

A

SAAKNOMMER: CC 482/85

PRETORIA  
1988-06-14

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. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

-----  
KONTRAKTEURS:

LUBBE OPNAMES  
-----

VOLUME 418

(Bladsye 24 486 - 24 538 )

COURT RESUMES ON 14 JUNE 1988.

NTHATO HARRISON MOTLANA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Dr Motlana we were busy yesterday with the conference you attended in March 1986 in Durban of the National Education Crisis Committee. -- I remember.

And you told the court that you obtained a copy of the speech of Mr Zwelakhe Sisulu, is that correct? -- I recall receiving a copy of the speech.

Am I correct in saying that the Soweto Civic Association(10) is supporting the struggle of the students for a peoples education? -- You would be correct in saying that.

Do the SCA regard the struggle for peoples education as part of the broader struggle for national liberation? -- We would accept that position.

You obviously have heard about the expression "people's power"? -- I have heard the expression.

Is it also an expression used by the Soweto Civic Association? -- It is not the expression that is often used by the Soweto Civic Association. (20)

But it is used? -- There would be members of the association who would use that expression.

Now what is people's power Dr Motlana? -- I do not think that anybody has accurately delineated, defined that but people's power I would assume means power of the people to determine their own future and that power would be best expressed in the form of a universal franchise.

And the education struggle is that the struggle for people's power? -- It would form part of that struggle.

Is this the speech of Mrs Sisulu which you obtained (30)  
at/....

at the conference in March 1986?

MR BIZOS: I did not object to this cross-examination of Dr Hartzhorn because he was an expert educationist and it may have been justified on the basis that, well we are testing his knowledge and his expertise and how up to date he is. But your lordship has from time to time given rulings in this and your lordship has taken the view that anything after mid-1985 is not per se admissible unless it can be justified on some other basis. Now merely in the interests of curtailing the proceedings I do not think that such considerations as may (10) have been applicable to Dr Hartzhorn are applicable to Dr Motlana and I would submit that the cross-examination on this paper and on this conference being after the period of the indictment is not admissible.

COURT: What do you say Mr Fick?

MNR FICK: Edele dit is die staat se submissie dat hierdie getuie het onder andere ook gesê daar was geen verandering gewees in die posisie of die houding van die Soweto Civic Association wat hy van weet nie en hier het ons 'n dokument wat 'n vorige getuie oor getuig het, maar waarvan hy nie die volle (20) teks van gehad het nie wat verduidelik wat word bedoel met die onderwys, die sogenaamde "education struggle". Hier word dit uitgelê. Wat dit presies is, word uitgelê, wat is people's power, wat bedoel word en dit is my submissie, edele, dat hierdie dokument sal aantoon waaroor die stryd wat al begin het in 1982/1983, waaroor dit gaan en waaroor die stryd in die skole gaan vir SRC's, wat hulle daarmee bedoel. Dit is nie om nuwe goed voor die hof te lê na 'n sekere datum, maar dit is 'n dokument wat verduidelik wat is die struggle wat al begin het in 1983, en dit is op daardie basis wat die staat betoog dat hierdie (30) dokument/.....

dokument wel toelaatbaar is.

COURT: Mr Bizos?

MR BIZOS: I do not want to take the matter any further. I stand by the objection but I do not want to say anything more.

COURT: Yes. The objection is overruled.

MR FICK: Thank you my lord. Now doctor is this the copy you obtained of the speech of, the keynote addressed delivered on 29 March 1986 at the second national consultative conference of the National Education Crisis Committee in Durban? -- I have not had the opportunity to study this document but it does (10) resemble the one I have seen.

I put it to you from this document it is clear that the struggle for people's education is part of the national liberation struggle and that it is the aims of the organisations with the struggle in the schools are to create a condition of un-governability so that they can move from that position to peoples power before they move to the final stage of final liberation in South Africa, the overthrow of this government? -- This was a speech by Zwelakhe Sisulu in opening that conference. He expressed a personal opinion. I am not aware (20) that at the end of that conference the delegates then present there passed a resolution based on that speech which determined the course of their action in the near future. One cannot therefore say on the basis of that opinion expressed that you determined, you decided on the basis of this speech to do one, two, three. I am not aware that in fact that was the decision of that conference.

But is it not so that Mr Sisulu was the chairman of the committee on peoples education, they investigated the matter and he delivered this speech? -- I do not know of what (30) particular/....

particular committee Mr Sisulu was the chairman. What I am saying is that I am not aware that at the end of this conference we, the delegates, decided on the basis of the speech that this would be the course of action we would follow, based on the opinions expressed in that speech.

And I put it to you that the education struggle, the aim of the education struggle is also to create liberated or semi-liberated zones where the people should govern before they move to the final stage of overthrowing the government in South Africa. -- My association did not come away from the conference (1) in Durban with a mandate, with a resolution to create such areas in Soweto or to my knowledge anywhere else, and in fact we did no such thing.

My lord I would like to hand up the document. I think the next number would be CA.46. The previous document which was handed up to the court was an extract of the speech, not the whole speech.

COURT: Yes it will be CA.46, where is the document?

MR FICK: Doctor is it correct to say that the NECC was composed of organisations affiliated to the UDF? (20)

COURT: This document has as heading "Second National Consultative conference Keynote Address, Saturday 29 March 1986", Peoples Education for Peoples Power.

MR FICK: Thank you my lord. Is it correct? -- That would be correct.

Now Dr Motlana another subject. You gave evidence to the effect that the SCA in 1978 opposed increase in the rent in Soweto? -- Yes, I did.

And the Soweto Civic Association called for a boycott of the payment of the increased amount? -- That is right. (30)

And/....

And what was the outcome of the call? Did the people pay?

-- Many people did not pay.

But a lot did pay? -- Many did pay.

Yes. And what happened to the increase, did it stay? Was it cancelled? -- It was not cancelled.

Yes and eventually the whole, all the residents of Soweto did pay the increase, eventually? -- The residents did pay.

Yes. Yesterday we were dealing with the question of day to day issues. Now I would like to refer you to two other documents on this subject. The one is C.16, it is in volume (10) 2 my lord. C.16, volume 2. C.16, it is a document with the heading "State of the Soweto Civic Association". Found at the offices of UDF, Johannesburg. Do you know this document Dr Motlana? -- No I do not know this document.

Do you know how did it come to be in the offices of UDF, Johannesburg? -- I have no idea.

Well according to this document it explains the attitude of the Soweto Civic Association with regard to day to day issues.

MR BIZOS: My lord there is evidence on this document by Mr (20) Molefe, accused no. 19, and the question is not correctly put on the facts that are before your lordship. That they were his thoughts and not the views of the Soweto Civic Association. I have a note on the document. I have not got such a good memory. That on 18 August at 15h00 the evidence of Mr Molefe was given that these were his thoughts on the subject, that he wrote it out himself and it was never presented to the Soweto Civic Association.

COURT: You may well be right Mr Bizos, I cannot remember it.

MR BIZOS: I have a note, I did not expect your lordship... (30)

COURT:/.....

COURT: I also have a note of when it was dealt with but I have not got my notebook here so it does not help me.

ASSESSOR (MR KRUGEL): My note is that he testified that he himself was the author of this document and he calls it a draft.

MR BIZOS: That is so, yes and that is the date, to enable your lordship to find the evidence, 18 August at 15h00.

MR FICK: I will accept that my lord. Now Mr Molefe, accused no. 19, he was in the executive of the SCA, is that correct?

-- He was.

And did the executive discuss the question of day to (10)  
day issues regularly? -- It did.

And I would like to put it to you that according to this document, page 3 and page 4, it is clear that the day to day issues are used to organise and mobilise the people in the struggle? If you look at page 3, the top:

"Our understanding of how change will come about is completely different from the above. We are convinced that change can only come through active involvement by the masses. We need to involve the masses in our programmes for the struggle belongs to the masses not to (20)  
us all as small groups of activists or so-called leaders."

And then on the same page, the last paragraph:

"How do we involve the masses? We must develop programmes based on the needs and interests of the residents at local levels and transform them into collective actions by the people themselves."

Then the next page, the top:

"This will include campaigns around high transport fares, rentals, electricity, lack of proper services, high water tariffs, lack of health facilities, shortages of houses, (30)  
lack/....

lack of qualified teachers, lack of schools, etc. All these must allow maximum (then there is something left out). The masses can be involved through street meetings, door to door work, house meetings, street representation, area committees, branch sub-committees."

And then on the same page the heading "How do we Identify Issues" it is stated in the first paragraph, the second half of the first paragraph:

"For instance if six people complain about rentals and 90 complain about the increase on the price of sugar (10) the increase on the price of sugar constitutes an issue around which people can be organised and mobilised. The price of sugar has the potential of uniting many people in action."

-- We covered this territory yesterday. I have absolutely no difficulty, no problems, with what Mr Molefe has written. I conceded as much yesterday that it is the, around these problems, the people's problems that we would mobilise and I say it and we make no apologies for that. It is the kind of thing we would do, it is the kind of thing that over the past ten (20) years of its existence the Soweto Civic Association has done in its attempts to get these things changed. It is not our aim to organise over an issue like housing, I said yesterday. It is an attempt to get those who have the power to provide our people with housing. So I have no problem with what Mr Molefe wrote in that document.

Well what I would like to put to you is that this was not taken up to solve the problems, it was taken up by the Soweto Civic Association to make gains from it for its own purposes?

-- If you do not mind then I would have to repeat myself. (30)

I/....



I have to go back to the attempts that I personally made over the years interviewing and talking to authorities all over South Africa, including the chairman of the Administration Board, including the chairman of the Urban Foundation and such people at various times in an attempt to get them to hear our people. It is the cry of people who did not have the vote who must make every attempt to have their grievances redressed. I covered that area yesterday. It is not because I want to see my people live in shacks at Mshenguville. I want them decently housed like all other South Africans. (10)

Will you please turn to EXHIBIT AM.24. Volume 2. It is a document with the heading "Soweto Civic Association Workshop, 8, 9, 10 June". Do you know this document Dr Motlana? -- I am sorry I do not recognise this cover here but I probably saw it but I cannot remember, I cannot recall.

Can you remember the workshop? -- I did not attend every workshop arranged by the Civic Association. There were many that I could not attend. I have a busy practice as a medical practitioner and some of these workshops I miss.

My lord for the information of the court if the court (20) turns to the second last page of AM.24 the court will find this workshop was held in 1984. Now will you please turn to page 13. I have a problem. I see the pages are numbered on the left top, at the top on the left-hand side and also on the ...

COURT: My pages are numbered.

MR FICK: ... on the right-hand side.

COURT: We must have numbered them on the right-hand side.

MR FICK: Then it is page 13 on the right-hand side.

COURT: 13 on the right-hand side. -- May I ask where this workshop was held? (30)

ASSESSOR/....

ASSESSOR (MR KRUGEL): Wilgespruit. -- Then I did attend that workshop, or part of it.

MR FICK: Page 13, it is numbered on the right-hand side. There is a paragraph (d) more or less in the middle of the page "How do we organise", then the fifth paragraph below the heading:

"Organise people around the day to day issues and problems which affects them. No issue is too small to be taken up if we make gains from it."

What do you say to that? -- Oh can you repeat that, sorry? (10)

"No issue is too small to be taken up if we make gains from it."

-- I would like to start at the first one. Start where the people are at, with concrete conditions as they are, with the shacks of Mshenguville and if we can get the shacks at Mshenguville supplied with clean drinking water and if the council or the government should agree to do that it is a victory. From there we can move on to bigger issues like the provision of serviced sites. I accept that entirely. That is how we should work and our aim is to push those with the power to (20) change things to do something. I have no problem with that, none whatever.

Now I would like to turn to another subject. When did you hear about the call of Dr Allan Boesak for a united front? -- I cannot be certain about that. It became the talk in the townships that there has been this call for a united front. I could not tell you when I first became aware of that call.

And whilst you were a member of the ANC was it also the practice to issue a new year statement each year? -- No I am not aware of that. No. (30)

Are/....

Are you aware of the fact that new year's messages are issued each year by the president of the ANC? -- I am not aware of that.

You have not heard about it? -- No. What I do know is that the ANC met every year, 16 December, to review the state of the nation over the year before but I am not aware of a new year message.

You have not read in any newspaper in South Africa that the ANC met and Oliver Tambo called on 8 January a new year message for certain things? -- No. (10)

COURT: Are you saying they did meet on 16 December or as far as you are aware they do meet on 16 December? -- They did meet until the organisation was banned.

MR FICK: Now you gave then evidence about the Transvaal UDF. Who invited you to be part of the discussions for the launch of the Transvaal UDF? -- I cannot recall but I take it it must have been an invitation that was issued to the Soweto Civic Association through its secretary.

But who were behind the arrangements for the launch of the UDF Transvaal? Who were the people behind the arrangements? -- I could not tell you that. I am not aware of the identities. (20)

And yet you did attend? -- Oh yes I did attend.

And in all these years you did not make enquiries to find out who were behind the call for the launch of the ... -- It did not worry me about who was behind it as long as it expressed the kind of views with which I agreed.

COURT: Just a minute now doctor. I am not clear. I know you attended the launch in Cape Town, that was the national launch. -- That is right. (30)

Did/....

Did you also attend the launch in the Transvaal? -- No I did not.

Now it seems to me that counsel is asking you about the Transvaal launch. -- Whether I attended personally? No I did not attend personally. The Civic Association sent delegates to that launch.

MR FICK: Were you not one of the delegates? -- I was not.

And the interim executive, regional executive committee of the Transvaal, as you call them, were you present when they were elected? -- I was not present. I attended the first (10) meeting after the launch of the UDF.

COURT: Which launch? -- The launch of the UDF in Cape Town, the national, the get together.

ASSESSOR (MR KRUGEL): And then you attended a meeting in the Transvaal? -- In the Transvaal, yes.

COURT: So the first meeting of the UDF that you attended was the launch in Cape Town and thereafter the REC meeting of the Transvaal in Transvaal? -- That is correct.

MR FICK: Were you not asked beforehand whether you would be available for election as a member of the Transvaal executive? (20 -- I might have been but I cannot remember.

Now you say that the people elected before the national launch of the UDF were only an interim committee of the executive of the UDF Transvaal? -- I cannot be absolutely certain about those facts. It is quite a long time ago. I stand to correction.

According to EXHIBIT A.5, that is a document with the heading "National Launch 20th August 1983, Cape Town" issued by the UDF, page, the third page with the heading "Transvaal".

COURT: The third page is "A Day of Unity". (30)

MR FICK: /....

MR FICK: Then the fourth page, the pages are not numbered.

COURT: Well we numbered the pages from the top, that is page four then.

MR FICK: The first paragraph in the first column:

"At a meeting in Johannesburg in June thirty-one organisations met to form the general council of the Transvaal United Democratic Front."

And then the second column, the column on the same page, the last paragraph:

"At a later meeting on August the 6th the Transvaal UDF (10) executive was elected."

And then your name is mentioned in page 5. What do you say to that? -- I have already conceded that my memory is not as good as it should be. I cannot recall when I was first notified of my membership, of my election to the Transvaal executive but I repeat that I only attended meetings of that executive after the launch in Cape Town.

I put it to you that you were elected on the Transvaal executive, regional executive committee of UDF before the national launch and that was not an interim committee? -- I (20) accept that, if you say so it must be so.

Now have you seen EXHIBIT A.1? It is a document with the heading "United Democratic Front, National Launch, August 20, 1983". Have you seen this document before? -- I have seen this document.

Now I want you to turn to page no. 8, the pages are numbered at the bottom. The pages are numbered at the bottom, the right-hand and left-hand side of the pages. -- I have got page 8.

It is part of the working principles. Now will you (30)  
please/....

please have a look at paragraph 3.4:

"The UDF shall not purport to replace the accredited liberation movements of the people."

Can you explain that to the court? -- Several people had expressed anxiety over the fact that the UDF may be seen or interpreted to be an organisation that might replace already existing organisations within the country, particularly those of a different political persuasion, like the black consciousness movement, and it was felt in order to reassure them, in order to get them to join at a later stage if possible, that(10) the UDF was not formed to replace these other organisations.

Doctor it is not a reference to the ANC and the PAC? -- No way could this be interpreted in this fashion. In the first place the ANC and PAC are banned within South Africa. It would be therefore illogical to envisage an organisation within South Africa that would replace a banned organisation like the PAC or the ANC or for that matter to replace them externally when the UDF was clearly designed as an organisation to work within South Africa.

Is it not the viewpoint of the UDF that the ANC is up (20) to now the people's organisation, the mother body? -- I am not sure about that expression but the ANC could be interpreted or regarded as the mother body purely on the basis that it is the oldest organisation that has fought for the rights of the oppressed majority in the country.

Now Dr Motlana I would like to put it to you that there is nothing in the declaration of the UDF or the working principles to indicate that the UDF is purely a non-violent organisation. -- I do not know where counsel gets that from. My own interpretation as a member of the UDF, as the head (30)

of/....

of an organisation that has supported the UDF my interpretation of its principles, of its programme of action, is that they are of an entirely peaceful organisation.

No but you miss the point. The point I would wish to make is that there is nothing in the declaration or working principles that states that the UDF is a purely non-violent organisation? -- There was never a call upon the UDF to state in those words, so many words, that it was a non-violent organisation. The assumption in this country in the year of our Lord 1983 would be that no organisation or trade union, or civic association, (10) could be formed in this country that could even by a stretch of the imagination embark upon any policy that could be interpreted as violent. You could not do that unless you are mentally retarded.

Now at this launch certain resolutions were adopted. Is that correct? -- That is correct.

For what reason, why did the UDF adopt the resolutions? Was it not to identify the issues around which campaigns would be conducted? -- That could be so, also to guide the organisation about programmes of action and so on. Resolutions are (20) necessary to act as a guide for the organisation.

You were present at the launch. Now why do you say it could be so? Was it not discussed? -- It was discussed.

Yes. And is it correct then to say that the resolutions were adopted to identify the issues around where UDF could conduct its campaigns? -- Correct. But I mean when an organisation meets finally and adopts resolutions there is, what I mean is that there is often no time limit. We do not say we leave here, one of the resolutions is to establish a people's newspaper for instance, that by so, after so many weeks (30)

we/....

we should have a newspaper of our own. These, when I say guidelines it is the things that we want to do but it does not mean, necessarily mean that at the end of the year when you come back to the next conference we shall establish the newspaper for instance.

Now is it correct to say that the Soweto Civic Association for all practical purposes acted as if it was affiliated to the UDF right from the start, from the launch of the UDF? -- Well it is true that people like myself assumed from the very beginning that we were affiliate of the UDF. But when (10) you say "acted" I am not sure what you mean.

COURT: Well could we just pause there. If I have it correctly you could not have been a member of the executive of the Transvaal UDF had you not represented an organisation? -- That was affiliated.

That was affiliated. -- That is fair to assume that.

That I think is constitutionally correct. -- That is fair to assume that.

So as far as you yourself is concerned you acted as if you had been affiliated, your organisation had been affi- (20) liated? -- That would be correct.

MR FICK: Yes. And the Soweto Civic Association as a whole accepted the fact that they were affiliated, right from the beginning of the launch of the UDF Transvaal? -- We covered that issue yesterday and I made it quite clear that bar one member of the executive the assumption was that in fact we were affiliated. I concede that. Except for that one member.

And the Soweto Civic Association also gave out to the world, the outside world, that they were affiliated to the UDF? -- I do not know whether we gave that to the outside (30) world,/. . . .



world, whether there was any call or any need to tell the outside world that we were part of the UDF.

Is it correct to say that the Soweto Civic Association partook in the campaigns of the UDF? -- That would be correct.

It partook in the campaigns against the black local authorities, the new constitution, education, living costs, the issue of the workers, the issue of the women, the million signature campaign of the UDF, is that correct? -- That would be correct but let us not forget that many of those campaigns started many many years ago. They were not necessarily (10) started by the UDF. The campaigns by blacks against inferior education for instance started in 1953. It was just a continuation in many respects.

Now you gave evidence yesterday that before the call of Dr Boesak you yourself envisaged co-operation between your civic and other civic associations, is that correct? -- Yes.

Is it also then correct to say that nothing was done to bring this about until the launch of the UDF? -- That would not be correct. Our secretary I recall very clearly, and he is one of the accused, writing to other civic associations (20) in other parts of the country with a view to holding this consultative meeting of civic associations. We did not do anything about it because we lacked the necessary capital to fly or make travelling arrangements for other members in other parts of the country to come to a central place for this meeting.

And the launch of the UDF made this a reality, the co-operation between the civic associations in South Africa? -- It made it easier.

And from there on area committees of UDF were established in the different areas, is that correct? -- I know that an (30) area/....

area committee of the UDF was established in Soweto.

Yes and the Soweto Civic Association was part of the area committee of UDF, one of the members? -- We had representation in the area committee but it was not part of the area committee.

COURT: I am sorry what does that mean then? Of what does an area committee consist? -- I am not quite certain about the representation in the area committee but we at the Civic Association, we had our own organisation which had been in place, which was extensive, which covered all of Soweto long(10) before the UDF was formed and when the UDF came into being it became necessary to set up structures to co-ordinate our activities and one of those structures that was put in place was the area committee.

Now was the area merely the Soweto area or was the area the West Rand, East Rand, etcetera? What do you understand by an area committee? -- My interpretation of the area committee was the Soweto area committee was of Soweto, not the West Rand.

Only Soweto? -- Only Soweto.

MR FICK: And organisations like Soweto Civic Association, (20) SOYCO, AZASO, COSAS, FEDSAW and a number of trade unions formed the UDF area committee in Soweto, is that correct? -- I think that is correct. I am not quite certain.

COURT: Could we just get the names. You say SOYCO, FEDSAW?

MR FICK: COSAS, AZASO and a number of trade unions.

COURT: And the SCA?

MR FICK: And the SCA. -- I am not certain about the representation of that area committee, I did not attend the meetings.

Do you know whether the Release Mandela committee in Soweto was part of the area committee? -- I am not certain. (30)

Not/....

Not certain. There was a Release Mandela committee in Soweto, is that correct? -- I know of the Release Mandela Campaign committee but I do not know whether they had a separate committee for Soweto.

Now I want to turn to the launch of the VCA on 9 October 1983. Did the Soweto Civic Association assist the VCA in launching the VCA? -- We were invited to the launch of the VCA.

But did you not give any advice to them before? Before the launch? -- Not before. At the launch. My secretary (10) might have been in touch with them, I am not certain, but I was invited to the launch.

Now I would like to put it to you that the Soweto Civic Association, or members of the Soweto Civic Association did give advice and suggestions, make suggestions to the VCA about the launch of the VCA? -- I would not deny that.

You would not deny it. My lord I do not intend to refer the witness to the document in the light of his answer but for the benefit of the court I refer to EXHIBIT L.2, page 2, the fourth paragraph. Now Dr Motlana this launch of the VCA (20) was more or less four years ago, is that correct? -- That is correct.

Would it not be fair to say that you cannot remember what any speakers had said at the meeting or what resolutions were adopted? -- That would be correct.

That would be correct. You do not even know who invited you to the launch? -- I am not certain about that.

You also gave evidence to the effect that the SCA was in the habit of holding public meetings in all the areas of Soweto before they act? -- That is correct. (30)

Is/....

Is it correct to say that when the Soweto Civic Association called meetings they also had speakers at these meetings? -- That is so.

And then the speakers would address the meeting on certain subjects? -- That is so.

The speakers would make suggestions and gave information about the subject to the meeting, is that correct? -- That would be correct.

And after the speeches by the speakers the meeting adopted resolutions on certain topics? -- Not every time (10) but usually.

Usually, yes. Another subject. You referred to the boycott of the Coloured Representative Council and the Urban Bantu Council in the 1970's, is that correct? -- That is correct.

And then you gave evidence to the effect that no chaos was created by the collapse of these bodies? -- That is what I said.

Is it not correct Dr Motlana that the government had to appoint people to take over the functions of these bodies (20) to prevent chaos? -- That is so.

And if the government had not appointed these people chaos would have resulted? -- I do not think so. The appointment of Althea Johnson was simply to pass the necessary budget to pay the teachers. If the budget had not been passed some other way would have been found to pay those teachers. I cannot imagine that simply because the four or five thousand teachers had not been paid that there would be chaos.

Yes but ... -- And as far as the West Rand Administration, that area, the West Rand Administration Board is (30) concerned/....

concerned the fact that we did not have an Urban Bantu Council we all know that the final effective authority always lay with the West Rand Administration Board and if you remove those councillors no chaos would have ensued at all.

But in every instance it was necessary for the government to act to prevent chaos? -- Oh no.

To pay the teachers, to look to the government of the township? -- I admit the government had to act so that the teachers could be paid but I deny that the fact that the 5000 or so teachers were not paid would have caused chaos. It (10) might have caused hardship certainly, in those families whose breadwinner had not earned their salary. But not chaos.

Now I would like to turn to the meetings you attended. The first one was the UDF Peoples Weekend held on 29 and 30 October 1984 at Lenasia. It is V.19(a) and V.19(b). Now doctor in general first is it not correct to say that not in all cases songs at meetings are started by ...

COURT: Sorry, what date did you give?

MR FICK: 29 and 30 October 1984.

COURT: It was 1983. (20)

MR FICK: Then I will have to change this, I am sorry. Is it correct to say that not in all instances songs are started by someone from the audience at meetings? -- Could you repeat your question please?

Is it correct to say that in not all instances songs at meetings are started by someone from the audience? There are also the cases where one of the speakers calls for songs? -- That is correct.

And then he calls for freedom songs? -- I have never heard anybody call for a freedom song. They certainly call for a (30) song./....

song.

And at these meetings no church songs are sung, is that correct? -- Oh they are often sung. In fact many of the songs that you have referred to as freedom songs are hymns. The African National Congress, I mean the national anthem that we sing at all these meetings is in fact a hymn and when people are like Archbishop Tutu or Frank Chikane, who are all priests, if they call for a song it is almost always a hymn. But then of course many hymns can be interpreted as a song of freedom.

And in many instances the wording is changed? -- Some- (10) times the ...

Ja, then it is no more a church song, it is a freedom song? -- I would like to suggest that Jesus Christ and christians generally can be regarded as freedom fighters and many songs in the bible and many passages in the scriptures could so very easily and are so very often quoted in meetings of UDF, civic associations and so on. The lamentations of Jeremiah, very handy in any political meeting.

Now at this meeting in Lenasia, 1983, there were also songs about Mandela and soldiers? -- I am not sure that (20) there were songs about Mandela.

Will you turn to page 3 please of EXHIBIT V.19(a). Now please do not pronounce the wording of the songs otherwise we will have to spell it for the record. Now song number 1, the translation, it is the second last paragraph:

"We are Mandela's soldiers, We are Mandela's soldiers.

Yes we are soldiers."

Now that certainly is a freedom song or is Mandela not a freedom fighter? -- Shall we redefine what we mean by freedom song? Can we not say that this is a chant, that young men (30) were/....

were chanting something other than a freedom song because the next time they meet they may chant different words, different sentiments.

COURT: Well is it a freedom chant then? -- I would say it is a chant acknowledging as we established yesterday one of the heroes in african history, in the struggle of african people for a just society, namely Mr Mandela. And that is all it amounts to really.

Well now could we get some clarity. So far we have not wandered off into the realm of chants. Would you say "Singa (10) masotsha ka Mandela" is not a freedom song? -- I have difficulty with young men who come to a meeting and then in the light, often in the light of events that take place, that took place over the past few days or few months then go on to recall that event in a chant and when you call that a freedom song the assumption is that it is the kind of song that would be repeated every time. Now to my knowledge many of these chants are not in fact repeated. I mean they may invoke the name of one Oscar Mpetha because on that particular day Oscar Mpetha happens to be there and to hear a group of young men chanting (20) the name of Oscar Mpetha and then call that a freedom song seems to me to be extending the definition of a freedom song to ridiculous lengths.

How do you distinguish then between a freedom song and a chant? -- I would say that a song, a composition with form and structure, with a melody and a lyric that people will remember, will write about, will recall, will repeat next time, will be a freedom song. But a chant would be, they chanted about me. I have attended a meeting at Regina Mundi and as I walk in the cast are saying "Sibone uMotlana" and (30)

the/....

the next time they will not sing a song like that. Now that "Siboni uMotlana", "Nangu Motlana", they are chanting about my name but that is not a freedom song. You see what I am trying to get at? And you get those chants varying and changing at different meetings commemorating different events.

But now read the whole of song 1. It goes right down to the bottom of page 3. It has a chant and a chorus, over and over again of course. Would that still be just a chant? -- I would say that it would still be a chant because the chances are in all these voluminous records that we have here we (10) will not be able to find an identical set-up, identical words, identical responses. It was a chant that was chanted on that particular day and most unlikely to be repeated again, and the point I am trying to make is that if it is a song with a form, a structure, written down. It will be remembered and it will be sung all over. Now you go to Port Elizabeth, you go to Durban, the chants will be different because the heroes around that area will be different people. That is the point I am trying to make, that is all.

MR FICK: Now will you turn the page please, page 4. Is it (20) correct that at this meeting there was also the shouting of the name of Oliver Tambo several times? Is it correct? -- Well yes I see that, the name of Oliver Tambo appears on this page.

I put it to you they shouted the name of Oliver Tambo to identify themselves with the struggle of Oliver Tambo? -- Yesterday we agreed I think, or I conceded that in chanting these names they acknowledge the place of one Oliver Tambo in the struggle for a just society. Tambo is part of our history.

You see at the same time they also raised their right hands, fingers closed and the thumb outstretched? -- They (30)

do/....



do that. Again we explained that it is a sign that is seen all over the world, that the African National Congress might have used but it is not their private property. Other people have used it, other people use it daily.

Yes but I put it to you that they called the name, shouted the name Oliver Tambo and gave this sign to show their identification with the ANC and the struggle of the ANC? -- Not necessarily. The struggle in South Africa for a just society is not the struggle of the ANC. It is the struggle of people of goodwill, people who believe in justice and fair play and (10) human rights, christian and non-christian, member and non-members of the ANC who believe that we ought to have a just society here.

Is it not, this sign with the clenched fist with the extended thumb, was it not the sign adopted by the ANC Youth League? -- I am aware that the ANC Youth League used that sign. Let me repeat what I said yesterday. They did not appropriate it for themselves. Other people, other organisations. I quoted the example of Jessie Jackson who gave that same sign. It is not their private property and if I meet somebody in the (20) street who gives that sign I cannot assume therefore he is a member of either the ANC or the Youth League of the ANC.

COURT: Where did Jessie Jackson give this sign? -- He met with Dukakis to separate the victory, to congratulate Dukakis. I have got a cutting somewhere. I had hoped to bring it along, and he has got it just as clearly as members of the Youth League used to do many years ago. I must bring that cutting from the New York Times.

MR FICK: Now did you attend the launch of the Alexandra Youth congress? -- Alexandra? (30)

Alexandra/....

Alexandra Youth Congress. Did you attend the launch? --  
No I cannot recall.

Is it not so that the four fingers depict unity, one, the other one determination, the other one solidarity, the fourth one militancy and the fifth finger, depicts, represents the whole of Africa which signifies that the ANC is part and parcel of the whole of Africa? -- Let me be quite honest and admit that this is the first time ever that I have heard that definition. I have never heard it before. It is the first time.

Well I put it to you that was the explanation given (10)  
by AZASO for this sign at the launch of the Alexandra Youth Congress? -- Clearly I have missed something.

My lord for the benefit of the court I am referring to V.4 page 19 and 20. Now would you please turn to page 5 of EXHIBIT V.19(a). -- V19?

V.19(a), page 5. At the bottom of the page with the heading "Song" there is a song:

"We shall fight for ourselves and follow Tambo."  
It is repeated, "We will fight for and follow Tambo". Now is this not clear why they sang this song, to identify with (20)  
the struggle of the ANC and Tambo? -- Let me repeat what I said a few minutes ago that the struggle of the oppressed in South Africa is not the struggle of the ANC. It is a struggle for all of us, black and white, who believe that things must change. But the fact that they mention Mr Tambo would mean to me that it is the example that they have set where a man with the biggest law practice in Johannesburg walks out of that practice because he believes that things should change, making those incredible sacrifices, in exile. People are saying, they are acknowledging the role he has played and are saying to (30)  
themselves/....

themselves let us follow that lead. It surely does not mean that they are going to have Tambo, a man of 70, leading them along the way. It is the example that he has set.

COURT: Did he have the biggest law practice in Johannesburg at the time? -- Common consent is that the firm of Mandela & Tambo had about, you know, I used to go there regularly and they would have hundreds of people, just hundreds of people milling around in those days. I think it was the biggest law practice. By common consent.

MR FICK: Will you turn to page 6 please. (10)

COURT: Page 6?

MR FICK: Page 6. There at the bottom of the page, a song:

"We will catch them with their children".

The second last song:

"We are going to catch them together with their children."

What do you say to that song? -- I am sorry, page what?

Page 6 of V.19(a). -- At the bottom?

Yes the second last song.

COURT: Yes "Sobabamba" (?). -- We will catch them, oh yes, (20) we will catch them with their children. It would be difficult to explain that kind of expression. We have always conceded that there will be young people, I am afraid often irresponsible, who would come to these meetings and chant this kind of thing. We have conceded already that some of them who have been referred to as street children, rebellious, uncontrollable, the kind of young people who would throw yours truly out of a meeting because they do not agree with my views. Incidentally the same young people who threatened me with a necklace because I suggested they go back to school. Those young men (30) who/....

who threatened me personally I cannot claim to be able to control their emotions, their views and the kind of chant they will sing. This is clearly the kind of statement that anybody with any sense of responsibility in the UDF would be appalled to hear and if he could do anything about it would have stopped it.

MR FICK: And can you refer the court to any document of UDF or the Soweto Civic Association wherein these people are reprimanded for their songs at meetings? -- I could not do that. I am not aware of this but I can assure you that in private (10) consultations, in smaller meetings, this issue was raised time and time again. It will be difficult in a huge meeting like the one we had at Lenasia attended by thousands of young people, to stand up and say "Stop your singing". You could not stop them anyway.

And also not, it is not possible afterwards to issue a statement and say look we do not agree with these type of songs? -- We did not think that necessary but I can assure you that that issue was taken up, particularly the beating up of people suspected to be informers and so on. We told these (20) young men that it brought the organisations into disrepute, the beating up of journalists and the throwing out of, especially foreign journalists. We took it up at all the occasions that we could.

What do you say about the last song on that same page?

COURT: Well we can do that afterwards.

COURT ADJOURNS FOR TEA. COURT RESUMES.

NTHATO HARRISON MOTLANA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Doctor we were busy with page 6 of EXHIBIT V.19(a). The song at the bottom of the (30) page:/....

page:

"Here is the supreme court. The boys hit it yesterday.

We are going, we are going."

Now what do you say to this song? -- You mean....

Do you regard this as a freedom song? -- No. Just a chant.

Do you know Mr Sipiwe Thusi? -- I do.

COURT: Who is he? -- I never got to know to what organisation Sipiwe really belonged but I met him in most of our meetings in Soweto. He would be there leading the singing. (10)

Is he a scholar or is he a student or is he a working youth, or is he a youth? -- I could not answer that question but I got the impression at one time that he was a school dropout although at one time he told me he was doing a law degree at the University of the Witwatersrand but I could not establish whether in fact he was a student.

MR FICK: Now I put it to you that the songs sung at this meeting was sung by not the small group but by the majority of the audience, if not the whole of the audience? -- The melody would often be taken up because it would be based (20) often on a well known song, a well known hymn. It is the words that the audience I would suggest would never use.

And I put it to you that this song or chant was sung with the purpose to identify the audience with the actions of Mkhonto we Sizwe. -- I would deny that. I would suggest instead that the singing was intended to identify with the general thrust of the struggle for a just society.

If that is so why is it necessary to sing about the supreme court? -- I beg your pardon?

Why is it necessary to sing about the supreme court? (30)

-- Supreme/....

-- Supreme court?

Yes. -- Is there something about the supreme court here?

Yes. -- Page?

Page 6 at the bottom:

"Here is the supreme court on fire."

-- "Nansi Ivuthumlilo", you say that that is supreme court.

"Nansi Ivuthumlilo" and somebody has written in brackets  
"here is the lighting of the fire, lightning of the fire".

COURT: You have got a copy which is not complete. After  
"Nansi" there should be "i Supreme court" instead of the (10)  
word "inaudible". Then one gets "Ivuthumlilo". -- I see that  
the word "inaudible" has been replaced by "i Supreme court"  
in my copy.

Yes, so that is what the wording is. -- Oh I see. I  
repeat what I said earlier that not being one of these crowd  
of very young often irresponsible, often uncontrollable singers,  
I would not know what they meant but if I was asked - as I assume  
counsel is asking me to do - to try and interpret that it is  
an expression, allagorical expression, "Here is the Supreme  
court", I mean no Supreme court is burning anywhere in South(20)  
Africa, nobody has every suggested a supreme court be burnt  
down and I could not say what they had in mind.

MR FICK: Is it not a known fact that the supreme court in  
Natal was damaged by bombs? -- By?

By bombs and explosives. -- I do not recall but supposing  
that was the case it could be that somebody recalls, as we have  
said in so many instances, what had happened. This is part  
of our history.

No but I put it to you this is not mere recording of what  
has happened. Because they sing "We are going", they (30)

identify/....

identify with the actions of Mkhonto we Sizwe. Look at the bottom of the page. -- I have seen that.

It is not the mere recording. This is a call of the people to go. -- To go where?

To identify with the supreme court and the actions of Mkhonto we Sizwe? -- Not necessarily surely.

Will you turn to page 7.

COURT: 11?

MR FICK: 7 My lord. At the bottom. There is another song:

"There are rifles in Africa, come with the rifles." (10)

And the audience sang this song whilst holding hands. What do you say to this song? -- The audience was holding hands?

Holding hands yes. -- Well I mean I do not see how we could connect the idea of holding hands with rifles in Africa.

But I put it to you the whole of the audience sang this song at this meeting? -- That is most unlikely. Most of the people who get to such a meeting, at this particular meeting the majority of the audience would have been asians who have no idea about Zulu and I cannot imagine them saying "Zikhonai-zibhamu" in Gujirati or whatever. They could not have been (20) singing that. I would suggest that as usual a group of boys would come between the audience and the platform were doing this kind of thing, not the whole audience. And I repeat what I said earlier about chants, that these chants vary and change from place to place, from time to time and I myself would go to these meetings and be unable, completely unable, to join in the singing because you go to Port Elizabeth, the chanting in Port Elizabeth would be entirely different. It is not a song, it is a chant. That maybe forgotten at the next (30) meeting/....

meeting.

Now will you turn to page 14. You see there at the top of page 14 the audience stand up and then the song:

"Here is smouldering with fire. We are going. Boys left us yesterday, here is the supreme court, it is smouldering with fire. We are going."

Now I put it to you that this song at this stage was sung by the meeting to identify with the actions of the Mkhonto we Sizwe. -- Some of us were at this meeting and I would deny emphatically that the audience sang the song. They did not (10) know the song. Some of them get composed on the spot. And they chant "Siyaya." Siyaya is something of an african expression meaning we are committed to the struggle, or we are with you, not that we are going anything nor are we doing anything.

What is the viewpoint of the Soweto Civic Association, does it regard the government as an illegal government? -- It is the kind of expression we have never used.

Is it not the viewpoint of the UDF that the government is not only illegitimate but it is also illegal? -- I think (20) that many of us would in fact argue that the government of South Africa is unrepresentative, a minority government unresponsive to the needs of the majority of its people and therefore illegitimate. A government surely needs to be legitimated by the consent of the government and that is not the case with the government of South Africa. But it is not the kind of thing that we in the Civic Association go about talking about. Our campaign has always been based on the grassroots, nitty gritty, everyday complaints of our people. Although at the same time taking account of the broader issues of the (30) franchise./....



franchise.

Yes. But now please answer the question. Is it not the viewpoint of the UDF that the government is not only illegitimate but also illegal? -- I am not aware of that resolution. Maybe it was one of the resolutions passed at the launch but I am not aware of that particular one.

Do you know David Webster? -- I know of him.

Is he a member of JODAC? Johannesburg Democratic Action Committee? -- I could not be sure.

Did he speak at this, the rally of the UDF? -- I am not(10) sure.

Will you turn to page 19 please. -- Page?

19, one nine. You see it is part of the speech of David Webster. It starts on page 18 but on page 19 in the middle of the page, the fourth paragraph:

"We know where the terrorism exists. (Audience applauds). Tragically too the militarisation of our society means that we have to spend more and more money to defend this illegal, illegitimate regime."

What do you say to that? -- I have no problem with the concept that the government of South Africa is illegitimate, is illegal. (20)

COURT: You have no problem with the concept that it is illegitimate and illegal? -- I have no problem with that.

MR FICK: Now apart from any resolutions of UDF is it not the generally accepted in UDF, the executive, that the government is illegal? -- I am not sure about that.

Now have you not discussed it? -- No, not in my presence.

Now I would like to refer you to EXHIBIT V.19(b), only one page there. (30)

COURT:/. . . .

COURT: Page?

MR FICK: Two my lord. V.19(b) page 2. Do you have it?

C.1435

Mr Aubrey Mokoena, do you know him? -- I know Aubrey Mokoena.

He is a member of which organisation? -- RMC.

Release Mandela Committee. In Soweto? -- In Soweto.

And he also addressed this meeting, is that correct? --

That is correct.

COURT: When did the RMC commence, when was it founded? -- I am not sure. I am not sure of the date.

MR FICK: Now he called on the meeting, the people there, (10)  
you find that in the first lines:

"We do not pray (line no. 2). We do not pray with our eyes closed as we are taught but as we pray with our eyes wide open as the revolutionaries. And as we do that we hum one popular tune in the struggle, Senzeni na."

Now is it the viewpoint of the Soweto Civic Association that you are revolutionaries? -- We have never used that description of ourselves.

Is it the viewpoint of the Release Mandela Committee (20) that they are revolutionaries? -- I could not speak on behalf of the Release Mandela Committee.

Thank you my lord, I have finished with this EXHIBIT V.19(b) Now you also gave evidence to the effect that you attended the launch of SOYCO, is that correct? -- That is correct.

Now who invited you to speak? -- I am not sure who did. I cannot remember.

Now do you know who was the chairman of this meeting? -- I cannot remember but I think it was Khehla Shubane.

Now Khehla Shubane is he a youth or ... -- He is a young(30)  
man/....

man.

Young man. Now before the ...

COURT: When you speak of a young man what do you mean?

Because the older one gets the older the youths get. -- Probably under 35 my lord.

Under 35. Yes?

MR FICK: Now before the launch of the Soweto Youth Congress was he a member of any other organisation? -- I am not sure. I am not aware of that. I would not know.

Is it correct to say that at this meeting the ANC was (10) popularised? -- It would not be correct to say that the ANC was popularised. That was not the purpose of the meeting.

Now I would like you to have a look at EXHIBIT V.25.

COURT: Page?

MR FICK: Page 3 my lord. More or less in the middle of the page there is a song. I will read the translation at the bottom:

"Our Mandela, Tambo, Luthuli, we will follow him,  
we will follow him.

Our Mandela, Tambo, Luthuli we will follow him, (20)  
we will follow him."

And then the song continues on page 4:

"Our SOYCO, our ANC, our SOYCO. We will follow it,  
we will follow it. Even if we are arrested by the  
chorus, we will follow it, we will follow it."

Was this not done clearly to popularise the ANC? -- I would not say that. We have already referred to the fact that these are historical figures in our South African history and there are youngsters who do not know them, who were born long after Luthuli had died or Tambo had left the country, Mandela had (30)

gone/....

gone to jail, who wanted to remember, who commemorate memories of these men who have sacrificed so much for their freedom.

And why was it necessary to sing that we will follow Tambo and Mandela and we will follow the ANC? -- I have said already that it would be difficult to enter the minds of these young men but clearly if I was asked I would say as I have said so many times this morning that they remember those who fought so hard for their liberation. But I go on to add that the purpose of this meeting was to establish SOYCO and not popularise the ANC. (10)

Will you then turn to page 7 please. Now before I put something to you on page 7 I would like to put it to you that the reason why they sang about the ANC and SOYCO in the same song was to make it clear to the people there that the ANC and SOYCO are fighting the same struggle? -- Are fighting the same struggle?

The same struggle. -- I am willing to concede that the ANC and SOYCO are fighting for the same basic rights, not the same struggle.

Now the ANC is it not regarded as the mother organisation in South Africa? -- As we have conceded certainly it is regarded as the very first organisation to engage in the fight for human rights in South Africa. (20)

And for what purpose did the people ask you to speak at this meeting, what was the purpose? -- I believe as the president of the Soweto Civic Association and as the organisation would work among the youth in Soweto they would invite me to the launch. But secondly I think I recall being asked to say a few words about the history of the ANC Youth League.

Why? -- The ANC Youth League is regarded by very many (30)  
young/....

young people throughout South Africa as the one organisation that did a great deal to make an organisation then regarded by many young people as not militant enough in the struggle for a just society much more militant and therefore the young people have always wanted to know the role that it played in the past and I was asked to give a brief overview of the history of the ANC Youth League.

Was it done so that you could conscientise the young people in Soweto to be more militant? They are not militant enough in Soweto? -- No, but a lot of people, even those (10) who have not read Santay Yana(?) know that those who do not learn from the lessons of history will live to repeat the same mistakes and so all of us want to look back on the activities of organisations and bodies and people so we can learn and draw lessons from what they did or did not do.

And what lesson did you give to the people there? -- I was asked to give a brief history of the ANC Youth League and that is what I did. I told about its formation, a brief history of that, of its leaders, of how they attended the conference in Bloemfontein in 1949, some of the resolutions, the problem(20) of action they had. That is the kind of thing I did. I did not go on to say they should behave as the ANC Youth League did. I just gave them the history. They can draw their own conclusions.

And you also did not tell them they must not behave like the ANC Youth League? -- Well they could not, even if they wanted to.

And when you were introduced you were introduced as the chairman of the Soweto Civic Association and as a man who was very active in the Youth League of the ANC, is that correct?(30)

-- That/....

-- That is correct.

Now the ANC Youth League were they responsible for the establishment of Mkhonto we Sizwe? -- No.

Who was the .... -- Not to my knowledge.

Who was the leader of the ANC Youth League? Mandela, Tambo? -- The man who actually established the ANC Youth League was one Anton Lembede, an attorney. He had with him people like A.B. Mda, Nelson Mandela and Oliver Tambo, they were also members. Nelson Mandela became leader of the Youth League much later but the founder was Anton Lembede. (10)

And who became the first commander of Mkhonto we Sizwe? -- I do not know the first commander of Mkhonto we Sizwe.

Was it not Nelson Mandela? -- I do not know about the commanders of Mkhonto we Sizwe.

And after Nelson Mandela who was the chief commander of Mkhonto we Sizwe? -- I do not know the hierarchy in that organisation.

Was it not Oliver Tambo? -- I have no idea.

And both of them were members of the ANC Youth League? -- I do know that both were members of the ANC Youth League. (20)

From the start? -- Well I could not tell you when they actually joined.

Now will you please turn to page 8. There is another song:

"Those who hate the Charter/Umkonto/UDF/Soyco

We will get them, we will get them."

I put it to you this was sung to identify with Mkhonto we Sizwe and to indicate to the people present there that Mkhonto and the UDF and SOYCO they are all in the same struggle? -- As far as Mkhonto we Sizwe is concerned I can only repeat what (30)

I/....

I have said already that this would be said by irresponsible youngsters. It is not the kind of thing that a responsible organisation, a responsible leadership like the UDF would encourage, would condone, would countenance. It is just that it is so very difficult to control these young men like Siphwe once they start going.

Will you turn please to page 13. That is part of your speech. The middle of the page:

"We must ask ourselves at this juncture, why the Youth League was formed, because it bears some relevance to (10) today's events and why today we feel the need to form a youth movement throughout the country."

Was there at this stage talks about a youth movement throughout the country? -- Yes, there was already talk about the need for a youth movement throughout the country.

Who started these talks? -- I cannot say who started them but the general feeling you know that we needed to organise the youth.

Was that the general feeling in UDF? -- In the Soweto Civic Association, and no doubt in the UDF too. I have no (20) doubt about that.

Then you said the following:

"The immediate task of the Youth League was to mobilise and consolidate the youth and to fight the passiveness of the ANC, of the older generation."

Is it not so that at that stage the ANC was involved in deputations and delegations and representations to the government and government bodies? -- That is so.

And some people in the ANC felt it was not enough? -- That is so.

(30)

They/....

They must become militant? -- That is so.

And that is the reason why the ANC Youth League was formed, to fight the passiveness of the ANC? -- That is so.

The policy of talks. -- That is so.

We turn then to page 15, the third paragraph, the last sentence:

"The presence of the youth in all the campaigns of the ANC in the frontline position were decisive in the militarization of the ...."

COURT: I am sorry, page?

(10)

MR FICK: Page 15, paragraph 3 the last sentence:

"The presence of the youth in all the campaigns of the ANC in the frontline position were decisive in the militarization of the ANC both organisationally and ideologically."

Now I want to put it to you that the word "militarization" was in fact used by yourself. -- I would never use such ...

I listened to the tape this morning and I put it to you that it was the word used by you. -- I would never use that kind of word. My English is not perfect but I mean to use that (20) kind of phrase, that kind of verb. They taught me enough at Kilnerton High School not to use such ridiculous English.

Will you please then turn to page 18, still part of your speech. The top, the first paragraph:

"It is not my taks to go into the history of the PAC or the ANC, my mission was simply to focus on the history of the Youth League, which I think I did. Perhaps what I need to do at this point in time, to attempt to draw some important lessons from the Youth League and show how it can be applied to our situation today. We have (30)

seen/....



"seen how the Youth League transformed the passive ANC into a broad and more progressive movement."

Then on the same page, the third paragraph approximately in the middle of the third paragraph:

"If the youth played the role of the vanguard, the role will be short-lived because, they need the experience and guidance of the tested stalwarts of the movement. In as much as the youth can decisively influence the vanguard, they must always submit to the influence and the discipline of events." (10)

-- No, again I could not have used that strange expression, "of event". I must have said of the leaders. I would like to hear my voice if it was recorded using such strange concepts. One does not speak of the discipline of events surely.

ASSESSOR (MR KRUGEL): Does not that make sense doctor? -- No it does not, the discipline of events?

Is that what you are saying? -- No. I would not use that kind of phrase.

MR FICK: Well I do not want to replay the video ... -- It is not important and I can live with that. It is just that (20) some of these expressions are expressions I would not use, most certainly.

But you can rest assured that the defence listened to the video and they are happy with the wording as it is. Will you turn to page 19 please.

MR BIZOS: My lord I do not think that I should leave that unchallenged. Your lordship will recall that we said that there was broad agreement but that there were words here and there, whilst we were preparing for the case and your lordship did enjoin us that we should really get together in (30)

relation/....

relation to it. I mentioned one specifically relating to accused no. 20. Your lordship will recall where it was recorded that he started the particular song and your lordship said that we must get this sort of thing, we must get together and get this sort of thing absolutely. It is true that there has been general agreement in relation to the transcripts but that question was reserved and obviously we have to do something before the end of the case.

MR FICK: As the court pleases.

MR BIZOS: I may say also, in fairness to the state and ourselves, (10) that we hardly had any time to get down to this sort of thing because even the admissions that I have asked for from the state Mr Jacobs I think correctly says that he is so busy preparing cross-examination of current witnesses that he cannot really apply his mind to it.

COURT: Well let us get this clear then. The state listened to the tapes and got that word. And the other word. You listened to the tapes and got the same word. So on that basis we have this transcript before us. Up to today or yesterday there was no debate about it. If you want to debate (20) it I will listen to the tapes and I will do that and we can do that in the argument. It is no good doing it here.

MR BIZOS: As your lordship pleases. Well we might be able to agree.

MR FICK: Page 19 please, the second last paragraph:

"We need to organise the SOWETO YOUTH ORGANISATION or Youth Congress to make them sensitive, alive and aware of the role that other organisations in the community are playing, so that they can play a role in association with, together with such movements as the UDF, the (30)

Anti-/....

"Anti-Community Councils Committee, the Soweto Civic Association. We also see the SCA, which is a community organisation, as a first level grassroots organisation in Soweto, that has been struggling for the past two years, that now needs (inaudible) that now needs the committed input of the youth."

Did the Soweto Civic Association work with the, with SOYCO after its launch? Actively? -- I cannot remember any particular programmes that we launched with the Soweto Youth Soweto Youth Congress but we were clearly associated with and shared (10) a lot of the problems that beset the people of Soweto. So my answer will be yes.

And the Soweto Civic Association was involved in the arrangements for the launch of Soweto Youth Congress? -- No we were not involved in arrangements for the launch but we were invited to the launch.

Now will you please turn to page 20, there Mr Khehla Shubane, he referred to Braam Fisher in the last paragraph.

COURT: That is the chairman?

MR FICK: The chairman, that is him my lord. He referred (20) to Braam Fisher and he called him a stalwart in our revolution whose contribution to the struggle to this day has not been equalled regardless of the fact that Braam Fisher was the son of an Afrikaner aristocrat. His contribution to our struggle for liberation still remains, particularly by those who see him as nothing else but a liberal, unequalled." And will you turn the page, still part of the speech of Khehla Shubane, he again referred to "our revolution". The second line from the top:

"Another important thing Dr Motlana had mentioned is (30)

the/....

"the fact that the Youth League injected a lot of life into the ANC. The militancy that the ANC came up with in the 50's was a direct result of the pushing up by the Youth League. The unlimited stamina and keenness to work of men like Sisulu, Oliver Tambo, Nelson Mandela, Duma Nokwe, stalwarts of our revolution, made it possible for us to go into campaigns like the 1952 defiance campaign and many other campaigns have followed in the 50's and it is of interest to note that the young chaps of those days used to run around organising all those things are(10) today the giants and the stalwarts for revolution, Oliver Tambo, Walter Sisulu, Nelson Mandela, Duma Nokwe."

Now I put it to you even the chairman of this meeting made it clear to the audience, as was done in the songs, that SOYCO is involved in a revolution, is part of a revolution? What do you say to that? -- I would say let us define the word revolution and in many of the circles in which I move we use the word "revolution" and "revolutionary change" simply to mean fundamental change. Revolution I do not know what the Concise Oxford Dictionary says but a revolution to me does not carry(20) connotations of violence, not necessarily. To me and to those I work with revolution means fundamental change.

Yes but now all the names mentioned by Khehla Shubane, or the majority of the names mentioned by Khehla Shubane are the names - I am referring now to Braam Fisher, Tambo, Sisulu, Nelson Mandela - these are the names of people who were involved in violence or planned violence against the government, a violent revolution? -- Might I suggest that if anybody were to study the history of the black man's struggle for justice, starting with the formation of the Union, that that man (30)

would/....

would have to start with Pixley Kaseme, John Dube, the founders of the ANC and all your studies would include almost exclusively men associated with the ANC.

COURT: Just a moment now. The first name was what? -- Pixley Kaseme, John Dube.

Spell it please because you have got a typist that has got to struggle to make out what we are saying. -- Pixley, P-i-x-l-e-y, Ka-Seme, S-e-m-e. John Dube, D-u-b-e. The founders of the African National Congress. What I am suggesting is that if you were to look at our struggle, the history(10) of our struggle, you are going to come up again and again, whether you like it or not with men who were or continue outside to be members of the ANC. That is part of our history, the history of this country. And now, with your permission...

But now that is not the point that is made. The point that is made is that the men mentioned as examples are men of violence in the context of stalwarts of our revolution. -- I do not know that Walter Sisulu is a man of violence. I do know that he was involved in the Rivonia trial. I do not know that Duma Nokwe, who became the Secretary General of the ANC, is(20) a man of violence.

Well did he become secretary general of the ANC external? -- Externally.

Yes. -- With your permission may I refer to this word "the militancy that the ANC came up with" surely must bear some relation to the militancy that I spoke about rather than the militarisation which just does not make sense to anybody at all. Here we are now speaking about militancy and that is what I talk about.

MR FICK: Will you please ...

(30)

COURT:/.....

COURT: Just before you leave this page who were the friends of the Soviet Union? Just for history sake. -- Where is that my lord?

Just below all the names. Right in the middle of that paragraph where you find the names and then:

"We shouldn't forget the contributions as well that were made by the young people of those days, friends of the Soviet Union."

-- I cannot recall but I seem to remember that in South Africa there was a body called the Friends of the Soviet Union (10) which I believe was later banned. I stand to correction.

MR BIZOS: May I be of assistance that it was between 1941, when the Soviet Union entered the War and it was, it became quite a popular organisation. In fact it had an elected member on the Johannesburg City Council, Mrs Hilda Bernstein but I do not know, she went under her maiden name at the time. So it was during the War when the Soviet Union was seen as an allied stalwart so to speak that it had its friends and they held meetings on the steps of the Johannesburg City Hall when meetings could still be held there. (20)

COURT: Thank you.

MR FICK: Now will you please turn to page 25. It is part of the speech of Archie Gumede with starts on page 22. Do you have page 25 Dr Motlana? -- I have got page 25.

The very last line, page 25:

"Let us, when we shout our slogans, when we sing our freedom songs, bear in mind those people who are not in a position to shout those slogans, those people who are not able to sing those freedom songs because the circumstances in which they are for your sake, because (30)

it/....

"it is useless to give up his God given right to speak for his people, to speak in the interests of those who are not qualified to speak. Has the time not come, has the time not come friends when we ought to speak with one voice to ask for the leaders who are in exile."

And then the next paragraph also:

"Oliver Tambo, you sing about him, oh my I wish you would do more than sing about him. (Laughter of the audience, clapping of the hands) The more, at least if you join and go and recruit others and conscientise (10) others you will have done something that may result in one day the voice of the african people in South Africa."

Now can I put it to you the freedom songs and the slogans at these meetings were sung to popularise and conscientise the people, they were sung deliberately for that purpose? -- To popularise?

The struggle and to conscientise the people to partake in the struggle, to identify with the struggle. -- I admit that. The purpose of these meetings, of these campaigns, is to popularise the struggle and get people to join, to conscientise (20) them, to mobilise them and then Archie Gumede goes on to say:

"In Soweto first rising with a roar that Pretoria cannot ignore, rising with a roar that Pretoria cannot ignore to bring our leaders back."

Right through the message is one of peaceful protest. Almost in the old design of the old ANC. Nothing here suggests that we rise in anger and take up the assegais to bring them back.

He speaks of a roar. The same sentence you are reading.

No I have seen that. Now this meeting there is also (30)

a/....

a letter from COSAS, the executive of COSAS read to this meeting, is that correct, by Zinzi Mandela? -- That must be correct if you have got it on record there but I do not remember.

Page 41. -- 41.

COURT: Is Zinzi Mandela a young girl or an old girl? -- She is a young girl.

Is she a student? -- She is a student.

MR FICK: Do you have page 41? -- I have page 41.

Page 41 my lord. There is you see it a letter from (10)  
COSAS National Executive Committee read at this meeting. I would like you to turn to page 42, we start the second sentence at the top. According to this message of COSAS:

"It is only the success of the national democratic revolution, which destroying the existing social and economic relationship, will bring with it a correction of the historical injustices, perpetrated against the majority and thus lay the basis for a new and deeper internationalist approach. Until then, the national sense of grievance, is the most potent revolutionary (20)  
force which must be harnessed. Long live the Youth Congress. Yours in student workers. Solidarity.  
National Vice President."

I put it to you also according to COSAS they are in a national democratic revolution? -- I agree they are.

And I put it to you it is a violent revolution? -- I put it to you sir that it is not a violent revolution.

Now what is, what are the symptoms of a person who is in a semi-coma? -- A semi-coma would be somebody whose sensory system would be less than normally responsive if you were (30)

to/....



to subject the patient to normal neurological examination. In a normal neurological examination I would start by testing the muscles for tone. I would pick up his arms and drop them and depending upon whether he could hold it up I would be able to assess the level of tone in those muscles. And most important the next item would be the pupils. I would shine a beam of light onto the pupil to see how it reacts for light. I would ask the patient a few questions. I should have started with the few questions to determine the level of responsiveness, does he remember his name. I would ask him who he (10) is, where he lives, that is the kind of test you go through. To determine the level of consciousness.

Now if he is in a semi-coma would he know his name? -- In a semi-coma he would probably know his name.

Would he speak sense? -- No. There would be a degree of disorientation.

Would he be able to speak with a loud clear voice? -- He would not be able to speak with a loud clear voice.

Would he be able to stress certain aspects of a speech? -- In a semi-coma he would not be able to. (20)

Not be able to. Would he be able to lift his hands in a semi-coma? -- He might be able to lift his hand.

And you said in your evidence-in-chief that Oscar Mpetha spoke very well, according to your own words? -- Well ja he was powerful.

Yes powerful. He spoke with a loud and clear voice? -- He did. It was very surprising.

And his speech made sense? -- Well it did except that some parts of it were embarrassing.

Let us forget about the vivas for the moment. But (30)

the/....

the speech made sense?

COURT: Is your answer yes? -- The answer is yes.

I did not look so I did not see you shaking your head, if you shook your head.

MR FICK: Now after the meeting did Oscar Mpetha remain on the stage? -- After the meeting he was carried out.

Did you talk to him after the meeting? -- I did. During the meeting and after the meeting.

And after the meeting. And did he leave immediately or did he stay with you or some of the other speakers? -- No (10) he left after the meeting.

You greeted him when he left? -- I was sitting with him on the platform, we were together on the platform.

No, no after the meeting when he left did you greet him? -- Well as he left I greeted him.

Yes. -- But not outside.

And did he also greet you when you greeted him? -- You are asking about events that took place long long ago. I cannot remember the procedure. I mean we just finished a meeting, he was being carried out and I greeted him and said go well. (20)

Yes. And he was carried out because he was in a wheelchair? -- He was in a wheelchair.

That was because of a problem with his feet I think? -- I took it that, three reasons, the very high and uncontrolled blood pressure - and I discussed this with him - the diabetes meritas(?), and the gangrene of his foot.

But since when did Mpetha make use of a wheelchair? -- I have no idea.

Was it not for a very long time? -- I do not know that.

Was that the first time you saw him in a wheelchair? (30)

--It/....

-- It was the first time I saw Oscar Mpetha at all.

Now I would like to put it to you that Oscar Mpetha was not in a semi-coma when he spoke, he spoke loud and clear, his speech made sense and there was in fact nothing mentally wrong with him at that stage. -- The suggestion made yesterday was not that Oscar Mpetha was so, in such a state of mental impairment that he could not make logical speech. The suggestion was that hypertension leads to a degree of mental deterioration, that diabetes melitas also leads to some degree of mental deterioration and that therefore it is possible that (10) Oscar Mpetha's mental faculties may have been impaired. I did not suggest that I carried out a neurological examination to establish a level of competence or intelligence. I would not suggest that I did that. All I said is that it is just possible that this very sick man might have been affected mentally by the maladies, serious maladies from which he is known to suffer.

Now in his speech Mr Mpetha referred to himself as Oscar and 18 other youths, do you remember that? -- The page?

Oscar referred to himself and 18 other youths in his speech? -- I cannot remember that. (20)

Was it not so that Mr Mpetha at that stage was charged with an offence under the security laws? -- I knew that Oscar had a charge pending against him but I did not know what charge it was.

Is it also not so that he had been convicted, together with the 18 youths and he was on bail pending an appeal? -- I remember that case.

And is it also correct that Mr Mpetha eventually lost the appeal? -- I remember that.

And he was in jail for acts of violence, do you know (30)  
that?/....

that? -- I do not know what the charge was.

And is it also not, is it not correct that Mr Mpetha called on the youth not to be afraid to be jailed like himself because as long as they are afraid to be jailed there will be no liberation in South Africa? -- I cannot recall that particular statement.

Will you turn to page 45 please, the second last paragraph there, part of the message of Oscar Mpetha:

"This is the message that I bring to you from the 18 youths and Oscar, that they are looking forward that (10) one day with the seventeen, eighteen years they got they will be liberated. They are looking forward to the youth, that the youth must carry on the burden and follow them because it is obvious that if they are still afraid of being jailed ..."

COURT: "If you are still afraid".

MR FICK: "If you are still afraid of being jailed, this is most important of it that if you are still afraid of going to jail that there will be no liberation in South Africa." (20)

Do you remember that now? -- I remember that.

And is it correct that Mr Mpetha was sentenced to five years imprisonment and the other youths were sentenced to seventeen and eighteen years imprisonment respectively? -- I am not sure of the length of the sentence.

And after this speech of Mr Mpetha, or during the speech I should say, on page 46, there is a song:

"Tambo is in the forest. What is he doing there?  
He is teaching soldiers."

This I put it to you was sung to identify with the struggle (30)

of/.....

of Mkhonto we Sizwe? -- I repeat what I have already said. this kind of chanting was almost always in fact a disturbance and the platform, the main controller of the meeting would really and actually be embarrassed. I myself have chaired very many similar meetings and I did not welcome this kind of intervention. But I repeat it is difficult to control it.

Now is it correct that before Oscar Mpetha called, shouted "Viva Mkhonto we Sizwe" he called on the audience to listen carefully to what he was going to say? Is that correct? -- I do not remember that. (10)

Well turn to page 47, approximately the middle of the page, you will find there Oscar Mpetha shouts "Amandla" and then a lot of shouts and then "Oscar speaks in Xhosa (listen to what I am going to say)" and then after the Viva of the ANC he shouted viva and the audience answered "ANC". Then Oscar Mpetha, after he had said "Listen to what I am going to say" shouted "Mkhonto we Sizwe". Now that I put it to you is not the act of a man which is in a semi-coma? -- I would agree that this man at this particular moment in time shows no evidence of being in a semi-coma. I agree. (20)

Or being affected by diabetics or any other ... -- I do not know whether his lack of discretion in fact could not be ascribed to that. I do not support your contention. I would want to argue that whereas very many of us in the UDF and other formations in the country would avoid this kind of language a man at his age who recklessly speaks like this might indeed be affected. This is recklessness.

COURT: Unless he thinks that he is going to jail anyway and he may as well say what he wants to say? -- Or like Samson ...

Pull down the pillars. -- Exactly. (30)

MR FICK:/.....

MR FICK: And another aspect I would like to put to you. I listened to the video this morning. You gave evidence to the fact that after Mkhonto had said that the people giggled in embarrassment. I put it to you that it is not true, they laughed because they were happy with what he had said. There was no giggling, there was no embarrassment. -- I want to tell you in no uncertain terms that when a speaker refers in a public meeting to Mkhonto, to the ANC, knowing as we do the recent history of security legislation, arrests, prosecutions and convictions, that we get absolutely embarrassed. We do (10) not want that kind of thing. Nobody does.

But everybody in the audience and on the stage knew Oskor Mpetha's speech, that he was convicted, he was probably going to jail and it does not matter what he says, it will not make a difference? -- To him you mean?

Yes, and to the audience. And therefore they laughed. -- I repeat when men use such reckless language it is not something that we may welcome. Please leave us some degree of intelligence to understand that this kind of thing can do our struggle for justice no good. (20)

COURT ADJOURNS UNTIL 15 JUNE 1988.