change your evidence and say you do not regard Mr Tambo now as your leader? -- I would regard him as a leader because of the leadership position (10) that he has held amongst the Black people but that does not mean that people who regard him as a leader are people who are agreeable to the methods of the ANC at present, and are followers of the ANC or either that they themselves are members of the African National Congress.

Mr Vilakazi I will ask you again do you change your evidence now ...

MR BIZOS: I object My Lord, there is no change in the witness' evidence. This qualification was made by the witness at some length before Your Lordship put the question a couple (20) of time and a direct answer was given and it is to be read with obviously that lengthy qualification that the witness gave. There is no contradiction and if My Learned Friend wants to argue a contradiction he may do so but I submit that the record will show that there is no contradiction.

MNR JACOBS: Edele ek dink sy laaste vraag was duidelike gewees dat ...

HOF: Wel u kan die debat later voer of daar n weerspreking is of nie n weerspreking nie. Die rekord sal vir homself spreek.

MR JACOBS: Will you turn to page 6 please. Do you see there (30) there/....

there is another song and then there is slogans, Amandla Awetu, and then you also find "Oliver" and "Tambo". -- That is so.

So is it correct that at this meeting the name of Oliver Tambo was shouted time and again by the people? -- This was the position.

Did you yourself also shout? -- I could have shouted myself. I cannot remember specifically if I did shout.

Mr Vilakazi I find it very difficult. You either shouted or not. Why is it so difficult for you to remember whether you shouted or not? -- This incident took place in the year 1983 (10) and I cannot remember every detail of that particular meeting.

Is there any reason why you would not have shouted the name of Tambo? -- Without no reason whatsoever.

So if there were no reasons then it is only fair that we can make the presumption that you did shout? -- Well I cannot say I shouted or I did not shout if I cannot remember particularly what happened.

COURT: Well is it likely or unlikely that you shouted? -- I could have shouted as I said.

MR JACOBS: But the people in the hall they shouted the name? (20) -- That was shouted yes.

Do you agree by shouting the name of Oliver Tambo at the meeting of the VCA shows the feeling of that ...

MR BIZOS: This was not a meeting of the VCA My Lord.

MR JACOBS: Sorry the meeting of the UDF.

MR BIZOS: It was not a meeting of the UDF.

MR JACOBS: Was it not a UDF people's rally, organised by the UDF? -- The host was the Transvaal Indian Congress.

But did not UDF organise this meeting? -- The UDF affiliates were invited there.

(30)

Just/....

Just answer my question. Did they organise it or not?

-- Well I do not know whether UDF did take part in organising.

Can you remember yesterday you said it was a UDF meeting, a rally, actually you used the word "rally", it was a UDF rally?

-- Well it was a rally where affiliates of the UDF had attended.

Did you say so yesterday, that it was a UDF rally, did you admit it yesterday? -- I could have said so in the context that it was the affiliates of the UDF who were gathered there.

Edele ek wil net tot die Hof se aandag bring dat hierdie Vaal Civic Association poster can be seen, ons het weer net (10) gaan kyk in die tee breek om seker te maak wat daar is. Dit lyk, ek weet nou nie, ons kon nou nie die hele ding deurkyk nie in die tyd nie maar wat ons kon sien is n Vaal Civic Association, groot wit banner.

COURT: So ons moet daar n vraagteken sit en die woord "banner" daar bysit.

MNR JACOBS: Ja Edele, so ek kan nie dan heeltemal met eerlikheid sê dit is net n poster nie.

MR BIZOS: In fairness to My Learned Friend I have been corrected by accused no. 20. It was a UDF rally. (20)

COURT: It was a UDF rally?

MR BIZOS: It was a UDF rally. I am sorry My Lord. If it is going to assist My Learned Friend in relation to this Vaal Civic Association's poster can be seen we have a reading there of plus-minus 184. That is probably the, that may help them find it.

MR JACOBS: You explained to the Court that you as a people affiliated to UDF and you knowing the aims of the UDF that you had the same feeling, all the people there ascribed to the UDF, so when you shouted or the people there shouted the (30)
name/....

name of Oliver Tambo in this meeting, I put it to you they were shouting and showing the feelings of the whole people following UDF and its affiliates?

COURT: What is put to you is that the feelings of the UDF and its affiliates were reflected by the shouting "Oliver Tambo"? -- I cannot answer to the feelings of individual people who were gathered there, whether those were feelings of their organisations.

MR JACOBS: And the aspirations, and it is popularising Tambo between all the people present, that is why they shouted (10) that word "Oliver Tambo" so much? -- I have never regarded the shouting of the names of the people who people see as having played the roles in uniting the Black people as popularising.

Now for what reason do you shout the names then? -- It is shouting the names to recognise the contributions that the people have played.

In the struggle, in the liberation struggle? -- Not in the liberation struggle but I see it in the struggle for peace and justice in the country. I cannot limit it to liberation only but to general peace and democracy in the country. (20)

And they are honouring Mr Tambo in this meeting? -- With regard of the role he played towards building peace and justice in the country.

COURT: Why are there then not shouts of "Luthuli" for example at this meeting? -- Well I would not know why the people who shouted chose the particular leader but I have heard a number of leader's names being shouted.

Mr Jacobs have you had an opportunity to get a duplicate of V19(a) so that I may get mine back?

MR JACOBS: I asked my colleagues to go. I see there is (30) another/....

another song then, "Across the river", I cannot pronounce the other language. Do you have it?

COURT: Besheya kumfula(?). -- Yes I have this song.

MR JACOBS: Do you know that song? -- No I do not know this song.

Did you hear it for the first time on that day? -- Well I cannot remember specifically hearing this one. There are a number of songs I did not know that were sung at that meeting.

You cannot dispute that this was sung? -- I will not dispute that. (10)

And did you participate in the singing? -- I did not know the song.

Did you hear it afterwards, after that date? -- I have heard it in one of the videos but I am not sure whether it was this video or not.

Did you attend other meetings where this song was sung? -- I have never attended any meeting where this song was sung, that I can remember.

Now on that meeting it was, they sang about across the river we will catch them with their children. Is that (20) correct? -- Well as I say I did not know this song and as I cannot remember hearing it specifically among the songs that I did not know I cannot dispute that.

But the meaning of the song is it correct there? -- Well the meaning of the song is correct as it is.

Now who ...

ASSESSOR (MR KRÜGEL): The translation?

MR JACOBS: The translation. Now the next one then, the one about the Supreme Court. Have you got it in front of you? -- Yes I have got this in front of me. (30)

Was/....

Was it sung at that meeting? -- Well I cannot remember if this one was song also at that meeting.

If it is here and if it is on the video it must have been sung? -- That is so.

Did you participate in the singing of all the songs? -- Those that I knew.

Did you sing this one? -- I cannot remember if it was sung but I know this song.

If it is on the video you admit that then it was sung? -- Well I take it that it was sung. (10)

And if it was sung there then you did participate, you did sing it with the others? -- That would be so.

And this is going about, about what is this? It is burning, the Supreme Court on fire, is that correct? -- That is so.

And is it correct that it is Umkhonto we Sizwe members who set the Supreme Court on fire? -- Well I do not know who set the Supreme Court on fire.

It was admitted here as an admission in this court that the Supreme Court was set on fire by members of Umkhonto we Sizwe. -- Well that I did not know. (20)

COURT: Was it in that form Mr Jacobs, I cannot quite recall that.

MR JACOBS: It is not precisely in that form, I will rather...

COURT: Well what is the exact form of the admission?

MR JACOBS: I will rather get it first, I have not got it with me here sir.

COURT: Yes. Well anyway who did you think were "the boys" that hit it yesterday, "abba faana" (?). -- Well I do not know, abba faana can mean any other boy.

Well who did you think hit the Supreme Court yesterday?(30)

It/....

It can of course mean anything but who did you think hit the Supreme Court? -- Well I took it literally as it is.

Meaning? -- That the boys have hit it yesterday.

Which boys? -- I could not make any conclusions which boys did it.

You had no thoughts on the matter? -- No, because the song as it is it merely speaks in terms of what happened.

MR JACOBS: You were able to give an explanation of all the other songs so far, that you know, but you cannot give an explanation for this song that you also know? -- My explanation for this song I understood it to mean exactly what it means. (10)
There are songs which, there are a number of songs and they differ. Because though I am not an expert in the song but my knowledge as a Black person is that the song plays an important role in the lives of the Black people in the country. History is related through song and events of the day can also be reflected through songs.

COURT: Yes that makes it more important to know what you are singing about. What were you singing about? -- Well I was singing about the events where a Supreme Court had been set on fire. (20)

Why should one sing about the Supreme Court having been set on fire? -- Because it is an event, it relates to an event that has taken place.

Why should one be happy about that? -- Well it does not mean that one has been happy about that.

Well were you singing because you were sad of the event? -- Singing, not being happy, does not necessarily mean that one is sad.

Why is this an event that has to be recounted at the (30)

UDF/....

UDF rally, the setting on fire of the Supreme Court? -- Well it may be that the person who composed this saw that as an event that was probably shocking or surprising that it should happen. I do not know the reasons behind this composition and I would see it that it is relating to the events as happening there.

Well if it is so that terrorists, ANC terrorists, set the Supreme Court on fire is there any reason to sing about it at a UDF rally? -- Well as I know it it does not say who set the Supreme Court on fire, it does not refer to the ANC. It is (10) merely referring to the Supreme Court being set on fire.

Well is there any reason at a UDF rally to sing about the setting on fire of the Supreme Court? -- As I said people sing songs for a number of reasons.

What was your reason for singing this song? Why did you sing it? -- Well I sing it because it is one of the songs that is sung and if I know the words then I will sing it.

MR JACOBS: Is not the reason why you sang it is because the Supreme Court is part of the establishment or the system? A system that UDF call an illegal system and does not recognise, (20) and wants to destroy? -- Well that has not been my reason for singing the song.

No I did not ask you your reason. I say is it sung because it is UDF's policy that it is against the system and it is part of the system being set on fire? -- Well I have given my perception of the reasons why it was sung, or why it is sung.

Is that not also, does it not conform with your own policy that you ascribe to? -- This song?

And that is why you sang it? -- This song?

Yes. The destruction of part of the system? -- Well I (30)

do/....

do not conform to the destruction. As I stated earlier that I have committed and I have participated in the Vaal Civic Association because I believe in negotiations, in peaceful resolving of problems, and I do not see destruction of property as peaceful resolving of problems. That is where I disagree with the African National Congress. Or any other organisation that opts for violence in solving the problems of the country.

But the UDF, you say the UDF does not stand for the destruction of apartheid and the system? -- My being party to the agreement, to the resolution to affiliate to the United (10) Democratic Front and the actual carrying out of that resolution to affiliate to the United Democratic Front is because of my full understanding that this is a forum where all organisations that are bent on peaceful resolutions of the problems in this country can come together under the banner of the United Democratic Front, and that is how I still perceive the United Democratic Front to be and to still be.

Do you know or did you find out whether the UDF aspired for the destruction of apartheid? -- The declaration of the United Democratic Front and the working principles were (20) enough to prove to me and to members of the Vaal Civic Association that the UDF is not for violence in the country.

Did you find out anything to the contrary later? -- I never had an experience of anything to the contrary.

If you had found out anything to the contrary later would you have resigned from the UDF? -- Definitely if there had been anything to the contrary the Vaal Civic Association would have considered its position within the United Democratic Front.

We will come back to that later on. Let us carry on at page 7. Look at the bottom of that page, the song Zikonozi, (30)

I/....

I cannot pronounce it, "There are rifles".

COURT: Zinkonzibam(?).

MR JACOBS: Have you got it in front of you? -- Yes I have got it. -- Zikoni zibam.

Yes? Was that sung at that meeting? -- Yes this was sung at that meeting.

Do you know the wording of that one? -- I heard the wording of that one for the first time in this fashion.

I beg your pardon? -- I knew the wording of this one not in the way that it is put here and the way it was sung there. (10)

COURT: You mean you knew the tune but these are words you did not know? -- There are some words that were put in that I did not know.

Well which words were put in that you did not know? -- The words like "isibam" (?). And "e Africa".

MR JACOBS: "Isibam", that is the last line, is that correct? -- That is so.

But the first line you do know? -- No that is also, the first line is like the last line.

COURT: But now that seems to be that the whole song has been (20) changed because it is all about rifles. What was the wording of the song that you knew? -- I knew it as a Xhosa song, "Khazu na zuketwin" (?).

Could you spell it? -- K-u-k-, sorry k-a-w-u-z-e, then a different word n-a-z-o, and then k-w-i-d-i-n-i.

And it means? -- Come with them young men, which means further come with them, the them is qualified by the news.

MR JACOBS: Mr Vilakazi it seems that this was picked up by a microphone that there was no distortion or saying about the wording of this song, somebody sang something quite different (30)

but/....

but they all sang the same words, do you agree to that? -- Well I do not dispute that.

And so it was a well known song then? -- Sorry?

It was a well known song then? -- Well some people knew it but I did not know it with the words that were used.

And why would they sing about rifles on this rally? -- Well I do not know the composer or the person who put in those, the additional words, why would he change it that way.

And the rifle, singing about rifles means that it has a context of violence in it, come with the rifles? -- Well I (10) would not see it as having the context of violence.

What would they do with ... -- As I said with songs with the Black people people can sing about anything when they are met together, not actually trying to convey a particular message or anything. I know of songs or people singing at weddings with big sticks, with spears and knob kierries, but being at weddings where everybody is supposed to be happy and with spears which are weapons of war. They are contradictions but it does happen. I know of songs at weddings which would be used not to scorn but to make fun out of the bridegroom, and that does not (20) mean that the people who sing these songs see the bridegroom as such or they have ill feelings towards the bridal couple, or they do not wish them well but because they are there and they are singing these songs they are taken as just fun out of it. This context that you will find that it is sung that the bridegroom would be referred to as a tortoise.

COURT: In Afrikaans he would be Tant Koek se hoenderhaan.

-- Well it is a song like that. Let us say where did you get, it calls upon the bride, the bride's name, where did you get this tortoise. Then others would say no it was found in the (30)

sea/....

sea planes and it was busy eating mud. Referring to the bridegroom and it is not up to the bridegroom to feel like he is not well received.

Actually we are busy with rifles and not with tortoises.
-- That is the context that I am putting that.

Let us just ... -- I did not understand the song to be having any context of violence in itself. Being a Black person being brought up in the Black culture where these songs are sung.

MR JACOBS: Who would be coming with rifles, there are rifles.(10)
Is it not the rifles from Umkhonto we Sizwe? -- Well the song does not say itself.

On the next page, page 8, that is your famous song is it, Shanganani basabenzi(?) -- Yes that is my favourite song.

Will you have a look at this song. Is it, all the verses here is that correct? -- These are correct.

So it is workers that must unite, it is scholars must unite, students must unite, women must unite, so it is a song for people to unite? -- That is so.

And even if you sang about it you never tried it in the(20) Vaal, to get the people to unite, COSAS people to unite with you? -- I can say by singing it I express my feeling to see people united.

I see on page 14.

COURT: 14?

MR JACOBS: 14 of the same exhibit, another song. -- Is it page one four?

Yes. There is another song about the Supreme Court on fire. Another song than the other one, other than the other one. What are the first words there, "Nansi"? What is the(30)

first/....

first word, the first line? -- The first words are "Nansi vutumlele".

Do you know this song? -- I take it to be the same song that I said I did not know.

So on the second time when they sang it did you sing it also? -- Well I could not have sung it having heard it for the first time that day.

There is smouldering with fire, we are going. What do you mean "We are going"? -- Well I do not know.

"Boys left yesterday, we are going. You are going. (10) Here is the Supreme Court, it is smouldering. We are going". You cannot help us on this? -- I do not know that song.

COURT: How do you, why do you tell me that you do not know this song? If you look at page 6 it is also "Nansi Supreme Court ivutumlelo". It is the same song? -- That is so but "Where are we going", I did not know where that song is referring to.

No but you say you do not know this song. The song at page 6 is the same song as at page 14? -- Yes by saying I do not know the song, I do not know the meaning of where it is (20) going. I am sorry not to have been clear on that but I was answering to the question "Where are they going".

Well on page 6 you were singing "Siyaya we are going", here you were also singing "Siyaya we are going". What is your difficulty? -- I do not know where it refers to by saying Siyaya.

MR JACOBS: Do you know who Dube is?

COURT: Dube, D-u-b-e?

MR JACOBS: Yes.

COURT: Is it not a township. (30)

MR JACOBS: /.....

MR JACOBS: Is there a person Dube that you know of? -- Where? I know a number of Mr Dubes.

Do you know a person attached to the ANC whose name, or the SAKP, the Communist Party, who was a Dube? -- No. I cannot remember of any Dube, ever hearing of any Dube that was connected with the ANC or the SAKP.

Also in the previous history of the ANC or the South African Communist Party? -- I have never studied the history of the South African Communist Party and I have never studied the history of the ANC. I have heard about events in my (10) country previously, before my birth, from both my parents and people in the community. I would not know every detail, every minute detail, even persons who were connected with such organisations then.

Do you know a Nsizi Dube?

COURT: How do you spell, M-s-i-

MR JACOBS: N-s-i-z-i.

ASSESSOR (MR KRÜGEL): Was the question do you know Nsizi Dube or do you know of him?

MR JACOBS: Of him. Do you know anything about an Nsizi Dube? (20) -- Yes I have read in the press about Msizi Dube.

Is it Msizi? -- Mr Msizi Dube.

Will you spell his name. I am not sure I have got the spelling here as an N and I see another place it is M. -- By Msizi Dube I am just saying that amongst the Msizi Dubes, if there are any, I have read about a particular one who was a community councillor in one of the townships in Durban and was killed.

I would like you to have a look at EXHIBIT V19(b) page 9. In the middle of the page. There again it is, is it correct (30) that/....

that Nelson Mandela was hailed as your father at this meeting?

-- That is so.

Of Msizi Dube as your father in this meeting? -- That is so.

And Tambo as your father in this meeting? -- That is so.

Did you also participate in this? -- That is so, and my explanation still holds.

You were honouring a terrorist leader here in this meeting, Oliver Tambo, as your father? -- We were not honouring Mr Tambo as a terrorist, we were honouring Mr Tambo as a person who (10) had played an important role in bringing about justice in the country.

At the time when you were singing this he was a terrorist leader and you were giving honour to him as a father and he was a terrorist leader at that stage? -- As you can see there there are people like Mr Msizi Dube who was a community councillor, and there is Mr Nelson Mandela and there is Mr Tambo. These people were honoured for what the community perceived to have been their good efforts they had played in bringing about peace and justice in the country and not as a terrorist. (20) If they regarded him as a father because of his association with the African National Congress then that is not what I know and I would not have said it because I disagree with the principles of the African National Congress, their violent methods in solving the problems of the country. But because of the role played by the gentlemen through peaceful means, the fact that they are now, they have opted for violence will not erase in the minds of the people their pursuance for peace and they will be recognised for their efforts as such in resolving the problems of the country peacefully. (30)

Mr Vilakazi...

Mr Vilakazi I would like to put to you that the ANC regard themselves also, and they are saying so often, that they are a peaceful organisation. -- Well I am not a member of the ANC.

Would you agree that that is what they say? -- I have never come across such a statement.

And if they say so what would you say to that? -- Well I would disagree with them.

You would disagree? -- That is so.

What would you say they are? -- Well I know that ANC has resorted to solving the problems of the country through (10) violence. That is not peaceful.

Do you believe in the concept of unity in struggle, do you ascribe to it? -- I believe that is important.

Do you ascribe to it? -- As a person, yes.

And as a movement, the VCA, do you ascribe to unity in struggle? -- I cannot remember the VCA sitting to address that question particularly but I know the VCA was launched to unite the people of the Vaal complex in one association, to one organisation.

Do you know whether UDF ascribed to the concept of (20) unity in struggle? -- I do not know if UDF officially did ever state at any time that they subscribed to unity in the struggle but I know the UDF to be a forum where organisations unite together to come together to share experiences and seeking ways of solving their problems in a peaceful manner.

On that meeting, that particular meeting on that day, did you see Ishmail Mohammed being a speaker on that meeting, Professor Ishmail Mohammed? -- Yes Professor Mohammed was one of the speakers at that meeting.

And he is also part of the UDF? -- Yes he is. (30)

He/....

He is in executive of the UDF Transvaal region? -- I cannot remember what position he held but I remember that he was a member of an affiliate organisation of the UDF.

Do you dispute that he is a member of the Transvaal executive of UDF? -- I said I do not know what position he holds now and I cannot remember what position he held in 1983, so I will not dispute that.

And this meeting was generally known as a United Democratic Front rally? People's weekend? -- That is how I knew it to be. (10)

And from the name then we must presume then that it is a UDF meeting? -- I knew it to be, well from the name yes we can deduce that way, if the name implies that.

And because UDF was sending out the invitations it must have their meeting as well? -- The sending out of invitations by the UDF does not pin down the UDF to be inviting people to their own meeting.

I beg your pardon? -- I mean the fact that the UDF sent out the invitations I would not see it as a factor in that the meeting can be attributed to the UDF. (20)

So they will send out invitations for other organisation's meeting? -- If an affiliate organisation invites other organisations affiliated to the UDF and they ask the UDF to forward the invitations to other organisations, that I can see happening.

COURT: Was that the normal process, that an organisation would call a meeting, that they would notify the UDF who would then notify all the affiliates? -- If an invitation was to be extended towards affiliates.

MR JACOBS: I put it to you that this people's weekend was organised by the UDF and it was one of the mass rallies (30)

organised/...

organised by the UDF? -- Well I do not know what role that they played at the rally but I know the host there to be the TIC, and I would take the TIC organised the rally.

And is it also correct that it was one of the methods used at every General Council meeting that was held that the minutes of that meeting were supplied to all the different affiliates comprising the Transvaal UDF? -- We did receive minutes of the General Council meetings of the UDF as affiliate.

Yes, and did you discuss them, read through them and discuss them? -- Yes we discuss these minutes when we received (10) them.

Did you read through them? -- We did read through them.

Yes, and is it so that they will be sent to you just before the minutes of the last meeting, say for instance if there was a meeting today they will be sent to you together with the agenda and the invitation to the next General Council meeting? Is it correct? -- No I cannot remember precisely if the minutes would come with the agenda for the next General Council meeting.

I would like to refer you to EXHIBIT L1. Have you got (20) L1 in front of you? -- That is so.

That is the Minutes of the General Council Meeting held on 15 October 1983. Is that correct? -- I can see that yes.

It is the United Democratic Front, Transvaal. -- That is so.

And the Vaal Civic Association, representatives from them were present at this meeting? -- That is so.

You can see that on top there? -- I can see that, yes.

Now I would like you to have a look at paragraph 4.3 and under 4.3 there are publications and under that 4.3.3 "The (30) next/....

next issue of the UDF News will be published on 21 October 1983.

This issue will focus on People's Weekend, Local Authorities Referendum and a round up of events". But the important part, "It will focus on the People's Weekend". -- I can see that.

So UDF is using this UDF News to focus on the People's Weekend. Then would you agree that they really focussed, they regard this as really important, they regarded it as really important? -- Well I do not know it as really important.

Yes, and will you go to page 2. -- And as I have not been involved in editing positions at any level I would not really(10) know if focus would mean that issues of importance or would mean that the news that will be carried by this particular paper will be on this and this issues.

COURT: Well for "focus" I think you can say concentrate. The issue will concentrate on the People's weekend, local authorities, Referendum and a round up of events. -- That is so. That is now the use of the word "focus" is used to mean to spot on particularly or that this issue will be issued and covering these points only.

MR JACOBS: And would you have a look at page 2 as well. (20)

COURT: Paragraph?

MR JACOBS: 4.9. As an indication that it was decided that the People's Weekend, 29 and 30 October 1983, they decided on a venue. The rally would be held at the Nurul Islam Mosque in Lenasia on 30 October 1983. You see it? -- Yes I can see that.

You agree that on this General Council meeting some planning and decision making was done in regard to this People's Weekend? And planning? -- I would not know as I did not attend that particular General Council. I had no knowledge whether this was discussed and planned at that particular meeting. (30)

I/....

I can only see it reflected there that it announces the date and the venue.

It must have been discussed on this meeting?

COURT: Was it not to be a National People's Weekend, or was that a different occasion? -- I just knew it as People's Weekend. I do not know if it was referred to as the National People's Weekend.

Well if you look at paragraph 7 it would appear that activities were to be held all over, in all local areas, over that weekend. Cultural activities, placard demonstrations, (10) vigils, motorcades and further placard demonstrations and meetings. So would it be correct to say that a lot of activity, UDF activity, was to take place over that particular weekend but that the main function was to be the People's Rally to be held at Lenasia? -- Yes but as the minutes reflect that it was the Transvaal General Council of the UDF I believe that the focus was more on the Transvaal. I do not know what was the situation countrywide.

Yes well if we limit it to the Transvaal is what I put to you correct? -- That is so. (20)

MR JACOBS: If it is a national event then it is under the control of the UDF, is that not so? -- I do not understand the control part of it?

National, what do you understand then "National People's Weekend"? -- By National People's Weekend I understand that it is a People's Weekend nationally.

Arranged by UDF? -- I would not know if the UDF would be involved in arranging it throughout the country.

Is not UDF undertaking to, was it the understanding that UDF will be in charge of all national events, and national (30) campaigns/...

campaigns and national issues? -- Yes but I cannot say this was the situation, unless I had more information on it.

Can you remember whether there were people from other provinces?

COURT: You mean at the Rally?

MR JACOBS: At the Rally? -- I cannot remember hearing about people from other provinces at the rally.

C.496 You see I would like you to, in order to assist you, have a look at EXHIBIT E2. Have you got it in front of you? -- I have got it in front of me. (10)

That is a Transvaal report to the NEC.

COURT: N-E-C I should say. One should talk through the neck and not of the neck.

MR JACOBS: To the NEC, thank you sir. Now will you have a look at page 2 of that report. Paragraph 9. There is a report, in that there is a report back on this People's Weekend? -- That is so.

Over Friday and Saturday placard demonstrations were held in Lenasia, Coronationvill, Bosmont, Newclare and City Centre.

9.2 200 000 copies of the declaration were distributed. (20)

9.3 Mosque and church services were dedicated to the People's weekend in certain areas.

9.4 The UDF video was screened in some areas.

9.5 Discussion groups were set up.

9.6 15 000 posters and 100 three metre banners were displayed.

9.7 The People's Rally was attended by about 5 000 people from all parts of the province and Northern Cape. The Rally was held at Nurul Islam and Patea(?) Halls. Speakers at the Rally were Bishop Tutu, M. Motlana, A. Mokoena, E. Jasset, I. Mohammed, D. Webster and F. Baat. (30)

Can/....

Can you recognise this as referring to this particular meeting?
-- Yes this is the only national, the only People's Weekend that I knew. Well I did not know it to be a National People's Weekend.

Would you agree then, to cut it short, that this was a UDF organised meeting? Nationally because there were also people from other provinces? -- Well I would accept it as such.

So can we then accept for the purpose of the cross-examination further that it was a UDF organised meeting? -- To the (10) part of the organisation, how much role the UDF played to the effect that the UDF solely organised it or the organisation that was to host that organised it I will not know.

MR BIZOS: In fairness I would refer to 1.2. Or rather in fairness and self-justification I might say.

MR JACOBS: Yes in the name of it, it was out in the name but it was a national meeting.

COURT: Well what is now being debated is who held the meeting? -- If the advocate says now it is a national meeting and I said by national I mean that it could have been, the same weekend(20) could have been recognised in other provinces throughout and not that necessarily the provinces came together in Lenasia.

Yes well let us get clarity now. Is it correct that the UDF Central decided that a People's weekend would be held and that People's Rallies would be held in the various provinces and that this was one of the rallies agreed upon and that it was left to the affiliate in Lenasia, TIC, to organise it? -- Well I have no problems with that proposal.

ASSESSOR (MR KRÜGEL): May I, also just by way of seeking clarity, ask whether paragraph 2 of E2 has anything to do (30)
with/....

with the People's Weekend, paragraph 1.2? Or the whole of paragraph 1 for that matter. Paragraph 1 deals with mass meetings at various places and paragraph 1.2 says that all of these mass meetings were held in the name of local affiliates. In almost all of these meetings the focus was either on the Constitution or the Black Local Authorities Act and then paragraph 9 of this report deals with the National People's Weekend which is again something else. -- Well in itself it was a mass rally and since it was hosted by the Transvaal Indian Congress I would see it being the same as outlined by, as referred (10) to these other mass meetings in 1.2.

That may be so but none of the places referred to in paragraph 9.1 are actually mentioned in paragraph 1.1. -- Yes because in paragraph 9 ...

I am sorry Lenasia is there, Lenasia is there. Do you contend that the mass meetings referred to in paragraph 1 and the National People's Weekend referred to in paragraph 9 are the same thing? -- I would see the People's Weekend as part of the mass meetings because in paragraph 1.2 reference is generally on mass meetings. And with the fact that the Transvaal (20) Indian Congress hosted the meeting referred to in paragraph 9.1 I see it being a factor that is relevant to the indication in paragraph 1.2 that mass meetings were held in the name of local affiliates.

Yes, thank you.

MR JACOBS: So just to round this off do you say that the mass meetings referred to in paragraph 1 is part of the general People's Weekend, National People's Weekend? -- No.

They are different? -- What I am saying is ...

They are not part of that or not related to that, it is (30) something/....

something quite different in paragraph 1? -- As I was explaining how I read that to the Learned Assessor, I said I saw paragraph 9.1 as part of the meetings referred to in 1.2.

COURT: Well we have now spent about a quarter of an hour on a herring, I will not say it is red, raised by Mr Bizos. Let us leave that fish where it is and ask the witness about what he knows, not about a document that he is not the author of.

MR JACOBS: As the Court pleases. Now on this meeting, the Lenasia meeting you said, let us get to, you said Professor Mohammed did make a speech? Is that correct? On the rally?(10)
-- Yes Professor Mohammed was one of the speakers there.

And were you present when he made his speech? -- Yes I was present.

You listened to his speech. Did you agree with him, what he said? -- Well I cannot remember what he said so I cannot remember whether I agreed or disagreed.

Did you disagree with anybody at that meeting that you feel that it is not correct? -- Well I cannot remember because I have attended meetings and I have disagreed with people.

Will you have a look at EXHIBIT V19(a). (20)

COURT: The witness has not got the document.

MR JACOBS: Edele al die goed, ek het hulle soontoe aangegee, ek weet nie wat het nou van hulle geword nie. Have you got it in front of you? -- I have got V19(a) in front of me.

Page 14. You see there "By the growing fact of the unity in struggle that is sweeping our country from Lamontville, KwaMashu, Mdantsane and our eastern coast up to Vryburg and Kuruman and Zeerust, on our borders with Botswana."
Can you tell us to what unity in struggle he is referring to there? -- My understanding would be a reference to the (30)
unity/....

unity of the people to oppose, to be in opposition to the things that inhibited the progress of people as a people.

To what struggle is he referring? -- The struggle to improve the wellbeing of the people.

Is it the freedom struggle or the struggle against the government or what struggle? -- The struggle against apartheid.

Apartheid, to destroy apartheid? -- Well if you remove apartheid, destroying apartheid the word "destroy" I did not know in what context is it being used here.

Would you say to say destroy apartheid includes violence, (10 the word "destroy" conveys the concept of violence? -- Well you can destroy apartheid through other means.

What means? -- You can destroy apartheid by having children from a black school playing football against children from a white school.

Yes. What else? Is that all? -- You can destroy apartheid by allowing Black people to attend a church service with White people.

Yes? -- You can destroy apartheid by promoting interrogations between Black communities and White communities. (20)

Is that what Professor Mohammed said at that meeting? -- That is my perception of unity in the struggle against apartheid.

Now I want you to read further, he is still mentioning names of places and then he goes on:

"The flame of freedom is spreading all the time."

Can you remember him saying that? -- Which line is that?

On the same page just two lines further, three lines. After he mentioned all the names of places. -- That is so.

And then let us go on then: (30)

"That/...."

"That the signs are clear for those who want to see it, like the heaving and swelling of a mighty ocean the oppressed are rising."

-- That is so.

"When those waves roll more and more in unison they will amplify each other into a raging storm."

-- That is so.

"The signs are clear for those who want to see that that storm shall sweep away the racism and oppression, exploitation under which we have suffered for so long." (10)

-- That is so.

"They will sweep away the suffering and the kind of system that we live under into the rubbish dump of history and it shall bring forth a new South Africa."

-- That is so.

"A South Africa of which we shall be proud. But I must warn our people we must understand things clearly."

-- That is so.

NOw what does this convey, does it not convey that there will be a force in this unity in action that will sweep (20) away, will destroy the government and apartheid as it stands?

-- Well I do not see any reference to the government there but I must say that the Professor is a bit poetic there, he speaks like a poet and what he speaks of there he speaks of what we saw in the formation of the United Democratic Front with more organisations coming together without really considering the colour or the nature of the organisations within the country, whether they were labour, church organisations, everybody they have come together and for the first time in the history of South Africa, for the first time in my life I saw this (30)

massive/...

massive moving together of people regardless of race, moving together hand in hand trying to show each other ways and trying to talk loud against exploitation, against apartheid, against oppression and that coming together in itself compares to what was the situation before the United Democratic Front where people were generally not much united. In itself the change and the wishes of the people as they see it, they come together and they can see that through coming together a real new South Africa can be there where I cannot say that I cannot discuss any of my personal problems with any White person, or my (10) organisation's problems cannot be shared or my experiences cannot be shared with a White organisation or an Indian organisation or an organisation that is of the workers, and all that. So the coming together of all this organisations into one United Democratic Front, one family, which has hope in their methods of peaceful change in the country. I see it as the description puts here about the storm. The experience, the new experience I read as the description of this storm that is taking people up. Because a number of organisations started moving together within the United Democratic Front because (20) they saw this as the only means in improving their lot.

And in this, what you explained now to the Court are you in this part of a national struggle for total liberation?

COURT: Now what is the question exactly?

MR JACOBS: Are you part of a national struggle then in this regard, part of a national struggle for total liberation? -- As a person who subscribes to peaceful change and has got hope in the future of the country to see a country without discrimination, without apartheid, and as a person who can stand up and say apartheid is not good, apartheid is bad, I see myself as (30) such./....

such.

Because Dr Mohammed goes on in this next paragraph, that is on page 15:

"It has brought us together in the national struggle for total liberation. We have also the lessons of Angola." Do you agree with that, that you are in a national struggle for total liberation? -- I do not see where you are, I am trying to come down line by line.

The second paragraph, the last three lines of that second paragraph. -- I can see that line, yes. (10)

And is that correct, that you are engaged in a national struggle for total liberation? -- As seen in Angola.

COURT: Well the question at the moment pertains to the first sentence, "It has brought us together in the national struggle for total liberation" Counsel is not referring to the next sentence at the moment. -- Yes I agree to that.

MR JACOBS: And in the Vaal you also agreed to that, in the VCA? -- Yes. We agreed to that because we saw the United Democratic Front as uniting people from different areas, people with different experiences and people from different religious groups, different nationalities and the total liberation as such I saw it as a liberation, the form of the whole process of people coming together and sharing the experiences of the past and coming to a united democratic South Africa, as what I would describe as total liberation. Liberation which does not really only focus at the protection under the laws but liberation also of the mind in that we see each other not as superiors or inferiors but we see each other as equals and each other as brothers and sisters, we see each other as a people. That is what I understand by total liberation. (30)

Yes./....

Yes, and Professor Mohammed said that you, and you get your lessons in this liberation, total national liberation struggle from the lessons in Angola? -- Well I do not....

MR BIZOS: It does not say that with respect My Lord.

COURT: Let us just read the correct sentence. We have also had the lessons of Angola. And it goes on:

"That the guns, the saracens and the Mirages are not enough to contain us."

But there is an interruption in between so we do not know exactly whether it is one sentence or two sentences. (10)

MR JACOBS: And in this total liberation struggle it is taken into account, and I put it to you that violence, even violence is taken into account? -- Well I do not know the experiences that the Professor was referring to in Angola and as such I cannot say that he was including the guns or anything. As I said now I am using my interpretation of what I see here in the text in this transcript.

And the message that he did broach to the people on the meeting was that the guns, the saracens and the mirages are not enough to contain us, will you follow it there, they have (20) to look for collaborators, traitors of our land. It is a clear picture here in this national liberation struggle no guns, no saracens, no mirages are going to stop you people in the national liberation struggle. -- Well I see it as an expression of one's conviction to the stance for peaceful change in the country.

Is it a peaceful change if you say that in such a national liberation struggle not even guns or saracens or mirages are going to contain you? -- It is a conviction to stand by our own beliefs. If we believe that through peaceful demonstrations (30)

whatever/....

whatever can happen to you you will not change your stance. Even if the guns and the mirages are brought in you will stand for peaceful change. That is how I see that message being conveyed.

You stand for peaceful change but you are prepared to fight for it, is that correct? And not being stopped by guns? -- By this not being stopped by guns it does not necessarily mean that one would be fighting.

Why refer to guns then? -- Well it is like referring to death. We, well I will speak as a Christian person that (10) it has been my teachings that a Christian will stand for truth, Christians will stand for their convictions to follow Christ and even death would not stop them because death did not stop Christ.

Why did not, I put it to you that the impression that was brought out here and brought out to the people in the meeting was that violence, even violence would not stop you. As it stands here in this speech?

MR BIZOS: My Lord can the witness be asked to interpret another person's speech as a matter of fact? The witness (20) can be asked what he felt about it but what the question now is he is asked to interpret the poetic words of Professor Mohammed.

HOF: Ek het ook daardie probleem mnr Jacobs.

MR JACOBS: Let us put it like that. The direct words conveyed to the public or the masses in the meeting are as you see them here and as they were used at that meeting, to the effect that guns and that will not stop the people of the national liberation struggle. -- I will not remember every detail of Professor Mohammed's speech, as also I did not record it. (30)

Also/...

Also I have problems in that this has been added after an interruption and even if there could have been an agreement between the State and the Defence on the effects of the words but is Professor Mohammed going to say this is exactly what he said.

COURT: Well you can take it for granted that is what he said and we do not know whether he qualified it by something that he said before that. -- That is so, with the interruption it becomes very much difficult for me to say that.

MR JACOBS: Do you remember that Professor Mohammed on this(10) meeting referred to the people passing the borders going to the ANC?

COURT: I am sorry Mr Jacobs I did not follow, what was the question?

MR JACOBS: Can you remember Professor Mohammed referring to your children, the children of the Black, passing the borders of the country? -- At what page?

Will you have a look at EXHIBIT 19(a) page 15. -- Page five oh?

Page 16.

(20)

COURT: One six?

MR JACOBS: One six. The third paragraph:

"We shall not allow our children to fight on the borders against our children who have fled the country."

COURT: This country.

MR JACOBS: This country.

MR BIZOS: The question was to the ANC. We do not see the ANC in any portion of that paragraph.

MR JACOBS: Now can we get clarity on that then and I will try to clear it up then. Which, do you know of any of your (30) children/....

children that fled this country? -- Any of my children?

The Blacks, children of the Blacks? -- Well here it does not say Black children or White children. It merely says that, and the same Professor Mohammed, talking and expressing himself against a violent situation that the country finds itself in where people he regards as children of this country and have fled this country are fighting people he regards as children of this country at the borders.

Now who are the children of the country that fled this country that he is referring to, do you know? -- Well there (10) are a number of people we have read about who have fled this country.

And fighting at the borders? -- That is so.

Who are they? -- You want their names?

In general terms who are they? I do not ask you to give me names of people, I did not ask you for their names, I will do it later if I can ... -- I understand the reference to be referring to people who have joined up in organisations that are banned in this country.

Which organisations? -- Which are outside the country. (20)

Which are they? -- I know fo the ANC, the Pan African Congress.

Yes? -- And the others whose names I do not know.

Are they regarded as children who fled this country? -- By virtue of their being born in this country and have fled this country the Professor regards them as the children of this country. Much as he regards the children of this country who have not fled the country as the children of this country.

So you regard the members of the ANC ...

COURT: It is not this witness, he is now explaining to you (30)
what/....

what the perception of Professor Mohammed is.

MR JACOBS: And did Professor Mohammed say then "We shall not allow our children to fight on the borders against our children who have fled this country"? -- Well I can see that in the transcript. I cannot remember his exact words to that effect.

Do you agree with that, that the people of this country, inside the country not be allowed to fight against the ANC and those who fled the country? -- I am against all forms of violence.

How do you regard the people from the ANC who were (10) executed in this country for murders, people like Mahlangu, Mokorane, Motsoaledi, Moatung, are they heroes of your organisation, the VCA and the UDF? -- In the Vaal Civic Association we have never discussed whether we regard these people as heroes or we do not regard them as heroes.

And in the UDF? -- There has never been any indication from the UDF, from the organisations within the UDF to the Vaal Civic with regard to the position of these people.

How do you regard them? -- I regard them as people who have been arrested and convicted and found guilty and convicted, (20) for their beliefs.

Do you regard them as heroes for the struggle for national liberation? -- Much as I have respect for their beliefs I have personally stated, I have personally opted for non-violent approach in solving the problems of the country.

Well will you answer my question now. Do you regard them as heroes? -- Well I have never thought it up that I can regard them as heroes until this moment.

COURT ADJOURNS UNTIL 14h00.

COURT/....

COURT RESUMES AT 14h00.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Would you turn to page 17 of that ...

COURT: Which document?

MR JACOBS: The same exhibit, 19(a).

COURT: V19(a).

MR JACOBS: V19(a), I am sorry.

COURT: Page 17.

MR JACOBS: The third paragraph there, is that what Professor(10) Mohammed said:

"Let them serve as constant reminders that we are heriots in the land of our birth. That ..."

COURT: Well I take it that heriots would not be correct. It is helots, h-e-l-o-t-s.

MR JACOBS: Helots in the land of our birth. That those who in their many thousands had to flee our borders and who are now hounded from their place of refuge, let them serve as constant reminders that they yet have to win our freedom, that those who are so cruelly robbed of (20) life, and I want to mention just a few, Mahlangu, Makorane, Matsoaledi, Motung and those thousands who were massacred and murdered at Kasinga, at Matola and Maseru and in so many other places, let them inspire us with new courage, with strength and determination to grasp our freedom and we shall see the new dawn of South Africa come shining through. Until then Amandla."

Was it said at that meeting? -- Yes this was said at that meeting.

And by a prominent member of the UDF, National Executive(30)
as/...

as well? -- Well like I said I do not know what, I do not remember what position Professor Mohammed held in the UDF during that period.

You will not dispute he was on the National Executive Council of the UDF? -- I will not dispute that.

And it was said by a person high up in the UDF, is that correct? If you cannot say what position he held but he was in the UDF executive, you knew that? -- Well I knew him to be a member of an affiliate, I cannot remember if he was in the executive. (10)

And he said that on that meeting, is that correct?

COURT: Well the witness has already said so.

MR JACOBS: And this reflects the spirit of the national struggle as adhered to by UDF? -- As adhered to by the UDF, I believe that Professor Mohammed here is expressing his own feelings as a speaker at the meeting. There is nowhere he says the UDF believes that what he is saying.

And as a person on the presumption that he is on the neck of the UDF if he is speaking as a person from the UDF that will convey the feelings in the UDF? Do you agree to that? -- (20) Well in the UDF as we come together as different organisations many people have got different feelings within the UDF. What counts is what is the policy of the UDF.

And ... -- And in expressing these words the Professor is expressing himself and the way he sees things.

COURT: Well let us get some clarity here. This is a meeting which we know was constituted by the UDF, was held by the UDF. A gentleman, Professor Mohammed, speaks at this meeting. He is one of the speakers who have been appointed to speak. He is on the national executive of the UDF. Now if you had (30)

not/....

not known it before listening to him at that meeting you would know it afterwards that this is the sort of trend that is followed by people in his position, in the sense that this is what he, these are his feelings on these matters. Did you disagree with them? -- It was difficult for me to deduce that that was the trend.

Well did you go along with this? -- My understanding of this passage here, as I read it here now, and as I heard it I can give my own feelings with regard to how I regarded the people mentioned in this. Well I would not remember his (10) precise words and I would not remember how I felt about this at the moment. But if I may put up what is my view with regard to the names of the people mentioned then I will be in a position to do that.

Yes. -- My view is that that these people who are mentioned here were people who were caught, who were arrested and charged and sentenced to death for having embarked on the acts of violence against the government of South Africa. In their quest for freedom of the people in South Africa, in their quest for justice, in their quest for democracy in the country. (20) Much as it is known that these people were members of the African National Congress which itself advocates violence against the South African government I personally, and many other people, would respect people who would stand up to all circumstances, even death, to pursue their conviction. But that will not mean that such people are supportive of the methods applied by the said people. That is why myself the members of the Vaal Civic Association have opted to align ourselves with the United Democratic Front because we believe that through peaceful protest we can achieve democracy and justice in the country. (30)

Not/....

NOT necessarily by being supportive of any organisation that has opted for violence.

Well if it is so that the UDF was an entirely non-violent organisation how did you at this meeting reconcile with those principles with the words of Professor Mohammed praising those who were so cruelly robbed of life and mentioning four terrorists who were sentenced by a Court to death for terrorism? -- Because I believe that Professor Mohammed does not believe in violence and he saw the death sentence as deprivation of life, that is how I can understand it. (10)

And what about the people attacked by the terrorists? -- Also because he is a member of the United Democratic Front I would believe that he is equally against that type of violence, that is why he opted for being a member of the United Democratic Front. At least I know that I personally opted for the UDF because of my being against all forms of violence.

Well did not a red light flicker to you at this meeting where you heard murderers being praised? -- I do not understand the red light My Lord?

Well did you not think there was something wrong with (20) people praising murderers at a meeting of a non-violent organisation? -- I only understood it and I saw it as addressing oneself to a problem situation where you have people dying because they have also committed acts of violence. So the whole focus as I saw it is on violence. Otherwise that is how I understood it and that is how I see Professor Mohammed being part and parcel of the United Democratic Front.

MR JACOBS: In the light of what you have just explained to the Court, the peaceful methods and so on, how would you explain then Professor Mohammed's words that were addressed to you: (30)

"Let/....

"Let those who in their many thousands had to flee our borders and who are now hounded from their places of refuge, let them serve as a constant reminder that they yet have to win our freedom."

-- I would see that, and my understanding is that the Professor here pleads for recognition of the peaceful attempts of the United Democratic Front.

He is not referring to the United Democratic Front Mr Vilakazi. -- Because he refers to those who have opted for violence as having to serve as a reminder that whilst others(10) opted for violence there any many others who opt for peaceful resolution of problems in the country.

But how could that be the case, what you explained now, if it is the terrorists, the people who fled the country, and some of them were hanged as the Court already pointed out to you, that they have to win our freedom? The ANC, how do you explain that? -- Well ...

And also if you have a look further on in the same paragraph it says:

"And let them inspire us with real courage." (20)

So your reminders and courage and freedom must come from the ANC? -- Well I did not understand it and I still do not understand it to mean that freedom will come from the ANC. But I see the Professor here putting up a situation that is conflicting where you have one group opting for peace despite the fact that for a very long there has been a group that has opted for violence and it is still continuing acts of violence to the extent that people have been caught for their acts of violence and been hanged inside the country. Still other people are still adhering to peaceful moves towards the resolution of (30)

the/....

the problems of the country. This is my understanding of what the Professor said.

Now the fact that a member of the UDF, did you not find it strange that the UDF, as you explained it here to the Court in long answers, is it not strange that a member of the UDF executive told the people that it is a terrorist, referring to the people that have fled the country, that must win your freedom and it is the terrorist that must inspire you in the UDF with courage, new courage, and strength to grasp freedom. -- Well I have given my understanding of the whole speech (10) as I put it to the Court earlier on.

You did not find it strange that it came from the UDF? -- Well like I said my understanding of the whole speech as it is was that in actual fact Professor Mohammed was saying despite the situation which we have, or the conflict situation we find ourselves in in the country there are still people who opted for victory through peaceful means by uniting all people inside South Africa.

So do I understand you that you associate yourself with Professor Mohammed's speech on that meeting? -- Associate (20) myself with the deliberations of the United Democratic Front to resolve the problems of the country through peaceful means.

And with Professor Mohammed, you have tried to explain his words now. Did you associate yourself with his words spoken in that meeting? -- In my explaining here I am explaining what I understood Professor Mohammed to mean and if Professor Mohammed did not mean what I understand, if I understood professor Mohammed I will not associate myself with what he meant but if what he said is what I understand I associate myself with what I understand out of the speech, as I have (30) explained/...

explained it to the Court now.

Am I correct then that you read certain extra meaning into the direct words of Professor Mohammed? -- Well I have not added anything as an extra meaning. I have taken the speech as it is, as put to me, and what I understood by it and I am trying to reflect back again on what I heard and what I understood it to mean.

Let us go to the next speaker, that is David Webster. Do you know David Webster? -- Well I saw Mr Webster for the first time at that meeting. (10)

Do you know from which organisation he is? -- I later got to know, if I am subject to correction, that he was from the Detainees Support Committee I think.

Is that also an affiliate of the UDF? -- I do not know if it is an affiliate.

And is it that organisation, Detainees Support Committee does it also subscribe to the UDF and does it ...

COURT: Just a moment, could I just get clarity. It is the Detainees Support Committee or is it the Detainees Parents Support Committee? -- As I said I am not sure but I think (20) he is with one of the two organisations, subject to correction.

Are there two, are there two organisations? The one the Detainees Support Committee and the other the Detainees Parents Support Committee? -- As I know it to be.

MR JACOBS: And do you know whether this, any of the two of them adhere to the UDF policy and principles? -- Well I think the DPSC, the Detainees Parents Support Committee I think it is an affiliate of the UDF but I am not sure.

And the fact that Mr Webster was a speaker on this meeting of the UDF does it convey to you the idea that he is a (30)

supporter/....

supporter of the UDF? -- Well I do not know the circumstances under which he came to speak and I cannot say because he came to address the meeting called by the UDF or the meeting of the UDF or of an affiliate that he is a supporter, necessarily he is a supporter of that particular organisation.

I would like you to have a look at page 19. There is a paragraph that starts "We know where the terrorism exists. (Audience applauds). Tragically too the militarisation of our society means that we have to spend more and more money to defend this illegal illegitimate regime." That was said on (10) this meeting, is that correct? -- Well according to the transcript I see that.

Yes, do you ascribe to that? Do you agree with that?

-- What?

That part that I read out to you that was said by Mr Webster?

COURT: Well the question is, is your question does he agree that he said it or is he in accord with what Mr Webster said?

MR JACOBS: With what Mr Webster said.

COURT: Do you go along with what Mr Webster said here? -- (20) With what part of it, the entire ...

I take it the question is directed to the phrase "this illegal and illegitimate regime".

MR JACOBS: Yes. -- Well I have problems with the concept of illegality.

COURT: So you do not go along with that part of it? -- I do not go along with that part of it because it has a particular form of constitution and because this constitution does not include the whole people of South Africa participation in the government is not by all citizens of the country. I (30)

understand/....

understand the term "illegitimacy" to be referring to that situation where the population of the country did not take part in voting the government into power.

So according to you it is legal but illegitimate? -- Illegal and not representative, my word for it would be not representative of all the people of South Africa as not having been voted by all the people of South Africa.

MR JACOBS: And because of that is it always then that the government in this country is referred to by the UDF as an illegal or illegitimate.... (10)

COURT: Now just a moment. The witness distinguishes between the two terms. He does not go along with the phrase illegal and in respect of the phrase illegitimate he prefers the phrase unrepresentative.

MR JACOBS: That was his own interpretation. I just want to ask him about the UDF, if it was said here like this. Can I put my question and then the Court can correct me if I am wrong then sir. Do you whether it was part of UDF's propaganda to depict South Africa as an illegal, illegitimate regime? -- I do not know of such a situation ever arising within the UDF. (20)

And is this not such a situation where it was depicted as illegal, illegitimate regime as a sort of propaganda against the government and it was put as such to the people on this meeting? -- As I said I do not know of such a situation where the UDF had put it that way.

But here it was put that way, do you agree that at this instance it was put in that way to the audience on this meeting organised by the UDF? -- As this meeting took place a very long time ago my own recollection would not be exactly (30)

as/....

as things happened at that meeting and on the basis of the transcript having been admitted in court I would admit to that extent.

So it was propagated here, if this transcript is correct then it was propagated on this meeting? -- Well I do not know if this was some form of propagation because the man was giving a speech.

And the speech was for the benefit of the people on the meeting, is that correct? -- Well I do not know what was his aim when he spoke up at that meeting. (10)

Will anybody speak at the meeting without reaching his audience?

COURT: It sometimes does happen.

MR JACOBS: Or trying to reach his audience? I would like you to have a look now at EXHIBIT V19(b). Have you got it before you or not, V19(b). Will you have a look at page 2 of it. There is the name Aubrey Mokoena, do you know Mr Aubrey Mokoena? -- Yes I know Mr Aubrey Mokoena.

Do you know whether he is on the executive of the Transvaal, Executive of UDF Transvaal region? -- Well I think he was in (20) the executive of the Transvaal then.

Now on this meeting he did speak, is that correct? -- Yes he did.

Now do you, can you remember and have a look at the following, that he asked the people:

"But as we pray for these, that terrorists then, but then we do not pray with our eyes closed as we are taught but as we pray with our eyes wide open as revolutionaries."

-- I can see that in the script here. (30)

And/....

"And as we do that we hum one popular tune of the struggle, Sinzenina."

Is that what happened on this meeting, do you agree? -- Yes this is what happened at the meeting.

An interesting point now, this song Sinzenina is a song of the struggle? Do you agree? -- As a lament yes.

As a song of the struggle? -- As a lament, yes.

I beg your pardon? -- As a lamentation.

COURT: Well then it is not a song, it is a lamentation of the struggle. -- You can take it that way. (10)

MR JACOBS: And do you agree that Mr Mokoena associated the people on the meeting there as members of the revolution? -- I do not agree with that.

So what do you understand when a person says that you must pray with your eyes wide open as revolutionaries? -- My understanding here, and in the context of it being said by a person of Mr Mokoena's calibre, I do not understand him to be meaning violent people by referring to revolutionaries but I understand him to be meaning people who are supportive of the concept of rapid and total change. (20)

And if you read through the next part of the paragraph.

COURT: Well let me just get clarity here. How do you pray, with your eyes closed or with your eyes open? -- It depends on what denomination you belong to.

You personally? -- I prefer to do both.

Are you, do you belong to different denominations then? -- I personally do not attach any significance to the closing or opening of my eyes during prayer because I believe that prayer is in the mind.

What do you understand under this phrase "We do not pray/..." (30)

pray with our eyes closed as we are taught but we pray with our eyes wide open as revolutionaries"? -- Well he must be referring to teachings that one should pray with one's eyes closed.

Yes, now why would revolutionaries pray with their eyes open and others with their eyes closed? Does it have a specific meaning? -- Well the difference there, because I myself personally do not attach any significance, I did not understand why he differentiates there.

MR JACOBS: And if you read the rest of that paragraph, let us start there: (10)

"We pray for those who are banned, those who are banished, those who are detained, those who are standing trial before the courts of this racist minority regime which has itself from all, and its crime that upon the legitimate people of"

COURT: I do not think you can put this portion to this witness, it is not clear what was said because of the interruptions or pieces that got lost in the transcription. You can take a portion of this transcript where there is a clear sentence but this little bit here which you are reading (20) I do not think it will be clear to put to the witness.

MR JACOBS: Can I put the next part:

"We pray for those who are forced into exile, we are thinking of those who have been incarcerated in Robben Island, Pollsmoor Prison and all other institutions that are making out punitive

COURT: That are meting, meting out punitive measures.

MR JACOBS: "Meting out punitive measures against our people and finally we are praying for those who pay the supreme price through their lives and laid down their life, (30)

and/.....

and they died for the struggle for liberation." Was that part of the prayer? Is it correct? -- That is his prayer.

Will you agree that the prayer with eyes open like revolutionaries, the prayer is for revolutionaries, do you agree to that? -- No when I pray with my eyes open I do not necessarily attach myself to anything. It depends on what I am praying for at that particular moment.

Mr Vilakazi I did not ask you what you prayed. I said this prayer at this meeting Mr Mokoena's prayer as a revolutionary was a prayer for in actual fact revolutionaries? -- Well I do not see it as a prayer for revolutionaries.

COURT: Well does not the prayer say "We as revolutionaries do now pray for" the following? -- Well I see him saying that we must pray with our eyes open as revolutionaries and he prays and he chooses to pray for sections of the community, for those people who are arrested, who are imprisoned and in prisons I do not see people who are bent on revolution as only people in prisons.

But he chooses only certain prisons, not Pretoria (20) Central for example? -- Well he chose Robben Island and Pollsmoor.

Yes. So he is only praying for political prisoners, not for prisoners in general. So this is a political prayer is it not? -- Well it is a prayer for people who are in prison, that is how I took it.

But only on Robben Island and Pollsmoor? -- But I did not understand Pollsmoor to be a prison also solely for political prisoners.

And other institutions meting out punitive measures (30)
against/....

against our people? So do you think that he is praying for common thieves? -- Well he is also praying for people he sees as meting out punitive measures against our people.

. Against our people yes, that could mean common thieves. Did you think he was praying for common thieves? -- Well my understanding was that he was praying for people in prison. I did not attach any difference on his prayer and the prisons he was praying for that he mentioned in his prayer.

MR JACOBS: And the prayer is also for people who died in the struggle for liberation? (10)

MR BIZOS: My Lord I am sorry to interrupt but the way the question was put we are thinking of those who have been incarcerated in Robben Island and Pollsmoor Prison and all other institutions that are meting out punitive measures against, prisoners do not mete out punitive measures to themselves, so there must either be something wrong with the transcript or he did not express himself well.

COURT: No, "We are thinking of those who have been incarcerated, Robben Island, Pollsmoor and in all other institutions..."

MR BIZOS: There is no "in" in my, on my copy. (20)

COURT: Well that have been incarcerated on Robben Island, he does not say in Pollsmoor Prison so it means in Pollsmoor Prison and all other institutions that are meting out punitive measure against our people.

MR BIZOS: All other institutions.

COURT: Yes, that are meting out punitive measures against our people.

MR BIZOS: Yes. It is capable of a meaning.

COURT: Well what is your meaning Mr Bizos?

MR BIZOS: If one is to interpret it grammatically, and I (30)

do/....

do not know whether Mr Mokoena meant it or not, those that impose the sentences. They are the people who mete out the punitive measures. If one is to interpret his words they...

COURT: You mean he is praying for the magistrates?

MR BIZOS: That is the natural meaning.

COURT: Are you serious?

MR BIZOS: No My Lord, what I am saying is that if we take the words with a number of interruptions, if we take the words with a number of interruptions and we ask a witness who says "I do not remember the precise words but under the assumption that(10) this is said" the most logical grammatical meaning is that the magistrates that impose the, that mete out the punishments were also prayed for.

COURT: Did you regard it in that light Mr Vilakazi? -- As I said here that I am taking it as it is here and I have referred to all the prisons, that is my understanding of the prayer as it is.

MR JACOBS: And those who died for the struggle for liberation? What about that? Is that a prayer ... -- I do not get the question clearly.

(20)

He also prayed for the people who died in the struggle for liberation and they are the revolutionaries, do you agree to that? -- Well I do not know if people who die in the struggle are revolutionaries, all of them. Because I have seen in the townships children dying for at times no apparent reason and cases have come in front of courts where you find that it has been found out that these children were not killed for any cause. As such if I regard those children and I see that their deaths have been or have come about because of some form of protest, not necessarily in their schools but also in

(30)

adjacent/....

adjacent schools where these same children were not involved, I would not regard such deaths as those children dying because they are revolutionaries.

At the stage ... -- If Mr Mokoena chose to pray for such souls.

If a situation developed up to such a stage that the police must take counter measures to prevent further bloodshed or damage to things is it only, is that not revolutionary actions of people coming in conflict with the authorities, (10) resistance? -- Well I have heard of situations and these are the situations I refer to where there was no prior loss of life or any danger to property but because of hard handed action taken you find that death results.

And let us carry on to page 4.

COURT: Page 4?

MR JACOBS: Page 4. After his prayer did Mr Mokoena, did he make a speech there in the meeting, is that the rest of his speech there?

COURT: Well do not ask the witness is this the rest of (20) his speech. We have agreed this is his speech.

MR JACOBS: Do you agree that after his prayer he carried on and he made a speech?

MR BIZOS: My Lord I am sorry to stand, we have agreed, so that there is no misunderstanding, that this is the portion of the speech that is on the tape.

COURT: Yes. Does the agreement cover that it is Mr Mokoena's speech? Otherwise we will have a long cross-examination on this.

MR BIZOS: No, I think that Mr Mokoena was identified. (30)

COURT:/.....

COURT: Yes I also have, I do not have my notes here.

MR BIZOS: Yes I am not raising, but I did not want any misapprehension to exist in relation to the nature of the admission and that is why, not in relation to the name. I think that ...

MR JACOBS: And it was said there in the middle of that portion, page 4:

"There is only one struggle, the struggle, the popular struggle ...

COURT: Just a moment, have you got that? -- I have got that. (10)

Right in the middle of page 4. -- That is so.

MR JACOBS: "There is only one struggle, the struggle, the popular struggle of the liberation of the people. We warn everybody who opens up an umbrella and says come under my struggle today and then in a fortnight's time somebody comes and opens up his political umbrella and says come under my umbrella. We say there is only one struggle."

Was it said, can you remember that? -- I can remember that.

And does it mean that it is a whole struggle, libera- (20)
tion struggle by the UDF and the ANC all under one umbrella?
-- No if I look, because of some assistance, there are underlinings in this script.

COURT: I think you should not take too much cognisance of the underlinings because depending from which side it emanates the underlinings may support you and help you or may send you slipping.

MR BIZOS: That copy is not from us.

COURT: So then it is the State's copy, watch out. Yes what is your answer? -- I have watched out and then I will (30)

answer/....

answer to that question, and I will say because the United Democratic Front is banned ...

COURT: The ANC. -- Is banned on peaceful ...

MR BIZOS: Bent.

COURT: I am sorry. -- Is bent on peaceful resolution of problems in the country and this is the only way the United Democratic Front sees its struggle that of being a peaceful struggle and Mr Mokoena here I understand him to be inviting people to realise that there is only one struggle and that is peaceful struggle for peaceful resolution of the problems (10) in the country.

MR JACOBS: Do you agree there are no words to the effect that it is a peaceful struggle in this portion that you read? -- I agree there is no word like peaceful struggle in that script that I have read.

ASSESSOR (MR KRÜGEL): Either in Dr Mohammed's speech that we have had before? -- That is so but the question is what is meant by that and I have to attach my understanding of what is meant, how I understand. This is what I am giving evidence on.

COURT: What do you understand by these words, at the bottom(20) of page 4:

"We are pleading to all to come under the banner of the UDF and by the way the UDF does not purport to be a substitute of the People's Popular Liberation Movement."

What is the People's Popular Liberation Movement? -- By the People's Popular Liberation Movement as I understood it I understand it to mean the movement or the manner that people approach their problems and this manner or methods that the people approach their problems with being popular, that is what I understand by a people's popular movement. (30)

I/....

I see, does it not refer to the ANC? -- Well I do not know it as a Popular Liberation Movement. Nor do I know it personally as being a popular movement.

MR JACOBS: And did you agree with Mr Mokoena on the two passages just quoted, that you handled?

COURT: What is the question again?

MR JACOBS: Did you agree with Mr Mokoena's statements in the two passages just read by you? -- Well in as far as I understand it that the UDF is part of the people's population liberation movement of resolving the problems of the country(10) through peaceful means I agree to that extent.

COURT: It does not say it is part of the people's popular liberation movement. It says it is not a substitute for the people's popular liberation movement. -- That is so because the country has had a history, a long history of peaceful protests in the country.

Now if the UDF, yes? -- And if the UDF comes the UDF is seen as being part of the peaceful approach to solving of the problems, and not to be seen in isolation. That is how I see it.

(20)

But now if I read this correctly it means that there is the UDF on one side and the people's popular liberation movement on the other side. Now which is the people's popular liberation movement? -- Well I did not isolate it, the UDF to be as I read this and I do not see it in isolation of the popular movement as I describe it as being the deliberations of our people through the years to resolve their problems peacefully.

Well it cannot mean that because then it would mean that he says that UDF does not purport to be a substitute for (30)

history./....

history. That is not what he is saying. Anyway if that is your explanation that is your explanation. I am asking this question because this is not the only place where this occurs, this phrase occurs in the declaration or working principles of the UDF itself. -- That is so and that is how I understood it.

MR JACOBS: And do you agree that the wording is quite clear here:

"We are pleading to all come under the banner of the UDF."

That is clear? -- That is clear. (10)

"And by the way the UDF does not purport to be a substitute."

That is also clear to you? -- That is clear.

"Of the People's Popular Liberation movement".

It is not a substitute for that, you understand that? -- I understand it and I have given my explanation of my understanding of that. I cannot be given or be pushed to give a meaning that I do not understand or that I do not attach to any phrase to this which was said by Mr Mokoena.

And UDF has come to oppose apartheid in toto. You understand that as well? -- I do understand that as well. (20)

What does it mean that you oppose apartheid in toto? -- It means to oppose all forms of apartheid.

The government, everything in the country that is not according to your policy, is that correct? -- Apartheid, it specifically refers to apartheid there.

And did you also subscribe to the question of the popular struggle, there is only one struggle and the struggle, the popular struggle of the liberation of the people? -- The way I described it, yes. (30)

And/....

And that is also the policy of you in the VCA, that there is only one struggle, the popular struggle of the liberation of the people? -- There was no instance in the VCA where we discussed that.

But you in the VCA affiliated to the UDF, is that not correct? -- We are an affiliate of the UDF.

And did you accept as such that you were part of the struggle waged by the UDF? -- The struggle against apartheid, yes.

Yes. And do you agree with the sentiments of the UDF (10) that there is only one struggle, the struggle, the popular struggle of the liberation of the people? -- I do not know it to be the sentiments of the UDF. I am describing here what I understand by Mr Mokoena's speech in this respect.

But I am asking you is it part of your policy that you subscribe, that you are struggling a struggle for the liberation of the people? -- Liberation of the people from apartheid. Through peaceful means.

COURT: Tell me Mr Vilakazi did you participate in the applause after Mr Mokoena had said "And by the way the UDF does not (20) purport to be a substitute of the people's popular liberation movement"? -- I do not remember whether I applauded then or not.

Can you explain why the audience would applaud this sentence had it meant what you say it means? -- Well I will explain that in the way, the manner that I have explained it as I understand it. I would see the people appreciating the expression that the UDF is still bent on the old principle of peaceful change which is a peaceful, which is a popular approach to solving the problems of the country. And I (30) would/....

would see an applause being a re-emphasis on their position for peaceful resolution of these problems.

ASSESSOR (MR KRÜGEL): What do you mean by peaceful revolutionary change?

COURT: Peaceful resolution.

MR JACOBS: The Court referred you to, I am sorry. You were referred to the Working Principles. I have got my copy here.

I just want to read to you, I have only got one here.

COURT: What document are you referring to?

MR JACOBS: EXHIBIT A1.

(10)

COURT: Page?

MR JACOBS: Page 8.

COURT: Is it the Working Principles?

MR JACOBS: That is the Working Principles.

MR BIZOS: (Inaudible)

COURT: No doubt the witness knows it. If you want a copy you can have mine.

MR JACOBS: I will read to you and then, ons het die ander een ook Edele, u kan u'sn hou. The Court referred to the Working Principles also. I just want you to have a look at page 8 (20) of EXHIBIT A1. That is paragraph 3.4, the decision was taken and embodied in the Working Principles:

"That the UDF shall not purport to replace the accredited liberation movements of the people."

COURT: Which are these accredited liberation movements of the people? -- In my understanding and how we saw it in the Vaal Civic Association when we sought affiliation with the UDF we understood this to mean that even though the organisations do come together under the banner of the UDF the UDF is not to replace these organisations as accredited by the people who (30) launched/....

launched those organisations.

Now which organisations? -- All those organisation that affiliate to the UDF.

Well was COSAS a liberation movement? Was COSAS called a liberation movement? -- Well liberation in the sense that COSAS was against, as I understood it to be, inequality in education.

No I just want to know, was COSAS a liberation movement, yes or no? -- Well I would not know whether they regarded themselves as a liberation organisation.

Well then was the Soweto Civic Council a liberation (10) movement? -- My understanding is that these organisations...

Just tell me yes or no, as you saw it. Was the Soweto Civic Council, Civic Association, SCA, a liberation movement? -- Well I would say they were liberation movements in that, if I may add, in that they were organisations through which the people wanted to remove their burdens, to liberate themselves from the burdens and the problems that affected them in their own areas.

Yes, you need not explain why you say so. I just want to get clarity. You say COSAS is a liberation movement, the SCA(20) is a liberation movement. Yes, you need not give any reasons as you saw it. Is that correct? The VCA was a liberation movement? -- I have to explain why I say it is a liberation movement.

No I do not want to know why you say so at this stage. I can always ask you that later. I just want to get clarity. You say each and every civic association was a liberation movement, and each youth organisation was a liberation movement and they all fall under this term paragraph 3.4 of the Working Principles? Is that what you say, what you thought? At (30)

the/....

the time? I do not think you need have difficulty with this question because it is an easy question. -- I understand it is an easy question but with the answer I have to explain what I mean by that.

No but you must just tell me, is that correct that each and every civic association was regarded by you as a liberation movement and each and every youth organisation, student organisation, scholar organisation was regarded by you as a liberation movement under paragraph 3.4? Because if that is not so then the answer must be different from what you have (10) told me. -- I have difficulty in answering to that without explaining myself.

Yes, no I first want you to tell me yes or not and then you can explain it. Because if I get the explanation first I still do not know exactly what the answer is. Did you regard youth organisations, COSAS inter alia, and all civic associations as liberation movements of the people? -- As liberation movements with regard to the particular problems that they were focussing at.

Never mind on the problems. Did you, did they fall (20) under the term liberation movements of the people as set out in 3.4? That is all I am asking. I cannot see your difficulty Mr Vilakazi, it is either yes or no. -- Well I would say no.

Well if they are not the liberation movements of the people referred to in 3.4 which bodies are the liberation movements of the people there referred to? -- Then I would not be in a position to answer that as I would not know which are referred to there.

COURT ADJOURNS UNTIL 30 JANUARY 1987.

(30)