

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-05-17

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 401

(Bladsye 23 334 tot 23 431)

DIE HOF HERVAT OP 17 MEI 1988

FRANCIS LONDON, nog onder eed (deur tolk) -

VERDERE KRUISONDERVRAGING DEUR MNR JACOBS: Dankie, edele. Al die beskuldigdes is teenwoordig. Ek het gister vir die hof gesê ek sal die bewysplase gee waarna ek verwys het. Ek het twee hierso wat ek vir die hof wil gee, dat die petisie ontstaan het uit die geledere van die raad, daar was dit gemeld in volume 75, bladsy 3 970. Die tweede stelling wat daar gemaak was, dit het gegaan dat die gedagte van 'n delegasie om die raadslede te vergesel kom ook van mnr Dikhole af. Dit is (10 volume 75, bladsy 3 973.

HOF: Ja, dankie.

MNR JACOBS: Ek wil net 'n paar aspekte vandag met jou klaarmaak, mnr London. Die eerste wat ek net aan u wil stel is dat op 16 Junie 1985 die bewering dat mense by die saal raakgery is, ek wil net daarnatoe kortliks teruggaan. Hierdie saal waar die vergadering of die diens gehou is, die herdenkingsdiens, was dit naby die besighede? -- Nee.

Die stelling was dat nadat die mense daar by die saal raakgery was, het hierdie mense berserk geraak en hulle het toe (20 gegaan en mnr Mathloko se winkel aangeval. Wat sê u daarvan? -- Dikholo?

Nee, Mathloko, dit is die ander raadslid.

HOF: Wat is die verwysing?

MNR JACOBS: Dit is in volume 75, bladsy 3 964. -- Wat ek van weet is dat Mathloko se huis is in die onmiddellike omgewing van die winkel van Mathloko, dit is wat ek van weet.

HOF: Ja, maar wat sê u van die stelling dat nadat iemand by die saal raakgery is, het die skare berserk geraak en Mathloko se besigheid aangeval? -- Ek weet nie daarvan dat Mathloko (30

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se winkel aangeval is nie.

MNR JACOBS: Mnr Maruping, ken jy vir mnr Maruping? -- Ja, ek ken hom.

Is hy ook 'n raadslid? -- Hy was ene gewees tot en met die jaar 1983.

En is sy winkel, die slaghuis, dieselfde dag aangeval as - is die suggestie dat dit is dieselfde tyd aangeval as toe mnr Mathloko se winkel aangeval is. Het u iets daarop te sê? -- Dit weet ek nie van nie.

HOF: Wat is die stelling. (10)

MNR JACOBS: Die suggestie was dat mnr Maruping se slaghuis dieselfde tyd aangeval was as die winkel van Mathloko.

HOF: Waar staan dit?

MNR JACOBS: Dit staan op dieselfde bladsy, edele, volume 75, bladsy 3 965 - dieselfde volume. Dit begin: "Was Maruping's butchery not attacked at the same time that Mathloko's shop was attacked?".

MR BIZOS: I do not know whether my learned friend has finished with this topic, I merely want to draw attention to the fact that what was put yesterday was not correct. At page 3 964 (20 your lordship may recall that my learned friend yesterday said to the witness that it had been put that the child had been injured at the hall. That is when your lordship asked for the reference, about line 6: "Well, I am going to put to you that on Eli Mabusela Street, Stephen Mathloko knocked three people down. -- Well, I am listening to you./ And that as a result of that the crowd that had left the hall became frenzied." I did not suggest that it happened outside the hall, with respect. I am merely drawing your attention to it at this stage lest my silence may be thought to have indicated that I agreed

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with what was put yesterday.

COURT: Yes, thank you.

MNR JACOBS: Edele, as 'n mens net op volume 75, 3 963, net 'n bietjie bokant toe kyk, word daar gesê: "Did he drive into a large crowd of young people coming out of a hall on 16 June?"

HOF: Waar is ons nou?

MNR JACOBS: Dit is oor hierdie selfde aspek.

HOF: Ja, maar op watter reël is u?

MNR JACOBS: Ek sal dit net kry..

HOF: 11.

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MNR JACOBS: Dit is 'n bietjie bokant die aanhaling wat mnr Bizos nou gestel het. Dit is wat ek gister aan hom gestel het hierdie dat toe die mense, die groep jongmense wat uit 'n saal uitgekom het: "coming out of a hall on 16 June". Dit is wat ek gestel het gister. Dit is volume 75, bladsy 3 963. Mnr London, 'n ander aspek wat ek graag wil finaliseer vandag is dat jy het gesê dat die ad hoc komitee het 'n vergadering gereël vir die stigting van HUCA. -- Ja, dit is so.

En die ad hoc komitee, kan jy vir ons sê wanneer is die vergadering gereël? Wanneer is dit gereël vir die stigting (20 van HUCA? -- Dit is lank terug dat hierdie voorval plaasgevind het. Ek kan nie meer so goed onthou nie.

Was dit in 1983? -- Moontlik om en by daar, ek is nie seker nie.

Toe julle nou besluit om die vergadering te hou en dit gereël het, het julle as die ad hoc komitee gaan sit en besluit watter organisasies julle gaan nooi om sprekers te stuur na die stigtingsvergadering toe? -- Nee.

Glad nie? -- Nee.

Wie sou die sprekers wees op daardie vergadering? -- (30

Die / ..

Die lede van die ad hoc komitee.

Al die lede, al vyf van hulle? -- Nee, net drie.

Wie sou gepraat het? -- Galeng, Jomo Khasu en Crutse.

Laat ek net duidelikheid kry, het julle nie sprekers genooi van UDF, die United Democratic Front nie? -- Nee.

Het julle nie sprekers genooi van die Black Sash nie? -- Nee.

Terloops het enige sprekers van die Black Sash ooit op julle uitnodiging vergaderings bygewoon en toegesprek in Huhudi gedurende die tydperk 1983 tot middel 1985? -- Ek kan(10 nie so goed onthou nie.

Ken jy 'n persoon met die naam Sheena Duncan? -- Ek hoor net die naam van die persoon wat ek dikwels in die koerant-berigte sien.

Het sy ooit.. -- Maar ek ken nie die persoon self nie.

Het so 'n persoon ooit Vryburg besoek gedurende die tydperk wat ek genoem het en daar met julle samesprekings gevoer en ook vergaderings daar toegesprek? -- Ek onthou nie.

Nou as ons teruggaan na die stigtingsvergadering toe, het julle nie sprekers genooi van die "Anti-community council (20 committee" nie? -- Nee.

En van die South African Council of Churches? -- Nee.

En 'n spreker van Soweto Youth Congress - SOYCO? -- Nee.

Op die vergadering self het daar enige mense van die Black Sash gepraat? -- Nee.

Het eerwaarde Brooks van die Noord-Kaap tak van die Suid-Afrikaanse Raad van Kerke nie gepraat nie? -- Nee.

En het 'n spreker van SOYCO nie gepraat nie? -- Nee.

En van UDF het Frank Chikane daar gepraat? -- Nee.

Jy sien, ek wil hê jy moet kyk na BEWYSSTUK W.23, dit (30

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is 'n SASPU National.

HOF: B.23?

MNR JACOBS: W.23. Dit is in volume 4. Dit is 'n SASPU National van Oktober 1983 op bladsy 8. Het jy hom? -- Is dit hierdie een?

Volume 4 en dan is dit W.23. -- Bladsy 8?

Bladsy 8. -- Ja, ek het dit.

Daar in die middel van daardie bladsy is 'n foto en net onder die foto staan daar: "HUCA fights Piet K. and council puppets". Sien jy hom? -- Ja, ek kyk daarna. (10)

Eerste is daar 'n foto geneem op die "launch" van HUCA. Sien jy dit, stem jy saam? -- Ek sien die foto, ja.

Dit is jammer ons het nie die ander een nie, dan kon jy miskien vir ons gesê het of jy die mense ken. Kom ons gaan aan na die berig toe. Dit begin:

"Over 400 people attended a rally to launch Huhudi civic association, HUCA, recently. HUCA was formed to oppose the threat of removals and to take up other issues facing Huhudi residents. The crowd was addressed by speakers from Huhudi, the United Democratic Front, the Black Sash, the Anti-community Council Committee, the South African Council of Churches (SACC), the Soweto youth congress (SOYCO), Kurumane Youth Unity and the Huhudi Youth Organisation." (20)

en dan verder in dieselfde berig word daar verwys na die verskillende sprekers van hierdie organisasies wat daar gepraat het. Wat sê jy hiervan? -- Ek stem nie saam met die inhoud hiervan nie.

Maar jy was mos op die vergadering? Jy moet mos nou weet wat daar gebeur het? -- Dit is juis die punt wat ek sê dat (30)

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ek nie saam met hierdie verslag stem nie want die Youth Congress van Huhudi is eers gestig na HUCA alreeds gestig was. Met ander woorde, dit is 'n botsing van feite hier.

HOF: Is dit al waar u verskil van die verslag? -- Wat die sprekers ook betref verskil ek van hierdie verslag want die enigste sprekers wat daar toesprake gelewer het was die lede van die ad hoc komitee.

MNR JACOBS: Op hierdie vergadering kan jy onthou dat mnr Galeng gesê het hulle moet die mense verenig en hulle betrek en die mense bevry, dit is die swart en wit mense. -- Ek onthou nie(10 so mooi wat hy gesê het in sy toespraak nie.

Het mnr Frank Chikane ooit 'n vergadering kom toespreek in Huhudi gedurende die tydperk 1983 tot middel 1985? -- Ja, ek onthou dat hy 'n spreker was by een van die vergaderings al kan ek net nie presies onthou watter ene dit was nie.

Sê vir ons eerstens wie het die vergadering georganiseer waar mnr Chikane gepraat het? -- Dit is lank terug dat dit gebeur het. Ek kan nie meer onthou deur wie hierdie vergadering belê was nie.

ASSESSOR: Ek neem aan die vraag gaan oor eerwaarde Chikane(20 en nie mnr Chikane nie?

MNR JACOBS: Eerwaarde Chikane, ja. -- O.

Kan jy vir ons sê watter jaar dit was wat eerwaarde Frank Chikane julle kom toespreek het? -- Nee, ek kan nie onthou nie.

Kan jy onthou was dit 'n openbare, massavergadering gewees? -- Ek het so gehoor ja dat die vergadering by die saal gehou was so as dit die geval is neem ek aan dat dit 'n massavergadering was.

Nou het jy net gehoor dat hy daar was? -- Ja.

Het jy nie die vergadering bygewoon nie? -- Nee, ek (30
onthou / ..

onthou nie.

Jy onthou nie? Is dit moontlik dat jy dit bygewoon het maar jy onthou dit nie? -- Ek onthou nie.

So nou weet ons dat eerwaarde Chikane daar 'n toespraak gelewer het, mev Sisulu - mev Albertina Sisulu, dat sy daar vergaderings gehou het gedurende hierdie tydperk? -- Ja, dit is so.

Hoeveel vergaderings het sy daar bygewoon en toegespreek? -- Ek onthou nie. Wat ek wel kan sê is dat ek het een keer gehoor dat sy - dat ek gehoor het dit word gesê dat sy by 'n (10 vergadering teenwoordig gaan wees.

So jy het dit net gehoor? Was dit nie deur die HUCA bestuur bespreek dat sy genooi word soontoe nie? -- Dit was besluit deur die HUCA bestuur, ja.

En jy was mos deel daarvan? -- Dit is so, ja.

So dan weet jy mos dat julle haar genooi het. -- Verskoon my, die getuie is besig om iets te sê. Maar as gevolg van die tipe werk wat ek gedoen het, het dit gebeur dat ek soms laat opgedaag het.

Maar as lid van die bestuur weet jy mos - dan het jy (20 mos nie gehoor nie - dan weet jy mos en het jy deelgeneem aan haar uitnodiging om julle te kom toespreek en die inwoners van Huhudi te kom toespreek? -- As ek laat opdaag en vind dat drie persone al besluit het, dit wil sê die kworum besluit het oor iets en ek daag laat op, dit beteken dat ek ook daar teenwoordig was. Wat hulle besluit het word aanvaar as 'n besluit van my ook.

Het die voorsitter van SOYCO in die jare 1983 tot middel 1985 vergaderings daar toegespreek? -- Ek onthou nie.

Die vergadering op 1 Julie 1984 wat gehou was deur die (30

Huhudi/ ..

Huhudi Youth Organisation.. -- 1 Julie?

1/7/84, waarheen heelwat mense van buite genooi was, was jy op daardie vergadering?

HOF: U bedoel om te luister of te praat?

MNR JACOBS: Om te luister of te praat.

HOF: Die datum is 1 Julie 1984. -- Nee, ek onthou nie.

MNR JACOBS: Kan jy nie onthou dat mnr Terror Lekota, beskuldigde nr.20, daar 'n vergadering kom hou het en dat almal opgewonde was omdat hy daar 'n vergadering kom toespreek nie? -- Ek onthou nie. (10

Het jy hom nie gehoor praat nie? -- Ek onthou nie.

Jy sien, ek wil dit aan jou stel dat op 1 Julie 1984 was daar 'n vergadering gehou deur die Huhudi Youth Organisation waar mnr Hoffman Galeng die voorsitter was en onder andere het mnr Aubrey Mokoena en mnr Terror Lekota opgetree as sprekers daar vanaf die UDF. -- Ja, maar u praat nou van mense wat ek nie eens ken nie. Dit is nou die Terror Lekota wat u van praat en Aubrey Mokoena ken ek glad nie.

Jy weet nie eers dat hulle daar gepraat het nie? -- Ek onthou nie. (20

En Oupa Tekere Monareng van SOYCO was ook daar as 'n spreker. -- Ek ken hulle nie.

Edele, ek verwys in hierdie verband na V.12, die vergadering wat daar behandel is., Nou kyk, ek wil dit aan u stel dat die Huhudi civic association het 'n "rally", wat julle noem 'n "rally" in Vryburg gehou op 13/11/1983. Onthou jy dit? -- 13?

November 1983. -- Dit is 'n tydjie terug wat u na verwys. Ek ontken dit nie, al wat ek sê is dat ek dit nie onthou nie.

U sien, dit is waar die naam waaroor ek gister vir u oor gevra het, Cutter London vandaan kom. Jy was op daardie (30
vergadering / ..

vergadering gewees, jy was die persoon wat die mense bedank het, die sprekers. -- Maar dit is hoekom ek sê dat ek dit nie ontken nie. Al wat ek sê is dat ek onthou dit nie.

Goed, maar as jy dan die mense wat daar sprekers was moes bedank het vir hulle boodskap wat hulle daar vir die mense van Huhudi gebring het, vertel vir die hof wie is die mense wat jy bedank het vir hulle optrede daar? -- Dit is wat ek sê wat ek nie onthou nie.

Mnr London, het julle baie "rallies" gehou in Vryburg? -- Met die "rally" bedoel u nou die massavergadering met die (10 publiek of wat bedoel u?

HOF: Wat verstaan u onder "rally"? -- Ek verstaan nie die definisie van 'n "rally" nie, ek is nie so hoog geleerd nie, so nou ja, ek kan dit nie verstaan nie.

MNR JACOBS: Maar dit is hoe julle dit adverteer, as 'n "rally". Julle gaan 'n "rally" hou? -- Ek weet van 'n vergadering van die gemeenskap, 'n massavergadering.

Waar julle sprekers van ander plekke af gekry het? -- Die mense wat ons genooi het na vergaderings was mense van Kimberley en Kuruman, soos mense wat ook maar in die Noord-Kaap is (20

Jy sien, ek het jou presiese woorde wat jy gesê het daarso met daardie bedanking van jou en dit is baie kort, ek sal dit vir jou lees. Ek moet eers sê ek het 'n tegniese opname in my besit gekry, wat ek vir jou dit kan sê. Ek sal vir jou lees dat jy het die volgende gesê:

"Residents of Huhudi, I thank you for your co-operation. The good words from the good speaker, Mr Nkondo Tsabangu and those who came with him, those that the speakers said should not just end. Stand together, be strong. You heard the lessons of the community council. These will (30

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will be written in world history."

Kan jy onthou dat jy dit gesê het? -- Ek onthou nie.

Kan jy onthou dat jy mnr Curtis Nkondo daar bedank het vir sy boodskap? -- Ek onthou dit nie. Ek hoor net dat die advokaat sê vir my dat hy 'n band het waarop ek gepraat het, maar ek sê nog dat ek dit nie onthou nie.

En mnr Elliot Tshabangu? -- ek onthou hom ook nie.

Het altwee daar gekom en gepraat namens UDF? -- Nee, ek is nie duidelik daaromtrent nie, ek onthou dit nie.

Jy weet, mnr London, jou getuienis is vir my baie eien-(10 aardig. Hier is nou 'n groot okkasie waar jy spesifiek dinge gedoen het op daardie geleentheid en jy kan nie onthou nie, terwyl jy vir die hof hier ander dinge vertel het wat jy onthou. Hoe is dit dat jy net sekere dinge nou onthou? -- Ek het gehoor u het gepraat van 'n band wat u in u besit het waarop ek gepraat het. Sal u dit miskien vir my speel dat ek dit hoor? Dalk sal dit my herinner, ek is nie seker van my feite nie. Dan sal ek miskien vir u antwoord.

Ek kan die band vir jou gee dat jy hom speel. Jy kan hom kry. -- En dié wat u aan my gestel het dat ek dit daar (20 gesê het, dit is nou die woorde, sal u dit vir my gee dat ek dit ook kan luister?

Ja, jy kan dit luister. Ek kan dit vir jou beskikbaar stel dan kan jy luister. Maar beantwoord net eers my vraag want jy ontwyk my nou. Hoe is dit dat jy groot geleenthede nie onthou nie, maar vir die hof kan jy hier ander dinge kom vertel wat jy vir die hof sê jy alles weet wat in Huhudi aangegaan het. -- Mens kan vergeet net soos enige ander mens. Ek het ook vergeet.

Sê vir die hof het u enige massavergadering ooit (30

bygewoon/ ..

bygewoon gedurende 1983 tot middel 1985? -- Daar is 'n hele paar wat ek bygewoon het wat ek net nie meer kan onthou nie.

Jy kan nie een van hulle onthou nie? -- Ek onthou van die ene waar ons die mense genooi het om hulle te kom sê van die antwoord wat ons van mnr Koornhof ontvang het.

Is dit die enigste een? -- Wat ek onthou, ja.

Maar dit was 'n nagwaak gewees as ek reg onthou? -- Nee, ons het 'n brief ontvang waarin gesê word die saak is nog hangend.

So dit is nie die vergadering wat dan gehou is om die uitslag van die onderhandelings met mnr Koornhoof - waaroor (10 dit dan gegaan het nie? -- Edele, na die nagwaak, dit is die volgende dag het ons die mense bymekaar gekry en vir die mense daar laat weet wat die besluit was. Dit het nie eens langer as 20 minute geduur nie.

En dit is die enigste vergadering wat jy kan onthou? -- Dit het ons nie beskou as 'n vergadering nie, want mense het net daar kom luister en toe weggegaan.

Maar enige van die groot vergaderings wat oor daardie tydperk gehou was in Huhudi waar sprekers, genooide gassprekers genooi was van ander plekke van Johannesburg, van daardie (20 plekke af, weet jy nie, kan jy nie onthou nie? -- Ek onthou nie dat ek teenwoordig was nie.

Edele, ek is klaar met die getuie. Ek kan net vir die hof sê die band is in Krugersdorp. Ons sal dit laat haal en..

HOF: Ek stel nie belang in die band nie, dit is tussen u en die getuie.

MNR JACOBS: As hy hom wil sien, kan hy hom sien.

HOF: Dit is tussen u en die getuie. As hy daarna wil luister is dit sy saak.

MNR JACOBS: Dankie, edele, ek is klaar met hom. (30

RE-EXAMINATION/..

RE-EXAMINATION BY MR BIZOS: Net een vraag. Waar is Eli Mabuselastraat in verband met die gemeenskapsaal daar in Huhudi? -- Dit is ongeveer 'n kilometer ver vanaf die saal.

HOF: Dit loop nie by die saal verby nie? -- Nee, dit loop nie verby die saal nie.

MNR BIZOS: Dankie, ek het nie verdere vrae nie.

GEEN VERDERE VRAE NIE

MR BIZOS indicates that Bishop Buthelezi had been sitting in court with the knowledge and approval of the state.

MANAS BUTHELEZI, d.s.s -

EXAMINATION BY MR BIZOS: Bishop Buthelezi, are you the bishop of the Evangelical Lutheran Church of Southern Africa? -- That is correct.

Do you live in Soweto? -- That is correct.

Did you complete your education at the St Francis High School in Marion Hill? -- Part of it is correct.

And did you thereafter become a school teacher? -- That is correct.

Were you ordained as a minister in 1961? -- Yes.

And whilst you were a school teacher between 1955 and 1961, did you complete an arts degree at the University of South Africa in theology and philosophy? -- That is correct.

Do you have a masters degree in theology from Yale university in the United States? -- That is correct.

Do you have a Ph.D in theology from Drew University also in the United States? -- That is correct.

COURT: Which university, Yule?

MR BIZOS: Drew - D-r-e-w. Have several honorary degrees been conferred on you, and among others an honorary degree of Susquehanna - I will spell it, S-u-s-q-u-e-h-a-n-n-a (30

university/ ..

university in Pennsylvania in the United States in 1975? --

That is correct.

An honorary doctorate in humane letters from Drew university in New Jersey in the United States? -- Yes.

A doctorate in divinity at Warberg Seminary at the Lutheran university in the United States? -- Yes, seminary, that is correct.

Yes, seminary in the United States. And a doctorate in theology from Lund university in Sweden? -- That is correct.

Were you the Natal region director of the Christian Institute from 1972 to 1975? -- That is correct. (10

Have you been appointed visiting professor at a number of universities? -- That is correct.

And ecclesiastical or theological seminaries? -- Yes.

Have you held a number of positions for the world mission and evangelism of the World Council of Churches? -- Yes, I was a member of that mission.

Was that from 1976 to 1983? -- That is correct.

Are you still a member of the standing committee of faith and order commission of the World Council of Churches? -- That is correct. (20

Are you a member of the Lutheran-Catholic Joint Commission with offices in Rome and Geneva? -- That is correct.

Were you elected president of the South African Council of Churches in 1984? -- Yes.

Do you still hold that position? -- That is correct.

And you are also presently the bishop of the central diocese of the Evangelical Lutheran Church in Southern Africa? -- That is correct.

Have you ever been a member of a political organisation (30

in / ..

in its wider sense? -- No.

Was this something by accident or was it as result of a deliberate decision? -- It was as result of a deliberate decision.

Why did you make this decision? -- Because among the people I lead there are members of almost all political parties and I feel it would be unwise for me to seem to align myself with one vis-a-vis others.

It follows that you have not been a member of AZAPO? -- No. (10

You have not been a member of any affiliates of the United Democratic Front? -- No.

Have you ever had any objection to attending meetings or commemoration services or conferences organised by these political organisations? -- No.

Did you ever feel that by taking a seat on a platform either of a forum or a conference or a rally or a commemoration service, organised by one or other political organisation, that you made yourself a member of any such organisation? -- No, I participated without feeling that I was aligning myself on (20 a membership basis.

You have told us that you have participated on the academic and religious level and have you also been active in your community, fairly active in your community? -- Fairly active.

Have you lectured and written papers which you delivered at conferences and seminars? -- That is correct.

Including on matters such as black consciousness? -- That is correct.

What is called liberation theology? -- That is correct. (30

And / ..

And what is sometimes called black theology? -- That is correct.

Have you attended commemoration services and funerals? -- I have.

At which very large numbers of people were present? -- I have.

Have you been called upon to try and reconcile differences between various political organisations in the years from the late 1970s until the end of 1985? -- I have.

And have you tried to reconcile different people with (10 different ideas in your community? -- I have.

In view of what I am going to ask you as to what happened at some of these commemoration services and some of these funerals that you have been present at, I would like you to please tell his lordship and learned assessor about what are called loosely speaking the historical churches in Southern Africa and the independent churches in Southern Africa? -- The church historians make a distinction between historical churches and independent churches. Historical churches are what are sometimes called main line churches like the Catho-(20 lic Church, Anglican Church, Methodist Church, in other words those who had their origin in Europe. On the other hand the independent churches are a cluster of churches which it is very difficult to define. A Swedish church historian by the name of Bengt Sundkler has tried to systematise this cluster by making a distinction between three types of independent churches. That is the so-called Ethiopian churches. It is those which broke away from the main line churches because of socio-political churches. And the Zionist churches, that is if I can just say briefly, those churches which grew up as (30

a / ..

a result of what I would say two streams of influences. They are called Zionists in the first place because some time back a Dutch Reformed missionary who was sent to Wakkerstroom in Northern Natal was using as a hymn book a collection of hymns which was called Zion hymns and therefore that church was called Zionist. There was another one in Johannesburg also called Ziolist church simply because they were using that hymn book. Later on this missionary by the name of Le Roux who was a missionary of the Dutch Reformed Church broke away from the Dutch Reformed Church because people were unhappy about (10 some of his teachings related to faith healing, abstention from tobacco and liquor and the farmers around Wakkerstroom took exception to this because it was part of their trade. The other stream of influence which led to the calling of these churches as Zionist churches was that after he had been expelled from the Dutch Reformed Church he got linked with an American missionary by the name of Dowey whose headquarters, church headquarters was in the Zion city near Chicago in the United States. This group then supported this but after a while the black wing of this church became independent, they (20 went on their own until today and they are characterised by wearing white, yellow, green and blue garments.

May I just interrupt you for one moment. What is the third stream? -- Ja, the third stream according to Sundkler is the Messianic wing of the independent churches where one person becomes a Messiah, so to speak on the same rank as Jesus Christ. We have a few of them.

Messianic you said? -- Messianic.

Messianic churches. Now in view of what his lordship and the learned assessor have seen, the videos of what (30 happens / ..

happens at some of these funerals and commemoration services and the behaviour of the people there, I want you to please explain to his lordship whether there are any differences in relation to the practices in the churches, the main line or historical churches and the independent churches, whether there are any differences that are carried out in the liturgy, in the dress, in the manner of behaviour in church, that sort of thing? -- Yes, there are differences in teaching. Most of the independent churches, if not all, lay emphasis on what is called faith healing and abstention from medicine; also ab- (10 stention from liquor. There are also differences on the level of liturgy, of worship. They have a free worship style that involves body movement, speaking in tongues and the freedom of expression on the part of worshippers.

How is this distinguished from the behaviour of churchgoers in the main line or historical churches? -- The main line churches are characterised by their formal structure of worship. Everything is said, is written, you know what comes next. This is not only in the details of worship but also in the behaviour in church. People have to behave and act in (20 a certain way in church.

Well could you describe to his lordship what you would find or do find, what behaviour evidences itself in the independent churches that you do not find in the main line churches? -- There is a lot of dancing in the independent churches, clapping of hands and other types of body movements. Sometimes they are falling down, going round in circles, whereas in the historical churches the people tend to stand still, no movement, only singing.

What about the question of dress? -- In the independent (30 churches / ..

churches people tend to dress, all dress in uniform, colourful uniform and the favourite colours are green, blue, white, yellow and others.

This practice of dancing and clapping of hands, the uttering of voices, what sort of influence was brought to bear in order that this practice developed? -- You mean..?

The body movement and the clapping of hands and the uncontrolled singing, what sort of influence brought this about? -- I would say, and it is just my opinion, that it comes as a result of the American influence, especially the black (10 people in the United States who have similar features to those of the other stream, the African stream, which is the local stream. And all these because they do not have any infrastructure for the maintenance of historical patterns of worship like books, technical books on liturgy, but they rather rely on what is nearest to them, their traditional culture and what has been inherited particularly from the United States, which is similar to what you find in Africa.

And the traditional Southern Africa religious worship, did that play any role in the development of the practices (20 of the independent churches? -- Yes, it has.

Now could you give us some idea of how many people in Southern Africa belong to these independent churches? -- I did not check the figures but I can say that there is an estimate of about 5 000 independent churches and it is very difficult to determine what constitutes membership because it is on a very loose basis. All I can say is that the independent churches constitute one of the largest single groups of churches.

COURT: I read 9 million. -- That may very well be.

MR BIZOS: It is in the millions. -- Yes, into millions. (30

Now / ..

Now your church, the Lutheran Church, is that an independent church or is it a historical church? -- It is a historical church.

And what are the practices - have you got a large number of black congregations in your church? -- Yes, a reasonably large number.

Now have any of the practices of the independent churches crept into your historical church? -- Yes, they have crept into our church as well as into other churches. I am thinking particularly of dancing, clapping of hands, singing of (10 what are called choruses which do not have any official sanction.

What choruses without official church sanction are sung in the independent churches and that have crept into the historical churches? -- There are a number of them. Most of those I know are in Zulu - I do not know if they would be helpful.

Well, perhaps you could be asked about all of them but I am particularly interested in one. Have you ever heard the chorus "senzeni na"? -- Yes, I have. (20

Is that often used in the independent churches? -- Yes.

Has it crept into the historical churches? -- Yes, it has.

Has it gained acceptance by being included in the hymn book or not? -- No.

But does that prevent people from singing it? -- Whenever people are afraid to do their own thing, they sing choruses.

Including "senzeni na"? -- Including "senzeni na".

Have you been able to determine when it was first used?

-- Oh, I would say as far back as I can remember.

And we have had in evidence here, Bishop, that it is - (30

I have used the English but the Zulu is on record, "Senzeni na, what we have done, our sin is that we are black". There is another version in the Free State that we have heard from a particular witness. What I want to ask you is this, you call them choruses. Do the lines always remain the same or do people change them? -- They do not remain the same. According to my observation, there has been a lot of improvisation, that one being a case in point.

COURT: Does that mean then that originally a church song - yes, church song in the independent churches changes its wording and becomes a political song? -- Well, not a political song. (10

I am not sure whether politicians sing, but I mean, what I was trying to say is that there is a refrain, or what is called a chorus refrain, there is the main verse and then a part which is repeated after every verse and the independent churches then take that refrain and in gatherings, because people may get tired of repeating one and the same thing, they then add a line or so.

So you have a bit and then the refrain. The refrain is always repeated but then the bit changes? -- Yes, that is correct. (20

So depending on the speaker you get that bit which changes? -- Usually the singing is a group singing. The people do the singing. Choruses are not types of songs where you have somebody saying now you are going to sign humn number so and so. Anybody who feels moved by the spirit which is the tradition in the independent churches, just start a song without being given permission to do so.

MR BIZOS: You have spoken of the American influence. Was there any proto-type of this type of chorus in American church culture / .. (30

culture if I may call it that? -- It is the prototype, the so-called Negro spirituals.

And "Senzeni na", when did - you say you remember it, it goes back as far as you remember. Did it become particularly popular in any period? -- According to my observation it became popular around 1976 where you had lots of people coming together either to celebrate or to hold meetings.

COURT: So what you are saying is that the church song is not "What have we done, our only sin is that we are black", that is not the independent church song? -- No, the line "Senzeni(10 na" might have been - I do not know the actual root of it but it might have been a line that was related to the main verse. A cry to God perhaps for what had happened, either death or some social catastrophe and therefore crying to God: What have we done to merit these things you have allowed to happen to us. I would say that was the basis and the improvisation therefore might have been on the line, along the lines of a particular occasion.

No, I am asking you because you said you remembered this song for as long as you can remember. -- Yes. (20

That means from childhood I take it? -- Yes.

But when you heard it in childhood it was not sung: "Our only sin is that we are black"? -- I heard that line..

When? -- Say 1976, "our sin is being black and something worse than that".

MR BIZOS: And something worse than that. Yes, we will come to that. Now you said that people would sing "Senzeni na" and then we have heard the line: "Our only sin is being black". Has a third line ever been added? -- Well, I would not call it a third or fourth line, but one of the lines I have heard. (30

I / ..

I see. What is the line you have heard? -- "Abelungu Bayizinja", which is..

Spell that for the record, please? -- Abelungu and then Bayizinja - the whole thing?(spells it)

Yes -- Bayokufa Beyizinja.

Would you give his lordship a translation of that please? -- It means: "White people are dogs. They will die being dogs".

COURT: Now when did this new version come into being? -- I would say after 1976 if I were to generalise. According to (10 my - it might have been there before - but according to my personal experience.

MR BIZOS: Now you say this chorus of "Senzeni na", is it sung over and over again? -- Yes, it is.

And this addition, how does it come about to be uttered? -- I think it belongs to the nature of the situation. Where there is a crude style of leadership in singing, where anybody can start a song and therefore a group here - somebody might just add that line and then others just find themselves singing it as well. (20

COURT: But now the words "Senzeni na", which words are the chorus. What is repeated over and over and what comes in only once, or is this also repeated over and over again? -- It may just be a change in the words of the chorus.

So what you have given us here is the chorus in fact? -- Yes.

I see, yes.

MR BIZOS: "Senzeni na", does that always remain constant? -- Ja, that one seems to remain constant.

But now I want to ask you, Bishop, have you been (30
present / ..

present at large gatherings where "Senzeni na" was uttered in its full form, with all three lines as a complete chorus? Have you yourself been present when this has happened? -- Yes, I have heard it. In other words, I have heard it sung while I was present.

Yes, just as an ordinary person there or sitting on the platform? -- Both.

Well, I think you have already expressed your view in relation to whether this is in good taste or not, but did you ever regard it as an incitement or action against whites (10 or an incitement of any action by those singing, to others or to themselves, to go out and perform any unlawful acts against whites? -- No.

You told us that this third line that you heard was common after 1976. Have you heard it more recently? -- I have. I am not saying I always attend, I do whenever I have time or I am around, but I am noticing now another development. The use of the traditional tongues with either religious words or community related themes.

Right, we will come to some of the cultural influences. (20
COURT: This means then that the religious chants are used in political songs? Or are you shying away from the word political, but you say community (simultaneously) .. -- No, yes..

..but is non-religious things. -- Yes, there is a reason I am shying away from political because it is an overloaded - it is a loaded word. One has to define (simultaneously)

Well, let us then say the use of religious tunes for non-religious subjects. Is that what you are saying? -- Yes, in the African tradition you do not find this distinction between what is religious and what is ordinary. I think the Greeks (30
are / ..

are to be blamed for bringing that influence, of making those distinctions. In our culture life is life, so that is why I find it difficult with political or religious or social or cultural.

Yes, but you need not find it difficult. You are a bishop in the Lutheran church, so you know the language which I am speaking. Now can you answer my question then? In my context? -- Yes, what we are trying to do is to reintroduce the holistic understanding of life even in the church, that we should not make a distinction between life on Sunday and (10 life on Tuesday. I am aware of what your lordship is highlighting.

Yes, I know that one should be a christian on Sunday and also a christian on Monday. That has always been the church's teachings so that is nothing new to introduce, but what are you attempting to say then? -- Well, what is new in the dichotomisation of life as an experience, as a medium of experience as social life, religious life, political life, that the holistic attitudes of life is something which we have unfortunately lost and we feel that it is our responsibility(20 at least as black church leaders, to recapture it and that is why I am trying to do it even in this context.

Yes, but do not try it at the moment in court. We know that you have sailors' songs and we know that you have hymns and surely one would not call a sailor's song a hymn? I think on that basis we can agree? -- Yes.

Now when you said that the songs were not used, that the religious songs were used for something else, what did you mean? -- What I meant is that you might have a gathering which is not assembled by church auspices. It may be a community (30 gathering/..

gathering, not a church gathering per se. I mean it in that way.

So you mean the hymn is not sung in church but it is sung at a mass meeting? -- Yes, at a mass meeting.

Yes.

MR BIZOS: Now this expression referring in derogatory terms to whites, like singing the third line of "Senzeni na" that you have given us, that the whites are dogs and will remain dogs until they die, do some of the people who have sung it at the various places, do they co-operate with whites in (10 their communal or political activities? -- I think on the whole I may say that the majority of the people may take that to be in bad taste even though they hear it being sung.

Being sung there. But can you give his lordship any other examples where this sort of derogatory terminology is used in songs outside the meeting place, the community meeting or the funeral or the commemoration service?

COURT; Do you mean not at meetings?

MR BIZOS: Not at meetings.

COURT: In the street for example? (20

MR BIZOS: In the street yes. -- Yes.

In the street, will you give us a couple of examples of that? -- Before the introduction of machines which did the digging in the streets where gangs of workers had to use picks to dig, it was customary for the employers to organise somebody who would lead the group and say something and then others would respond. One I remember, I used to hear people chanting, it was not so much a song was "Abelungu ba Ngoswaeni, Abelungu Bangudem", which means - should I spell it?

COURT: Yes, for record purposes. -- Abelungu (spells it) (30

ba / ..

ba ngoswaeni - I am not sure because "swine" is an English word. Okay, I will spell it in Zulu: ba ngoswayini (spells it)

And the translation, please? -- White people are pigs, they are swines and then the second line: Abelungu bo ngswayini Abelungu ba ngodem", which means they are damned and usually this was said in the presence of a white foreman and even he himself would regard it as something in the interest of the progress of the work, because there would be somebody chanting this and others would be doing it, and sometimes this was (10 chanted when they were lifting something heavy.

Was that used by the hearers, a person such as yourself as, leaving questions of good taste aside, was that considered as deliberately insulting of the white foreman or of white people generally, or an incitement to any action? -- Surely for somebody from the church it is, to say the least, in bad taste but at the same time I find it amusing.

COURT: Were you a bishop then? -- (Laughs) I was not.

MR BIZOS: Yes, well bishops are not supposed to be amused as easily as others. (20

COURT: Would this be a convenient time for the adjournment?

MR BIZOS: As your lordship pleases.

THE COURT ADJOURNS FOR TEA / THE COURT RESUMES

K1376 MANAS BUTHELEZI, still under oath -

FURTHER EXAMINATION BY MR BIZOS: I just want to round off this question of singing about the whites by the working group that you have described, even whilst this was being sung what would you say the attitude of the workers was to the white foreman that was watching them. Was it one of hostility? -- No, it was not one of hostility, there were other factors, (30 dynamics / ..

dynamics which were operating I believe.

What sort of dynamics in your view play a part in this sort of wanton, generalised insult? -- First I would say it is regarded as something light which everybody would be amused about, not a heavy thing. And secondly it plays the role of cultivating the group spirit which is really the main thing and not how the words sound, but how the words help in cultivating the group feeling amongs those who work.

We will come back to other specific songs which you may or may not have heard at various meetings, but I want to (10 return to the practices of singing and body movement that are common to the independent churches. Have you recently delivered a paper to the Lutheran-Roman Catholic joint commission at Versailles in France? -- I have.

Have you dealt with this question of influences of practices of the independent churches on the practices of the main line churches or the attitude adopted by people as a whole? -- I have.

I want to show you the paper. Is this the paper which you.. -- Yes. (20

It is headed: "The Reformation questions and our questions", written by you. Was this a conference held from 7 to 11 March 1988 where you delivered this paper? -- It was.

I want to read various passages because you have said this outside court, and ask you whether this is still your view. But before I do that would you just briefly explain what this commission is? -- It is going on all over in an attempt to promote unity between Catholics and Lutherans on an international basis, so this is a committee of theologians trying to iron out those questions which caused disunity during the (30

Reformation/..

Reformation.

COURT: And how long has this committee been busy? -- Oh, it is many years. I cannot (hesitates)..

Decades? -- It may be. I cannot say without checking, because I am a new member of it.

Yes, do you want this in?

MR BIZOS: Yes, m'lord.

COURT: It will go in as EXHIBIT DA.184. It is headed: "The Reformation questions and our questions".

MR BIZOS: Yes. I just want to.. (10

COURT: What is meant by "our questions"? Is this seen from the side of the Lutherans? -- Luther and others did and said what they did and said because of certain questions which were current at the time, so I was merely trying to see whether the questions they asked..

Are still relevant? -- .. and the answers which they derived can shed light on some of the questions which we ask during our time.

MR BIZOS: Yes, when you speak of in our time, do you deal with problems near home here in Southern Africa? -- Those (20 with which I am familiar in my church environment.

Yes. I want to read from page 2, the middle paragraph:

"Both Luther and the South African detainee have something in common, which is going through a traumatic religious experience in a private cell. For Luther it was a monk's private cubicle and for the detainee a prison cell of indefinite detention and solitary confinement.

Unlike Luther the detainee has no feelings of guilt because he has in fact done no obvious wrong. Like Luther he yearns for God not in order that God may be (30

merciful / ..

merciful towards him for his sin, but that God may vindicate his innocence. Young people who have shared with us their prison experiences recently stated that what kept them going in solitary confinement was faith in God, prayer and the conviction that they were innocent. This leads me to the aspect of the perception of the justice of God. Luther had no problem with illegitimacy and the application of the justice of God. The problem for him was that he rightly deserved condemnation in the light of the justice of God. God's saving act of (10) justification transcended the critical act of the justice of God and was thus a way out, that is an avenue of God's mercy. On the other hand, the detainee questions the efficiency of the justice of God itself. In some of the freedom songs with religious themes there are lines like "What have we done? What have done? How long shall we continue to suffer in this way? It is the old cry of Job: why should the righteous suffer? Has God's justice lost its divine punch? Is it also the cry of the Psalmist: Oh God, why dost thou cast us off (20) forever. Why does thou anger smoke against the sheep of thy pasture. (74:1).

More than this the detainee has developed an attitude of cynicism against justice including divine justice. In life generally he feels that he gets less than his due. He experiences justice in the shape of harsh injustice. His real problem even in the darkest moments of religious agony in the prison cell is not so much how his sinful life fares on the scales of divine justice as how he can cope with human injustice. It is as if God has (30)

withdrawn / ..

withdrawn himself in order to allow injustice to run the show. As a reaction to this stage of affairs, the detainee is crying for a God of justice rather than primarily a God of justification. The main point here is what the detainee's perception is rather than whether he is approaching God, rightly or wrongly."

Now is that your view of the development or let me change - is that your view of the reason why songs such as "Senzeni na" is sung? -- Among other things, yes.

Whilst we have this paper I want to read another passage on page 7 dealing with ecclesiastical and popular - I have difficulty with the - I can pronounce in the original but I am not sure of the .. -- Ecumenism.

You deal with the first four paragraphs under that heading about the..(intervenes)

COURT: Yes, could you just define for me - ecclesiastical ecumenism. I know what that is. What do you understand by popular ecumenism. -- It is defined in what follows.

Oh, does it come? -- In other words, the people's perception of ecumenism. Ecumenism as people perceive it and ecumenism as the church..

Not in a religious sense? -- In a religious sense.

Both in a religious sense? -- Both in a religious sense.

Yes, thank you.

MR BIZOS: I do not intend reading the first, second, third and fourth paragraphs because that is the generally accepted theological ecumenical tense. I will start "On the grass roots level" at the bottom of the page:

"On the grass roots level there is another level of ecumenism, popular ecumenism. In my situation (30
each / ..

each search seems to be divided into two: the official church and the people's church. Whilst theologians of faith and order and perhaps the Lutheran-Roman Catholic joint commission are seeking convergence and understanding certain key matters of doctrine and practice, people in the pews have gone beyond seeking. They have sought and apparently found what professional theologians are still seeking. Let us make an illustration in two areas.

People's liturgy. During moments of sorrow and distress it is customary for people to render mutual help or (10 express some form of solidarity. This is regardless of the boundaries of denominational affiliation. At funerals there are usually night vigils where ecumenical, liturgical patterns created by the people themselves emerge. These they take back to their respective churches, thus in the Lutheran Church we now come to condone the clapping of hands and singing of choruses during certain occasions. Some Lutherans even claim the ability to speak in tongues. This is not official practice and yet it is so common. It has gate-crashed to the Lutheran Church as a (20 result of the people's movement to popular ecumenism. This is an area where the so-called independent churches have transformed the main line churches below the noses of their pastors and bishops. The Augsburg Confession and the altar books still retain their official character but in the meantime church life is transformed to the point where they are silent. Even though there is so much singing of choruses in our congregations, not a single chorus is listed in our hymn books. Similarly even though clapping of hands and dancing have come to (30

be / ..

be accepted as liturgical forms in our congregations none of these is mentioned in our altar books. It looks as if a liturgical coup d'etat has overtaken the church in the early hours of its history, while it continues to enjoy the sweet dreams of Augustana, German chorals and the Lutheran mass. Popular ecumenism is taking over. It is different in spirit and style from the celebrated Lima liturgy. The only thing that can be said about it is that it is ecumenical. Through the Swedish youth group, Fjedur, it has made inroads in Europe. It is (10 only now for ecumenical theologians to give recognition to it."

Is that what you wrote and delivered at this conference? --

That is correct.

Is it your view and is it based upon your experience of what is happening here in Southern Africa? -- It is.

And what has been happening for the last three years? -- It is.

Whilst we are on this paper, it has been suggested here that black theology or people's theology is really a ferment(20 ing violent revolution. What do you say about that? -- I will deny it.

I would like to read what you wrote in this paper, EXHIBIT DA.184, at the bottom of page 8, 4.2: People's theology:

"Black theology was the first model to catch the imagination of ordinary people. It is common these days to use the term 'liberation theology' for the same thing. Ordinary people, students, workers, political activists speak about liberation theology. It is fashionable in a meeting regardless of who the participants are to have (30

an / ..

an item on liberation theology, or casual references to it. People have appropriated the theological territory. They may not understand its contours and lay-out or who legitimately owns it. That is why the first edition of the Kayros document was also signed by people who, you would correctly say, have never studied theology or read any book on theology. There is therefore another level of theologians, the level of the people. One can debate the question of legitimacy but no-one can deny the reality of the appropriation of the theological territory by (10 the people. This refers to people who come from different confessional backgrounds, people's ecumenism seems to have transcended the tricky issues of ecclesiastical ecumenism. The point in all this is that as we try to resolve some of the questions which were left open in the debate of the Reformation, we should at the same time not ignore contemporary concerns even when they are not clearly articulated and formulated. If this is to happen it is necessary that we should make a radical and critical review of certain aspects of the way in which (20 confessional dialogues, bilateral and multi-bilateral, are currently conducted."

Did you write that, Bishop? -- That is correct.

And did you deliver it at this conference? -- That is correct.

And does it represent your experience and view of the affairs? -- It does.

Now on this question of the allegation that black theology or liberation theology is really part of the violent revolutionary struggle to overthrow the government of (30 South / ..

South Africa..

COURT: Are these synonyms? -- One is a genus and the other is a species.

Which is which? -- The species is the black theology.

I heard in court here that the difference is this, that black theology is concerned with race whereas liberation theology is concerned with class. What do you say to that? -- As in any discipline there are always certain personal accents, say in time to talk about the same thing. I would say that is one way of looking at the issue among other ways. (10

So this means that to various people these terms represent various concepts? -- There are different theological viewpoints. As I say that may be one of them, that black theology is concerned about race and the other one about - he is talking about the same thing but from a different angle, from different angles. So it is not a matter of right or wrong, it is just how you approach the issue.

MR BIZOS: Yes. This question of whether it is a class issue or a race issue, what is your view? Can the two be separated in clearly demarcated - by definite lines in the South African situation? -- To the extent that there are different approaches to the truth, I would say there is an element of truth and legitimacy in each one of them. So I would not say that it is a matter of either. Each one is highlighting an important aspect of the truth. (20

This question of liberation theology or black theology being an ally of the violent revolutionary forces, have you written or did you write a paper a number of years ago which was published? -- Yes, I did.

Was it published in a book called: "Reconstruction"? -- (30

it / ..

It was.

"Ninety years of black historical literature". -- It was.

And was this - I have the book available, m'lord, is this a copy of the title page of the book and the paper that you wrote? -- It is.

Was there a commission, a parliamentary commission on this question of black theology? -- There was, but not specifically on black theology but it was on certain organisations, and in the report of the commission there is a significant paragraph on black theology. (10

Did that paragraph on black theology in the commission called the Le Grange/Schlebusch Commission, did that come to your attention? -- It did.

Do you remember the year? -- No, I will have to check. It was some years ago.

I think I am in a better position because I think I have the - if your lordship would bear with me, I think I have the original paper..

COURT: Well, before we get to a further paper, let us just mark this paper. This document, the title page is "Recon- (20
struction", compiled and edited by Mthobisi Mutloatse and the paper is an essay by Dr Manas Buthelezi: "Black theology and the Le Grange/Schlebusch Commission". It will go in as EXHIBIT DA.185.

MR BIZOS: Yes, I do not intend handing in the typewritten paper, I merely want to refresh the witness' memory of the date, because if I remember correctly it has a date on it. Will you please have a look at the document that I have shown you, to refresh your memory whether.. -- Yes, it is September 1975. (30

COURT / ..

COURT: That is the date of the commission?

MR BIZOS: No, the date on which the paper was written. Now we do not intend reading the whole of this into the record. In fact we will refer to it in argument. It is difficult to take passages out of context at this stage but if your lordship wants me to read out the passages, I will.

COURT: It is not necessary, I will read it.

MR BIZOS: As your lordship pleases. Did you write this paper?
-- I did.

And does it represent your views on what black theology (10 stands for? -- It does.

And does it support your denial to his lordship that it has concerned itself with violent revolution? -- It does.

Now in relation to the influences of the independent churches, have any of the three christian practices, religious practices of the people in Southern Africa crept into the independent churches? -- Yes, they have.

What sort of influences have crept in? -- It is the fact that a funeral is more than a family affair. It is a community affair; whenever death occurs, the whole community is under (20 obligation to participate in the funeral. There were certain customs at least in the tradition I am familiar with, the Zulu tradition, there were certain customs which served to ensure that the whole community participates. One of those was the fact that work was not allowed until after certain days, so as to ensure that the funeral and the events around a death take precedent to any community involvement. That is one I can..

Has this practice been propagated by the independent churches and has it crept into the historical churches? --

No. Well, it has always been there even in historical (30 churches/...

churches. The black community has not lost this aspect of its tradition, it has always been there.

COURT: Can I just get some clarity, please? I can understand it if in the Zulu tradition where there is a closely knit community, at a funeral everybody attends because they all live in close proximity and they have the same sort of work and everyone knows everyone else. Now let us take a township. A township may be a very big place, like Mamelodi or Atteridgeville. Where draw the lines of the community that is supposed to participate? -- I think in urban centres, (10 what I would call an urban culture has developed. This urban culture has drawn from traditional elements as well as elements which are typical of an urban environment, where there is an interaction between the traditional and the so-called western and therefore even the definition of community has been influenced by this urban culture, which is something new.

Yes, but now in practical terms. Say for example a person let us say he is an ordinary carpenter. He dies in a block, he lives on a certain street, which people would attend his funeral? -- The horizon is determined by familiarity. (20

Familiarity? -- In other words, familiarity is the limit. Anybody who gets to know about it is under obligation to attend because people believe that if I do not attend, that when I die my neighbours, whether I am related to them or not, will not attend my funeral. So I would say funerals provide one aspect where the traditional elements still show themselves clearest.

But now let us take this example. This is an ordinary carpenter. He fell off a scaffold, he died. It was in the Pretoria News, everybody read about it. Is it now supposed that everybody in the township comes to the funeral? -- It (30

is / ..

is basically a moral decision. You cannot legislate about moral issues, as to what you are morally obligated to do. Ultimately it depends on the person. If a person has time and the moral incentive he may attend. I have heard many members of our churches when you ask them: why were you not in church; Oh a neighbour of mine or in the block died so I thought it would be a bad thing if I did not show up at the funeral.

But in my example, for example, how many people would you expect at the funeral? We have said it is an ordinary carpenter but he has lived in Atteridgeville or Mamelodi for a (10 long time? -- I would say whatever constraints, whatever limitations would be there would again come as a result of the constraints of an urban culture, because there are other dynamics in an urban environment which restrict people as to what they can do and not do, and therefore it is a matter of balancing the two. The obligation according to the traditional culture and the constraints of an urban culture. So I would say where the line is would just depend on how one balances that. Obviously if one read in a newspaper, the newspaper I think in the black community is of less importance than the (20 word of mouth. If I hear from somebody who say is in Pretoria that my neighbour is dead I may attend, not so much because I am familiar with the deceased but in order to accompany my neighbour so that he becomes an important member of the community as a result of the people who come to accompany him to the funeral.

Now the classical question. Who is my neighbour? -- Yes, that is the classical question as to who is my neighbour. One has to decide morally as to who my neighbour is.

MR BIZOS: Well, because we do not live in perhaps a (30 completely / ..

completely united situation or our experiences might differ, what would you say the definition or the answer: who is my neighbour, is from the point of view of the white people living in South Africa and the black people living in the townships, which is more restricted, if you are able to tell us in your view? -- From a distance I would say in the white community it is more restricted than in the black community. In a black community you do not need to be invited, as long as you know you just show up if you have time.

In relation to the example that was asked of you by his(10 lordship, but about his fellow workers in that sort of situation? -- Oh, the fellow worker would be regarded in the same way as the immediate members of the family around whom the whole community rallies.

And what about peer groups, such as people who played football or people being at school, what is the attitude of peer groups in relation to the attendance of funerals? -- Again in this urban culture those social unions come in as constituents of a community. The community is not only those around but peer groups, those I work with, those with whom we associate(20 on other levels.

Yes. -- Maybe we once played a match with them and therefore we have to show up as a result of that, which makes the thing a little wider than it used to be in the traditional set-up.

Yes, let us bring it nearer home to what his lordship has had to preside over for some time now. In relation to people who have died either in detention or as a result of being shot by the police, what has the community's attitude been in relation to funerals of these persons? -- There is an added (30 dimension/..

dimension to a funeral event according to my observation, in that in a funeral of that nature there is a political dimension.

What do you mean by that? -- Somebody dying in detention. Death in detention raises a complex of questions like why was he in detention in the first place, the morality and the justice of detention. All those come - it is more than just a death, a neighbour dying, there are other things which come..

And the commemoration services of certain events, such as 21 March to commemorate the people of Sharpeville; 16 June, the events in Soweto; 12 September to mark the death of the (10 late Steve Biko. How are those functions viewed? -- In varying degrees. Some of those days have been regarded as informal public holidays, June 16 being at the top in the order of priority in the community perception.

Have you yourself attended funerals at which people died either in detention or as a result of being shot by the police and commemoration services? -- I have.

Now are various songs sung and various slogans uttered at these functions.. -- Yes.

..either funerals or.. -- Yes, they are sung and (20 slogans uttered.

Now his lordship has heard and watched people singing with words such as: The supreme court is burning, the boys hit SASOL; we catch the boers with their children across the river; and other songs or a similar nature. Have you yourself heard such songs at such functions? -- I have heard some of them, yes.

COURT: Some? -- Yes.

Have you heard these which are mentioned to you? -- Yes, I have heard - by saying some, it is because there are so (30 many / ..

many and they would be new to the ears as you..

MR BIZOS: Yes. Have you ever been on the platform when these songs were sung, this sort of song was sung? -- Yes.

How do the songs come to be sung? What does it convey to you? -- I think in order to give a balanced evaluation to a song it is important to bring to bear the traditional understanding of the place of the song.

Please do that, Bishop. -- Given the fact that our culture did not evolve a system of recording by writing, documentation on paper, there were no paper libraries. The song(10 which after a while becomes traditional was one of the instruments of documentation which means that a song is sung just to record that particular event has taken place. Those who compose use living things in the life of the community, and therefore I would say that in order to understand why a particular song is sung one must always remember this, and the same thing may apply to praises, the praises were historical records. Therefore in order to trace the history of any community, black community, one can do so by studying its songs; that at such and such a time such and such an event (20 took place. I would classify those cited cases as belonging to that category, by way of trying to understand the import of the songs.

Culturally from the days gone by, were there any special people holding a position of song writer or praise singer? -- Yes, there were the so-called, in Zulu, Izimbongi; who were poets, community poets or praise singers.

And what was their function? -- Depending on whether they were royal Izimbongi or simply clan Izimbongi or family Izimbongi, they composed if I could use the word poems. They (30 composed / ..

composed poems around - say for instance if it was about a king, some important happenings in the life of the king. The king was never asked whether he allowed that to be sung in praises about him, it was just done by Izimbongi. Some of it was not flattering at all, whilst some things might have been flattering about the king. The Izimbongi was given that liberty of even saying unpleasant things about the king.

COURT: As long as the sum total of it all was very flattering I take it? Otherwise he would have lost his job. -- (Laughs) Yes, of course there would have to be something flattering (10 about the king but there was an understanding that something unpleasant might be added in of course a skillful way about the king, in a poetic way about the king.

MR BIZOS: Well, we were told that jesters in the middle ages managed to get away with quite a lot.

ASSESSOR: Something like may you rot in peace?

MR BIZOS: Yes. Now have you heard or do you know that Umkhonto we Sizwe is the military wing of the African National Congress? -- Yes, I do know.

And we have it in evidence I believe that the name was (20 given to this by Mr Mandela, to the military part of the ANC? -- Yes.

Now this expression: Umkhonto we Sizwe, what does it mean? -- It is more widely used than the specific context we have cited. For instance when we went to..

Could we have the literal meaning first? -- Oh, it means the spear of the nation.

Spear of the nation. I am sorry for interrupting you, and you say that it has a wider meaning other than - well, have you heard the expression before, according to the evidence (30

December /..

December 1961 when Mr Mandela is said to have given it this name. Have you heard the expression: Umkhonto we Sizwe? -- Yes, at the time when parents had not understood the need of sending their children to school one of the ways of encouraging them to do so was to describe education as a new spear of coming to terms with white people. In other words, that is not on a battle field but if you go to school then you can recapture what you had lost in the battle field. There are songs which were composed around this theme, that education is a new spear of the nation. In other words, an instrument of (10 accomplishment, in other words that would be the meaning of the metaphor.

Now I want to describe to you one small portion of the evidence before his lordship where we had a situation on film that a coffin was being carried shoulder high of a young - people, scholars, who had been killed by the police and there was a group of people around the coffins as it was being led out of the stadium on the East Rand, singing "Hamba kahle, Umkhonto we Sizwe". Now having been given that description, if you had been there to witness this, what would you have (20 understood by these people singing: "Hamba khale Mkhonto we Sizwe"? -- I would have understood it as farewell words to one who was being buried and also as an acknowledgement of what he was understood to have done or accomplished. So I would have understood it as referring to the one who was to be buried.

In that particular context would you have understood it as a praise song for Umkhonto we Sizwe, the military wing of the African National Congress? -- It certainly would not be flattering to the military wing if on a funeral occasion people would be saying: Go, go well, because it would mean it is (30

the / ..

the end of the military wing. So it would not be addressed to the military wing.

And you say that it referred to the deceased, when he or they were called the spear of the nation..

COURT: But how can the witness say that? You have told..

MR BIZOS: That he would have understood it that way.

COURT: Yes?

MR BIZOS: You say that you would have understood it that way. Having regard to the fact that these were school children who died, either justifiably or unjustifiably, we do not know, (10 in a violent situation, being shot by the police, why would you have thought that they want to refer to them as "Mkhonto we Sizwe"? -- It would depend on what they thought of the deceased. If to them he was an important member of the community they might have referred to him or her in that context. That is if I just look at the - if I analyse the circumstances and the occasion.

Yes, you have taught at various seminaries, Bishop. How easily in your approach and in your experience, how easily do people give up burial rites when a new culture or a new (20 religion comes upon them? -- In the black community according to my observation there are many things we struggle with in the church, trying to encourage people not to do that or not to believe that way, but even our faithful christians still follow the traditional path.

Is that generally or more particular in relation to burial rites? -- In relation to burial rites particularly because death is one of the closest things in a person's life. When it occurs it comes closest to you.

ASSESSOR: Rites for the record, r-i-t-e-s? (30

MR / ..

MR BIZOS: As your lordship pleases, yes, yes. Now the indulgence of rhythmic dance and chanting of slogans at funerals, have they any basis in the cultural tradition that you have spoken of? -- Yes, they have. There is for instance the custom of wailing, of crying loud when death occurs. That may involve one rolling oneself on the ground or doing anything that would be out of the ordinary, just to show that one is overcome by the occurrence of death.

Now I want to show you a photograph in a book published by the Oxford Studies in African Affairs called: Zulu, Zion(10 and some Swazi Zionists, by ..

COURT: I am sorry, you are going a bit fast. Zulu, Zion and Swazi Zionists?

MR BIZOS: And some Swazi Zionists.

COURT: By?

MR BIZOS: By Bengt Sundkler. Perhaps your lordship should see the - we have copies but I do not know how good the photograph is. The photograph that I want to show you is with the caption: Bishop E Vilakazi's Jericho Church swinging along to join the Good Friday festival, Lobamba, Swaziland. I do not(20 know whether your lordship wants to see a clearer picture?

COURT: I think it is clear enough.

MR BIZOS: As your lordship pleases. We are going to refer to the rhythmic dancing and to the carrying of assegais and other apparent arms of aggression and defence.

COURT: Do you want this in?

MR BIZOS: As your lordship pleases.

COURT: It will go in as DA.186. Yes, thank you.

MR BIZOS: As your lordship pleases. We see that the people are apparently dancing or marching rhythmically and they (30 are / ..

are also holding stick and assegais. -- Not assegais, it is just sticks I think.

Well, have a look at the photograph right in the middle and have a look whether you see an assegai there or not. -- Ja, it is something that looks like it, yes.

COURT: Could I have the book, please?

MR BIZOS: Yes, could you just pass it to his lordship, please? Which one is the assegai?

MR BIZOS: In the middle I believe that your lordship will see (intervenes) (10

COURT: The top photograph, right hand side? Yes, it looks like it.

MR BIZOS: As your lordship pleases.

COURT: There is one assegai that I could see there.

MR BIZOS: Yes, that is so. I cannot really make out any others but there are numerous sticks. This Bishop E Vilakazi's Jericho Church, is this considered a christian church? -- It is one of the independent churches.

Christian churches. And the Good Friday procession, is that considered as a symbolic funeral? -- Yes, it is. It (20 is one of the most popular feasts of the church year, particularly among independent churches.

Yes. In this independent church, is it on Good Friday that the Lord's death is commemorated? -- That is correct.

And has this sort, is this sort of behaviour at such a solemn day considered wrong among the independent churches? -- No, as the pictures shows because that is the way that they do things. It does not matter what the feast is, they will always dance and have such formations as the picture shows.

And the picture at the bottom shows Swazi Zion churches (30

same / ..

same occasion in which banners and flags are apparently exhibited. If you would like to just have a look at the book?

COURT: Does this dancing only apply to the Zulu nation and the Swazi's dancing with sticks or assegais? -- I would not speak authoritatively about Vendas or others, but I would not be surprised if something similar occurs.

Well, apart from being surprised or not, from your own knowledge, do you know whether the Tswanas, Pedis and so on do the same thing with sticks and assegais? -- I assume that that is the case. (10)

Yes, thank you.

MR BIZOS: Well, in the townships in which millions of African people live, is there any counteraction or interaction in relation to the cultural practices or do Zulus and Swazis keep apart? -- I took his lordship to be referring to areas where there is - for instance Vendaland and other such places - but in an urban environment there is a lot of interaction which cuts across ethnic boundaries.

And at traditional funerals, was there any shouting or any exclamations? -- Yes, in the traditional - there was a lot of shouting. In Zulu, the word "Ukukhuza" which means hold it, stop, so when people wailed, when they shouted when there was death, it was a way of saying to death: Be frightened, never occur again. So there would be a lot of noise and if for instance the head of the family died, even the cattle would be brought back to the cattle fold and not be allowed to go out, and be separated from their calves, so the cows would make a lot of noise. So the more noise there was, people believed that death would think twice before it visits the family again. (20)

Has this crept into the amalgam of township culture? (30)

COURT / ..

COURT: Do you mean the cattle separated from the calves?

MR BIZOS: No, the noise. -- Yes, it has.

Have you yourself presided at funerals at which, for want of a better name, community - where the community as a whole, a larger community comes together as a result of the death of a detainee or a person being shot by the police? -- Yes, I have at least sat on the platform.

Now we have heard and seen that ministers or pastors or priests which take part, would you tell us what happens during that part of the funeral? -- I did not get the.. (10

During the part at which a religious and ordained minister or a priest or a pastor is in control of the situation, what happens then? -- In a township funeral?

In a township funeral. -- In a township funeral there would be singing of choruses, there would be slogans and exclamations which have a traditional background. In our tradition I would say in the African tradition, there was no place for a monologue, for a lecture, somebody running the show. The whole group, the whole community participates. According to my observation what we see happening around us, is that the (20 singing of these choruses and the slogans, it is a way of trying to bridge the gap between the old and the new. That the community must participate somehow even to the extent of being allowed to start a chorus without being invited to do so.

Whilst the minister offers a prayer or what we may say the strictly religious aspect of the funeral..

COURT: Well, can't one say there is a religious and a secular aspect to a funeral? -- Yes, it is the same old question as to whether you can - in our tradition the religious and the secular are always welded together, even now. When there is death (30
people / ..

people brings the religious dimension - you cannot say this is purely secular and that is religious.

MR BIZOS: Right, I will try it in another way. Whilst the priest is offering a prayer or intoning a prayer, are there slogans and songs or is he left to his own, to do his own? -- Again as a result of the influence of the independent churches people would say "amen" and respond to express agreement to what is being said.

I see, yes. And what about the wearing of uniforms or the mode of dress? -- In all our churches even in (10 ordinary service you will find an assortment of all types of uniforms. They are worn by members of different organisations and on a funeral occasion that is also a phenomenon, people coming in different kinds of uniforms.

And what about the carrying of coffins shoulder-high? -- This is both a traditional thing and - it is both an African traditional thing and a christian traditional thing. In the African context there were no ambulances and if a corpse had to be transported to a place which was distant, there was a kind of stretcher which was carried on the shoulder. It (20 could not be carried this way because it would have been inconvenient, so it was convenient to put it on the shoulder. I have done that myself when one of our friends died while I was still young, in hospital; so we had to carry him on the shoulder over a long distance. And as far as the christian tradition is concerned, there is historical documentation that this also happened, that the corpse was carried shoulder-high.

Shoulder-high? -- On the shoulder. In a book on christian myth and ritual.

Well, if you are challenged on it, perhaps you will (30

produce / ..

produce it. The wearing of uniforms, the carrying of the coffin shoulder-high is that peculiar to African people or to the culture that you have spoken of? -- Peculiar in that it is..

Do other groups to your knowledge use this sort of procedure? -- To the extent that it is a christian tradition. I would imagine that if the coffin is to be carried a long distance then it is much more convenient to put it on the shoulder than to carry it with arms hanging.

And the singing and the rhythmic dancing, has anyone in your experience ever tried to stop it at a funeral or at a (10 commemoration service? -- I used to be against it in my early youth - I am thinking of the clapping of hands and dancing, but because it is common nowadays one just lets it go. As far as community funerals are concerned, I do not think that anyone could stop it because of the dynamics which are operating there. People from different backgrounds used to different practices and therefore there is usually a spirit of tolerance when it comes to those things. You would not say: stop singing, stop the slogans, because you may believe well, that is the way they do it. (20

From your observation would the people on the platform have any, would they be able to exercise any control over what was being sung even if they wanted to? -- They would not have any control over what is sung or the slogans which are being uttered because again it is not a usual audience one presides over, but people who come from different backgrounds. In one's congregation yes, one can say don't do that because you know how to do it but in a community gathering it is not easy.

Despite your personal feelings about the clapping of hands and the rhythmic movements, have you been able to stop it (30

in / ..

in your own church? -- As I said, I used to be against it in the earlier days of my ministry but because they just do it we have come to - we have been softened up by the people we lead.

Have you ever considered the singing of any of these songs or the utterings of any slogans as an incitement to violence to any of the people there present? -- I always understand it against the traditional background, that it is an aspect of group participation. That is why it is usually allowed because it very often occurs in the beginning while people wait for (10 the main item to occur. The group is allowed - so as to have a group consciousness. That is the function of the slogans and the singing. As a result of that the literal meaning of the words I would say is of secondary importance.

At one of the commemoration services in respect of which a video had been shown to his lordship, at which you are shown to be present to make some opening remarks, there was a person with what appeared to be a toy firearm. It had been described as an AK47, I assume that that is a correct toy arm that was held high by someone in Regina Mundi, do you recall that? (20 -- I do.

Now what significant did it have to you as a person there present?

MNR JACOBS: Ek wil net vra, ek dink nie dit is vas dat dit is 'n speelgoed - dit is iets wat nie ooreengekom kon geword het tussen die staat en die verdediging nie, of dit 'n werklike AK47 en of dit 'n speelding was nie. Ek dink nie mnr Bizos is geregtig om te stel dit is 'n speelding nie. Tensy die getuie hom kan identifiseer as - ek dink nie mnr Bizos kan dit sê nie.

MR BIZOS: Sorry, I may have confused it with someone else. (30

In / ..

In one instance we had a long debate and we agreed that..

COURT: Well, actually we agreed to say it is something that looks like a AK47. We did not say it was a toy and we did not say it was a AK47.

MR BIZOS: I am sorry, m'lord, but perhaps the Bishop can help us.

COURT: Maybe he knows enough about firearms.

MR BIZOS: If he does, yes. Do you remember this incident? Was it a real machine gun or a toy? -- Well, it looked like a toy to me. (10

Made out of? -- It was plastic. It looked like a toy.

COURT: Can you remember the occasion? I sort of remember it, but I do not know. What commemoration, what year was it? -- I think it was June 16, 1984 or 1985.

MR BIZOS: It was 1984 and the exhibit number is..?

COURT: V.10? (Reply in background: V.10)

MR BIZOS: V.10. It is 1984. What impression did this make on you? Did you consider it as an incitement to violence or as a request to join Umkhonto we Sizwe, or... -- I am sure I reacted the same way as the average person. It was just (20 stupid, an old person playing with a toy.

COURT: Was it an old person? -- Oh well, old in the - not very old but..(hesitates)

MR BIZOS: As distinct from a child? -- Yes, and also there was no connection between what was happening, what was being sung.

These meetings, either funerals or commemoration services at Regina Mundi, were there white persons present from time to time? -- Yes, there were.

The state alleges that these songs that are sung at (30 funerals / ..

funerals and commemoration services are ANC songs. What do you say to that now? -- I do not agree with that. The reason?

Yes, why don't you agree? -- The ANC as far as I think at a time when it was not outlawed, was part of the community and therefore when some of the members went into exile obviously they took some of the heritage of the community with them, some of the songs which are part of the community and therefore most of the songs which are sung are the property of the community. I would like to believe that the ANC sings them to the extent that they were once part of the community, part of (10 the heritage they went away with.

Have you heard Mr Mandela's name or Mr Thambo's name mentioned in these songs? -- I have.

Was that not a fact which indicated to you that, at least when they were mentioning their names, they were singing ANC songs? -- I hear the mention of Mandela and others all the time. I think Mandela is regarded as a leader, as a hero in the community. It is nothing unusual. I do not think that people necessarily think of the organisation to which he belongs. Everybody knows that he is one of the leaders of the commu- (20 nity.

I do not know whether your lordship intends to sit for another fifteen minutes but I do have a problem in that I want a short consultation with all the accused, in relation to administrative matters. If it is not going to inconvenience your lordship, if we have not served our times and..

COURT: We have one quarter of an hour left of our time.

MR BIZOS: Well, we can take that tomorrow morning?

COURT: We can do that tomorrow morning.

MR BIZOS: As your lordship pleases because I would like (30

this / ..

this opportunity of speaking to the accused whilst they are all here together.

COURT: Have you finished your evidence-in-chief?

MR BIZOS: No, I have not, there is still...

COURT: Very well, we will adjourn until 14h00

THE COURT ADJOURNS FOR LUNCH

THE COURT RESUMES AFTER LUNCH

MANAS BUTHELEZI, still under oath

FURTHER EXAMINATION BY MR BIZOS: Earlier on you told us that some of the traditional burial rites were akin to burial rites of a long standing christian tradition in the past. I want to show you a portion ..

COURT: What type of rites are you referring to?

MR BIZOS: The burial rites.

COURT: Yes, what type of burial rites?

MR BIZOS: It is from a book called Christian Myth and Ritual..

(10

COURT: Well, let us accept that. But what sort of rites is it, the singing, dancing or is the prayers or is it reading from the scriptures or what are you referring to?

MR BIZOS: The carrying of the coffin.

COURT: The coffin. Well, you need not hand in a book on that. If it is debated in cross-examination then you can hand in the paper in re-examination.

MR BIZOS: As your lordship pleases. I will leave it at that.

Now is poetry recited at funerals? -- Very often it is.

COURT: I am sorry, what was your answer? -- Very often it is. (20 is.

Often. -- Yes.

MR BIZOS: Is this something which was recent or does it have its roots in any type of tradition? -- It has its roots in say African tradition although it was a different kind of poetry.

Either the songs or the poetry, are there words - to you whilst you were there - were there words in any of the songs or any of the poetry taken literally by you? -- A song, words in a song are not ordinarily taken literally because although they may have a historical theme, when they are sung they (30 are / ..

are always understood as merely a relation of what has happened in the past. That the singer relates certain historical events.

Now in relation to a certain song, "Nkosi Sikelel' Afrika" how far does that go back? -- I would say when I grew up I heard it sung, as a national anthem.

Was it sung whilst you were at school? -- Yes, it used to be sung at school. We used to sing "God save the King" and then "Nkosi Sikelele Afrika" and then "Morena Boloka".

Is it sung in your church? -- My church happens to be one of the churches that do things in a formal way and there- (10
fore we select the hymns from the hymn book, strictly.

And it is not in your hymn book? -- No, it is not in the hymn book.

Is it in the hymn book of any other churches? -- It may very well be. I have not checked.

Now the slogans that are uttered at the funerals and meetings. You heard "Amandla" and the response of "wetu" at funerals and at commemoration services? -- Yes, I have.

What do you say to the suggestion that it is a slogan of the African National Congress? -- It is not. As I have (20
said earlier whatever the African National Congress is singing or saying, it has taken from the community out of which it grew, took away as a kind of provision in a strange land. Those songs and slogans are still part of the community, which is the home base of the African National Congress or any other group that may be currently outside.

And the slogan "Mayibuye Afrika", have you heard that at funerals? -- As long as I can remember when I grew up, it was one of the common slogans.

Do you consider it the exclusive property of the (30

African / ..

African National Congress? -- No.

Have you heard, you have already told us that you have heard songs which included the names of Mr Tambo and Mr Mandela. Have you heard songs in which the names of persons such as Solomon Mhlango and others were mentioned? -- Yes, I have.

Did you consider those songs whilst they were sung in your presence as songs of the African National Congress? -- No.

In night vigils, are they a part of the life of the townships whenever there has been a death? -- Not only part (10 of the townships but they are a traditional feature. We also find something about them in the Bible. Traditionally the corpse was never left alone. Even nowadays in an ambulance somebody must sit next to the corpse because of what people believe may happen, so the vigil was part of being with the corpse. In the Bible there are references to night watches. In the Hebrew tradition there were three watches and at every watch somebody would shout now is the first watch, now is the second watch, now is the third watch and then the Romans brought forth a pattern of four watches which forms the background (20 of the vigils, which is taken from the injunction of Christ that you must watch because you do not know the day or the hour. So somebody has to remind the people: by the way, you are now in the middle of the night, something important may happen.

COURT: Why is the corpse not left alone? -- People believe there are some people who might play tricks with it if it is left alone and the whole family may be destroyed or something strange may happen to the relatives, and therefore the relatives must make sure that they are the ones who are closest to (30

the / ..

the corpse.

Is that christian tradition or is it superstition? -- It is an African tradition. I would not call it a superstition. It has a useful part in it.

MR BIZOS: This was certainly not part of the main line Lutheran Church practice? -- No, I only make reference to it to indicate that somehow people come to the christian faith, bringing with them some of the things with which they are familiar.

Good Lutherans in your church, do they hold night vigils nevertheless? -- Ja, they do. It creates problems for pas- (10 tors because if a pastor is to be present it means that he is not going to sleep and then the following morning he would be sleepy and not have time to prepare the sermon.

Yes. -- So they usually ask elders to be present at the vigils.

To substitute at vigils. At the funerals and the ceremonies that you attended, were there banners, various banners? -- Yes, there are various banners.

Was this something that was frowned upon? -- No, it has come to be accepted as a common feature in township funerals (20 of a community nature.

And what about speech making at funerals and at commemoration services? Are speeches made? -- Yes, speeches are made which is a new feature.

COURT: When did this come in? -- By new feature I mean it is part of the township tradition because traditionally, at least the one I am familiar with, it is said that if you speak where there is death you will then become a - I do not know how to put it in English. Your speech pattern will somehow become abnormal if you speak at funerals but now even in the main (30

line / ..

line churches it has become a common feature. We are trying to discourage it so as to make the ceremony the main feature but the reports of the past are that it is very difficult. All kinds of people would like to say something about the deceased.

Is it at funerals other than where there has been death in detention? -- Even ordinary church funerals.

Speeches are common? -- Ja, speeches are common.

ASSESSOR: Can you say when this came into being? -- I think it dates as far back as urbanisation. The moment there was a settled community in urban areas a new pattern of behaviour (10 and conducting things developed.

MR BIZOS: Although historians and theologians may tend to divide people into historical churches or main line churches and independent churches, do people change from church to church or is there interaction between congregation and congregation or intermarriages or inter-church groupings, meetings? -- It is all of those, and what I may add is that we know that many of our people attend services of independent churches, being prayed for, for obviously we do not pray for them when they are ill as much as they would like us to, and there- (20 fore that is why the matter of the statistics of the independent churches is so difficult to fix because people may be counting some of our members. As soon as you allow yourself to be prayed for then you are regarded as a member of the church, or else you may just be a visitor from the Lutheran church or the Catholic church or from some other church. So there is a lot of interaction on all those levels you mentioned, including seeking for help outside one's denomination.

And have the practices of these independent churches remain with the independent churches or have they spilled (30

over / ..

over. -- As a result of these night vigils which are usually ecumenical and composed of people from various churches, people adopt their practices in their home bases. Which means that the independent churches' liturgical patterns have crept into the liturgies and traditions of the main line churches.

The speeches that are made at the funerals and commemoration services, do they concern the events of the day, the political developments or lack of developments and criticism of the government and its policies? -- If the death of the deceased is somehow related to the agencies of the government (10 like the police or death in detention, yes, the speeches do incorporate the realities of the circumstances of the death.

Do you regard the colours of green, black and gold as the colours exclusive to the African National Congress? -- No.

Have banners or flags or wearing apparel in those colours appear in your presence at various funerals, commemoration services and other activities? -- They are a common feature in community funerals.

What do you..

COURT: Let us just get clarity. What is the difference (20 between a community funeral and an ordinary funeral? -- By an ordinary funeral I mean a funeral which takes place in the church, arranged for a member of the church. There are other types of funeral where a community figure dies and therefore there are more groups that claim that person than the church to which he belongs and usually such funerals are conducted at venues which accommodate more people than the home congregation of the deceased.

MR BIZOS: What in your view do the colours green, black and gold symbolise or stand for and whose uses them? -- Oh, I (30
take / ..

take green. We use it also in the church. Green symbolises growth, the colour of vegetation, healthy vegetation. Gold has come to be associated with the wealth of the land, the colour of gold.

Black? -- Ja, black is the colour of the indigenous people.

Now.. -- Who uses them?

Who uses these colours in your experience? -- I have seen those colours used by the different groups, either three of them or two of them. For instance Inkatha uses those (10 colours. I have seen them in - there is a book which has been on sale at the CNA, "Usotho", which is a description of the history of Inkatha. It uses those three colours. The reports of the Buthelezi commission is also similarly coloured. The (??) Declarian Call, which is a publication of Inkatha also bears those, which means you never know - you cannot pin those colours down to any specific group.

Are they given any names these colours? -- Names?

If anyone suggested that they were the ANC colours, is there any counter when that is suggested? -- Nobody cares (20 to my knowledge about - nobody mentions that or says these are the colours of ANC. Some just regard them as a decoration and others may attack symbolism to them, particularly members of the particular organisation that may have pinned that banner or flag to the wall. But the ordinary public, I am sure there are many people who just take them as part of the decoration of the venue.

Have you ever seen flags on coffins with these colours?

-- I have.

Did you consider this a flag of the ANC that was on (30

the / ..

the coffin or the funeral function on behalf of the ANC. -- For the reasons I have mentioned the things have become so confused about who uses these colours. When it comes to the appropriation of colours, it is always - it is now an open issue.

COURT: Did you regard the flag on the colour as mere decoration? -- Oh, I was referring to the..

Flag on the coffin? -- To ordinary people.

No, I am asking you. Did you regard the flag on the coffin that you saw as a mere decoration? -- No, no, I know that a flag is usually of symbolic, has some symbolical value attached to it. (10

Especially when it is on a coffin? -- Yes.

MR BIZOS: Earlier when you were speaking about, what you said about the part of the decoration, were you speaking about the flag on the coffin or the banners that I had asked about? -- I was talking about the banners which may be on the walls, that for ordinary people who are unsophisticated they may not attach any concrete significance to that. You may have red flowers, white flowers, green flowers, to ordinary people..

COURT: To sophisticated people like you they have a meaning. -- As I.. (20

It is either a banner of the ANC or a banner of Inkatha or a banner of what? -- Yes, or some other organisation.

Which one springs to mind? -- For instance I know that SOYCO also had those colours.

SOYCO, yes. -- I know for instance that the Venda flag has some green and brown to it.

No, let us take the combination of the three colours. The three colours. -- Yes.

Yes, we have the ANC, Inkatha and SOYCO. What others (30
spring / ..

spring to mind? -- I have not thought it out carefully but I do remember that the civic association that some colouring of that nature.

MR BIZOS: Civic association where?

COURT: A civic association. Where? -- Soweto.

Soweto. Yes? -- As I said I have not thought it out clearly so itemise which ones use them.

So it depends on the occasion what symbolic emphasis is created by the particular banner? -- Yes, and I would add and say that given the nature of township life where there are (10 so many organisations which find it important to express solidarity you cannot tell by the colours that are hanging there, which organisation's symbols are being displayed because of the dimension of solidarity. Everyone comes with whatever banner it has adopted.

MR BIZOS: In support of what you have just told his lordship I want to tell you a page from a book called "An Appetite for Power".

COURT: An Appetite for Power. Does the witness know the book? (20

MR BIZOS: Yes, m'lord.

COURT: Yes, do you know the book? -- Yes, I do.

How long have you known it? -- It was first advertised at a press conference some months ago, when it was published for the first time.

Yes.

MR BIZOS: Will you please have a look at it? Your lordship has the title page and a page from the chapter: "Politics of Pragmatism and Popularism": "The colours chosen by Inkatha.. (intervenes) (30

MNR JACOBS: Voor my geleerde vriend lees, kan hulle vir ons ook 'n afskrif gee..

MR BIZOS: I beg your pardon. It was not really necessary to appeal to your lordship..

COURT: No. What does this prove, Mr Bizos? You are handing in a book?

MR BIZOS: Yes, portion of a book.

COURT: Yes, what? On what basis?

MR BIZOS: That quotes..

COURT: The witness has already said that they have the same (10 colours, the ANC and Inkatha. Now do you want me to take cognisance of a book of which the author is not this witness and which he has just received a month ago? On what basis is it placed before us?

MR BIZOS: The basis upon which it is placed before your lordship is, if your lordship has a look at it, that it quotes public statements made in relation to the appropriation or non-appropriation of these colours.

COURT: Well, I am not interested if the witness does not know that. You are not attempting to support the witness, you (20 are attempting to place entirely different evidence before - you can call Mr Gerhard Maree or Georgina Hamilton if you want to do that.

MR BIZOS: With the greatest respect let me just make this submission to your lordship that the issue between the state and the defence is whether these are ANC colours or whether they are colours which the ANC also uses. That is the issue between us and the state. The fact that..

COURT: Yes, the witness says it is Inkatha's colours as well.

MR BIZOS: Yes, the fact that public statements have been (30 made / ..

made that have been incorporated into a book and they have been published becomes part of the general knowledge of the public.

COURT: The last month, yes. We are dealing with a time up to the middle of 1985. This witness became aware of the document in the last month or two.

MR BIZOS: But your lordship will see that in it there are quoted statements that were made in 1980 and in 1983, public statements which people who have written this book, have incorporated into their book. (10)

COURT: Yes, you can prove it in the normal way. It is not allowed.

MR BIZOS: As your lordship pleases. Are you aware of any public statements that have been made by the leader of Inkatha in relation to these colours? -- I am.

What public statements has the leader of Inkatha made in relation to these colours.

MNR JACOBS: Ek weet nie, as hy teenwoordig gewees het dan moet die basis gelê word hy was teenwoordig toe so-iets gesê is, maar nie iets wat hy in 'n koerant gelees het of enige (20 hoorsê wat nou weer aangebied word nie. Ten minste voor mnr Bizos dit lei en sê wat hy gesê het wil ons darem ten minste weet is dit nou hoorsêgetuïenis, is dit toelaatbaar.

MR BIZOS: With the greatest respect, your lordship asked this witness what does he regard those colours..

COURT: Yes, he has told me.

MR BIZOS: He has told your lordship. Now the fact that public statements to the witness' knowledge may have been made to the effect that these are colours which do not belong to the ANC only, and those public statements.. (30)

COURT / ..

COURT: But does it take it any further?

MR BIZOS: Oh yes, it does.

COURT: The witness says it can either be an Inkatha colour or it can be the ANC colour, or SOYCO's colour or another civic association's colour. Until that is attacked that is his evidence.

MR BIZOS: But your lordship asked the witness questions which tended to suggest to the witness that that was what his thinking was. We are concerned about what effect these - the appearance of these colours were on the ordinary person (10 that attended that funeral or that commemoration service.

COURT: Well, he cannot tell me what the ordinary person thought.

MR BIZOS: No, but the witness can tell your lordship what public statements have been made in relation to those colours so that your lordship may come to a proper conclusion as to what the ordinary person might have thought.

COURT: The object of the objection is to lay the basis for the personal knowledge of this witness. That is the objection and now you have not answered the objection yet.

MR BIZOS: The objection is that it is hearsay. I submit (20 that the hearsay rule has no relevance whatsoever on the issue upon which we are concerned. The issue is not whether or not it was heard by the witness or whether he was present when it was said or not, the witness can give evidence as to what was the knowledge of the community in the circles in which he moved at the time that that event happened and - if your lordship would hear me out?

COURT: Yes.

MR BIZOS: If in fact public statements were made by a public figure at that time as to the nature and meaning of these (30 statements/..

statements that is a fact from which your lordship may or may not draw certain inferences.

COURT: The objection is still that you have not laid the basis. You want to draw a conclusion before you have laid a basis. Now go ahead and lay the basis and then I will deal with the objection.

MR BIZOS: As your lordship pleases. The question was..

COURT: The question was: Are you aware of statements by the leader of Inkatha in connection with these colours. The objection is what is the basis for this witness' knowledge. (10 Now ask him the question, before you ask him the contents of the statement.

MR BIZOS: As your lordship pleases. If that is the basis then I apologise and I will ask, how did you become aware of the statements that were made by the leader of Inkatha in relation to these colours? -- It was in the book: "Appetite for Power".

COURT: That is the book which I have ruled may not be placed before me. Yes, the evidence cannot be led. The witness became aware of this two months ago.

MR BIZOS: As your lordship pleases. The use of uniforms, (20 T-shirts and other wearing apparel, do people wear T-shirts to your church? -- Young people do.

Is this in accordance with the age-old tradition of your main line church? -- We encourage people to dress in a dignified way but we find it very difficult to encourage our young people to comply. Increasingly, that is an increasing trend in our churches. We encourage grown-ups to wear a jacket and some of them do not.

Do you feel that you are winning the battle, getting them to dress more formally? -- We are trying to win it. (30

Are / ..

Are you winning it? -- We do not have indications that we are winning the battle. We seem to be losing it.

Have you had dealings with office bearers of AZAPO and the UDF in the period 1983 to 1985? -- Yes, I have.

Have you ever been asked to join any of them? -- Not so much to join but I remember two instances where something nearing that point was sought. In one instance I was approached by the office bears of UDF as to whether I could be one of the patrons.

And did you decline the offer? -- Yes, and I explained (10 why I did not see my way clear to accede to their request as much as I am appreciative to support whatever community groups are doing.

And what was your reason for declining the offer? -- It was, as I said earlier in the mornings in my church there are all these groups, UDF, AZAPO and therefore if I am on the letterhead of any of them I felt it would not be a wise thing. And the second occasion was in connection with the National Forum. I was asked to be a member of the executive of the National Forum and for the same reasons I declined. (20

Were you at the conference of the National Forum at Hammanskraal? -- I was.

COURT: At Hammanskraal?

MR BIZOS: It was at Hammanskraal? -- Yes.

I am speaking from memory. Yes, it was Hammanskraal. And did you regard your presence at Hammanskraal as making you a member of AZAPO, which was apparently one of the sponsoring organisations of this conference? -- No.

Do you know about difficulties that there were between AZAPO and UDF and its affiliates during 1983/84? -- I am. (30

Did / ..

Did you try to reconcile the two groups in any way? --
Yes, together with others I did try.

What was that attempted reconciliation in connection with?
-- First there were reports during those days of conflict between the two organisations, the breaking up of meetings by one organisation and accusation of some kind of violence, and then after the formation of UDF one of the issues - and at the time when AZAPO and other organisations in that grouping wanted to organise the National Forum, then there was a dispute between the two organisations. AZAPO was expected to join (10 the UDF and UDF and AZAPO did not see its way clear to do so and UDF accused AZAPO of trying to create a counter front organisation in the form of the National Forum, but apart from the internal politics between the two organisations, what I was mainly interested in is the conflict sometimes assuming physical proportions. So there were meetings that I attended where there were representatives of AZAPO and representatives of UDF.

In order to try and restore some understanding between the two. -- At least a spirit of co-existence. (20

Were there any difficulties as to who was to organise the commemoration services in Soweto? -- I am aware of that problem because June 16 has become an annual event. The ministers in Soweto one year played the role of organising because if one organisation- because of the conflict between the two organisations, and the failure to work together which was an embarrassment to the community at large.

Yes, I want to deal with your involvement in connection with what has been described as the education crisis. Were you concerned about the fact that children were not going to (30 school / ..

school in 1984? -- Yes, I was.

Did you try to do something about it? -- Yes, I did try to do something about it. I remember attending a meeting at Regina Mundi which was composed of members of the community as well as students, and where the parents were concerned about the question of the return of their children to school. The students expressed their grievances, what caused them not to go back to school and that meeting resolved that representations should be made to the department in order to resolve those issues so that the children may go back to school. (10 A committee was set up. I was included in that committee.

COURT: Could you date this meeting, please? -- It must have been in 19.. I think it was October 1984..but (hesitates)

Approximately. -- It was round about that. I would have to check the date.

Round about October 1984 you mean? -- Yes.

MR BIZOS: You say you were a member of this committee? -- Yes.

Who were the other members of the committee? -- It was Vusi Khanyile. (20

COURT: Was it NKanyile? -- Khanyile. (spells it)

Yes. -- And Reverend Tsele and Frank Chikane, Mr Mogase - I think Isaac Mogase.

How do you spell that? -- Mogase, and Mr Khumalo. I have forgotten the first name.

MR BIZOS: Frank Chikane is that.. -- And Amanda Kwadi.

And Amandi Kwadi. -- I do not know if I am forgetting anyone but those were the..

Yes, was this committee elected at a meeting of parents and scholars and other people that were present at Regina (20

Mundi/..

Mundi? -- That is correct.

COURT: Was this committee for Soweto only or for the Transvaal?

-- It was Soweto and therefore it was called the Soweto Parents' Committee.

MR BIZOS: And Frank Chikane, that is the Reverend Frank Chikane? -- Yes, Reverend.

And Amanda Kwadi, was she involved in any UDF affiliate or not? -- No, I would not be positive about that.

You would not be positive about that. Now was there anyone at the meeting at Regina Mundi who was in favour of (10 the continuation of the school boycott? -- No, there was nobody to my knowledge. All the parents were concerned about the return of the children to school.

COURT: That is on the part of the parents. What about the children? -- Oh the children were saying we are interested in going back to school but we have these problems. If these problems were to be solved then it would facilitate our going back to school. It was for that reason that this committee was set up in order to discuss with the department those issues which were points of pain on the part of the students (20

MR BIZOS: What were the matters that were of concern to the children, Bishop? -- It was the question of the SRCs and the way in which they were being introduced. The matter of the age limit and the dating of the exams as a result of the destruction of the school year, so the request was that the department should postpone the exam date so that teachers would be in a position to help the students to catch up with lost time.

Whose proposal was this that the department should make arrangements for the exams to be written? -- After the (30 meeting / ..

meeting the committee consulted the students, the student organisations, both black consciousness students and the UDF affiliated student groups.

Yes. -- So we got this from the students themselves.

COURT: When you speak of students you mean high school scholars?

-- Yes, that is the name that is being used nowadays, students.

Yes, high school scholars.

MR BIZOS: Why was it their concern that the exam dates should be extended? -- It was because the school year had been disrupted by the boycott of classes therefore if they would go (10 back to school late, because it was late in the year, they would not have enough time to catch up with what they had lost so they were asking that the exams be postponed maybe to January so that the rest of the term could be used to catch up the ground they had lost.

The student leadership that you met with, were they anxious that they or any of their fellow students should lose the year? -- No, they did not want to lose the year.

Did you as a committee take steps to interview the department? -- Yes, we did make arrangements with the department (20 to have a meeting with the minister. We could not get the minister but the deputy-minister responsible for this department were able to see us. Mr De Beer.

And did you try to persuade the deputy minister to accede to at least some of the requests? -- We did.

COURT: What was the result of the meeting? -- I would say from the side of the minister - he explained in the first place the policy of the government in regard to the age limit, which was one of the issues; the SRCs and then in the light of our explanation as to what was the real problem on the side of (30

the / ..

the students, I would say on the whole the minister was prepared to make recommendations particularly with regard to the age limit, but on the level of those who were involved in the administration. In other words, the officials of the department, they raised difficulties which might crop up if for instance they were to postpone the exams.

Could you just give me some information on the age limit? I have had varying accounts on that. What exactly was the age limit? -- Now it is a back event but whatever the age was the point was that those who had gone past that age were (10 not allowed to continue with their schooling.

Yes, but I have heard two points of view. The one was that if you are above 18, you are not allowed to register in st.6. The other is that if you are above a certain age, I think it is above 20 or so, you cannot register in any class whatever class it is. Now what exactly was the age limit? -- Ja, I would need to refresh my memory because there was - it is now a number of years back. It is a question of unwinding as to what precisely was the age but I remember the overall issue. (20

But do you remember it as only pertaining to the entrance into st.6 or did it pertain to each standard, a different age? -- It was a school leaving age.

School leaving age? -- School leaving age. If you had not progressed beyond a certain..then you would not be allowed back to school. There might have been a number of aspects of the same issue, but that was one of them. I remember particularly that because of the disruption of schooling, the argument was that many people who ought to have gone beyond a certain standard had been kept there because of the disruption of (30 the / ..

the schools. There might well have been various aspects of the age limit - I would need to refresh my memory.

MR BIZOS: I might say that if my memory serves me correctly there were variables. It was a standard, the age and whether you have failed more than once. I think those were the..

COURT: Well, it is not clear so far.

MR BIZOS: Yes, I think that those were the three variables but I do not remember whether it was in evidence or in consultation that I got it, but there were a number of variables. It was not just one cut-off point. Now this group that.. --(10 Oh, there was also another aspect of the meeting which I think is important. The department also pointed out that you are just coming from Soweto and we are concerned about the overall situation and therefore an idea was raised that this committee would help in co-ordinating these efforts so that it is not just a Soweto issue which would be problematic for the department but the whole country wherever the DET was responsible would also be involved.

I see. What would you say the most immediate problem was that the committee hoped to solve by this visit to the (20 deputy minister? -- It was about the SRC. The request of the students was that there should be a democratic SRC, that was the phrase that was used. It simply meant that they wanted to have some role in the drawing up of the constitution of the SRCs. And of course all of them were equally urgent, the age limit because it affected some students and then the matter of the postponement of the exams because that would help to make meaningful their return to school towards the end of the year because it was round about October.

Yes. Do I understand you to say that the committee (30

felt / ..

felt if they could have a goal to work to, then they would go back to school? -- Yes, they wanted something to bring back to the students and pupils: please go back to school now, this is what the department has promised.

Yes, and did people like the Rev Frank Chikane and Amanda Kwadi and others make the same representation to the minister? --Yes, all the members of the committee did.

And you say the question was raised that you represent Soweto only but we cannot have an extension of the matric examination for Soweto only? -- Soweto only. (10

Do you know whether this committee which started off as a Soweto committee then broadened its field of activity? -- Yes, after the Soweto Parents' Committee there were a number of report back meetings and then in one meeting the Parents' Crisis Committee was formed which was a precursor of the NECC on a local basis.

And who were the members of this committee that grew out of that original Soweto committee? -- Again I would have to refresh my memory because I was not a member of the next layer of the committee, but I know some of the members like Rev (20 Tsele, Khanyile, Mogale, those were members of the new committee but I would need to refresh my memory.

Can you recall whether Rev Frank Chikane continued to be a member? -- No, I cannot be positive about that.

You cannot recall. Was there any special reason why you were not on the subsequent committee? -- Well, there were two reasons I think. One of the reasons was that I was not there at the meeting and the second reasons is that I considered my role of merely being a facilitator. For instance this meeting with the minister. I played a role in arranging for the (30 appointment/..

appointment and what is important is that the people should speak for themselves.

Now what do you say to the allegation that during 1984 including presumably October 1984, the UDF of which we know that Rev Frank Chikane and Aubrey Mokoena and Amanda Kwadi were activists in, was actually actively propagating the continuation of the boycott of school children of their schools. What can you say about that?

MNR JACOBS: Ek weet nie of die getuie in staat is om te sê wat die UDF - ons weet nie hoeveel kennis het hy van die UDF en of hy kan sê wat die UDF mense gepropageer en gesê het in hulle vergaderings nie. Op watter basis word dit gevra? (10

MR BIZOS: I will change the question. At the meeting at which you were, meeting or meetings that you were at, did Mr - the Rev Frank Chikane, Amanda Kwade, Aubrey Mokoena..

COURT: Was Aubrey Mokoena there? Are you speaking of committee meetings or public meetings.

MR BIZOS: Public meetings.

COURT: Yes?

MR BIZOS: Was Mr Aubrey Mokoena there? -- Not in the committee as far as I recall. (20

Was he at a public meeting, do you recall? -- I do not remember, he might have been there.

Alright, let us leave him out. Let us find the ones that were there. Those who were there and were known UDF activists, did they speak for or against the children going back to school?

MNR JACOBS: Ek sal dan vra dat hy sê wie dit is en nie hier 'n breë algemene stelling maak nie.

HOF: Dit kan u in kruisondervraging vra, mnr Jacobs.

MR BIZOS: Did any of the UDF activists at this meeting speak / .. (30

speak in favour of the continuation of the boycott of schools?

-- I say no, for two reasons. The first reason being that I never heard anyone speak like that, and the second reason is that later on, I think in 1986 when the boycott continued some, including myself, some people including myself took some steps to encourage the reopening of schools. I was in contact with people of different organisations including UDF people and AZAPO people. They were as much concerned as I was. I never met anyone who said that it was alright, that they should not return to school. I was in contact with officials and (10 said what is your view about this, shouldn't we work together to encourage students to go back to school and there was a positive response to the overture.

COURT: Now did the school boycott last through 1984, through 1985, into 1986? -- Ja, 1986, yes.

MR BIZOS: Continually or periodically? -- Intermittently. At times they would go back to school and then a certain event would spark off again that they are not going back to school.

Thank you, I have no further questions.

CROSS-EXAMINATION BY MR FICK: So far as the services in (20 the church are concerned you gave evidence about the behaviour of people in the independent churches, the dancing, the clapping of hands and body movements. Now is it correct to say that they did that in the bona fide church meetings in praise of God and for no other purpose? -- Yes, and also at those meetings where people from different churches were together, particularly at night vigils. The worship patterns of the independent churches had become a common ground, for instance the singing of the choruses because if you introduced a Lutheran hymn the Anglicans would object and say why not ours, but it seemed (30

as / ..

as if when it was a chorus or some liturgical pattern from these independent churches everybody would join. So not only in what you would refer to as the bona fide but also at other services where there were people of other churches as well.

But I am speaking of bona fide church services, whether the dancing, the clapping of hands, the body movements were all made in praise of God? -- Yes, in the worship services of the independent churches.

Yes. That is now the church services on Sundays that I am talking about. -- And also on other days whenever there (10 are church services, not only on Sunday.

Do referred to "Senzeni na". Do you regard "Sezeni na" as a freedom song? -- No, not basically. I know it has been referred to as a freedom song but I know its background is that it is a chorus which is rendered in one of the most popular tunes in our hymn books.

You say it was traditionally a church song and it became a freedom song? -- No, I would put it this way, that "Senzeni na" might have been traditionally part of a traditional song which had then been taken out of the song by the indepen- (20 dent churches and popularised through the funeral versions as well as other community gatherings.

But when the new words are added to the song "Senzeni na", words like: "The whites are dogs, they will die dogs", from then on it is no longer regarded as a church song but it is regarded as a freedom song? -- I think the word "freedom" songs is a technical phrase. Ordinary people wherever they are, prayers and statements with religious themes, they would not regard that as a secular gathering. It is a worshipping gathering if there is a prayer and other religious exercises (30

and / ..

and therefore the phrase "freedom song" is not a phrase that is normally used by people in their daily intercourse.

Is it not so that in townships there are songs commonly known as "freedom songs"? -- I am aware of that. At the same time I am aware of the fact that as soon as a song is sung in an organisation which may be described as a political organisation, whatever songs are sung, they are regarded as freedom songs. The case in point is the prayer "Nkosi Sikelele Afrika" which is one of the best prayers any nation can use in approaching God. (10

COURT: Well, let me just see what you are saying. Are you saying that "Nkosi Sikelele Afrika" is called a freedom song when used at political gatherings, or are you saying that it is incorrectly called a freedom song when used at political gatherings? -- What I am trying to say is that the label "freedom song" I have come to be uneasy about because it is used indiscriminately, sometimes as illustrated by "Nkosi Sikelele Afrika" to describe a prayer as a freedom song which means it still needs to be defined what a freedom song is.

Well, let us leave out of the debate "Nkosi Sikelele" (20 when we speak of freedom songs. -- It is because I have heard "Nkosi Sikelele Africa", people were - it was a political gathering because "Nkosi Sikelele Afrika" was used. It is because of that reason.

I see.

MR FICK: Is it also not so that church songs are taken by organisations and the wording changed and then they make their own freedom songs, by using the tunes of the original church song? -- Yes, not only church songs but songs sung at weddings, some are given religious themes and vice versa. It is true (30 that / ..

that there are adaptations as I said earlier on.

Now you referred to "Senzeni na" and the added words: "White people are dogs, they will die being dogs" and you said it is a new version that came into being in 1976? -- I became aware of it, it might have been there.

Where did you become aware of it? -- It was in some of these type of meetings, commemoration services, funeral services which we have been talking about.

And in 1976 who organised the commemoration services? -- That has been the issue in the black community as to who (10 because there were various organisations, particularly at the time when there was a conflict between the various political organisations. Sometimes ministers were asked to be the ones who are in charge of the meetings and if it was the type of calls which ministers felt they could participate in, they did. As the commemoration services like June 16, and others are.

Now while we are busy with June 16 commemoration services it is correct that you attended the commemoration service on 16 June in Regina Mundi in 1984? -- Yes.

I would like to refer you to V.10, EXHIBIT V.10. Now (20 in general is it not so that commemoration services on June 16 and other commemoration services are used by political organisations to popularise their organisations, their aims, their objectives? -- I have not been aware of that fact in the meetings which I attended. The focal point is always what June 16 stands for, and not so much the policies of the various organisations. Even though members of those organisations may play some role, that is not the main point. Whatever they say is on the whole related to the purpose of the commemoration.

Will you turn to page 2 of V.10, from the first (30
paragraph / ..

paragraph:

"It is apparent that the UDF, the "Release Mandela campaign, COSAS and GAWU had their posters and banners in and around the hall."

-- Ja, that is correct.

And is it also correct that this service, UDF called on the people to make their mark against apartheid to the "Million Signature" campaign? -- I think I should also add as a common feature in this type of meetings is that various groups, it may be UDF or any of the ones listed here, just at the time (10 when anybody can sing or start a chorus as I have said earlier, so on that basis that in a meeting of that nature anyone can start a song. Some of these organisations did so, they also had their banners, that is correct.

But the question is, is it not so that the UDF at this meeting called on the people by displaying placards and posters and banners, called on the people to make their mark against apartheid and to sign the "One Million Signatures" form. -- Well, I am not sure about that to the same extent, I am not sure whether AZAPO did that, but what I am sure of is that (20 people who attended that meeting attended because of the significance of the occasions. The organisations in their own spheres of activity might have just as well encouraged the people to attend there, but the community at large went there in order to commemorate June 16, and not to listen to this organisation or that organisation. That would have been a deterrent if it became clear that a particular organisation was calling people to, to..

But Bishop, is it not a fact that at this meeting UDF did call on the people and UDF did use the commemoration (30 service / ..

service to obtain signatures for their campaign? -- I was not aware of that. That is not the reason why I went to the meeting because we were aware at that time of the problems around June 16, which was that the various organisations were at least suspicious of one another and therefore it would be helpful and give the right tone to the occasion if the ministers were to attend. That is what I am aware of. I am not aware of what UDF did prior to that in order to publicise whatever they - I was not aware of that.

Did you see at these meetings the posters of UDF calling(10 on the people.. -- Yes, I did, as well as some other posters.

And did you see the banner of COSAS calling for the people's education at this service? -- Yes.

And did you see the GAWU banner? -- Of course I cannot remember them all but what has been listed here might have been there, because I do not have the memory of each one of them, so I accept what is listed here.

Did you see the "Release Mandela" campaign banner at this meeting? -- It might have been there. I do not have the memory of the list of the particular banners that were (20 there, except that there were banners and what I see here - there is nothing which I can deny and say it was not there.

Now did you sign the UDF's "One Million Signatures" campaign form? -- No, I did not sign.

Did you see the black, green and gold flag tied to something like the barrel of an AK47 at this service? -- I cannot remember that. I might have been there, I would not deny it but it is not part of my memory.

MR BIZOS: We have a correction on that. I do not know what your lordship's copy shows? (30

COURT: Well, the words: "to the barrel of AK47" has been deleted and we have written in something "Not clear whether barrel of AK47 or not".

MR BIZOS: Yes, my copy is correct. I do not know what copy my learned friend is reading from.

MR FICK: The same copy. Who asked you to attend this service and to act at this service? -- In these things, in this meeting as well as in other meetings it is usually not a question of being asked but it is just a matter of knowing that there is such a meeting. I cannot say who drew my attention (10 to this particular meeting. I knew that on June 16 there is a meeting and I went there.

Who asked you to pray at this meeting? -- Oh, I do not remember now. I would have to refresh my memory as to whether it was this one where there was a meeting of ministers where they discussed as to what role they might play. I would have to refresh my memory as to what went prior to this meeting, as to how I happened to play a role.

Can you tell the court who decided that the Rev Lebamang Sebidi should be the master of ceremonies? -- It might have (20 been at a meeting of ministers, but I will have to check that, where they had to play some role because the organisations then used to fight among one another. I tend to gravitate towards that side of my memory.

ASSESSOR: The ministers fighting among themselves, is that what you are saying? -- If one organisation were to be in charge of the meeting, then others would take exception to that. That had occurred before and therefore the role of the church was seen to be necessary.

MR FICK: Well, the song mentioned there at the bottom of (30
page / ..

page 2, song no.1, do you know that song? -- Yes, it is usually sung by women's league and other groups in our church: "Bayangena ba yaphuma, Bayadidizela baya saba magwala". Just the other week there was a meeting of pastors' wives. They sang this.

COURT: Now Mr Fick you will spell it for the record, please, or hand it to the lady.

MR FICK: I will hand it to the lady.

COURT: Yes, please.

MR FICK: Now the translation at the bottom of the page, who are the cowards referred to? -- It is an old song. It would be song at weddings, for instance the other party is shivering because they are going to be outperformed. It is not basically a political song, it is a community song which is sung in many contexts.

COURT: Is this now sung about the suitor who has not made it? -- I beg your pardon?

At the wedding, the man who did not get the bride? Who has been outperformed? -- It might be.

But now it does not make sense at the moment. Why would one sing this sort of thing at a wedding? -- It is because traditionally there are usually two parties, the bridegroom's party, the bride's party and they compete, therefore one might sign and say look at them, they are shivering, they are not composed, they are cowards. That is just one context where it might be sung. There might be other contexts, just as I illustrate - just last week there was a meeting of the pastors' wives and at their free moments when they may start any piece where all of them could join, then they started this one. I even said don't you have one that is religious, that has (30

Jesus / ..

Jesus Christ in it but they just sang this one as it is.

They were not speaking of their husbands? (Laughter)

MR FICK: Weren't they refering to, in this song at this service to the government or agents of the government by referring to the cowards? -- That is the problem to which I have referred earlier. The role of the song is to make the community feel that they are playing the role - the meaning of the song, the literal meaning of the words I would say is secondary to the purpose of the singing. There might be someone who might think of cowards as the government, I do not know (10 but on the whole the songs are sung for a very specific reason: to mobilise the community, to feel that they are part and not just the leader who is sitting up in front. Or it may be started by a member of the audience. There is no announcement: let us sing this song so as to tell them that they are cowards. There is usually no such announcement and therefore people participate. Just one person may start it and then others just join. They do not ask why do you sing that and not that one. If there is rhythm to it then everybody joins in. It may be a good thing or a bad thing but that is the way it (20 has been.

Now they sang this song after they changed about Oliver Tambo. You will find that in the second paragraph on page 2. Do you see that? -- Outside?

No, no, the chanting of Oliver Tambo. -- Yes.

And they sang that also after someone danced with a black, green and gold flag tied to something, it is not clear whether it is the barrel of an AK47.

ASSESSOR: I do not think you cleared up the witness' problem, Mr Fick. It was not outside that this chanting took place, (30

it / ..

it was actually in the church. Outside merely refers to the banner regarding the "One Million Signature" campaign. -- Yes, usually this kind of singing would come in the beginning before the start of the programme proper which means there may be no co-ordination, let us first sing this one and then let us sing that one. Somebody may just start. The chanting might have gone on independent of what is listed there as song no.1. One should not think in terms of a logical sequence as if there was a programme that we first Oliver Tambo and then this. Somebody starts that and as soon as he starts: Oliver(10 Tambo! then there would be others who would just join as long as they know how the chanting runs.

MR FICK: But was it not clear to you that after the people had chanted about Oliver Tambo, that they referred to this song: "They go in, they come out. They are shivering, the cowards. They are scared, the cowards", that they were referring to the government and the agents of the government? -- Well, the point I am making is that it is not said here that it was the same people who had been chanting and who were then singing "Bayadidizela". It might have been from one corner(20 of the hall. It might have been not the same people.

Is it also correct that the Rev Chikane spoke at this commemoration service? -- It is correct.

Is it also correct that he referred to the people who had left the country to join the guerilla warfare? -- I would have to refresh my memory..

Would you please have a look at...(simultaneously).. -- .. when it comes to the specific..

Would you have a look at page 5, the last paragraph? --
The last paragraph?

(30

Page 5, the second last line: "We remember well those who decided to join the guerilla warfare, not out of their own choice but out of pressure and compulsion to die for what they believe to be a just cause". -- Yes, I see it.

Now is it correct that at this service there was no condemnation of the guerillas or their acts of violence? -- By way of a resolution?

Or by any speaker. -- I do not remember everything that was said but the theme was not guerillas but it was the commemoration of June 16, so the normal flow of events will (10 be that every speaker will prepare about June 16 and not prepare about condemnation. It might well be missing, I do not know.

But as far as you can remember it is correct that there was no condemnation of the acts of violence committed by members of the ANC? -- I remember for instance in my opening remarks I spoke against any form of group conflict and what we must remember also, which is a reality in the black community because we are not talking about some Utopia; we are talking about people who are living in a specific community where (20 there are dynamics. I think it would be stupid for anybody to stand up and condemn any organisation which claims, whether one agrees with that organisation or not, agrees with its tactics or not, but in the black community it would be stupid for anyone to stand up in a meeting of that kind where you know that there are people with all kinds of different sympathies. Any speaker with experience would not do that. I would not do that myself in that kind of meeting, but I would rather do it in my own way, not in the way you suggest.

Is it not so, Bishop, that the June 16 commemoration (30 services / ..

services, at these services there always are calls for people to intensify the struggle or to join the liberation struggle? -- Yes, again the vocabulary we use relates to our varying perceptions. The word "struggle" in the black community, or "liberation" is a broad one which covers a broad spectrum. It may simply mean play your role in the community wherever you are, play your role in such a way that you do not defeat the ends of the aspirations of the people, and therefore one cannot pin down that word "struggle" to a particular model of struggle. I am aware of the fact that there is a wide range(10 of models for struggling towards liberation.

COURT: What are the perimeters of the meaning of "struggle"?

-- It would depend on the context as to what the perimeters are. For instance if it were a meeting where education is the issue, struggle may include seeing to it that the educational enterprise succeeds. Those who are in school should play their role well, teachers must play their role well. It depends on what the topic is. I can imagine that if it was somewhere in the bush where there are soldiers with rifles and somebody said: we must intensify our struggle, obvious-(20 ly the perimeters would be the struggle by way of shooting, so it depends on what the particular context is. At least what the word struggle means, intensifying the struggle.

MR FICK: And when it is said at June 16 commemoration services? -- I beg your pardon?

If it is said at June 16 commemoration services? -- That commemoration is about an educational event, not of soldiers engaged in a campaign and therefore it is related to students. The educational issues would be far more - for instance the abolition of bantu education and some of the issues of 1976 (30 which /..

which have not been attended to, so I would say that the normal perimeters on June 16 would be those issues, when one talks about intensification of the struggle unless one qualifies precisely as to what one means, therefore the normal inference would be that which is related to how the day originated, which was a fight against bantu education, which many believe is still functioning. Therefore to intensify means that do not think that the problem has been solved because we still have bantu education, we still have a system which we do not want, therefore continue struggling until you reach a point (10 where you can say that bantu education has totally been abolished.

MR BIZOS: Would your lordship excuse accused no.9?

COURT: Yes, certainly. Well, while we are busy with the word struggle, let us take it out of the context of June 16. When the words "liberation struggle" are used it can be, depending on the context, depending on who uses it, it can mean "strive hard for liberation", but it can also mean "fight by means of violence for liberation". Is that correct? -- Yes, if it was said in the midst of soldiers with guns who (20 are poised to go on a campaign, yes, I agree.

MR FICK: Do you agree that the flag of the ANC is black, green and gold? You have said that? -- Yes.

Now if at a commemoration service the flag in the colours of the ANC is shown, tied to something that looks like an AK47, the barrel of an AK47, which is a weapon of the ANC, and the name of Oliver Tambo is shouted, is it not clear that when there is a call to intensify the struggle, it is a call, inter alia to use violence? -- If somebody who said intensify the struggle was holding an AK - is it 44? (30

AK47 / ..

AK47. -- If somebody was holding that draped in the ANC colours and then say, let us intensify the struggle, yes, that would my inference. Otherwise I would have a wide range of options if that was not the case.

MR BIZOS: Is my learned friend entitled to persist that it was an AK47 when your lordship directed that it should be noted that your lordship did not know what it was?

COURT: Yes, but eventually we will probably hear what it was, then we will know what the answer is. Somebody will eventually tell us. (10

MR FICK: Is it also not so that the Rev Chikane, Frank Chikane in his speech made no reference to the education crisis? -- I do not know. I cannot say for sure whether there is nothing absolutely in this speech, unless I checked to refresh my memory.

Now at this service there was also a person by the name of Mobomotsi Montiane. Do you know him?

COURT: I am sorry, where do you find that name?

MR FICK: Page 9.

COURT: Mogomotsi? (20

MNR FICK: Mobomotsi. -- Some people in the community I know only by face and others I know the face and name, but this one I may know him visually but..

Not the name? -- I cannot figure out who it was.

Is it not so that the June 16 commemoration services are generallyt - normally there is a call for the people not to mourn but to mobilise? -- Again, mobilise in Zulu I would say "Viva", it again depends on the context. It is true that the word "mobilise" is very often associated with the mobilisation of troops to fight, but it may also be used in a social context / .. (30

context which depends - for instance mobilise the community against this and that, it may be against loitering or against crime or mobilise the community against allowing the children not to go to school, so the community works together just as troops work together. Again it depends on the specific context in which the word "mobilise" is used.

COURT: Is the word "viva" a Zulu word? -- No, no, not viva - not Viva ANC.

No, no, forget about ANC. -- No, "ukuviva" is a verb.

Ukuviva? -- It means - like when the troops are marching
(10
up and down. Yes.

I am sorry, I just want to know whether if I use the word "viva" I am speaking Zulu or whether I am speaking Latin or whether I am speaking Portuguese. -- No, not that way, not in that context, but the proper Zulu word which means something it does not mean "long lives", it means to mobilise which may take the form of you exercise and activate your energy.

So when I should "Viva Bishop Buthelezi", it does not mean exercise, it does not mean Zulu? -- No, no.

It must be something else? -- It is not Zulu. (20

It is not Zulu? -- No.

MR FICK: Will you please turn to page 10? And please do not pronounce the words of the song, otherwise I have to spell it. Song no.3, page 10: Do you know that song, yes or no? -- No, I do not know this song. It is not one of the common ones. No, I do not know it. I cannot sing it, in other words.

Can you remember whether it was sung at that meeting? -- I do not remember which ones were sung and which not sung. Therefore I would not deny that this was sung.

COURT: What does it mean? "We will enter in the dark", (30
it / ..

it says?

MR FICK: Yes. That is so.

COURT: Yes, thank you. -- When it is difficult, that is what it means ideomatically.

MR FICK: Can you remember that the people at this stage shouted again about Oliver Tambo. -- Yes, I have heard that in many meetings. Yes, it is correct.

Do you know for what reason? For what purpose did they shout, yes or no? -- I cannot claim that I know why these particular ones were shouting but I can say that it is (10 common. Tambo like others, Mandela, Sobukwe and others, are regarded as symbols of the community. The community is looking for symbols. We must have our own Paul Krugers and others and therefore people like Mandela, Sobukwe and others are like that. People may not know the ins and outs of what they believed in and what they are doing at the present moment, but we would like to have our mirrors, the mirrors of our community. That is just a reality you will have to learn to live with.

Is it not so that the name of Oliver Tambo is chanted at these meetings to popularise him? -- He is popular enough. (20 He does not need to be popularised. That is how I take it, but I would say that the immediate reason is that when we are together we do not know who we are. Okay, let us take somebody who symbolises us and who symbolises our aspirations. I would like to believe that that is how, that is why people would spend their breaths in saying Tambo, Tambo, not to popularise because I think he is well-known.

Is it well-known in Soweto that he is the leader of the ANC? -- He is the leader of the people.

No, no, .. -- And then there is a sequence. You are (30

first / ..

first important because you are a leader, you emerged from the community. When it comes to political affiliation that is a detail which many ordinary people may not be aware of but everybody knows about Mandela. There used to be a time when they would whisper about Mandela but even now they are speaking much more audibly, so they know the names.

Yes. -- But not all of them may know what organisations they - that is my perception.

COURT: Well, you are now jumping from Tambo to Mandela. --
Yes. (10

Does your answer apply to Tambo as well? -- I beg your pardon?

Does your answer apply to Tambo as well? -- Yes, it applies to Tambo. I am sorry to have jumped to Mandela, it was merely because - he is even much more well-known.

Now the question of - let me just see whether I have finished this. Yes, I am finished with V.10. Now the question of funerals. As you were never a member of any organisation is it correct that you cannot tell the court why organisations attended funerals? -- I beg your pardon? (20

As you were never a member of any organisation in Soweto is it correct to say that you cannot tell the court why organisations attended funerals and why they displayed their banners at funerals? -- I can claim, I can claim broadly to the extent that first of all organisations, you are actually talking about people and some of those people are members of the youth groups in our congregations, some would be trade unionists who attend our elders and therefore I can claim on that basis because an organisation is not just an impersonal entity. It refers to people we interact with in our daily life so I can claim(30

that / ..

that I can say something.

But you were never present at the discussions of any organisations as to the reasons why they attended funerals and displayed certain banners? -- No, I cannot stretch my claim to the extent of committee deliberations of particular organisations, as to why they do what they do. I cannot extend my claim to that point.

Is there any difference between the funeral of - let us take an example, an old man who dies of a heart attack in his house and the funeral of a person who dies in detention? (10 -- Yes, there is a difference, not as far as the factor of death is concerned but rather the factor of the social impact of the event. The death of somebody in detention has a wider social impact than the death of an ordinary person.

And is it correct that when a person dies in detention there are obviously more organisations interested in the funeral of such a person than the funeral of a person who died in his house as a result of a heart attack? -- I would say yes, but not because of being a member of an organisation as such, but because of having reached a level of prominence because you (20 are first prominent in the community, otherwise if you are just a party functionally and nobody knows about you but the organisation regarded you as an important person because you are a good secretary or a good chairman of the meeting, but the community does not know anything about you, I would imagine that even though you might have been a member of a political organisation, you might not attract as wide a support as when you were prominent in the community. The normal sequence of events is that it is very difficult to say which comes first, whether you are prominent because you are a member of the (30 organisation / ..

organisation or you become an office holder in an organisation because you are the kind of person who is aware of the community around you. I would be tempted to think that any normal organisation who would appoint to office somebody who has already established some credibility in the community by way of being aware of what is going on around, so I would not say the organisation sector is decisive in what you are talking about.

We heard evidence in this court of a funeral at Thembisa where an organisation actually took over the arrangements (10 of the funeral. Do you have any experience of that? -- It has happened that some people tried to take over, we have had experience even in the church, that some people want to dictate to the pastor how he should conduct his funeral, so we are aware of that problem. That some people for reasons of their own may like to be dominant in an event of that nature.

I am not talking about some people, I am talking about organisations. Do you have experience of that, of organisations? -- I have heard reports from the pastors that sometimes it has occurred in their congregations, that somebody who is a (20 community celebrity either by way of belonging to a certain organisation or for some other reason, that some people who know that person would like to play a role, even to the extent of wanting to dictate. I am familiar with that.

Is it part of the tradition to take over funeral arrangements from the family? -- It is not part of the original tradition, but it has become part of the township culture tradition. We will come to getting used to that because there are so many interests, football clubs or he may belong to a certain fraternity and they would like to play a dominant (30 role / ..

role, to be the ones holding the coffin, so we are familiar with that. Not only political organisations but any group which for one reason or another has a claim on the life of the person, that he is ours. It is usually the case for people who have played an important role in the community, that many people would like to claim him. Even in the township culture that is becoming traditional.

Even to the exclusion of the family? -- No, that is not desirable. Wherever that occurs it would be regarded as a bad thing because one cannot rule out an emergence of a (10 strange phenomena. It may happen for instance that an organisation has so much affection towards that person that they would like to take over. I do not rule that out at all, but by the same token I am saying that according to the reports I have received from our pastors we have had something similar from other quarters. Even the family trying to exclude the pastor or some relatives or some person who comes from somewhere: we know this person much more than you do.

Now if you take the person, the example of the man who dies in his house from a heart attack on the one hand and (20 the person who dies in the police cells on the other hand, is there also a difference in the speeches delivered at the two funerals? -- Yes, there is a difference. The speeches would normally depend on who is there. If a person dies of a heart attack it may be just fellow church members and therefore the speeches would reflect that fact. If it is somebody else, the speeches would also reflect the level of acquaintance, the person who is speaking.

And these funerals, the organisations popularise their aims and they try to mobilise the people to participate in (30 their / ..

their campaigns, if it is the funeral of a person who died in police detention. Isn't that so? -- I beg your pardon?

If it is the funeral of a person who died in detention, the speakers would not only refer to the deceased but they would refer to their organisations, they would refer to their campaigns, their objects, and they would use the funeral to mobilise the people to support them. Is that not also what happens? -- There are sometimes bad speakers in any event. A good speaker would not popularise, speak about an organisation on such an event, he would use other means. (10
And of course there is nothing for this organisation to make itself known. There is nothing wrong with that. It would be abnormal. But I would not say that a funeral is the place for that. If it occurs then there would be something abnormal about the tactics and the strategies of that particular organisation and I would not be surprised if that organisation would ultimately be rejected by that community which it abuses, because the community is very sensitive about funerals.

I think maybe a last question before the adjournment. Is there a difference in tradition, the traditions applicable (20
to the funeral of a person who died of natural causes and the funeral of a person who died during a battle or while being in detention. -- Traditionally? .

Yes, is there any difference between the funerals? --
You mean old traditions?

Yes. -- Yes, somebody who died in that manner would not be taken home traditionally but would go straight, would be buried traditionally, but in the urban culture which I think is what the question is about?

Ja. -- Yes, there is a difference. (30

COURT: Well, let us first get the traditional situation.

Are you saying that people who died in battle were not taken home, they were buried on the battle field? -- They were buried in a separate - even nowadays if somebody dies of unnatural causes in certain areas where people are strict about tradition, he would not be handled in the same way as somebody who got ill and died inside the house.

Well, tomorrow we can sort out the situation in the townships.

THE COURT ADJOURNS UNTIL 18 MAY 1988 AT 10h00