

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA  
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-05-03

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en  
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. H. SMITH

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 :

LUBBE OPNAMES

VOLUME 393

(Bladsve 22 745 - 22 806 )

THE COURT RESUMES ON 3 MAY 1988

SHEENA DUNCAN, still under oath -

FURTHER EXAMINATION BY MR BIZOS: We promised your lordship complete articles in relation to 158 and 161. We have not forgotten about them, I am instructed that they will be here during the course of the morning. Mrs Duncan, I would like to show you an article headed: "Bantustans - a cynical smokescreen." a talk published in your magazine in November 1976 and attributed to Mr Benjamin Progrund. Is that so? -- That is correct.

COURT: EXHIBIT DA.162. (10

MR BIZOS: As your lordship pleases. I do not intend at this stage reading any portion of it into the record.

COURT: Well, I have this difficulty with this approach. This means that until the end of the case I will wonder why this document is handed in. If you refer me to the paragraphs which are important, that would help.

MR BIZOS: Yes, let me try and give your lordship a blanket - the reason why we are putting them in is in order to show that before 1983, there was this campaign in relation to the subject matter. This is the main purpose. What we will also tell (20 your lordship during the course of the argument - I will submit that it is not necessary for your lordship to read the whole of it until then. What we will do during the course of argument is refer your lordship to specific articles in relation to the nature of the campaign, in order to prove that there was this campaign and more particularly the language that was used, in order to rebut the suggestion that the UDF's campaign or issue as Mr Molefe called it, rather than a campaign on the matters that they were not very active, was nothing novel and it is for that limited purpose that I submit that it is not really (30 necessary/ ..

necessary for your lordship to burden your lordship to read the whole of this. We will submit at the end that there is a thread running through these matters which is older than the UDF and that the UDF really found itself in the situation rather than creating the situation as alleged by the state, and also that it did not copy the language of the ANC, but that this is the language of protest or the language of extra-parliamentary opposition. That is really the purpose.

COURT: Very well.

MR BIZOS: I want to refer you to the next article published (10 in your magazine in November 1981, an article written by you, called: "Citizenship - the consequences of its loss".

COURT: This will go in as EXHIBIT DA.163.

MR BIZOS: I want to show you a letter - I beg your pardon, a press statement from the Black Sash, signed Mrs Joyce Harris, the national vice-president, dated 24 June 1982. Was this letter written and where did you find this document? -- I found it in the files in the Black Sash office in Johannesburg.

COURT: This will go in as DA.164.

MR BIZOS: As your lordship pleases. I want to show you an (20 article published in May 1982 by Dr Margaret Nash, headed: "An empty table labelled independence".

COURT: This will go in as EXHIBIT DA.165.

MR BIZOS: Now turning to more specifically group areas, I want to show you an article published in the February/April issue of The Black Sash, 1966, headed: "District Six "Planned Social Sabotage"", from Barbara Wilks.

COURT: This will go in as EXHIBIT DA.166.

MR BIZOS: And pages 23 to 25 of the November 1967 Sash with articles called "Group Areas: Some extracts from the statement

(30  
made / ..

made by Nana Sita at his trial under the group areas act in the magistrate's court in Pretoria on the 17th August 1967". An artikel, "Reservation of Separate Amenities Bill", and "The Death Knell of Old Simon's Town".

COURT: This will go in as EXHIBIT DA.167.

MR BIZOS: An editorial of the Black Sash, August 1968, with the concluding words attributed to Mr B J Vorster: "But you must not try to take a man's home away from him".

COURT: This will go in as EXHIBIT DA.168.

MR BIZOS: An article appearing on page 22 of The Black Sash (10 August 1968, called: "We protested then:- Bontrug"

COURT: This will go in as EXHIBIT DA.169.

MR BIZOS: The next: "Memorandum to the state president and supreme chief of the African peoples of the Republic of South Africa", published in The Black Sash, November 1968.

COURT: This will go in as EXHIBIT DA.170.

MR BIZOS: I want to refer you to page 24 of this EXHIBIT DA.170 in which the wording of what appears to be a petition appears in the box section of the page:

"We, the undersigned, ask you to show concern for the (20  
fact that in the name of the law and for the sake of  
ideology, hundreds of thousands of South African are being:  
Arbitrarily uprooted and removed from their homes with  
disregard for their material and spiritual needs and their  
means of livelihood; Denied the right to live together with  
their families; Expelled from urban areas where they have  
been living and working and turned into displaced persons.  
without concern for their aspirations and security and the  
suffering caused. We believe that justice and the need for  
stability in South Africa can best be served by having (30

secure / ..

secure communities and stable family life and that the matters complained of strike at the roots of our society. We urge you to exercise your powers and influence to stop these grave wrongs which are being perpetrated on our non-white fellow countrymen."

Was there such a petition? -- There was a petition yes, and it was delivered to the state president's secretary, with a memorandum, on Tuesday 12 November 1968.

Was this the only occasion where petitions were drawn and presented by the Black Sash or was it a manner, an activity in(10 which you often indulged? -- We did often used to have petitions. This particular one was amongst the last. It was organised not only by the Black Sash, but by the citizens' action committee which we called together; consisting of members of other organisations, church people and lawyers. We only achieved just under 22 000 signatures on this occasion and petitions came to seem to us not to be such a successful strategy; because they are a lot of work and there are other ways of getting the point across.

Now I will turn to cost of living - I beg your pardon, I want to ask certain general questions. These publications (20 and your activities in relation to the group areas and removals, bantustans; did you perform any of this activity on behalf of an unlawful organisation? -- No, we did not.

Do you consider cost of living a day to day issue affecting people? -- Yes, it is a day to day issue affecting everybody.

Did the Black Sash from time to time take this up? -- Yes, we did. We have done over the years, particularly in relation to the budget each year, when we usually focus on that.

Yes, I want to show you a letter written and published in The Black Sash in December 1970, to the minister of bantu (30 administration/..

administration and development and a cartoon attributed to Mr Bob Connolly on the same page. I want to read this into the record, m'lord:

"Minister of Bantu Administration and Development.

Dear Mr Botha,

When you stated that there are no starving Bantu, how would you have defined the word 'starvation'? The Concise Oxford Dictionary defines it not only as dying of hunger but also as suffering from lack of food, feeling hungry and being deprived or kept scantily provided with food. (10

Can you honestly say, as a thinking man, that not one Bantu is starving in this country? Can you honestly say that no one feels hungry? You must have access to reports on resettlement villages at Grahamstown or the Sundays River Valley where Africans are kept scantily supplied with food, and conditions are created which cause many to perish directly or indirectly from hunger. A survey has shown that in Sekhukuniland at least 50 per cent of all children born alive fail to reach their fifth birthday and the majority of those who do die do not reach their third birth-(20 day. One may deduce from this that those who do not die of outright starvation have obviously a lowered resistance to disease.

Please, Mr Botha, you are straining our credulity when you state: "there is not one starving Bantu in South Africa the Nationalist Government would not allow it". If the Government would not allow it you could possibly use your influence to see that a basic minimum wage is paid to the African, that job reservation is done away with and that Africans are not endorsed out to the Siberia of the (30

Transkei/..

Transkei,

Will you press for the reintroduction of school feeding for the Africans and take the burden from charitable bodies who cannot meet the need, or do you acknowledge a man to be starving only when he is dead?"

and it is a letter written by the Eastern Cape Regional Council of the Black Sash, published; and the cartoon speaks for itself.

COURT: That goes in as EXHIBIT DA.171.

MR BIZOS: As your lordship pleases. Did an editorial appear in relation to the poverty of the black people in South Africa, in The Black Sash of June, 1971? I do not intend reading this into the record at this stage. (10

COURT: This goes in as EXHIBIT DA.172.

MR BIZOS: As your lordship pleases. Was an article under the heading: "Rural Poverty" by Judith Hawarden, published in the May 1981 issue of The Black Sash? -- It was.

I do not intend reading it at this stage.

COURT: It goes in as EXHIBIT DA.173.

MR BIZOS: In taking up the question of poverty, the question of the cost of living and how it bears upon the African people, did you do the bidding of any unlawful organisation? -- No, we did not. (20

The next subject matter that I would like to deal with is the one that has been referred to in his lordship's quarter as repression, dealing with detentions, political prisoners and exiles. I would like to deal with your minutes first. Would you please have a look at EXHIBIT DA.141, page 13, paragraph 19(iv) on the last third of the page:

"Political Prisoners

The following resolution was passed unanimously. "The (30

Black / ..

Black Sash rededicates itself to continue to fight for:

1. The release of all political prisoners;
2. The repeal of all those laws which allow for bannings, banishments, detentions, and punishment without trial;
3. The right of habeas corpus to be restored."

Was that resolution passed at the 1981 conference? -- It was.

COURT: What is your definition of a political prisoner? -- People who are held in prison for crimes of a political nature or who are held in prison without benefit of due process of law.

Are crimes of a political nature all crimes against the (10 state? -- No, I would not say all crimes against the state.

Which crimes are crimes of a political nature? -- Crimes where people have been found guilty for example of furthering the aims and objects of a banned organisation; crimes where people have been found guilty of treason on grounds where in any democratic country, their offences would amount to no more than active extra-parliamentary organisation against unjust laws or against laws.

Just wait a moment. Yes, anything else? -- Well, not that I can think of. That is a very wide definition I have given (20 you, and I would need..

Well, is it treason if in any democratic country their offence would not amount to more than active opposition to unjust laws? -- Right.

This means that any law which is regarded by a particular person to be unjust, he can act against it and it would be a political offence? -- Yes, but it would really be a person acting against an unjust law, because the judgement about laws being unjust is not generally made by one individual.

Yes, Mr Bizos?

(30

MR / ..



MR BIZOS: As your lordship pleases. to read into the record, paragraph 19(vii), that is also at the bottom of page 13:

"The Black Sash, believing that:

1. The freedom and lives of the individual are not to be taken lightly by servants of the state;
2. Where members of the SAP are involved in incidents resulting in injury and loss of life special care must be taken by the authorities to reassure the public that violent acts by the SAP are always thoroughly investigated and firm action taken where necessary; (10
3. The refusal by the Minister of Police to accede to well-documented requests to hold public or judicial enquiry into the shooting by members of the SAP in New Brighton, Port Elizabeth, on 5th November 1980, which resulted in the deaths of several persons has not reassured members of the public that servants of the state are being held accountable; therefore asks the Minister of Police to advise the public of the nature and extent of the investigation into these incidents." (20

Was that a resolution or a statement? Or don't you really distinguish between the two? -- A resolution which was unanimously adopted.

I want you to please have a look at EXHIBIT DA.139, the minutes of your conference in 1983, page 12D: Detentions and Bannings:

"Support the DPSC wholeheartedly in whatever ways are possible; continue to protest and express dissent in publications, demonstrations, car stickers, etc., moral support / .. (30

support, visiting with on-going commitment for forgotten banned and banished people. It was stressed that this was an on-going commitment. It is better to do nothing than to pay one official visit. DPSC and dependents' conference will know of people in need. Transvaal will circulate information. Support of political powers by being present regularly."

Was that matter again - is that a resolution? -- No, that is not a resolution, nor a statement. It is a summary of discussion of what action the Black Sash was going to take in the following (10 year.

Yes. Whilst we are on this document would you please have a look at page 7 under the heading: DEATHS IN DETENTION:

"Delegates and observers wearing sashes each with the name of a person who has died in detention stood while the names were called out one by one and then observed a minute's silence.

Sheena Duncan on behalf of all the delegates, thanked Cape Western warmly for the lovely party given at the home ...

she also thanked others.." (20

That is all, m'lord. I am sorry, the rest does not appear..

COURT: Shall we delete the party?

MR BIZOS: We will delete the party.

COURT: And get more serious.

MR BIZOS: As your lordship pleases. Is this a practice which was adopted by the Black Sash in memory of people who died in detention? -- We have for many years at the beginning of formal meetings of the Black Sash, such as the national conference or the regional conference, read out the names of those who have died in detention. On this particular occasion we wore the (30

black / ..

black sash with the name of an individual person. That is not done everytime.

On page 16 to 17 of the same exhibit, DA. 139: STATEMENT on DETENTION:

"The following statement was unanimously adopted by the conference and released to the press:

"The death in detention of Mr Tembise Simon Mndawe has exposed once again the brutality of detention. The Minister's code of conduct has been shown to be totally ineffective. More ominously, the press has joined in labelling (10 Mr Mndawe an "insurgent" and "terrorist", and implicitly justified his detention and death. We report most urgently our call for the total abolition of the security laws and the unconditional release of all detainees. Only this can end the litany of deaths in detention. We rededicate ourselves to the continued campaign against the detention system."

I would then like to refer you to your 1984 conference, EXHIBIT DA.140, at page 17 - yes, I am sorry, it is page 18 and not 17:

"DETENTIONS - THE CHANGE IN SCENE": (20

The paper was presented by Audrey Coleman. Grave concern was expressed that the public no really knows the total number of detentions. The Protection of Information Act causes the press to impose undesirable self censorship. In Namibia and in the bantustans there is a great lack of information. Abel Dube has been in preventative detention since April 1982, and his detention order has been extended to the end of 1984. He is the only person known to be held under this particular clause. It was agreed that the Black Sash mount a campaign for his release and the Transvaal (30

will/ ..

will design the campaign and produce the material for all regions. It was agreed that a booklet be produced on the rights of people vis-a-vis detention. This will also be done in the Transvaal. Di Bishop raised the question of security police involvement in certain pass law arrests. Joane Yawitch reported on a series of attacks and death rates which have taken place recently in Johannesburg against white people working in various opposition organisations. Audrey Coleman expressed concern about the official intimidation which takes place in public places and courtrooms (10 Joan Grover suggested we should make a point of remembering the disappeared ones when we remember those who had died in detention."

Was that noted at your conference? -- It was.

I want you to please have a look at your 1985 conference, EXHIBIT DA.144, on page 13 and 14, item 25. Does that deal with (intervenes)

COURT: Statement no.1 on that page?

MR BIZOS: Item 25.

COURT: Top of the page - detentions. (20

MR BIZOS: As your lordship pleases, yes. Thank you. Under  
DETENTIONS:

"It was noted that there was an estimated 1149 detentions in 1984 which is the highest number since 1976/77. This lays bare the hollowness of the Government's pretensions of consensus rule and reform. The call for "charge or release" in South Africa is appropriate because in this society the majority of people are voteless. They have no say in the formulation of the laws which govern them and do not respect the laws designed to subjugate them nor (30

feel / ..

feel bound by them because, to quote a lawyer whose assessment of section 54 of the Internal Securities Act, is'

"Any person protesting against any facet of the system whether constitutional, political, industrial, social or economic, even in an entirely passive and peaceful manner, can be arrested and tried for offences of sabotage or subversion. This act casts the net so wide as to include as criminal and subversive conduct regarded as perfectly legitimate and lawful in normal societies. It provides the authorities with a use-(10 ful device to prosecute selectively with no effective safeguards."

COURT: Who was the lawyer? -- I do not recollect, but I would suppose it was an academic lawyer.

MR BIZOS: (Continues to read):

"This leads to:

1. the criminalising of legitimate opposition;
2. using the law courts to effectively neutralise opponents who are awaiting trial; thus disguising the ever-increasing number of detainees. In most cases (20 bail is refused.
3. the courts themselves are now being used to subvert the rule of law while apparently observing the due processes of law.

Under these circumstances, the Black Sash rejects the call for "charge or release" and backs the DPSC's call for the "unconditional release" of all detainees and will actively attempt to influence all people to take up this call and to call for the abolition of the Internal Security Act in its present form." (30

Was / ..

Was this decided in your 1985 conference? -- It was.

And item 25, does that deal with the position of children in detention? -- That was in that - that whole discussion under item 25 was specifically related to reports that children were being held in detention in prison in Port Elizabeth, and were being held in the same place as adults. And that report was received by the conference, and that item: "Report back on present crisis", is a report on what we did immediately when we received that information.

Did you actually interrupt your conference in order.. --(10 We interrupted the conference to (simultaneously)

To look into this? -- To meet with the chief magistrate and the commandant of the prison, the chairman of the bar council and we then went and sought an interview with the chairman of the medical association of South Africa in Port Elizabeth on that issue.

Would you have a look at DA.138, page 13. On top of the page on detentions:

- "1. The Black Sash condemns the practice of arbitrary arrest and detention as being a violation of the (20 civilised concepts of liberty and human rights which negates the fundament right of habeas corpus and the principle of the rule of law;
2. The Black Sash affirms that evidence obtained from detainees under the interrogation procedures employed and from those held in solitary confinement is without credibility and should be inadmissible in any court of law.
3. The Black Sash demands the abolition of the detention laws and the immediate release of all detainees. (30

./..

4. The Black Sash pledges to act unceasingly to achieve this."

Was this a statement or a resolution? -- It was a resolution.

Taken at your 1982 conference? -- That is right.

Now did you in a number of publications ..

COURT: Are you going away from the existing exhibits?

MR BIZOS: The existing exhibits - yes, I am going away from them. Did your magazine publish an editorial in August 1969 in relation to legislation then introduced which, in your opinion, affected adversely the lives of the people in South Africa? -- Yes, (10 we did.

COURT: EXHIBIT DA.174.

MR BIZOS: As your lordship pleases. In August 1969, did an article appear, written by Mrs Jean Sinclair; a reprint from The Star, headed: "FREEDOMS WE HAVE LOST"? -- It did.

COURT: This is DA.175.

MR BIZOS: Did you publish in The Black Sash of May 1970, the editorial headed "The 22"? -- Yes, we did.

Is that a comment on the action of the prosecuting authorities in relation to that case? -- Yes, not the prosecuting (20 authorities at that stage. The article is a protest at the detention of people without any due process of law.

Yes.

COURT: EXHIBIT DA.176.

MR BIZOS: If your lordship is interested, the case referred to here is reported, it is S v Ndau & Others in the appellate division.

COURT: Ndau?

MR BIZOS: Ndau. They were recharged and released on the basis that, on autrefois acquit. (30

In August 1976 was there what was originally a hand-out issued by the Western Cape region of the Black Sash reprinted in your magazine in August 1976, headed: "The Internal Security Act"?  
-- It was.

COURT: This goes in as EXHIBIT DA.177.

MR BIZOS: Did you, the Black Sash, in 1976 publish a statement by the late Ernest M Wentzel headed: "This law is a danger"?  
-- We did.

COURT: DA.178.

MR BIZOS: Was a letter written by your national president, (10 Joyce Harris, on 19 February 1982, to the editor of the The Star I do not know, m'lord, I have just seen a note that it was not published. I do not know, I (hesitates)

COURT: It is up to you, Mr Bizos. When one is drowning in six feet of water, you may as well drown in six feet and one inch of water.

MR BIZOS: As your lordship pleases. Did you find this letter. (hesitates)

COURT: Was it not publishable?

MR BIZOS: I do not think so. May the editor felt that Mrs (20 Harris had more than her fair share of his space. I do not know. It certainly did not strike me as unpublishable. -- Well, it certainly, whether it was published or not, expresses the opinion of the Black Sash at that time..

It expresses the opinion of the Black Sash. -- .. about in particular the deaths in detention.

Your lordship has said that it is DA..?

COURT: DA.179.

MR BIZOS: As your lordship pleases. In bringing to the attention of the public your views and the condemnation, the (30  
legislation/..



legislation and its administration, were you doing the bidding of any unlawful organisation? -- No, we were not.

COURT: Were you charged with subversion in terms of the advice of the eminent lawyer? -- No, we never have been charged with subversion.

MR BIZOS: You have seen the UDF resolutions? -- I have.

Did the resolutions of the UDF that you have looked at materially differ from what you stood for and what you said?

COURT: The resolutions on the points you have discussed?

MR BIZOS: On the points that we have discussed so far. -- (10  
No they do not materially differ in any respect to what the Black Sash has said.

And in addition to the material that we have placed before his lordship, did you yourself and other members took to public platforms from time to time? -- Yes, we have. On all these issues from time to time.

Please have a look at EXHIBIT DA.139.

COURT: On what topic are we now?

MR BIZOS: The freedom charter. On top of page 6, this was your March 1983 conference? -- That is correct. (20

And I want to read this into the record: "The Freedom Charter":

"It seems likely that the broad democratic alliance at present being formed to oppose the proposals and legislation arising from them, they require participating organisations to endorse the freedom charter. Several versions of the charter are in circulation, but there is as yet no clarity on which version will be the basis for a final decision. In the original version, delegates to conference did not express any difficulties with the..(intervenes) (30

COURT / ..

COURT: Could I just ask a question here? I have not so far heard that there are various versions of the freedom charter. Is it correct that there are different versions? -- No, there is only one version, but at that time there were many different copies that had slightly differing wording and so on, that went around. I think the reason for that was that people had had the mistaken belief that the charter was banned, and so it had not been used in documents for a long time. And at this particular time, people were perhaps typing it out carelessly or it was printed in a different way. There is only one version of it (10 now.

MR BIZOS: (Continues reading):

"In the original version, delegates to conference did not express any difficulties with the four main introductory statements of principle, but some clauses of the details of the charter are not clear, and are not acceptable to all members of the Black Sash. There was consensus that there are gross economic injustices in South African society, but delegates were divided as to the solutions proposed in the charter as far as they can be understood. At least one (20 of the statements directly contradicts the preceding one."

COURT: Just pause there. Which one do they refer to here? What is the contradiction? -- What they are in particular referring to is the contradictions in the charter between the statement that every - I cannot remember if it is every person or every man shall have the right to set up his business wherever he pleases, and the contradiction between that and the clause that deals with the nationalisation of mines and so on. That is where the uncertainties arose, is about economic politics.

Thank you.

(30

MR / ..

MR BIZOS: (Continues reading):

"Ann Colvin asked that a test vote be taken to see how evenly or how unevenly divided the conference was. Conference agreed to a test vote. The question was put: if any alliance formed to oppose the new constitution, should make it a condition for participation that organisations endorse the freedom charter, should the Black Sash endorse the charter by a show of hands, 13 delegates answered yes, 16 delegates answered no."

Now was this before the question was put later as to whether (10 you should affiliate with the UDF or not? -- Yes, it was before that because the UDF had not been formed in March 1983.

And it was agreed that:

- "1. Headquarters should circulate the freedom charter to all regions, and that regions should arrange for their members to be informed about it and to discuss it.
2. Should any approach be made to the Black Sash by any alliance requiring endorsement of the charter as a precondition for co-operation, regions cannot endorse the charter but they can be quite and honest about the (20 reasons for the lack of consensus, and they should at all times stress the Black Sash's absolute rejection of the constitutional proposals. Our belief that no constitution for South Africa can be acceptable unless it arises from some inclusive process such as a national convention, and our desire to co-operate with others in our opposition to the proposals. Regions will have to continue to make ad hoc decisions on co-operation and joint statements as they arise, as has been the case over the last few years especially in connection (30

with / ..

with the anti-Republic Day celebration movement and the anti-SIKE campaign. Should it be necessary an emergency national conference meeting of national chairmen can be arranged."

Was that resolution accepted at your conference? -- It was, yes.

COURT: Could I just pause here a moment? The objection of the majority in joining a body which might have the freedom charter as a basis, was that based on the economic policy of the freedom charter? -- That is correct, as far as it was a policy, but it was in particular that one clause about nationalising the (10 mines, because our membership was divided on that issue.

Yes, thank you.

MR BIZOS: In circulating the freedom charter - or let me ask you this. Did you circulate the freedom charter? -- Yes, we did.

And do you remember whether you made hundreds or thousands of copies? -- No, no, this was circulating it to our regions. Headquarters was in Johannesburg at that time and took the responsibility of circulating copies to all the other regions, who would then make their own copies for the internal discussion.

Yes. -- It is a normal way that the Black Sash works (20 when we feel that something has arisen at a national conference that has not yet been discussed with the whole membership. It is our normal way of proceeding.

And you of course at the national office were aware of the provisions of the freedom charter that are sometimes called revolutionary, like the people shall govern and that sort of thing? -- Yes, we are aware of those.

And despite that you will circulated it? -- Yes, because we think that the phrase "the people shall govern", is one of the basic principles of democracies all around the world. It (30

may / ..

may be a revolutionary statement in the sense that the South African constitutional system would be revolutionised should there be a universal franchise, but we do not regard it as a statement indicating an adherence to violent revolution at all.

I want to refer you to page 10 of document DA.139 - no, I am sorry, it is not page 10, it is pages 8 to 9: "Commutation of death sentences".

COURT: That is a different heading now?

MR BIZOS: Yes, it is miscellaneous now.

COURT: It is not the freedom charter anymore? (10

MR BIZOS: No, not the freedom charter. These are miscellaneous matters, starting with the freedom charter, they are miscellaneous matters. Commutation of death sentences":

"The following petition was approved, circulated and signed:

His Excellency the State President:

Your Excellency,

As concerned South Africans we respectfully address you on the question of the commutation of the death sentences passed in respect of the following six persons: Simon Mohorane, David Moise, Jerry Moseloli, Thabu Motaung, Johannes (20 Shabangu and Antony Tsotsobe. They have been found guilty of high treason after lengthy periods of detention and after long and protracted trials.

The offence for which they were convicted and sentenced arose out of attacks on the Wonderboom, Moroka, Booyens and Orlando police stations or out of other acts of treason as defined by the law.

From statements they made in trials it is clear that after the countrywide arrest in 1976, they became disillusioned and desperate. They saw no hope for peaceful (30

change / ..

change in South Africa; change that would take into account the aspirations of the vast majority of black people in our country.

Motivated by high ideals, they then set upon a course of conduct which they believed would bring about the change they desired. It culminated in acts which in the eyes of the government amounted to treason. In the eyes of their people however, they are heroes.

We are members of the Black Sash which at its 1982 national conference resolved to oppose capital punishment because we believe that it has a destructive effect on society that far outweighs any deterrent advantage some people believe it might have.

We contemplate with concern the prospect of our society attempting to solve rising tension in the future by increased use of judicial killing.

In the light of this resolution and the circumstances relating to the six persons named above, we pray that you will exercise your powers of clemency and commute the death sentence imposed on these men." (20

Now was this petition circulated and sent to the State President?

-- It was circulated at the conference and delegates and observers at the conference signed it and it went immediately.

Now I want to ask you about this. The six persons mentioned on page 8 of the exhibit, DA.139, it is obvious from your own petition that they committed acts of violence? -- Correct.

And you knew that? -- And we knew that.

Did you know whether their acts of violence had been committed by them in pursuance of any direction or control of any unlawful organisation inside or outside the country? -- No, I (30

certainly / ..

certainly do not recollect that, but if we had known that we would have put it into our very comprehensive petition.

I see. -- Now I presume, although I have no recollection of that, I presume that we certainly had no knowledge that they were doing it at anyone else's behest.

COURT: Well, were they not ANC members attacking police stations? -- I do not know whether they were ANC members. I know that they attacked police stations.

MR BIZOS: Would it have made any difference to you or your conference's attitude if they were in fact ANC members? -- No, (10 it would not have made any difference, because we start from our total opposition to capital punishment as an issue, and I think the important statement in this petition is we contemplate with concern the prospect of our society attempting to solve rising tension in the future by increased use of judicial killing. And that is a long standing, an on-going concern of the Black Sash, so it would not have made any difference to our petition, had we known that the condemned men had belonged to any organisation whatsoever.

COURT: Have you often pleaded for clemency for the commuta- (20 tion of death sentences? -- We have done it. We have done it in the case of the Sharpeville six more recently. We have done it on behalf of individuals and we would do it in cases of people who have been convicted of murder or rape and condemned there if the same information about them was public knowledge. And the difficulty is that so many of the people who are on death row, are not known. Their names are not known to the public.

Have you in any case ever asked for the commutation of a death sentence of a non-political prisoner? -- I do not remember. Black Sash has been in existence since 1955 and we may well (30

have / ..

have done so in the past, but I have no recollection of having done so.

MR BIZOS: In relation to the six, in the third paragraph of page 9 you say:

"Motivated by high ideals, they then set upon a course of conduct which they believed would bring about the change they desired. It culminated in acts which in the eyes of the government amounted to treason. In the eyes of their people however they are heroes."

now did it occur to you that you were actually encouraging (10 violence by characterising the six persons..

COURT: You mean violence on the part of the state president to whom the petition was addressed?

MR BIZOS: No, m'lord, obviously I do not mean that.

COURT: Well, so it cannot work in this way.

MR BIZOS: I beg your lordship's pardon?

COURT: It does not fit because this is a private petition sent to the state president.

MR BIZOS: Oh, then I will change the question. In asking people to sign this petition which contained a statement that in the (20 eyes of their people they are heroes, did you consider that you were popularising violence or encouraging the people you asked to sign, to take up violence? -- No, we were stating the fact that at that time they were heroes in the eyes of their people, which does not alter the Black Sash's unalterable opposition to the use of violence as a political means. Or for any other purpose for that matter.

ASSESSOR: When you say at the top of this particular section on page 8, that: "The following petition was approved, circulated and signed", would that indicate that it was approved, (30

circulated/..



circulated and signed by the delegates? -- By the delegates to this national conference and any observers. They were members of the Black Sash who happened to be there at the time.

How many people would that have been? -- Well, your minutes show the attendance at this particular conference of delegates, but there are usually a considerable number of members of the Black Sash who attend, so we could probably say a hundred or so people.

MR BIZOS: There were about 40 delegates at a quick count. If your lordship would just bear with me..I thought I had it (10 marked. Did you ever describe civic associations and other civic organisations as a source or centre of power? -- Yes, we probably did. I mean I have no recollection of where you would find it, but I certainly think that they are a source of power for people who have grievances. They are a way of that mobilising, organising and politicising the citizens in general.

Yes. -- It is on page 10.

Yes, I have a note that it is on page 10, but I just had a blind spot. I cannot find it. Have you found it? -- It is under..(simultaneously) (20

COURT: Page 10 of this exhibit?

MR BIZOS: Of this exhibit. I had it marked but I think in the reshuffling process I was given a copy that has not my markings on it. -- M'lord, it is at the top of that page: "Black Sash publications". It was a discussion.

Yes, the centres of power. Yes, that is quite right. Thank you, Mrs Duncan, it is on page 10. Now pages 10 to 11 concern themselves with the manner in which you are going to promote your organisation and how you are going to co-operate inter alia with civic and other communities, organisations. Would you (30 describe / ..

describe this sort of activity as mobilisation and politicisation and constantisation? -- Yes, it did, it is, but as the paragraph introducing that discussion points out, that because the Black Sash is so small we ourselves cannot mobilise mass protests or action, but we have resources that we can provide and we can lobby centres of power and influence.

Yes. Now at your annual conferences does the chairman deliver a presidential address? -- Yes, every year at the opening meeting the national president delivers an address.

And in that address does the national president try to (10 assess the prevalent political climate in which the Black Sash is to do its work? -- Usually, yes.

Was Mrs Joyce Harris the president at the 1982 conference? -- She became president at the - oh, no, yes, she was the president.

She was. -- Yes, correct.

Is this her presidential address? -- It is.

I am asking for leave for this to go in. I may say that I do not intend at this stage to read any portion of it. We have concerned ourselves with 1982, 1983, because we will submit (20 to your lordship that they reflect the urgency of the situation that the country was finding itself in, more particularly the black local authorities and the constitution, the new constitution

COURT: This will go in as DA.180.

MR BIZOS: And did you deliver the presidential address in March 1983? -- I did.

Is that a published copy of your presidential address? -- It is.

COURT: This will be EXHIBIT DA.181.

MR BIZOS: As your lordship pleases. There are a number of (30 other / ..

other miscellaneous matters but it may be a convenient stage for your lordship to adjourn?

THE COURT ADJOURNS FOR TEA / THE COURT RESUMES

SHEENA DUNCAN, still under oath

FURTHER EXAMINATION BY MR BIZOS: Do you recall whether the Rev Moselane, accused no.3 before his lordship, ever came to you to ask you for advice in connection with the rent increase? -- I do not remember that specifically, but I see the Rev Moselane very often in the course of both my church work and in the Black Sash. I have no doubt that he may well have done so. (10

Did the Black Sash in 1984 or people in the Black Sash, apply their minds to the question of the rent increases and was advice given or were referrals made to qualified people about it? -- Yes, we did a great deal of work on it because when those particular rent increases were imposed, there was some doubt as to whether they had been lawfully imposed, properly gazetted and so on; and we had a great many people at that time coming to see us to ask either as individuals or because they were community leaders and were concerned about the rent increases in their areas. (20

The final aspect on which I would like to ask you some questions is this. You have told his lordship that your national conference although did not want to affiliate with the UDF, it nevertheless asked its officials to co-operate and work together with the UDF in its various campaigns. Was that done during 1983, 1984, 1985? -- Yes, it was. We co-operated with them as closely as we could.

In co-operating with them, were you at any stage - did you at any stage feel that your organisation was in any way compelled or compromised to do things which was not in accordance with (30

its / ..

its policy? Your organisation's policy? -- No, I cannot remember any occasion when that arose.

Did you personally attend any meetings called either by the UDF itself for affiliates of the UDF? -- On many different occasions in different parts of the country, but particularly of course in Johannesburg where I live.

Were meetings of the UDF or its affiliates called to be held at Khotso House. -- In a hall of Khotso House very often but also in the Selborne Hall in Johannesburg and in other places.

Having regard to the period of time that has passed (10 since 1984, mid 1985, would you be able to enumerate precisely which meetings of the UDF or the affiliates you attended? -- No, I would not because it had been so many and my recollection would not enable me to list all the meetings that I have attended in those years.

Would you like to possibly tell his lordship how many meetings, more or less, you might have attended during the two years from mid 1983 to mid 1985 with the UDF and its UDF affiliates?

COURT: We are now talking of public meetings?

MR BIZOS: Public meetings, yes. -- Public meetings probably - hm, it is even difficult to guess - but I would say about a dozen probably.

ASSESSOR: Between what period?

MR BIZOS: Mid 1983 to mid 1985, taking it broadly from the time of the launch to the time of the indictment; the end of the period of the indictment. Did you at any stage at any of the meetings that you attended, called by the UDF or any of its affiliates, hear anybody calling for the use of violence in order to achieve any of the objects of the UDF? -- Never. Never have I heard any person at a UDF meeting call for violence and (30

that / ..

that includes not only the public meetings that I have attended but the many meetings that were of a more private nature, workshops with affiliates of the UDF; I have never heard any suggestion that violence be used, quite the opposite. In fact there has always been a stress on the need for non-violent and disciplined, restrained action.

That is all the questions I have but before we sit down I am going to ask your lordship to receive the substitute exhibits which were..

COURT: Have you got them marked? (10)

MR BIZOS: Not yet, they have just come.

COURT: Yes, if you will just mark them correctly and hand them up, we will replace the others with them.

MR BIZOS: They have also got to be punched. They have just arrived, but they have also got to be punched. Could it be done by arrangement by my attorney and the police officer?

COURT: Yes, thank you.

CROSS-EXAMINATION BY MR JACOBS: On this last question of the public meetings, can you not remember one single one? -- Not one single one that I was present at where violence was suggested or.. (20

No.. -- .. called for.

A meeting that you attended. -- Oh. Yes, I can remember one in the Selborne Hall but I cannot remember either the date or the issue, but I remember it in particular because there was a very large police presence gathered outside, and I remember that meeting particularly because of the disciplined way in which the crowd left that hall at the urging of the leaders of that meeting. I can remember one in Cape Town..

When was that more or less, before we go to the Cape (30

Town / ..

Town one. -- Pardon?

When was it more or less? -- I cannot remember, I am sorry. I would have to..

Not even the year? -- No. I would have to go back and consult my old diaries. I do not have a very good memory for that kind of detail.

Do you know whether it was a UDF meeting? -- I cannot remember if it was the UDF itself or one of its affiliates.

So that is one that you can remember here in Johannesburg?  
-- Ja. (10

Or vaguely remember? -- Yes.

Any others? -- I can remember clearly one in Cape Town where I shared the platform with Dr Alan Boesak, but again I do not remember when that was. I go to a great many meetings.

You cannot even remember the year? -- Pardon?

You cannot even remember the year? -- I cannot even remember the year.

Who organised that meeting in Cape Town? -- It was presumably organised by the Western Cape region of the United Democratic Front. (20

Except for Dr Boesak, were there others speakers at that meeting? -- I think there was only one other, but I cannot remember who that was.

And the meeting in Johannesburg in the Selborne Hall, were you a speaker at that meeting? -- I was sitting on the platform. I was not a speaker, I do not think.

Can you remember the speakers at that meeting? -- No.

Not even UDF speakers? -- No.

Have you got your diary? -- I have got them at home, not here. (30

And / ..

And you said you attended more or less twelve meetings here in Johannesburg over that period? -- Public meetings of that kind.

Yes, can you remember any of the other meetings? -- Well, several of them were in the hall at Khotso House on various issues as they arose, but one meeting is very like another meeting.

ASSESSOR: Did you say half a dozen or a dozen? -- I said a dozen altogether probably in those two years.

Oh, I see.

MR JACOBS: And the other meetings you attended, what meetings were they? -- Well, meetings for example, meetings with the (10 civic association in Huhudi where they were starting an advice office and I went and met with the whole committee at Huhudi; meetings at Duncan Village, Tumahole at Parys; various community groups and organisations in places all over South Africa. But those meetings were not public meetings, they were more of a private nature. People had gathered together for a specific purpose.

So is that all you can remember, meetings that you attended with civics?

COURT: Could I just get clarity? Your meeting with the (20 civics, was that on the basis that you were called upon to come and give advice on a certain aspect or on an advice office, or the starting of an advice office or that sort of thing? -- That sort of thing.

You did not just go there out of interest? -- No, because I never - as I said in my evidence, neither myself nor the Black Sash ever goes to a place unless we are invited to do so.

And you would be invited on the basis of your expertise?  
-- That is correct.

Yes, thank you.

(30

MR

MR JACOBS: So is correct then that you only attended other meetings of UDF affiliates that you remember? -- I attended a great many meetings with UDF affiliates. There were so many that it would be very difficult for me to give you any kind of comprehensive list. Because I particularly remember the ones in other parts of the country because of the necessity for travelling there but the ones that happened locally around Johannesburg..

It is clear from your evidence that you did not attend any UDF meetings, private meetings in Johannesburg? -- No, I did not.

No general council or regional executive council or any (10 of those meetings? -- No, I did not attend any of those.

I would like you to go back to EXHIBIT DA.139 to ask you a few questions that I marked when it was before me here. I want to refer you to the six people that you refer to in this, on page 8 of this report. -- Yes.

If I understood your evidence quite well, you did not remember what these people were convicted for? -- No, except that the statement, the petition said they had been found guilty of high treason and that they were convicted and sentenced as result of attacks on the police stations mentioned. (20

So were you party to the drawing up of this petition? -- Well, I was certainly party to the discussion of it. What we normally do at a Black Sash conference when something has to be worded, is that a group of people will get together to draft a petition which will then be discussed by the whole conference, and I would not have been part of that group on that occasion because as national president and in presiding over the national conference, one does not have time to go into small groups to work.

Now on page 9, the third paragraph, you said you were (30 motivated / ..



motivated by high ideals. What do you mean by this? -- Well, presumably that sentence came out of what we had read in the press about their trial and what they had stated in court as to what were their ideals.

But you must have known it? You must know what it was? -- Well, their ideals would be the liberation of their people from oppression and the bringing about of justice in South Africa.

In what way? -- Those would be their ideals which does not imply that the way they did it is commended or in any way condoned. (10

Did you at stage when you drew up this petition, did you know how many people they had killed? -- We presumably would have known.

Not presumably, what you would have known. I am asking you a direct question. -- I cannot remember what I knew in 1983, but the Black Sash is very careful and we would certainly not have been dealing with the matter at all unless we knew how many people had been killed in those attacks.

Were any people killed? -- If any people were killed. To the best of my recollection their sentence was commuted, so (20 it seems likely that people were not killed.

Mrs Duncan.. -- But I cannot remember at this stage.

What will you say if I tell you that the sentence of Mogoe-rane, Motaung and Shabangu, they were hanged. -- They were hanged.

They were not commuted. -- Well, thank you for reminding me. I said to the best of my recollection. I was clearly wrong.

Can you tell the court how many people they killed? -- I cannot tell you that.

Did you know at the time you made this application whether people were killed or maimed? -- Yes, we would have known at (30

that / ..

that time, but I do not remember.

Edele, ek sal na die dokumente later as ek 'n kans gekry het om dit behoorlik te lees, terugkom. Ek wou net op hierdie stadium hierdie paar vrae gevra het hierop. You told the court about certain campaigns that the Black Sash conducted as early as 1967 - as 1976. Is that correct? -- Yes, there were some that we talked about that were earlier.

Now let us take them - when did you start with the campaign against the new constitution? -- 1977 I think was the first document that was put before the court, when we referred to the (10 ad hoc committee that Mrs Harris convened to oppose what were then constitutional proposals.

What were your aims in conducting this campaign? -- Our aims were to mobilise the public in general, but particularly the white electorate, to prevent those constitutional proposals being put into effect.

And what did you do in conducting this campaign, except for writing articles or letters? -- Well, at that stage when they were still proposals there was the attempt by Mrs Harris' group to agree on united action against the constitutional propo- (20 sals through those various organisations whose members attended that group. At a later stage when the constitution bill was published, apart from the letters to the press, we addressed very many meetings on the subject. House groups all over the Witwatersrand and other members of the Black Sash in other places; public meetings about the constitution bill.

House groups, is that in the white sector or where? -- That as far as the Black Sash was concerned was in the white community because the white community was the only community called upon to vote at the referendum. (30

COURT / ..

COURT: Could you just clarify my mind a bit. There were proposals by the president's council for a new constitution. -- That is correct.

Could you date them? If not - I cannot remember, so I do not expect you to remember. -- No, I believe it was 1977, from the context in which Mrs Harris' introductory remarks which are part of the exhibits, and the context of those two sets of minutes dated in 1978. I believe it must have been 1977.

Yes, thank you.

MR JACOBS: House meetings, where were the house meetings (10 held? -- In people's homes on the Witwatersrand in particular, but also in other areas, which is the major cities of South Africa where the Black Sash has a regional organisation.

Yes. And public meetings? -- Public meetings, I spoke in many different parts of the country as well as in Johannesburg and (intervenes)

Where? Can you tell the court? Let us be more specific? -- But I would again have to refer to my diaries, but during those years of opposition to constitutional proposals on the constitutional bill, I would have spoken in Durban, Pieter- (20 maritzburg, Port Elizabeth, Grahamstown, East London, Cape Town and Pretoria, as well as Johannesburg certainly, because that is where the Black Sash is organised.

Is that where the Black Sash has got regionals? -- That is right.

Regional offices. -- Yes. But I also would have spoken at various universities.

Now I do not want speculation on this. -- No, I will have to - if you wish me to bring my diaries?

COURT: Well, is it really important, Mr Jacobs, to know (30 whether / ..

whether she spoke in Durban or whether she spoke in Pietermaritzburg.

MR JACOBS: I just want to find out what they did in contacting..

COURT: Well, she has told you that she has spoken all over the country.

MR JACOBS: Yes. What else did you do in this campaign? -- We produced that document saying: "Vote no", which is amongst the exhibits. We distributed that as widely as possible. We made ourselves available to other organisations who wanted to know the details, as we offered speakers to other organisations and (10 we of course - well, we did not need to lobby opposition members of parliament because the Progressive Federal Party at that stage was opposing the proposals themselves.

And after the proposals became law, did you still continue with this campaign? -- Well, the proposals became law before the referendum. The bill had been passed and the constitution act had been passed by parliament before the referendum was held and we continued right through that period of the referendum campaign and we have continued since the new constitution came into effect and the tricameral parliament was set up, we have continued (20 to oppose the constitutional structure. And we are continuing to do that until the present time.

What was the purpose after the referendum to continue the campaign? -- Because we believe that the present constitution of the Republic of South Africa cannot bring us to any acceptable democratic, non-racial and just constitutional dispensation for South Africa, because it is fundamentally based on race classification.

That was what you believed, but what was the purpose of continuing the campaign after the referendum. -- Because the (30 constitutional/..

constitutional discussion in South Africa did not stop with the referendum. The constitutional discussion has gone on both from the government side, with proposals for a national council, the present proposals that were announced by the State President in parliament - I think it was the week before last - and the constitutional debates has not ceased.

Yes, I can understand that the debate has not ceased, but was the purpose of carrying on? What did you try to do? -- Well, the purpose of carrying on is to attempt to mobilise, organise and politicise people to demand a new constitutional dispensation in South Africa. It is an implacable opposition to a constitutional system which confines people into racial boxes and does not make any proper arrangements for the democratic process to take place.

Now you also told the court that another campaign started earlier, was started by your earlier, against black local authorities? -- Yes, I stressed in that, that our campaign was against what was known as the Koornhof bills..

The Koornhof bills (simultaneously).. -- And that the Black Sash's role in that was, our priority was the orderly movement and settlement of black persons bill, that we were opposed to the black local authorities bill, but we did not campaign against it. We stated our opposition, but we ourselves did not conduct any wide-spread campaigns.

And the removals? -- The removals campaign, the Black Sash started working on removals - the earliest reference I have found was in 1959 which is in that document, where the title of the article was "Bontrug", which is a republishing of an article printed by the Black Sash in 1960; referring to a 1959 event.

Did you conduct the campaign against removals? -- The (30

Black / ..

Black Sash did. I was not at that time in South Africa, I was living in Salisbury until 1963.

I see. And what was the purpose of this campaign against removals? -- The purpose of that campaign against removals was to try to prevent that happening, to bring a stop to the removal of people in South Africa from one place to another.

In what did you do in order to conduct this campaign? -- Okay, we would in the course of our work, in the advice offices or perhaps just as Black Sash people, be approached by people from a community which had been told that it was going to be (10 removed, and we would then first make ourselves knowledgeable with all the necessary information about that community, such as did they own the land, how long, how many generations had they been in that same place; did they have title deeds, that kind of necessary information. We would then put that community, many of them being rural communities with no access to resources - we put them in touch with legal advice. We would raise public interest or try to raise public interest in the threat that was hanging over them, by taking people out to meet members of the community to learn the story at first hand; to look at the (20 place where they were to be removed to. We sought to raise public concern again through writing articles for the press, publishing pamphlets, publishing books or booklets about a particular place or about removals in particular. We held Black Sash pickets to protest against the civic removals, and in general tried to raise sufficient public concern and public outcry that would make the government desist from its plan to remove a large portion of South Africa's population around.

Was it also to mobilise and politicise people? -- Certainly, because you cannot run any successful campaign unless you (30

mobilise / ..

mobilise and politicise people to support your point of view.

So when you politicise them, surely you would have presented an alternative political view to the people? -- To the people that were to be removed or to members of the public.

Yes the people, the black people. -- Yes, I must make it clear. I am sorry, I did not understand you, that there was no need for us to mobilise and politicise people who were going to be removed. The fact that they had been told that they were going to be removed, immediately politicised and mobilised them which led in turn them coming to us. We were trying to politicise and mobilise the public into support of the community's resistance to the removal.

And what was the alternative political view that you expressed to the public? -- Okay, the alternative political view is that people should not be removed from where they are in the pursuit of an ideology based on race. That people must be left where they are and that if that did not fit in with the constitutional grant plans, particularly in relation to the homelands, that was too bad. That the evil done by the uprooting and removal of communities was so great that it could not be justified for any political purpose whatsoever.

Did you only go to the areas that were subject to removal only when people approached you and did you go yourself, your organisation? -- No, we just have one rule in the Black Sash, that people must make the first approach to us.

You in the Black Sash, never went yourself to places to be removed and to organise and politicise people in those areas? -- I have been to many areas where people were to be removed, but never unless I was going after an invitation from them. And as I have said, my motive in going was not to mobilise and

(30

politicise / ..

politicise those people. To learn sufficient facts about them to enable me to mobilise and politicise the general public in their support.

So in the places where removals were to take place you did not hold any meetings? -- There are often meetings but they are not of a mobilising nature. The meetings that are held in those areas are initially meetings at which the people explained to the Black Sash their situation, the threat, the date the threat was first made, the process that has so far taken place. And after that, another meeting might be when we bring a lawyer there (10 who would explain to people the legal position and whether or not there would be any possibility of seeking redress in the courts. There might be another meeting at a later stage where people were - where members of the public were brought or members of parliament were brought to meet with the people and to hear the story and there would be other meetings on a continuous basis where the people would be planning what they - what choice they were going to make in the light of the facts that had now been presented to them by lawyers and so on.

Was it not also part of your campaign in the rural areas (20 then where the removals were to take place, in rural areas in general, to organise there, organise the people in organisations and to mobilise them? -- No, I think the people when they get to the stage of coming to us, they are organised and certainly mobilised against the removal, because it is a matter of strong feeling to people who are going to have their homes demolished and be taken somewhere else. And there is absolutely no need for other people to come and tell them that they should be mobilising against it. Our role is provide those resources to enable them to organise and mobilise more effectively against the (30 removal / ..



removal.

But in the areas, in the rural areas itself, did your organisation try to organise and mobilise the rural people? -- No. We try to help them with their own organisation and mobilisation. We might help them with the organisation of a specific plan, for example if it had been decided by them that they were going to take their lawyer's advice to approach the supreme court and the case is to be heard on a certain day, there is a certain amount of organisation that has to go into hiring buses to bring them to the court to hear the arguments and so on, and in (10 that sense of organising the practical details - but not in the sense of organising them as a community to take action against the removal.

Now you also mentioned the housing campaign. -- Yes.

What was the purpose of that campaign? -- Now that campaign is still ongoing and the purpose of that campaign was initially a campaign based on a straightforward humanitarian belief that shelter is one of the basic human rights. That people are entitled to shelter and where they have no shelter, ways have to be found of forcing the authorities to either provide that (20 shelter or to provide the land where those people can build their own shelters.

To force the (intervenes).. -- It then became - that was in its earlier stage - but from 1967 onwards the whole housing question became very much linked with influx control. 1967 was the year in which Dr Verwoerd announced the new housing policy of the government which was that houses for families were not to be built in the urban areas; that housing moneys in urban areas were to be used for the building of hostels; and that money for family accommodation must be expended within the homeland (30 borders / ..

borders and from that time was very much part of the whole influx control mechanisms, which denied freedom of movement to black South Africans. The housing campaign that we are running at the moment in co-operation with the Witwatersrand Network for the Homeless, is a consequence of those years 1967 to 1978 when this enormous backlog in housing, which now amounts to - according to the national building research institute, 832 000 housing units for black people outside the homelands.

Is it part of your campaign in the housing campaign to mobilise and organise and politicise the people? -- Yes, it is. (10

For what purpose? -- People who live in what are called squatter communities are very often disorganised. They will come to us when their shacks are demolished suddenly, and they will come to us - individuals from a community will come and say what can we do, the police demolished our shacks last night. Sometimes we get phone calls in the middle of the night from a woman who will say: the police have arrested all the men, and are to demolish tomorrow morning they say. And because squatter communities are not close communities in the way that a rural, land-owning community is, we will then go to that community, ask (20 that a meeting be called; suggest that their first thing, if they want to be able to address their problem successfully, is to elect a committee of their own. And that is presumably - that is organising people so that there comes to be some structure through which a committee through which the people can negotiate with the authorities, can make decisions as to whether they are going to seek legal advice, decisions as to what they are demanding. Whether they are demanding - sometimes they are demanding to be left where they are with security of tenure. At other times they are happy to negotiate that they move (30

provided / ..

provided that they are offered a site or accommodation in the vicinity or in a nearby place. So yes, in the case of homeless communities, it is necessary to start the initial organisation.

Yes, and what about politicisation? -- Politicisation, we have not found it necessary to politicise black people.

I thought you said (intervenes).. -- We find that there is a deep level of politicisation in the black community, particularly in homeless communities whose daily suffering is such that they may not understand how the administrative structures work, but they blame government and the authorities for their position of homelessness. So there is no need for us to politicise black people.

I understood you to say in this connection that you did mobilise, organise and politicise these people? -- I said we did organise, yes. We encouraged, facilitated that community becoming organised, but I did say I do not think we had to politicise these people.

And you said in an earlier answer that it was to "force" the government. -- Yes.

In what way do you want them to force the government? --(20 Well, if government will not do things such as providing houses for homeless people when it is asked to do so, then one has to force government to do that. And one has to force government to do that. There are various strategies that can be used. One can seek action in court that will lead to an order being made; that will instruct government to do something. One can force government to do things by raising sufficient pressure in the electorate, and amongst members of parliament for policy to be changed or if, as in South Africa the majority of people do not form part of the electorate, then one has to find the strategies

(30

where / ..

where government will eventually have to say: we will have to accept this position and change our policy towards homeless people as government has done. Because of various pressures put upon it, the government's housing policy was changed in 1978 and has gone through a fairly regular developmental change since that time, with regard to urbanisation and the provision of land in urban areas for people.

What are you teaching the black people in the townships when you organise them to force the government. How do you teach them to force government? -- I do not teach people. (10

Well, organise them or mobilise them or politicise them to force the government. -- No, I have said we do not politicise people. We believe that people must decide on their own strategies to force change, and that the Black Sash role is to support them as far as we are able in the strategy that they have decided upon. If you have people who have decided against the law to move into a group area where they are not qualified to reside and they have moved into that area, that is their decision. It is not our strategy, we have not suggested to communities that they should behave in that way. But if a homeless community (20 as has happened, has its homes constantly demolished and say to us: we have decided we are rebuilding here, we will then support them in that decision as far as we are able by making sure that the press know, making sure that it is a matter of public knowledge that they have nowhere else to go; by assisting them in negotiations with authorities such as the provincial administration or whatever is the appropriate authority in that case.

Now we are back again to removals. -- Or squatters..(simultaneously)

I am asking you about housing.. .. -- No, I was in that (30  
case / ..

case referring to homeless people.

I am asking you about housing. -- Yes, but it is the same. Homeless people will decide to rebuild their demolished shacks, very often they decide to rebuild them in the same place because they have nowhere else to go. And we will support them in what they have decided, but the strategies we use, they will be the same in both cases because you are essentially..

So in the black townships, did you conduct housing campaigns in the black townships? -- No, we have not conducted a housing campaign in the black townships. We have conducted housing campaigns with black people and we have also conducted our own campaign directed towards the white electorate and the government with regard to housing. (10

Is that now housing in the case of removals or housing in the case of townships? -- Both.

So you have not mobilised then the people in the townships? -- No..

In regard to housing? -- No, I cannot remember an instance where we have organised black people in the townships with regard to housing in that general sense, but we have at the moment been approached by a group of homeless people in the Fred Clarke squatter camp which happens to be on the edge of Soweto, therefore in the town and our work with them up to date has consisted of giving them the information we had to find out for them, because they believed, some of them had been in that emergency camp since 1963, and some of them believed that they had been promised sites in Soweto. (20

So you say that is only starting now? -- Well, towards the end of last year we had our first meetings with them.

We are not interested in that at the moment. -- Okay then, if / .. (30

if you are not..

The time after the charge sheet, after the middle of 1985. -- I cannot remember any occasion on which our activities could be described as mobilising or politicising people in the black townships, as distinct from facilitating people who are unorganised, into becoming an organised community.

What are the various strategies employed by the Black Sash in regard to forcing the government to do something? -- Well, one starts - the essential ingredient is public knowledge of what the issue is. So you have to start by whatever means you can (10 informing the public of the issue or the grievance and try to raise public concern. Then there might be a whole variety of different strategies including the strategy of taking legal advice and going to the courts, including strategies of negotiation with the authorities on a particular issue if that is what the people have decided to do. And it includes supporting people in the strategies they have decided upon. And public meetings. All the different ways of raising a level of public interest in a particular matter.

Now another campaign that you referred to was the con- (20 scription or militarisation campaign. -- That is correct.

When did you start, the Black Sash, with this campaign? -- I think that the resolution was made, is contained in the 1983 minutes. I am not sure, if I may just look. Yes, it is the resolution on conscription - page 15 of DA.139. That is the minutes of our national conference in 1983, and that was the first occasion on which we called for - we made a public call for the system of compulsory military conscription in South Africa to be abolished. Prior to that we had worked to widen the grounds for conscientious objections to be recognised. (30

We / ..

We have worked for amendments to the defence act together with churches and other groups of people and it was when the amendments to the defence act of 1983 were first published, that we became discouraged for the board for religious objectors can only recognise a religious pacifist as a conscientious objector and there are many more men whose objection to military service may be beyond religious grounds or may be on moral grounds; certainly grounds of conscience, who are not comprehensive total pacifists. And we decided that the way to go forward on this issue was to call for the system of conscription to be ended. (10

So must I understand from your answer to my question, that you were only interested in conscientious objectors and conscriptors. Was that the whole contents of your campaign against militarisation? -- Yes, but the campaign against conscription or the campaign in support of conscientious objectors predated our concern with the growing militarisation of our society. Militarisation is another aspect of that issue, but the two can be completely separated in the campaigns we have conducted on those issues. But they are clearly obviously interlinked as issues. (20

So what was the purpose of your campaign against militarisation including the whole lot now? -- The purpose of our campaign against militarisation in particular is great concern at the level of militarisation in our society. The cultural aspects as well as the military aspects, the fact that war toys are the favourite toys in toyshops at christmas time; the fact that I spoke about in my direct evidence, this creation of an image of an enemy so that the society becomes engaged in a violent conflict which they do not understand or accept unquestioning what they are told, and of course in recent years the involvement (30

or / ..

or the apparent involvement of the military in decision making through the national security council and national security management system which Mr Malan outlined in parliament a few years ago, we feel that we have become a highly militarised society in very many different ways, and we do not like it because we do not wish the children of this country to grow up in a militarised environment.

That I understand as your motivation. You gave the reasons why you feel like this, but I asked you the purpose, what you tried to achieve by getting people to refuse to get conscripted into army. What was your purpose in this country? -- Our purpose was never, we have never incited people to refuse to be conscripted. What we have urged the government, is first to widen the grounds of conscientious objection and when that failed, to urge the government or force the government through increasing public interest, to abolish that portion of the defence act which provides for compulsory military conscription in South Africa.

So why was it necessary for the government to abolish compulsory conscription? -- It has not been necessary for the government to do so, because so far we have not succeeded in that campaign, but it would become necessary for them if sufficient number of white electorate started making it an issue in general elections, and started demanding that it be abolished.

Yes, but you are not answering my question. What was the purpose behind this, why was it necessary for the youth of South Africa or the white youth of South Africa to participate in conscription? -- Why was it necessary for them..?

Not to be conscripted. Why are you so keen and so interested in it that you even had a campaign against it from the early years onwards? -- Because we believe that the conflict in South

(30  
Africa / ..



Africa is a political conflict and in that we are in agreement with Mr Malan when he was still in the army. It was either him when he was general Malan or Webster, general Webster who said that this war is 80% political and only 20% military. And we believe in a situation where the war is a political one, that freedom of conscience must be allowed to the citizens, because it is essentially a war about policies and political philosophies.

Is it not so that the main objection in this regard is because the youngsters, the white people are fighting the terrorists from abroad. Is this not the main object of this campaign? To prevent them from going to fight against the people who went out of the country? -- I find that question difficult because this concept of the army fighting terrorists is exactly what I mean when we talk about the image of the enemy. The army, at the moment our government is telling us that the army is fighting Cubans, Russians, the organised forces of SWAPO in Angola and Namibia and that is purely based on a political conflict in Southern Africa and that people must have freedom of conscience to decide whether they wish to engage themselves in that armed (20 conflict.

COURT: But are not armed conflicts political conflicts? -- Yes, they are, but they are not always political conflicts that divide the people of a country against one another.

MR JACOBS: In your campaign, have you any objection to the army fighting terrorists, ANC terrorists? -- Well, I always have believed that the combating of terrorism should be more a task of the police. That it is a crime committed essentially within the country, a violent crime that is committed, and I have always been of the opinion that the police are the proper force to (30 combat / ..

combat terrorism.

You have not answered my question. -- I do not believe that the army should be dealing with terrorists within the country. I myself am a total pacifist but if I were not, I would see the justification for the army fighting a guerilla army or an invading force coming into the country from outside. But I would not describe that force as terrorists because that seems to me an inaccurate use of the English language.

To which force are you referring now as not being terrorists? -- I am referring to the organised guerilla armies which are (10 fighting in an organised way. For me a terrorist is essentially someone who comes either alone or with a few others and commits an act which is not part of an army or a military engagement if you like.

Do you have any objection against the army in South Africa being used to protect our borders, and people living on the borders, from ANC terrorists coming from other countries into this country to kill people? -- I have no objection to the army in South Africa being used to protect our borders or the people on those borders, but I would argue that the army having to (20 engage in that protection is not necessary because if we resolve this political conflict in a political rather than in a military way, there would be no attack on people living in the border areas

But you are not answering my question. The de facto position at the moment is that there are terrorists outside this country, ANC terrorists, PAC terrorists; they are coming into the country to kill people. The army is on the borders, protecting the people on the borders; that is a de facto position. Do you have any objection to the army being used for that? -- I find it hard to answer your question when I do not agree with the premise, (30

the / ..

the way you have phrased it, because I have no objection to the army being on the borders to seek, to prevent organised attack on the people on the borders or further in. But a terrorist is somebody who has entered the country inspite of the army, and I believe that the police should be engaged in that action. So I find it difficult to answer your question in the way in which you are putting it. I am sorry, m'lord, in the way in which Mr Jacobs is putting it.

Do you regard the ANC, the SACP, SWAPO and Cubans fighting against our army as the enemy of South Africa? -- No, I do (10 not regard the ANC, SWAPO or the SACP as the enemy of South Africa, nor do I regard the Cuban troops as I understand from the little information at our disposal within South Africa, the Cuban troops are not there because they are enemies of South Africa; they are there to reinforce the government of Angola in its resistance to Unita in the civil war that is going on in that country.

And the fact that the ANC openly declare that they are busy with a revolution against South Africa, that has no meaning to you at all? -- As I understand it, the ANC is not engaged in re- (20volution against South Africa, it is engaged in revolution against the present governing system in South Africa. The ANC people are South Africans.

Do they only attack the government people in this country or do they also attack soft targets as it is called, the man in the street. -- They have attacked (simultaneously)

Petrol bombs in a Pretoria street. -- Ja, there have been terrorist attacks on soft targets. I have no knowledge of whether those attacks were ordered by the ANC or not.

Is it not the reason that because you do not see the ANC as an enemy of the South African people and the government, you (30 object / ..

object to people being conscripted into the army, and the whole purpose of this campaign against conscription is to weaken the South African army? -- That is quite untrue. The Black Sash has not sought to weaken the South African army. The Black Sash has sought to maintain the principle of freedom of conscience.

How did you in the Black Sash organise in this campaign? -- Well in fact, we did not. We passed that resolution which was widely publicised. It was passed in a public session of our conference where there were people present and people of the public, and it was then discussed by various groups who had (10 been engaged in the work, to widen the grounds for conscientious objection. People, the conscientious objectors' support groups who have been formed to support young men who have gone to detention barracks or prison, because in conscience they could not obey their call-up, it was discussed within the churches and so on and it became a campaign of its own called the "end conscription campaign" with which the Black Sash has co-operated. It is a co-operative grouping of different organisations. So the Black Sash has not itself prosecuted or pursued that campaign, although we are actively involved with it. (20

How are you in the Black Sash involved in this campaign? In what way did you advance the campaign? -- Well, we will speak at or attend meetings called by the "end conscription campaign". We will write articles or letters to the press. We will in particular make known our support for them when they are attacked by members of the public or by government spokesmen in speeches and so on, and we will join in their activities if they have a concert or the various activities they engage in to persuade particularly white South Africans, that conscription should be ended in South Africa; we will join with them wherever we (30

can / ..

can.

The "end conscription campaign", that is a body, is it correct? -- Yes.

What do you know about it? -- Well, I know quite a lot about it because I know quite a lot of the people who are engaged in it.

Are you a member of that body? -- I am a member of that body yes.

Who else from the Black Sash in Johannesburg? -- The Black Sash as an organisation is one of the members of the coalition, that is, the coalition of organisations.

What coalition.-- But I cannot right now name individual members of the Black Sash who may be individual members of the "end conscription campaign". I have no access or I have never sought access to the "end conscription campaign" membership lists.

What position do you hold in the "end conscription campaign"? -- None at all. I am merely a member.

And you do not know any other members of the Black Sash in Johannesburg who are members of this body? -- I know a lot of people whom I think might be, but I know sufficiently surely to say I know this person and that person are because the people I know who are at the moment attending their meetings, their regional meetings, are going there as representatives of the Black Sash and I do not know if they are also members in their personal capacity.

Is the Black Sash officially part of that coalition of organisations? -- Yes, it is a very loose - the Black Sash has itself decided that it is a member of that coalition.

Is it a sort of affiliation to it? -- No, it is not an affiliation. An affiliation implies a much tighter constitutional structure and the "end conscription campaign" is a coalition (30

of / ..

of various organisations and individual people who have come together with a common purpose.

Who are the organisations? -- I am afraid I do not know that because I would have to have access or have to ask for the campaign's membership list. It is a list of organisations that are in that coalition and I do know that churches are.

Only churches? -- No. I am saying that I do know that certain churches and church organisations are but that is the only positive knowledge that I have.

And the Black Sash? -- And the Black Sash. (10

What about JODAC? -- JODAC I am not sure. I have never been a committee member in JODAC and I do not know whether they are. I am sure there are many members of JODAC who are also members of the "end conscription campaign", but whether JODAC itself as an organisation is part of it I am not certain.

COURT: Does the "end conscription campaign" have a committee? -- It has regional committees. Whether it has a national committee as well I am not certain. It has a national organiser who is the person who liaises between the regional groupings, but whether it has a national committee as well I am not sure. (20

Thank you.

MR JACOBS: Have you attended any of the meetings of the "end conscription campaign"? -- I personally have attended public meetings called by them. I do not recollect attending any of their committee meetings.

Have you attended a meeting held at your own house by them? -- It is quite possible. I have a lot of meetings in my own house.

Public meetings or committee meetings? -- No, I do not have public meetings in my own home. (30

So / ..

So if the "end conscription campaign" held a meeting in your house, then it must have been private meetings or committee meetings? -- It might have been a private meeting but it would not have been a committee meeting. It might well have been a meeting to plan a particular action or a particular event.

Well, if it was a meeting to plan a particular action or particular event, can you remember what? -- No, I cannot. I mean I cannot remember that meeting you clearly have - Mr Jacobs clearly has some information in front of him that I have forgotten about. (10

Now do you know of any people who left the country because they did not want to be conscripted? -- Oh yes, I do.

And why did they not want to be conscripted? Do you know? -- In some cases I knew. In other cases I just knew of them.

And do you know where they are at present?

COURT: What is the question?

MR JACOBS: Where they are at present.

COURT: Where they are now?

MR JACOBS: Yes. Are they with any other organisations outside the country? -- No, I know two young men in particular. One (20 of them was working as a dentist in London and the other one is working in an advertising agency in Chicago, but I am not aware of anyone who has left the country for that reason, with whom I have any personal friendship. I am not aware of organisations that they may or may not belong to in other countries.

This campaign against conscription, can you tell the court whether it is conducted also in order to mobilise, politicise and organise people? -- It is certainly conducted in order to organise, mobilise and politicise the white electorate into opposition of compulsory military conscription. (30

And / ..

And in what way are these people mobilised, organised and politicised? -- Through the press, pamphlets, publications of various kinds, public meetings, lobbying of opposition members of the parliament, lobbying of other influential groups or people such as business people and so on. That is about it.

Any door to door meetings? -- Door to door canvassing?

Yes. -- I have never done any door to door canvassing on this particular issue. It may be that the (intervenes)

What about the "end conscription campaign" committee? -- I am not aware of whether they have done that or not. They may well have. My door to door canvassing has been in the long ago past on other issues, such as at times of elections and so on.

And did the Black Sash publicise publications on this by itself, in the Black Sash, your paper? -- There have been articles in it, on these issues in our magazine. I do not think we have, I do not recollect any time when we have published a separate publication on this issue. We may have but I do not remember it.

Have you published and distributed in the Black Sash any pamphlets or any ordinary articles that had been distributed to the people in other organisations or to the public? -- Do you mean do we sometimes distribute other people's articles? (20

Distribute papers or articles on conscription by way of pamphlets that is distributed by the Black Sash, articles that had been distributed in Johannesburg or any other place? -- I do not remember the Black Sash distributing articles or pamphlets in that way. We have mostly used the pages of the press, but we might have, Black Sash members might have at some stage been part of an action of the "end conscription campaign" that was handing out pamphlets on this issue. I do not remember one, but my memory is not all that good and there may have been one (30  
published / ..



published by the Black Sash that we distributed.

Now another campaign conducted the Black Sash was education, is that correct? -- That is correct.

Since when? -- I do not know, but I would describe it as a campaign because it has been steady work from the introduction of bantu education.

Will you just lift your head? The operator is complaining because your voice is going down. -- Sorry. I do not know that I would describe it as a campaign. It has been a matter of steady interest to us since the introduction of the bantu education act which as far as I remember was in the 1950s, and the whole issue of schooling and education in this country has been one of concern. We have often protested about bantu education. We have often protested about specific new regulations introduced regarding education, by way of writing an article for the press or having one of the Black Sash pickets in public. We certainly since 1976 have kept June 16 as the day on which we remember those who died on that day in Soweto, and in which we approach white schools in an attempt to convey to white children why 16 June is a day of commemoration in the black community. Why it has become a day when people do not go to work and go to services and prayers and so on. So a campaign implies an ongoing concerted effort of some kind. With education it is more steady work, looking at these issues, thinking about educational issues, thinking about the kind of education our own children are getting in the schools, engaging ourselves as parents or teachers in white schools; and supporting other organisations in their protests or campaigns or public meetings on educational issues.

Is it not so that this campaign on education emanated from the ANC in the 1950s? -- Goodness me. I think education is (30

one / ..

one of those day to day issues when people are always concerned about the education of their children. And if the ANC started a campaign on education in the 1950s, one would have been very surprised if it had not because the ANC at that time was a legal organisation addressing itself to expressing the political and other grievances of the people, and education as a day to day issue is of the utmost importance to people.

Yes, in actual fact it was part of the ANC's programme of action in 1949. -- Well, I would have been surprised if it had not been. (10

I did not understand your answer fully at first. Did you conduct a campaign in the Black Sash on education, yes or no? -- A very low keyed campaign, yes.

What was the purpose of this, what did you try to achieve in this low keyed campaign? -- What we are trying to achieve is a system of education in South Africa that would be one educational system for all children of the country, and that would be based on sound educational principles.

Is that all? Have you finished? -- Well, that is what we hope to achieve. We are a long way from it. (20

Is it also so that the Black Sash is regarding the existing bantu education as "gutter" education? -- I am sorry, I did not hear?

Is it also true that the Black Sash regard the existing bantu education as so-called "gutter" education"? -- Gutter education? I do not think the Black Sash would use that expression, but we certainly regard it as a very inadequate system of education.

And are you in the Black Sash also working for a total rejection of the existing education system and to replace it?(30

Yes / ..

-- Yes, definitely.

With what? -- To replace it with an education system based on sound educational principles and philosophies.

I do not know what you mean by that. -- Well, I am not an educationist..

It is a very wide answer that, and I do not know what you are trying to convey to the court. Can you elaborate more on that, please? -- Verwy well, I am not an educationist but I believe that educational systems must be designed for the growth of whole persons and for persons to grow to adulthood with enquiring minds. Persons who are able to operate as citizens of independent mind in the society in which they live. Persons who because of the quality of education they have, whose lives are greatly enriched by learning that is beyond the necessity of merely earning a living. I believe that education should enable people at all times in their adult life to question authority. And I believe it should be designed to enable people to participate in the societies of which they are a part, as people of independent minds, as contributory citizens.

COURT: Yes, having said all that, let us get down to brass tacks. Let us see what you are for and what you are not for. -- Okay.

Do you believe in religious instruction in schools? -- Yes, I do.

To all who go to school? -- Yes, but that nobody should be compelled to attend the class if the instruction is of a different faith.

Do you believe that the instruction should be in a particular language? -- You mean general instruction or religious instruction?

No, the general instruction in school. -- I believe - I (30

do / ..

do not believe I am competent to answer that because of not being an educationist, but my personal opinion is that in a country with many languages, instruction should be given in one or two of the main languages so that you do not have a multiplicity of people who are illiterate in all languages other than that.

So you need an official language? -- You need an official language.

Do you believe that instruction has to be directed primarily towards the attainment of a person who will be able to become employed? -- No, that is one of the things that always worries (10 me. I think it primarily should produce a person who can think but I am not unrealistic enough to believe that people - and people obviously also must acquire skills that will enable them to earn a living whether in an employed capacity or whether as their own masters. But I am very much against a system of education which is designed merely to produce people with the necessary skills to go into the production process, without any understanding of what the process is about, or that there is a life and thought outside the confines of the factory. So I would not put my primary purpose is to teach people to be employable; (20 I would put that as a secondary purpose.

Think first and eat afterwards? -- Well, I think if you learn how to think you are more likely to be able to eat.

It depends on whether you are practical or not. Now what I am coming to, is what is your practical objection to the education system at present prevailing? -- Because I believe all our children are not taught to think. They are taught to learn by rote; that we are not producing the kind of citizens - there are a lot of detailed objections to things like the history syllabus which are well-known, but I do not find that South (30

African / ..

African children at the age of 16 are comparable in any way to children in Britain or America, where I am familiar with the children in Holland, where I am familiar with them in terms of their maturity, their ability to ask questions and to think. I find our children are distressingly very clever at repeating what they have been taught, but not beyond that.

So your complaint is a complaint against the education system in general; that applies to Afrikaans, English and black schools? -- Yes, but also..

The way in which children are taught? -- That is one of (10 my complaints.

Yes. -- My second complaint is that education in this country is racially administered and our children, except those whose parents can afford to send them to private schools or who can get bursaries, are educated apart from one another. Because I do not know how children kept apart, are ever going to be able to in adult life, have normal relationships with people of a different race group.

MR JACOBS: Have you any ideas on who must be in control of education or what is your aim in this regard in the Black (20 Sash? -- Education must be controlled by a minister of education who is an elected representative of the people and has been elected through an election based on a universal franchise in a non-racial society.

And the syllabus? Do you have any ideas on that, what the syllabus must be and who can choose.. -- Well syllabuses evolve - I believe very strongly that parents and teachers and students as well as educationists and politicians and administrators should be involved in a process of deciding on educational policies, and that happens in other countries such as the United (30 States / ..

States where local communities are very involved in educational policies in their schools, and that educational policies if they are any good at all will always be evolving and responding to developments in both scientific discovery as well as developments in human understanding of human problems.

How did you in the Black Sash convey this sort of low key campaign? -- By various means. By the usual letters to the press or articles in the press, by private letters written directly to school principals on the issue of 16 June, by addressing house groups or meetings of members of the Black Sash, and encouraging them to get involved as parents in the PTAs in the schools of their children; those sort of things. (10

Is it only in white schools you are referring to now, where you conducted it in this way? -- That is where we have focussed our attention because we are largely white and we would think it would be an impertinence to start initiating anything in the black communities whose concerns for its schools are very great and has been shown to be a priority issue over the last years, so we have not sought to put across our opinions in particular to black communities. (20

But did you conduct a campaign on black education in any way in the Black Sash? -- We did. To a large extent we conducted a protest campaign against bantu education when it was introduced and in the years thereafter.

Over the last two and a half years, say from 1983 to 1986? -- No, we have not conducted any campaign. We have really supported what other people have been saying about education. We have again shown that support by attending various meetings and so on, on educational issues. Members of the Black Sash who are also educationists would be involved with organisations such (30

as / ..

as NEUSA I have no doubt and we have tended to confine ourselves to addressing the white community.

Is NEUSA in the black educational sphere or not? -- NEUSA as far as I know is a non-racial organisation addressing educational issues. But I do not know, I have no personal knowledge of NEUSA myself.

Did you in the Black Sash publish any articles in your paper or little paper or whatever you call it, the The Sash, on black education? Magazine, thank you. -- Yes, we must have done so over the years. (10

I am not asking.. -- Yes.

I am not asking whether you must have done so, I am asking whether you did, or not? If you cannot remember, you tell the court: I cannot remember. -- Well, I cannot remember but I am sure that there will have been, if you wish me to look for them.

COURT: I think we have worked up an adequate credit for today and I have an appointment with the judge-president, so we will take the adjournment now.

MNR JACOBS: Ek is vreeslik bly want ek word self moeg, edele.

THE COURT ADJOURNS FOR LUNCH (20

-----