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DIE STAAT teen:

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ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

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(SIEN AKTE VAN BESKULDIGING)

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MOSES MABOKELA CHIKANE: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Chikane we stopped yesterday just before we started with EXHIBIT C.44. -- That is correct. Maybe before counsel starts I just wanted to correct one point that I made yesterday concerning this very document, C.44. In fact it is a document of a speech that I delivered here in Pretoria. My problem is that because these handwritten documents have got no dates often I confuse them.

COURT: Yes now I think we must just look at the page first (10) because there are various pages in C.44. -- That is correct.

Which page are you referring to? -- I am referring to ...

24? There is a speech that starts at page 4 of C.44.

That is the one I think we were dealing with. -- Yes that is it.

And you say that was delivered in Pretoria? -- Yes in Pretoria in a meeting of organisations. Now the reason why I say organisations is that they were members of affiliated organisations and even other people from organisations that were not necessarily affiliated to the UDF. The other point that (20) I wanted to handle is ...

Now just a moment let me just make a note. Now what was the date then of the speech? You put it at 3 February 1985 in Pietersburg. -- No that is incorrect. I think it was October because I could, October/November.

October/November 1984? -- 1984.

Yes thank you. -- The other point is the question that we discussed yesterday concerning the BLA. When I thought back about this question I thought I could have created an impression that I was saying that every councillor was dishonest. Now (30) that/....

that is not the intention. Obviously that is not the kind of evidence that I can lead before His Lordship here because I do not know all of them. What I intended to convey was that in fact some of the people like the one that I have mentioned, Mr Tshabalala, you know were certainly dishonest in the way that they have conducted themselves during the campaign and the promises that they have made. I do not want to create the, to tell Your Lordship that each and every one of them is corrupt. That is not my intention. The other point was concerning where, it is the last point that we handled with (10) in court yesterday before we adjourned. I went through the documents to try to find documents that prove the point that I was making, that in fact UDF, at least until I got out of office, had never taken a decision inasfar as the Black Local Authorities were concerned, not in the manner that was suggested by the State but UDF has never taken a decision, a definite decision after the election of what it is going to do in terms of the BLA. I want to refer Your Lordship to the Minutes of the National Executive Committee which was held here in Pretoria on 21/22 January 1984. (20)

The reference is? -- EXHIBIT F.

Yes? And what point are you making on this document? -- The point is that at that meeting the NEC decided that the organisations that have campaigned for boycott of the BLA and Community Councils have got to come together, you know, to be brought together in order to work out a new programme so to say, I think something along those lines. I cannot quote that verbatim. And then from there the same point is discussed in EXHIBIT G.1 which is the Minutes of the NEC, that is the National Executive Committee of the United Democratic Front (30)

hedl/....

held in Rondebosch, Cape Town.

The date? -- If my memory serves me well it should be 1/2 June.

1984? -- 1984. The same point is taken up in that meeting. If my memory serves me well then the secretary is requested to try to work out a programme. No in that meeting Diakonia, which is a Christian group organisation in Durban, say it is prepared to sponsor a meeting of civic organisations to discuss the question of housing. The same point is reflected on T.5 which is the Minutes of the Secretariat. I cannot(10) remember the date as I stand here, and T.8.

The Minutes of T.5 is the Minutes of the National Secretariat. -- National Secretariat, and T.8. In fact the document that I am much concerned with is T.27. T.27 makes the point abundantly clear.

What is T.27? -- It is a circular which was written by accused no. 19 Mr Popo Molefe on the question of this housing conference. In fact I think the topic is housing conference, Black Local Authorities. Where in the first paragraph of that he makes it clear there, Mr Molefe, that this question has (20) been postponed for a year. I think the document is dated 21 January 1985. On the basis of those documents I maintain my position that in fact UDF had never taken a decision, because these organisations have never come together, especially on the question of Black Local Authorities. Then I tried to look on the question that was raised by the Learned Assessor but unfortunately I could not get the records yesterday because I was working through all these documents. The question was I had said inasfar as I can remember the evidence in this court was that upheavals in the Vaal started after the (30) march/....

march and the Learned Assessor said as far as he remembers the upheavals started long before the march. Now I accepted that in fact both positions were put before Your Lordship but I just wanted to get the record agreed that it is either in the indictment or in the record that my position too is reflected. If His Lordship is interested in that. I promise to ...

Your counsel can get that out eventually when arguing the matter at the end of the case. -- Thank you My Lord, that is the only point, thank you.

Yes, thank you.

(10)

MR JACOBS: Mr Chikane can we just get clarity in EXHIBIT F, and do you have EXHIBIT F and show us to which portion you are referring. -- On the first page point 5.2, the heading is "Black Local Authorities/CC". Should I read it?

COURT: Yes read it out please. -- "It was noted that the consultation amongst the organisations which campaigned against the administration Board, BLA and/or CC was necessary to ensure ongoing work on this front." Then I will refer again to point 5.4, that is page 2 of F. "Housing - New Housing Policy":

(20)

"The National Secretariat was mandated to look into the possibility of co-ordinating the residents community organisations for taking up the housing issue."

Now this is the question, there is not, I read both of them is that as time goes on these points are combined.

MR JACOBS: Now I put it to you Mr Chikane on this first reference of yours, 5.2, it was a decision then that the campaign against Black Local Authorities and Community Councils had to go on? -- That is so, that is correct, that is what is reflected.

(30)

And/....

And G.1? -- That is correct, but yesterday counsel's argument was that in fact UDF changed after the election had taken place, UDF has changed its position. That is the impression I got from the question of the State. Now what I am saying is that was not the case.

COURT: Now you referred to G.1? -- I referred to G.1. It will be G.1 page 5. Point 13.1 under the National Housing Conference and the sub-heading is "Report on preparation". Should I read it?

Well it refers to a national housing conference. -- That(10) is correct. This is the point I was making that both points somewhere else are handled together.

MR JACOBS: You agree in this 13.1 there is no reference at all to the campaign against Black Local Authorities? -- That is housing conference, yes I agree that is not stated in this particular report but I had already explained to His Lordship why I am handling these two points, why I was combining those points as they appeared in EXHIBIT F.

Just to get it clear why did you bring in housing Mr Chikane? -- At that particular stage there was a new housing(20) policy that was proposed by the government.

Were you asked about housing yesterday? Were you asked about housing policy? -- No I was not asked by counsel about housing policy.

Now how did ... -- But I explained when I was dealing with F. just a few minutes ago the reason why I am taking these points together because somewhere United Democratic Front handled them together. Now I did not want to create a confusion.

COURT: Now just on this what was the new housing policy? (30)

Was/....

Was this the 99 year lease? -- Yes that was included. And I think other angles, especially about sub-economic housing and so on.

MR JACOBS: Just tell the Court was not Black Local Authority issue or campaign linked up with a lot of other issues as well? -- That is correct and obviously housing falls under the Black Local Authorities.

C.975

The next, I think the next one you referred to is EXHIBIT T.5. -- T.5 yes. Yes T.5 it would be point 11, "State Housing Policy". That is in page 2 of T.5. (10)

COURT: Now it states here that civic bodies must take up the issue. -- That is correct.

Previously there were merely I think 30 or 40 year leases. -- Thirty years.

Thirty year leases. -- That is correct.

Now the lease was to be 99 years? -- That is correct.

Now what was the issue then? -- We believed that if organisations that are handling especially civic matters have got to be informed about the changing policies from time to time and to look at the advantages or disadvantages of those (20) policies. We do not only take issues when we think that we are critical of them. Sometimes we take up issues because we believe that we need to make some kind of a study of those issues and I think in this respect that was the case.

MR JACOBS: So they must be educated? The bodies? -- Yes that is correct.

COURT: Now were they educated? -- This never took place, that is my point, that is what I am trying to show to the Court.

So everybody remained uneducated on this issue? -- Until I was, lost the election, that was the position. (30)

MR JACOBS:/....

MR JACOBS: Does it also mean Mr Chikane that nothing was done on the question of housing, no publications issued by any UDF committee or other body, even in the UDF News and so on? -- That is possible maybe in other areas but that was not an organised group of civics that were affiliated, or residents that were affiliated to the UDF. Maybe someone else or one civic association could have come up with a publication or someone else could have made a comment.

Do you know whether any commissions were appointed in any of the regions on housing? -- No certainly I do not know (10) about that but I have seen in the exhibits that in fact some of the affiliates of the UDF had covered this issue in their publications. I think one of them was CAHAC, Cape Area Housing Action Committees, I think they came out with some kind of a publication.

And were they affiliated to the UDF? -- That is correct. UDF Western Cape.

And the purpose of bringing out publications on housing was to inform, to propagate and inform what is the position? -- If by propagate counsel means being able to put one's (20) idea across I agree, the idea is that people must be informed. But if it means something else I obviously do not agree.

And then T.8? -- T.8 it would be on page 3, the very first point, no. 11. T.8 is handwritten notes and then the point is housing, a housing conference.

ASSESSOR (MR KRUGEL): Whose notes are these Mr Chikane? -- I cannot say but I think they must be one of the, coming from one of the secretaries who was present on the meeting that was held on 7 July 1984. Now in this document what is written is just on point 11, housing conference and then stroke, and (30)

then/....

then 9/9/84. And then there is this question on the extreme right of the same paper is "Delegates 5", five delegates, then Western Cape. I will leave it at that because this in fact here, this point is not very clear. But what I am trying to prove is that at least by April, by the time of the workshop UDF has not taken a position.

MR JACOBS: Which workshop now? -- April 29, the Daleside workshop.

You said UDF did not take? -- A position on, did not take a particular stand on the Black Local Authorities you (10) know. That is why I am referring to this discussion that was going on in the structures of the UDF.

COURT: Now just a moment. The housing, the leases, the 30 year leases were they entered into with the Black Local Authority or were they entered into with the Administration Board or Development Board later on? -- As far as I know they were, they had been long there because I know that my family, my father for instance, his house was on a leasehold when the Mamelodi Township was still under the Pretoria City Council. So I think ... (20)

Were the rights of the City Council not taken over by the Development Board? -- By the Administration Board at some stage.

The Administration Board. -- That is correct.

So the lessor under that lease of your father's was the Administration Board? -- Ja, that is correct.

Now on that basis, if that is correct, the land being the property, property in inverted commas, of the Development Board at this stage with whom were the 99 year leases entered into? With the local authority or with the Development Board? -- I think at this particular stage it was going to be with (30)

the/....

the Development Board because I know that I bought for instance a piece of land where I built my house and I paid to the Administration Board directly for that purpose.

So actually it was not strictly speaking a local government issue in the sense that the Black Local Authorities had to do with it, they were indirectly involved but not directly? -- I think in a way because for instance the 30 year leasehold, after the introduction of the 99 year leasehold my impression is that it was disregarded. There are a lot of people who had taken up the 30 year leasehold, they were later evicted. (10)

But many people did not pay their rents? -- No even before, this rent protest I think started when I was already in jail.

Yes? -- Initially I think when they were introduced people believed, or were told, I do not know I cannot say because I was not involved, that if you are on the leasehold you cannot be evicted. Before you can be evicted a certain procedure has got to be followed. YOU have got to be taken to court for breach of contract or something like that.

Yes but now are you sure that the people that were evicted were people who had valid 30 year leases at the time? -- This (20) is what is...

Because if you are not sure we are just debating something that is airy fairy. -- Maybe I should not take it further on that, I was not involved. But now the reason why we needed a conference is to be able to sort out this kind of stories, even what is being said by people because some of the things are true some of them are a bit exaggerated. Now when we discussed this question obviously all those issues would come up and then we would be able to work out a position, a much more informed position. (30)

MR JACOBS:/....

MR JACOBS: Mr Chikane your answer just before this was a bit confusing to me. You said that during April 1984 UDF did not take a stand on Black Local Authorities, is that properly and correct? -- Yes, after the election UDF did not adopt a new position. That is what I wanted to say. As it was suggested by the State that after the elections we organised a workshop as UDF and then from there violence broke out in different parts of the country. Now I want to show His Lordship that in fact UDF at that particular stage had not taken a different position. (10)

Different from what, so that we are clear? -- Initially UDF called for a boycott of the elections, you know, after the boycott UDF was still trying to work out a programme. The position of the UDF had not changed to violence or anything. It was that we called for boycott before the election and then thereafter we were trying to work out a programme and hence this workshop, these discussions, this meeting that was suggested on EXHIBIT F.

And ... -- This point would be made clear by EXHIBIT T.27.

And if I understand your evidence then correctly that (20) because a conference on, the combined conference on the housing problem and the housing issue and the Black Local Authorities did not come about then up to your arrest UDF never decided on Black Local Authorities again? -- Never decided as UDF on, then took a definite position. If we look at T.27 it would be able to put that point much more clearly.

And is it then also correct Mr Chikane, must I understand it then correct that the campaign against Black Local Authorities stopped at the time of the elections and thereafter you had to work out a programme still? -- That is correct. That (30)

is/....

is correct, because at that particular time we said people must boycott. In EXHIBIT F now we are saying these people, this organisation that has worked to call for a boycott must come together, you know, and then in the same meeting we are discussing the housing policy. In T.5, T.8, we are discussing that question of getting these people together and then in T.27 that is clearly explained, maybe much more articulately than I can.

COURT: Now could I just get clarity now. You say the campaign against the Black Local Authorities stopped at the elections. (10) Which elections? -- The 1983, the campaign for boycott stopped at that particular time. That is...

Well what continued after that? -- Well what continued is that we knew that we were not supporting those structures but we did not have a programme. We had called for a boycott, we did not have a programme thereafter.

So it is the most you can say that after the elections of 1983 all that happened was you did not like them? -- All I can say is that we did not support them but we did not have a definite programme, yes. (20)

MR JACOBS: Now T.27 is the next one you referred to? -- That is correct, T.27 it will be the first document if my memory serves me well. There are two separate documents in T.27.

ASSESSOR (MR KRUGEL): There are actually three documents. -- Thank you.

There are two letters and a circular.

COURT: What are the admissions in respect of this document Mr Jacobs?

MNR JACOBS: Kan u Edele my net 'n oomblikkie gee, ek wil net kyk in ons lys van erkennings. (30)

MR TIP: /.....

MR TIP: It appears that those documents were admitted to have been found at the UDF offices in Johannesburg.

COURT: But we have more than two documents it seems. The one is a circular, that is on the left-hand page, 21 January 1985 by Popo Molefe, General Secretary. The other seems to be a circular to secretaries by Trevor Manuel, Regional Secretary, 16 April 1984 and then we have a circular, well here is a letter and then we have a circular. -- In fact that is how my file is in prison but this one has got only one document. In fact I was surprised because I wanted to refer to the letter(10) written by Popo Molefe in 1985.

So I think we must say Mr Tip, unless you correct me, that the first document is the one dated 21 January 1985 and the second document is the document which is 16 April 1984 plus the circular attached thereto, is that correct?

MR TIP: There are in fact two documents attached to the letter of 16 April 1984 and those three documents were taken together for the purpose of the second document as the admission stands. I wonder if I could make available, in case there are further questions on this, my copy so that the witness has it. (20)

COURT: Yes certainly.

MR TIP: I might say there are some cross-references to other similar exhibits there but there are no annotations beyond that. Perhaps I could just make that clear. T.27 document 1 is in fact equal to EXHIBIT Y.3. That is noted on it.

COURT: Yes, thank you. You were referring to T.27 document 1? -- Yes the document that is dated 21 January 1985.

Yes, thank you. -- Should I read it My Lord?

Well what is the question Mr Jacobs?

MR JACOBS: I just want to know the part that he is referring (30)

us/...

us to when he referred us to this document, to see which part he is relying on.

COURT: Which part are you referring to? You need not read the whole passage. -- I said that this document says it is, it is one here, since this question has been on the agenda you know and if one checks that the document, this circular was written on the 21st and you check EXHIBIT F that it was 21/22 January 1984 it is correctly one here that this question of how the housing conference and Black Local Authorities has been on the agenda in the UDF, you know. This is the document that (10) I wanted to refer to. Now to show that in fact this conference on housing was going to handle the question of Black Local Authorities as well if His Lordship continues up to the document which is headed "Draft Content of Programme of the Conference on Housing", that would be the heading, that would be about, it would be the fourth page I think from, yes it would be about the fourth page, yes.

In T. 27? -- In T.27.

Well we will renumber the pages. We have document 1 and then document 2. Document 2 the first page, that is 16 April (20) 1984 circular letter will be 2(a), the next page will be 2(b), that is the circular "National Conference for Civic Organisations". Its page 2 will be 2(c). Then the draft will be 2(d), the first page thereof, 2(e) will be the second page thereof and 2(f) will be the third page thereof. Now which document, which page are you referring to? -- I am referring to, let me just use the old numbers because I am a bit slow on that.

Yes well ... -- It is written page 16.

Well that will be 2(e). -- That is 2(e).

Paragraph? -- Paragraph 2 next to the letter 4, sub- (30)
heading/....

heading "Local Authorities".

Yes well it is actually paragraph 4 because it is numbered 4. Yes? -- Now this explains that in fact this question of Black Local Authorities was going to be handled in this particular conference on housing as well. And the very first paragraph under this sub-heading explains it much more clearer. We all know about the successful boycott of the Community Council and Black Local Authorities election in African areas.

Many of us, however, do not understand all the details of the local proposal of the Presidents Council. These are now (10) part of the constitution. The paragraph 2 thereof is a talk input on the implications of the decision of the government to create a new local authorities. It would also look at what this would mean for our organisations when they take up problems experienced in our communities. I do not want to read any further. I think only those two paragraphs make it quite clear that by that time that workshop took place in Daleside UDF had not arrived at a position and EXHIBIT T., the first document dated 21 January 1985 under the name of Popo Molefe, makes it quite clear that until 1985 the position had not changed. (20) That is the only point that I wanted to make.

MR JACOBS: Mr Chikane first referring you to EXHIBIT T.27(1) I see that the first line in the paragraph referred to you, I will read it out:

"As you should know the Housing Conference has been on the agenda for now a year."

On our agenda for now a year. So it is the housing conference that was on the agenda? -- That is correct.

Not the question of Black Local Authorities? -- That is correct. And I have continued to read that content of the (30) programme/....

programme of the housing conference which clarifies this point that in fact Black Local Authorities was going to be handled in the same conference.

And if you look at the draft then, the content of the programme for the conference on housing it seems that it is not only a question that was going to be discussed, it was not only a question of the housing and Black Local Authorities but I see forced removals is there, paragraph 6, organisational problems experienced by civics. So I put it to you Mr Chikane that this does not prove that the Black Local Authorities (10) has been left over from the time of the elections in 1983 until this so-called conference? -- I have referred to that page 2(e), paragraph 4, which shows that in fact the Black Local Authorities was going to be handled in this conference. I have got nothing to add on that. And I accept what counsel is saying, that it was not only the housing conference and the Black Local Authorities that were going to be handled, there were other topics that were going to be discussed in that conference, like removals. I accept that.

Mr Chikane can we go back to EXHIBIT C.44 then. Can (20) you go to page 8. -- I have got page 8.

Thank you. The third paragraph, I will read it to you: "I think Chairperson that we have reached a stage where the government of the day has been exposed effectively for being unable to handle the crisis, that all its stopgap measures have fallen apart."

Now what is meant, what do you try to convey Mr Chikane by the words that the government of the day being unable to handle the crisis? What is the meaning of that? -- All I was saying in this particular paragraph was that there were a lot of (30) problems/....

problems that the government was not able to handle at that particular stage when I delivered this paper. There was recession which was creating unemployment.

Yes? -- The question of human relationships in fact was getting much more strained because of the introduction of the constitution that was separating people who otherwise used to live together harmoniously and together much more easily. Now I was trying, I could remember other examples but more or less those were the issues that I was referring to.

So is that the crisis you referred to? -- That is the (10) crisis. Once you have economic decline, recession, people are unemployed, that is the crisis. And once you come up with a constitution which was I think originally intended to solve the problem that had been created by apartheid and when people look at it and they still feel that in fact it does not attend to the problem then you have a crisis.

And in which way do you, what is the meaning of it that the government is not able to handle recession? -- Well as far as I can remember at this particular stage even the, you know as I said I am not really an expert. I think the price of (20) gold was falling at that particular time but the South African currency was dropping, the value of the currency was dropping you know, and that created a crisis. At home here we were faced with a lot of unemployment.

And the human relations, how was the government not able to handle the human relations that are the two examples of yours, from you? -- Before then I remember some of the Minister, Parliament Ministers, saying before the White referendum that they are going to go to the White voters and seek for a mandate to move away from apartheid, you know. That was what (30)

was/....

was said as far as I can remember. Before the November 1983 White referendum. Now after that the new constitution was drawing the Coloured and Indian communities away from the Africans, you know. And bringing them somewhere nearer to Parliament, not even in Parliament. And as far as I am concerned, you know, that was creating, was not moving away from apartheid. It was not improving human relationship because once you raise people's expectations like they did with the Coloured and Indian communities initially people expected that they are going to be part of the decision making structures (10) and inasfar as Africans were concerned we were completely left out, completely, and that is not a good human relation at all.

Mr Chikane is this a crisis for the government or a crisis for the people? -- The government is a structure that is in control of the life of the people of our country and it is in that sense that I used it.

Yes well for who is it a crisis? Is it a crisis on the part of the people or is it a crisis for the government? -- It is the crisis for the government, whatever affects the people of the country affects the government of a particular country. (20)

Now I see then the next paragraph is:

"And we have to think of new methods of bringing justice based on the will of all the people in our country."

-- That is correct.

Now Mr Chikane what new methods are you referring to? -- As this paragraph says I did not have the definite suggestion as well.

I beg your pardon? -- I talked about, I did not have a definite suggestion. I am saying it is our responsibility, as well, you cannot just say the government has got a (30) responsibility, /....

responsibility, it is a crisis. We had to try to bring about to, we have to think of new methods of bringing justice.

The "we", who ... -- The "we" is very inclusive.

"We", who do you refer to with "and we"? Is that the UDF, you and the UDF or who? -- No I was talking to, as I have already said even to organisations that were not necessarily affiliates of the UDF and in fact at the end of this paper that is explained. I will get you a paragraph now, I will try to find that paragraph. There is a paragraph in this, I cannot find it as I stand here, that speaks about all South (10) Africans, bringing together all South Africans, but I cannot find it. Well I will read something similar to that. If you turn back to page 7 you read paragraph 4:

"The sympathy that we enjoy from some students in the predominantly Afrikaans universities cannot be over-emphasised, and this was beginning to threaten the basic theories of Afrikanerdom."

Now this shows that when I was talking about "we" I was not referring to myself and the UDF only. I was referring to a much broader community of constituencies in the South African (20) communities.

ASSESSOR (MR KRUGEL): Well this word is "emphasised" not "energised". -- That is correct, this is the kind of spelling that we sometimes employ.

A phonetic spelling.

MR JACOBS: Now Mr Chikane where you refer to new methods at this stage does it mean that you were going to another phase of the freedom struggle? -- No I do not think so but what I am thinking is that I was saying people must think creatively. You know it is easy to be critical of a particular thing, (30)

but/....

but if you want to be constructive really one has got to have ideas so that he can be critical and be able to put up constructive suggestions and this is what I was referring to here.

Is it correct that this speech of yours was in support of the freedom struggle? -- That is correct. I think every speech that I have written had been in support of freedom struggle.

We go to the next paragraph:

"We can only do this by educating one another on new strategies and tactics to further our struggle and for (10) these we need a concerted programme of education at all levels, especially the three major categories that I have mentioned."

ASSESSOR (MR KRUGEL): I wanted to ask you what a J major category means Mr Chikane but apparently it is a three? -- It is a three. Next time I will write better.

MR JACOBS: Now the three major categories, while we are on it is that is the civics, youth, women, is that correct or what are the three major categories? -- That is correct, although I ... (20)

COURT: Well actually you mentioned four. -- Here there are four. I think I missed one as I counted and I wrote this paragraph.

MR JACOBS: So it must be then four major categories? -- Yes but I have already written three at that time. That should have been four.

Now for what purpose must they be educated? -- If you want people to make a constructive contribution it is important that they have got to be well informed. I believed that a community that is educated and specifically this group, (30)

it/....

it will be the community that will be able to contribute much better to the process of settling the problems of the country. If obviously people are not informed they can never be constructive.

Is it not so that they must be better educated in order to man alternative structures? -- That is one of the things. But "education" is so broad as I used it here. That is one of the things, in fact I mentioned that specifically because ...

That is alternative structures in the Black townships? -- I do not really regard those as alternative structures. (10) I think that may not necessarily be correct. But I was saying people must be able to create offices like advice offices which I know that exist in towns. So I do not see them as alternative structures. It is just that it would be new structures that we did not have because we did not have skilled people.

Let us go to the next page, on page 9, "Civic Organisation" and then you said here that:

"It needs to be strengthened and a programme of education to enable people to take charge of our people's day to day problems cannot be over-emphasised." (20)

-- Yes emphasised is spelled differently here. That is correct.

COURT: Well variety is the spice of life. -- Thank you. That is correct.

MR JACOBS: So this education of the three, or four, main categories is for them to take charge of the people's day to day problems, is that correct then? -- That is correct, that is part of the education.

Now how do you suggest or how do you see it, how must they take charge of the people's day to day problems? -- If (30) you/....

you have the informed people who knows their right that would obviously limit corruption in the communities, informed people are not likely to be corrupted or to be robbed easily, by anybody. Now when I talk about taking charge ...

No Mr ... -- Can I finish my ...

Okay. -- Taking charge in this particular instance I was thinking that we had already had problems with people claiming that they had given so and so money for instance to get a house and then they did not get any house or they have given money to so and so in asking for this favour and when (10) you look at that particular thing you discover in fact it was not a favour it was a right. But because this person who paid was not aware that he has got some right he thought it was a favour. Now you have this kind, I can only give those vague examples of what I mean here.

To what day to day problems are you referring Mr Chikane? So that we get clarity on this? -- Problems of briberies for the house, briberies for this are problems that are experienced by our people.

Rent increases? -- Rent does not increase every day. (20)

No I ask you is that a day to day problem? -- No I would not call it a day to day problem.

Only bribery? -- No I can talk, there are other examples that I cannot give as I am standing here.

Why? -- I will have to think much carefully, if counsel is interested in those. But I can only give these vague examples as I stand here.

Mr Chikane when you gave this speech you knew what you were conveying, you knew what you were speaking about? -- That is correct. (30)

Can/....

Can you then tell us what you meant by the day to day problems here? -- Okay, I have already mentioned to Your Lordship about the question of advice offices being manned by people who know. Now advice offices would handle the kind of problems like, as I have already mentioned corruption, problems like tension that had developed because of small houses and you find that people are fighting each other and so on. Advice offices would be able to tackle issues of crime in the locations, you know, in the sense that they can be able to give some kind of, educate people you know not to, to (10) discourage crime you know taking place. Let us say your next door neighbour - I am just giving an example - has got a shebeen. You are a schoolteacher or something else you know. That problem cannot be handled by police you know because in his yard he has got a right you know. You too have got your rights and your houses are so close to each other you know. Now I had in mind that offices should be able to solve those kind of problems where people can be able to talk and arrive at a compromise position and then we do not have problems any more. (20)

COURT: You mean have drinking hours and studying hours? -- Something like that or you know the problem is not only drinking in the locations. The problem is that people drink and play their radios high, so we may decide that no if you want to kill yourself continue drinking but do not play the radio high you know so that someone else can read, something like that. Now when I talk about the day to day problems I think of things in that particular nature, problems of our people. There are a lot of tensions in the location that are created by these little small problems. (30)

MR JACOBS:/.....

MR JACOBS: Now it is corruption, crime, what else? -- Can we return back to this, I can write a whole long list I promise but as I stand here I cannot remember them all.

That is strange Mr Chikane because you, I suppose you thought about this, you thought it out, it was a concept propagated by you? -- No the reason why I mention it here, when I wrote here and I did not mention those things, it is because I was addressing people who live in those locations and they knew exactly what I mean. But if counsel is interested to know exactly what the problems we were experiencing I (10) promise after teatime adjournment I can bring the whole list. I can just sit down and think about them and write them all.

So at this moment you cannot give the Court a list, is that correct? -- I have given the Court those that I can remember as I stand here.

What will help you now in the teatime to remember them then Mr Chikane? -- I will be sitting there and relaxing and trying to focus my mind on what is happening the locations and writing each and every problem.

Now Mr Chikane how will your alternative organisation then (20) take charge of crime? -- Crime is not only, crime is something that is created at times by conditions. If you have a lot of people that are hungry and unemployed those people are likely to be robbers. But if people, society can create some kind of service that those people can perform in order to be able to have bread for the day, in that way we would have reduced crime.

Yes, and what about the criminals who assault, or others, how will you prevent crime in that way? -- No criminals, those we leave to the police. The police know how to deal with (30)

those./....

those.

Mr Chikane is it not so that you are referring here to people's courts that must take charge of crime? -- No that is completely incorrect. In fact I did not have that view. In fact I did not even know what that meant at that particular stage. I only read that in the papers already I think when I was just in this case that there was something like that.

Now the next paragraph you said:

"We have to think of creating people who would be able to man/woman offices of the people in all our areas." (10)

-- That is correct. That is exactly what I meant.

Offices of the people? -- Yes.

What is that Mr Chikane? -- It is offices of the people.

What is offices of the people? Can you be more explicit and define it to the Court? -- If, maybe I think the easier term that is used is public offices, we were going to create public offices that are created by us in our areas.

COURT: What does one do in such an office? -- It is an advice office, you will give advice. If it is a legal advice office you will give legal advice and so on. That is what we had (20) in mind when I wrote ...

Advice on what? Legal advice I understand. What other advice? -- Advice on how to deal with problems in the locations. That is some kind of a social ...

You mean like family counselling? -- Something of that nature.

MR JACOBS: Well is it only advice offices or what other offices, public offices, do you refer to? -- Those are the only offices that I can think of now.

What about taking over some of the functions of the (30)

Black/....

Black Local Authorities, like caring for streets, parks? --
No we had not thought of that at that particular stage. That
was a problem that can be done after negotiations obviously,
with those who were in charge.

Negotiating with whom then Mr Chikane? -- With the govern-
ment.

Oh with the government. Not those in charge in the
areas? -- No.

Not negotiating with the Black Local Authorities? -- No
those people have got now power, as I have already said. (10)
If you go to him and say in Mamelodi we need more land there
is nothing he can do about it, he has got no power. If you
say we need more houses he has got no money.

Now ...

COURT: And you think you would have been able to deliver the
goods? -- No not within that structure. That is why we were
opposed to the structure.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MOSES MABOKELA CHIKANE: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Now Mr Chikane on (20)
page 9, we carry on there. -- I am sorry maybe before we go
there. I attempted to draw a list in case counsel is still
interested in it.

COURT: Are you still interested?

MR JACOBS: Well if he wants to give it it is up to him sir,
he can give him.

COURT: Well you asked him. You had better get the answer
now.

MR JACOBS: Yes. Yes go on and then we will see. Tell the
Court? -- I have handled topics that I had in mind, the (30)
first/....

first one it will be alcoholism.

Was there then a committee on ...

COURT: Well let us get the list first. -- The second one would be breaking of families, families in the townships break for different reasons that I did not mention here in this paper. Problems experienced by old age people, this is important to us because we do not have old age homes and often pensioners cannot pay rent. The fourth one is just lack of discipline. Now discipline is not only to the youth here, even to older people. You find that some people just let their problems (10) to act, to make them act irresponsibly, like alcoholism is created by those kind of problems because people do not discipline themselves. That is a very general topic as I put it here. The fifth one is talks by experts arranged in the offices, for instance in the locations where I live we do not have people like dieticians, we do not have economists. Although we have medical people, doctors and nurses but often in our communities we are not educated on how to prevent certain diseases. We do not have psychiatrists so I mention them as well. So I thought the offices can work to try to edu- (20) cate the communities in this particular field by arranging expert people to come and talk to the community. The sixth point, I hope I am not going too fast. The sixth point is bulk buying schemes. Because of limited resources that we have it would be much more easier, in fact profitable, that such schemes are arranged in the locations so that people can be able to buy and benefit from the little moneys that they have. The seventh point is schemes to improve our lives. I had in mind things like promotion of sports, although we have limited facilities but I believe that even those that we (30) have/....

have have not been used, can still be used much more than they are now. The eighth point is hire purchase contracts. Those kind of things are very important to our lives because the majority of our people can only buy goods through this particular kind of contract so people have got to understand them. The ninth point is insurance policies and how they work. Over the years there has been a lot of people who swindle, especially the ignorant people. You find that there are bogus insurance groups that set up offices or go around collecting money and when you need the money you find that the office (10) is no longer there. Point ten how to draw a budget. Often because we have got limited amount of money it is very important that people must plan how they use their money as far as I am concerned, and this is something that I had in mind. For instance if a man is going to buy goods that are well beyond his capabilities that man would be creating a problem and this is encouraged by the fact that people do not, cannot draw a budget, cannot plan ahead and as a result you find that a man has got a car and he is paying it on hire purchase contract and as a result there because he is paying for the car the (20) children are going to suffer, they are going to be out of school. Those are the points that I could write randomly during tea break.

MR JACOBS: Mr Chikane are those the points classified under the advice office, the points that they can take? -- That is correct, yes broadly the advice office it would be able to handle some of these areas. Where it cannot it can make some kind of arrangements because first you have to know exactly what is the major problem in an area before you can address it and to know the major problem you have to have offices (30) that/....

that would be able to compile the data. If one was for instance to go to, or to assume that the problems that are experienced by people in Mamelodi are the same as the problems that are experienced by the people in Soweto that may not necessarily be true because whereas in Soweto some people do not have electricity, in Mamelodi we all have electricity. Now you have to have offices where, and the offices can be able to collect and collate the data and then from there you know what problems to address each time.

Okay, let us go on, on page 9 the next, the fourth (10) paragraph from the top:

"Even the programme of education crisis can in future be better handled by parents who are knowledgeable of the children's frustration and plight at institution of learning."

Mr Chikane does this also refer to one kind of office that must be set up in the townships? -- I am lost, page 9?

Page 9 the fourth paragraph. -- That is correct, I have got it.

Is it also a kind of office that must be set up in the (20) townships? -- As I have said, yes this office would concern itself into offices, concern themselves with whatever problem that is experienced by our communities.

And they must then take charge of the education, so-called education crisis? -- No. What I was saying here is that for instance the crisis that we experienced, especially in the beginning of that year, 1984, I believe it could have been best handled if we had informed parents who were maybe in the school committees, who were able, because those parents have got, they live with their children, they know them and they (30)

will/....

will be able to persuade them and to be able to talk on their behalf. So we would not have had this kind of serious situation if there was that kind of a structure and if that structure is manned by informed people as I was saying here.

Is that also then an alternative structure in the townships? -- What alternative structure?

This education, people's office on education, is that an alternative structure as well? -- No I would not call it an alternative structure but I will rather say it would be in, in this structure we would be able to inform even parents, (10) for instance those who were in school committees they have got to know what their responsibilities are. They are not just there only as numbers, they are there to perform a certain task. Possibly we will be able to impart information that we get from how other communities handled that particular issue. For instance I believe even in White schools you still have parents committees and so on, and those parents committees do handle the problems.

COURT: Just a moment. Were there school committees? -- There were. (20)

Did they consist of parents? -- They did consist of parents.

But now what was the problem? Could you not address a meeting of the school committee and tell them how to solve their problems? Why would another body have to be set up? -- No the qualification here is informed, and I am not sure that most of those people are informed. The fact that in Atteridgeville for instance they could think of an issue like forming vigilante committees, you can see that the man is not informed because in a crisis situation where emotions are (30)

high/....

high you do not start to think of introducing anything that can connote violence. Now the reason why I say informed it is because I believe even those structures have got to be manned by people who were informed and I did not think of any alternative structures as suggested.

MR JACOBS: Mr Chikane what is the education crisis? -- When there are school boycotts children are not going to school. There are all kinds of complaints both from teachers and students and from parents as well. That is a crisis situation and that is what I meant. (10)

Now why do they boycott, do you know? You investigated it seems the education crisis? -- I said that initially the issue was sparked off by unmarked papers that were found and..

Let me put it like this, is it so, is it your evidence then that the education crisis started in, I think where was, in Atteridgeville where the unmarked papers were found? -- That is correct. My evidence is initially there were other problems. I think as I say I did not know and I admitted immediately when I saw from some of the exhibits that in fact there were boycotts before but I am saying, my evidence is that (20) these unmarked papers were now, brought everything else into the focus. That is what I am saying. There may have been other problems. There have been other problems in for instance boarding schools like food ...

Where, will you also tell the Court where? -- Okay, in schools and universities. For instance in Turfloop I know that there was a boycott about food.

COURT: When was it? -- I think around 1982 or 1983, I am not sure of the date. And in Medunsa as well, that is Medical University of South Africa. (30)

When/....

When was that? -- 1982/83 as well.

Also on food? -- Yes also it was food. And in 1982/82 in Durban there was class boycott because students were saying one teacher who was teaching them was only qualified to handle animals. I think he was teaching something that is related to medicine. That was the complaint.

Was that at a university? -- At a university. There were boycotts in Ngoya University. As I stand here I cannot remember exactly what the issue was, around 1981/82. There were boycotts in UNITRA. (10)

UNITRA? -- Yes that is University of Transkei.

MR JACOBS: When? -- 1983, as far as my memory. 1983, yes the beginning of, 1983 I am not sure exactly when in 1983. Some time at that time. There were boycotts ...

Let us restrict it from the time that, say from January 1983 during the time covered in the charge sheet. Were there then crises in school? -- Okay I can try to do so but this problem started ...

COURT: What do you want to know? Do you know the whole country? (20)

MR JACOBS: Yes he said, I just want to find out did it start in Atteridgeville or were there any other riots and, in other parts of the country before that during that period? -- I do not, I would not call it riots necessarily. I would say there has been boycotts because I am not sure exactly what happened in each and every institution that had boycott erupted.

Now will you agree then that ... -- In 19, can I go on from there? I wanted to say the problem did not, the problem in education did not start in 1983, January. The problem with education has been there with us for a long time. (30)

In/....

In fact boycott goes as far as I begin to start knowing exactly what education is all about, there were already some boycotts for one issue or the other. But inasfar as 1983 is concerned in the high schools it started towards the end of 1983. I only got to know it from the press that in Atteridgeville it started, that is the reason why initially I instructed my counsel to say it started in 1984, the beginning of 1984.

COURT: Now let me just get clarity. Let us forget about what you told your counsel. What are you saying the facts are?

-- The fact is that initially students were experiencing (10) different problems in different schools. In one school the allegation was that there were ...

Is this now in Atteridgeville? -- Atteridgeville, yes.

Yes? -- There were love affairs that were just going on between teachers and students, female students, that this kind of allegation when I got involved in the situation we could not get any evidence but this is what was said in one school. In other schools people were complaining that in fact there is excessive corporal punishment. In other schools they were saying that there is a problem because some of the teachers (20) do not attend classes or periods. They are out when they are supposed to be in classes and that was the problem. Now as a result of these problems each and every school wanted the SRC that would be able to communicate directly with the Principal or Principals of those schools concerned. Now from my own findings, in fact there were those problems and people were suggesting these kind of things because of the problems, these kind of problems that existed in different schools. But this did not sort of gain public attention so to say. (30)

But/....

But now did these problems lead to boycotts? -- I think there were different from the exhibit that I saw. I cannot remember what it is, it is that there were boycotts in the schools. But you see from what we heard is that at that particular time students were just boycotting classes and sitting in the schoolyard, they were not going out or anything. That is what they were doing.

And that was in 1983? -- That was in 1983. That is what I came to learn in 1984 as I got involved in the situation in Atteridgeville. (10)

Now could I just get clarity now. Did you in 1984 learn that in 1983 the children had been staying away from classes and sitting in the schoolyard? -- No what I learnt is that the children at that particular stage demanded SRCs. What I did not know is that at that particular stage they took any form of action, you know. Maybe it is because I did not really enquire, maybe if I would they would have told me. So I only got to learn about that when I saw the exhibit. Initially I thought that maybe it was just some kind of talk that was going on between students and teachers for SRCs. I did not (20) know that there was a boycott.

MR JACOBS: I do not understand your evidence when you said that you only came to learn about that when you saw the exhibit. -- Yes.

What do you mean precisely by that Mr Chikane? -- It was a publication, one of the publications that says the students started boycotting classes, or the end of 1983 saw the beginning of students boycotting classes. Something of that nature.

And was ... -- And that publication is one of these publications that you find around. (30)

You/....

You said it is an exhibit. Did you see it, is it an exhibit before this Court? -- Yes before this Court, yes.

And did you see it for the first time before this Court? -- That is correct. I saw that article, I might have seen the publication but I saw that particular article ...

Well you must be explicit. That is why I said I do not understand you. Did you see it before? -- That is correct..

Before you saw it in the court or not? -- I saw it as part of these exhibits. Now I am saying I saw that particular article, that particular article. (10)

Yes? -- As part, as appearing in that particular publication in the exhibit before this Court.

And not when it was published? -- Not when it was published.

Mr Chikane can you tell, assist the Court and tell the Court was the complaints about corporal punishment, the sex and the SRCs, was it only complaints when you investigated it or were they complaints right over the country, with all the students right, all the members of the COSAS and all the members of AZAPO? -- In that period as far as I know, especially in the Transvaal the problem was only in Atteridgeville at (20) that particular time when I started getting involved there. Of course I knew that there were problems in Craddock in the Eastern Cape from the report that was delivered by the Eastern Cape region of the UDF, that is EXHIBIT F, in the NEC meeting that was handled, that was held here in Pretoria. And it was said that that problem was created by the fact that one teacher was being transferred, mathematics teacher.

Have you got EXHIBIT F. Just for clarity so that we can see to which part are you referring, EXHIBIT F. Just for record purposes EXHIBIT F is the minutes of the meeting of (30) the/....

the National Executive of the UDF held on 21 and 22 January 1984.

COURT: Read paragraph 14 on page 5. -- "Education", that is paragraph 14 on page 5:

"The Eastern Cape reported that a petition campaign was unfolding ..."

And it goes to page 6 paragraph 14, "Education":

"Teacher's Transfer. The Eastern Cape reported that a petition campaign was unfolding for the reinstatement of the teacher who was transferred. The Eastern Cape (10) further called upon the National Publicity Secretary to give the matter publicity."

And then that is the issue, inasfar as the Eastern Cape goes.

MR JACOBS: Mr Chikane when you investigated the trouble here near Pretoria what did you find? Were students there excessively punished, did they receive excessive corporal punishment there? The facts that you found? -- It is wrong, I did not go there to investigate. I went there to try to create peace.

Did you not go first to investigate and find out what (20) the troubles were so that you can create peace? -- No the reason why I can explain why I did not do so, if counsel is interested. After that particular stage a teacher's house had been stoned, one student had died and if I would have gone into the progress of trying to investigate by the time I came up with a report maybe more people would have died. The first is to try to create calm and I saw that as my role.

So is it then correct that you never investigated whether people were given excessive corporal punishment? -- No, except that some of the issues that I have just mentioned they are (30) issues/....

issues that were raised by people in these meetings that we held. I did not go out of my way to go from school to school to try to find out whether the problem was there, existed or not. Some of the problems for instance like what I have just mentioned in sexual harrassment I would say in that particular meeting we have this kind of problem, now where is the evidence and the teachers would say yes where is the evidence. Who is the teacher that is involved with this love affair with teachers if you want to say so, and we will have no person coming forth or giving information that so and so (10) was abused by the teacher or this love affiar between this teacher or such and such a student. Now when, I accepted that initially when we talk about investigation it was in this particular context that I managed to gather the information as a member of that particular committee. I did not intend to say I went out from each and every school to try to find out whether the problem existed or not.

COURT: But if there was no evidence that you had of excessive corporal punishment and of excessive sexual harrassment what was the plight of the students that you are talking of? (20)
The children's frustration and plight at the crisis? -- Yes, I will explain that. The plight was created by the fact that one there was no communication. The second point was that whereas the Bantu Education Act of 1979 says that books would be made free to our students, according to that Act of 1979, if my memory serves me well, something to that effect, at that particular stage there will still no books in schools. That is one other problem. Now, and the other problem is that some of the issues that were raised by students like teachers do not attend their periods, some of the teachers are not in (30)
class/....

class when they are expected to, in fact students could say so and so is doing so. Now that is when I talk about their plight in fact I was referring to these kind of issues. If...

Well this is an issue of, all these issues are issues for the school committee? -- That is correct but the ...

That is why you have a school committee, to have communication and to complain about things that go wrong. -- That is correct but these school committees were not functioning otherwise we would not have had problems inasfar as I am concerned. If they were really functioning properly. That (10) is the reason why I said when I got involved I said the problem was just administrative, you know, because if the school committees were functioning properly most probably I would not have had that kind of an eruption. I agree with His Lordship.

MR JACOBS: Mr Chikane you did not investigate the question of the unmarked papers? -- That question came as well in those meetings. Hence ...

Yes but answer my question, did you investigate it, yes or not? -- I did not investigate anything else. What I did is that as I was sitting in those meetings I managed to get (20) much more insight of each and every issue that was raised by the students as a problem. Now I had already told the Court here that in fact I discovered that these were not Matric papers as it was said.

COURT: When did you discover that? -- When I was part of these committees in Atteridgeville. At the beginning of the year, it should be between February and April.

MR JACOBS: Now Mr Chikane since you joined the UDF when it was formed, the Transvaal Region, as a delegate up till the time of your arrest or say up till the time when you went (30)

to/....

to Atteridgeville for this investigation was education discussed in any of the meetings either by you as a delegate before you became a secretary, while you were a secretary in the Regional or while you were a secretary in the National Executive of UDF? -- That is correct, I think there was a resolution.

No I am not asking you a resolution. Did you, was education, education crisis discussed at any of those meetings? -- As I stand here I remember that Curtis Nkondo was appointed to help the commission to investigate this question of (10) education and he never reported back. But I think, although I am not quite sure whether that issue was discussed in my presence or not but the Minutes can reflect. Now my impression is that before you can talk about appointing a commission that issue should have been discussed. So I will say yes it has been discussed before.

And I put it to you Mr Chikane that you knew about all this general complaints, corporal punishment, sexual harrassment, and all that from the discussions in the meetings of UDF, either regional or national, before you went down to (20) Atteridgeville? -- No that is incorrect. I got into the UDF...

COURT: Just a minute. I would like us to first hear what the question is because I did not even hear the question. Before you started answering, before what?

MR JACOBS: Before he went down to Atteridgeville on this campaign in the beginning of 1984. -- The question is confusing me because initially I thought counsel was saying I knew before I even became a secretary.

COURT: Yes well you should first wait for the question and then answer it. -- That is correct. (30)

So/....

So is it now before 1984? -- Yes before 1984.

MR JACOBS: Yes before 1984. -- No. As far as I am concerned these grievances of sexual harrassment and corporal punishment only came to the fore in 1984.

Can you tell the Court was education discussed at the launch of the UDF? -- I have already said that a resolution was adopted.

Was there discussion around that resolution? -- I did not, I was not form of the conference, I did not form part of the delegation. I was in the credentials committee. But I (10) take it it should have been discussed because otherwise they cannot arrive at a resolution without a discussion.

Now can we go on on page 9. The next paragraph under the heading "Youth". Now there is a word that I cannot make out and then there is:

"Person power can be drawn for leadership from our present youth organisation for intensive education on skills and leadership roles to enable them to man those advice offices."

-- That is correct. (20)

Can you help, what is that? Is it a word scratched out, the first part or is it a word, I do not know I cannot understand what stands here? -- I think that word is scratched out.

Now what do you mean by "person power" can be drawn? -- I felt that at this particular stage some kind of a programme has got to be introduced that would get especially the youth to some kind of a constructive disciplined work. Now this is what I was saying here.

So is it then correct that you can get people out of the present youth organisations to man the alternative structures?(30)

-- That/....

-- That is correct.

ASSESSOR (MR KRUGEL): It should have been "man/woman". -- Yes man/woman, you know because ...

In the light of the fact that you talk of person power instead of manpower. -- That is correct, in our organisations there is a strong objection often when we talk about men, you know they say what about women. That is why we have chairpersons.

COURT: Yes so you should not write then to man the advice office, you should write to person those advice offices. (10)

-- That is correct but at times I get caught I think with this.

MR BIZOS: I am sorry to intervene My Lord but there has already been a debate about the meaning of the words "alternative structures" and Your Lordship had to come to the witness' assistance yesterday afternoon. To man the advice offices is now translated "to man the alternative structures" and Your Lordship may have to come to the witness' assistance again if the question is allowed to be put. It says advice offices, it does not say alternative structures.

MR JACOBS: Met alle respek ek het hom 'n algemene vraag (20)

gevra na ek die paragraaf gelees het aan hom. Hy kon dit ontken het as hy daartoe wou oorgegaan het om te gaan. Ek het nie woorde gedraai nie. Ek stel aan hom 'n stelling en ek maak dat hierdie, stel dit, en dit is nog altyd die lyn wat die Staat geneem het in ondervraging dat hierdie, al is dit nou "advice offices" dit is nie net advice offices dit is ook ander, daar is ook onder education dat dit alternatiewe strukture is, dit is die stelling wat ek aan hom maak en hy kan dit ontken of nie ontken nie. Ek is glo nie dit is vir my Geleerde Vriend om vir my voor te skryf hoe moet ek (30)

die/....

die getuie hier vra nie.

HOF: U kan dit maar alternatiewe strukture noem maar u moet nie ons in die situasie plaas aan die einde van die saak dat ons geen heldere definisie het van wat u bedoel het met alternatiewe strukture en andersins die getuie bedoel het met alternatiewe strukture nie, want as die ding in die lug gelaat word en daar onduidelikheid is dan gaan u n probleem hê om die saak te betoog.

MNR JACOBS: Soos dit u behaag Edele, ek sal dit dan nou verder dan duideliker stel aan die getuie stel dat mnr Chikane met (10) hierdie advice offices en enige ander soort ...

COURT: I think you should put it in English, otherwise I will have to interpret it.

C.976 MR JACOBS: Oh I am sorry, Mr Chikane I put it to you that the people's offices to which you are referring in this speech is referring to alternative structures? -- I do not understand exactly what counsel means by alternative structures because for instance, as I have already said, in this particular context of this paragraph we did not have advice offices that are defined, so alternative to what? (20)

And I put it to you it is an alternative to existing government structures in the townships, existing government structures in education, alternative to them? -- In Mamelodi where I live and as far as I am concerned in Mabopane, Atteridgeville, we did not have government advice structures or offices in the township, the type that I have just mentioned.

And I put it to you further that what is actually meant in the townships it is an alternative to the functions and in alternative to the Black Local Authorities? -- That is incorrect. I deny that because here I have clearly defined (30)

what/....

what I mean by those offices and I said advice offices. Counsel asked me to come up with a list of what those offices would handle. I have given that to the Court. I deny the allegation of counsel on this basis.

I am not going to carry on with this Mr Chikane. We will go to A.1. -- I have got it.

On page 3. -- I have got page 3.

I will start at the top Mr Chikane. I will refer you to the first paragraph that reads:

"The UDF campaign will be conducted on a number of (10) levels. On a national level UDF will challenge the new constitution through meetings, rallies and media, drawing together as many different organisations as possible in a campaign to demonstrate the overwhelming rejection of all forms of apartheid both old and new."

The next paragraph:

"The main focus of the UDF campaign, however, will be at the local and regional levels. Organisations affiliated to the UDF will run campaigns around certain aspects of the new constitution that affect their membership in (20) a direct way. This is to ensure that the UDF does not simply become a political protest group but it is able to build and strengthen non-racial democratic organisations as an alternative to apartheid itself."

Now Mr Chikane can you tell the Court what is meant by "alternative" in this sense now? -- That is alternative to apartheid.

Yes? -- UDF, it is a non-racial organisation and then it believes UDF maintains that in fact all South Africans can live together harmoniously and all South Africans can sit in (30)

one/....

one meeting and discuss and UDF can use itself as an example for that particular kind of thing. We have White membership and Black membership, but Black inclusive of Indian, African and Coloured. Now when we talk about alternative a thing that in fact the apartheid says cannot happen. UDF was already doing you know, we were already putting ourselves, the nature of our organisation as an alternative to the structures that are created by apartheid whereas on the other hand the government was proposing three chambers because people cannot sit together. We were seeing ourselves as an alternative (10) because we could sit together and discuss issues and agree. My example would go further to say even in terms of the election in the UDF Transvaal you had Black and White people being elected by the same meeting sitting together of the General Council. So all those problems that the government used to see in non-racialism we were saying they are non-existing and we could prove it.

The way I understand your long explanation correct Mr Chikane that it is the UDF as an alternative to apartheid? -- That is correct. (20)

No but I asked you about what is meant by democratic organisations, how can organisations be an alternative? -- That is correct, if they come together under the banner of the UDF those organisations, you know, they become an alternative to apartheid, organisations. UDF is composed of organisations.

And I put it to you it is not what is said here Mr Chikane but what is said:

"But is able to build and strengthen non-racial democratic organisations as an alternative."

-- I was asked to interpret what is said here and that is (30)

my/....

my interpretation.

No I asked you what is the policy of the UDF, how can they be, organisations be alternative to apartheid?

COURT: Well is the alternative not the building and the strengthening? Of the non-racial structures?

MR JACOBS: Well that is UDF itself, as he explained in the first.

COURT: This is what the witness says.

MR JACOBS: Mr Chikane this document, is it a policy document? Do you agree? -- Yesterday I said I could not explain whether (10) this document was adopted or not but I can certainly say that some of the contents of this document have been adopted. I think it would be EXHIBIT D.1, the Declaration, I think Working Principles, if my memory serves me well it should be D.1.

And this introduction is it stating the policy of the UDF? -- This introduction, it does reflect on the policy of the UDF.

You see because accused no. 20 told the Court that this reflects the policy of the UDF. -- As I have already told His Lordship ... (20)

This introduction. -- As I have already told His Lordship that I am not really a theoretician you know.

It is not a question of a theory Mr Chikane, it is a fact, it is reflecting the policy or it is not reflecting the policy. -- I said it is reflecting the policy. Now the question that we are debating here is whether accused no. 20 was right by saying ...

COURT: No you should not concern yourself whether anybody else giving evidence here is right or wrong. You just give me the facts. -- The fact is that it reflects the policy. (30)

MR JACOBS: /....

MR JACOBS: Now then if you go onto the next paragraph then it is policy of the UDF that campaigns had been decided on and organised by the UDF, is it correct? -- Where is counsel reading?

That is a general statement first, what do you say to that? -- Can counsel repeat the question?

As a general statement what do you say to the, I put it to you that it was a part of the policy of the UDF and it has decided on certain campaigns and which must be carried out? -- That is correct, there were certain campaigns that were (10) decided by the UDF, if my memory serves me well there were four of them.

And is it correct that it is part of the policy of the UDF that the campaigns will be conducted by the regions and the affiliates? -- First maybe I should try to explain to the Court exactly how UDF arrived at some of these decisions. The decisions are not taken by any other structure except the structure that has got either those affiliates together or different General Councils in the regions and then are referred to the Executive and if there is consensus they (20) are agreed upon. So I would want to differ with counsel that UDF somewhere took decisions and then it said the regions have got to take up these campaigns. Because it is not how it works. All the campaigns that have been taken either they were taken by those regions together sitting in one meeting like the national launch or they, there was suggestion either that came from other regions or from the Executive or National Secretariat referred to region and ultimately adopted by all the regions.

COURT: Could I get clarity now. Were all the decisions (30)
by/....

by the UDF NEC and by the UDF GCM unanimous? -- There would be debate and at times there would be a vote but as I say I have never been, had an opportunity to attend one AGM of the UDF in the Western Cape ...

No if you do not know, you do not know. But I would have expected that the majority vote goes and then the rest follow the majority? -- That is correct. There will be a suggestion and then from there there will be a debate and then there will be a vote and then the majority wins.

MR JACOBS: Mr Chikane on the second paragraph will you have (10)
a look at it:

"The main focus of the UDF campaign, however, will be at the local and regional levels. Organisations affiliated to UDF will run campaigns around certain aspects of the new constitution that affect their membership in a direct way."

Is that policy of the UDF? -- It reflects policy of the UDF.

So then the organisations affiliated to the UDF will run campaigns, that is correct? -- Yes.

Policy. And the regionals, what will they do? -- (20)
Regionals?

Yes. The regions at regional level? -- Well regions are structures that are composed of those organisations. Every organisation is, unless if it is a member of the national organisation every organisation it has got membership to a particular region. So when you talk about regions we mean those organisations sitting together in one meeting which we call a General Council. That is what is called a region.

And what will they do in regard to the campaigns that are run by the organisations affiliated to the UDF, what (30)
will/....

will be their duty, do you know or not? -- No they will be informed, you know in the General Council people would report. And then, or possibly inform the secretary of what they are doing. The secretary would compile a report which is called a secretariat report. The report would be read in the General Council so that everybody else is informed, you know.

Is that co-ordinating the campaigns, will the co-ordination of the campaigns be done in the regions? -- When we speak about co-ordination in fact that is one aspect of co-ordina- (10) tion because in the General Council let us say some other organisations are not present but they will be able to know exactly what other organisations in a different part of the country are doing if they read through the secretariat report or the minutes.

And will the UDF then in the General Council, Regional General Council, as explained by you, will they then take decisions on what was reported to them? -- Yes, if for instance what is reported is against the policy of the UDF they would take a decision to say no do not go along with this kind (20) of activity. If what is reported is in accordance to the policy of the UDF then they will get to know about it, to say no it is a good thing that it has been reported.

And then give their, will they suggest or decide on what to do next or to lead on and tell the organisations to go this way and do this or that in the campaigns? -- You see in this kind of General Council these organisations share information, share experiences. It would be a discussion of those organisations, representatives of those organisations. There would not be the UDF sitting somewhere else and these organisations (30) sitting/....

sitting separately. When we talk about UDF we talk about these organisations. Now these organisations possibly they would be able to advise each other that now we think maybe that campaign that we have embarked on is good, we think that we have done well, what method did you use. In that way they are educating each other.

Will they also decide to take, decide on other methods, better methods and so on? -- In the General Council I do not remember a specific instance where organisations were saying now we take a particular decision inasfar as the method (10) goes. But I know that suggestions were made, some were carried out without necessarily the General Council pronouncing that now this is a decision and this is the method that we have got to accept, I can give examples. For instance in the million signature campaign in other areas people conducted blitzes whereas in other areas people preferred to stand at bus stops and so on and collect signatures from there. When the report of this organisation came to the organisations we would try to look at which method was viable, which method has brought more signatures and obviously if one method (20) has we will suggest that that method be attempted by this other group that had not been using it before.

Yes, and can you tell the Court in relation to the campaigns what was the duty of the UDF national? -- The duty of the UDF national ...

To understand the question correctly it says here:

"The main focus of the UDF campaign, however, will be at the local and regional levels."

Now we have got the local level is the affiliates where they will run the campaign, is that correct? -- That is correct. (30)

Second/...

Second the regional level will be the regional executive or General Council that will take decisions and listen to reports and so on? -- That is those organisations included.

Now what will the function of the main office, the head office, the UDF national be in regard to the campaigns decided on? -- UDF was formed to oppose the new constitution. There were certain resolutions that were adopted at that particular meeting. Now what is said here simply means that the co-ordination of that campaign, that is the campaign against the new constitution, you know, was a national campaign. The (10) national office would be able to get to know exactly what is happening and how far the campaign is going in these different areas. That was the role of the national office would be.

And what do you mean then in this by:

"Aspects of the new constitution"?

-- That is correct, there were several aspects of this new constitution. There was a Tricameral Parliament that had a position for delegates and representatives. Those people did not have necessarily equal status. Others were delegates, others were representatives. On the other hand we, the (20) African people, had what we called Koornhof Bills you know.

Yes, is that also an aspect of the new constitution? -- That is correct.

You see now this new constitution concept was affecting these different communities differently and this is what we knew.

Now if you go on to the fourth paragraph there is it then correct that UDF thus for example campaigns have already been planned against community councils and Black Local Authorities in all African townships? Is it correct that (30)

was/....

was part of the policy of UDF and it was already planned when this booklet was given out? -- That is correct, if we assume that this booklet came out around, maybe after September, at that particular stage the campaign was already on because the campaign really was suggested by regions. It was taken up by organisations that were affiliated to the regions.

Yes. Now Mr Chikane before that period, September, from, when was the launch of the UDF region in Transvaal, that was in May? -- That is correct.

1983. Now since its launch till the launch of the (10) UDF national did it address the question of Black Local Authorities? -- No but some of the organisations that affiliated to it like the Soweto Civic Association already addressed that particular question.

Yes but UDF itself, did UDF regional, did it itself? -- As I stand here I cannot really remember. You see unless if I reflect to the minutes I cannot say precisely. But to my knowledge many of the affiliates, especially civic and residents organisations, had already addressed themselves to that problem, even before the UDF. (20)

And before the national launch of the UDF did the regional region of Transvaal, did it, was there a policy that it adhered to on Black Local Authorities? -- Not as far as I can remember, as I stand here because I know that different organisations were already saying they were opposed to these oncoming elections, even before they came into the UDF. Now whether a particular position was taken by the regions, by those organisations sitting together in a General Council I really cannot remember unless if I can see the documents.

Yes. Mr Chikane is it not correct that campaigns (30)
against/....

against Black Local Authorities and Community Councils were already planned long before the launch of the UDF? National?
-- As I say ...

In the three regions of the UDF that existed at the time of the launch? -- That is correct. That is possible. As I say these organisations that have affiliated, for instance the Soweto Civic Association, had long pronounced before the UDF was formed its position in relation to this Black Local Authorities, Organisations like the TIC for instance had already put their position across that they reject the new (10) constitutional proposals. Resolutions were adopted in the launching of the national, of the Transvaal Indian Congress I came to know.

That is they expressed their opposition to it but were campaigns planned at that stage? -- I cannot say precisely that campaigns were planned by those organisations together but I know that certain organisations were already, they have rejected and obviously they were going to campaign for a boycott if they reject. They will not rejecting and just sitting back. (20)

Now Mr Chikane can we go onto the next paragraph. I put it to you it is also that in accordance with the UDF policy and the UDF programme of action that other local campaigns were already planned and decided on and I will enumerate them, they are enumerated here and you can read them. Other local campaigns involved organisation against removals in the Northern Cape, the incorporation of Lamontville and other Durban townships in KwaZulu, campaigns against the removal of people of Crossroads to Khayelitsha, campaigns against low wages, campaigns against high rents, campaigns against inadequate (30) public/....

public transport, campaigns against gutter education, campaigns against lack of child care facilities, in fact around any aspect of apartheid that affect people's daily lives. Do you agree to this? -- I do not see where they are saying these campaigns were planned already and this document does not tell us in fact when.

Do you agree that they were decided on and it was part of the UDF policy at this stage, when this document was drawn up? -- I would rather that these particular issues were possibly highlighted in the conference and maybe possibly some of them(10) may be encapsulated into resolutions. Some of them may just be issues that were raised by people who came from those particular areas.

No Mr Chikane you cannot get away with it like that. You told the Court that this reflects UDF policy, this introduction. -- We are talking about a paragraph, now we are in the next paragraph.

Well the paragraph is part of this, do you agree that that paragraph is part of this introduction? -- Part of, it is not necessarily total of. If counsel refers me to a paragraph (20) I will focus myself on that particular paragraph and if he refers me to a different paragraph I will focus my attention to that paragraph.

Do you now say that this introduction is not reflecting the UDF policy? -- It is, it is, it is reflecting the UDF policy.

Now do you say that it was not UDF policy to run campaigns around the issues enumerated here in this paragraph? -- As I said this could have been highlighted by resolutions. It may have been the intention in the conference because those (30)

things/....

things are highlighted, are raised by organisations that are participating. But I was not part of the conference. I cannot take it any further than that.

But Mr Chikane you were the person appointed by the UDF, Transvaal Region, to run workshops and educate people about the policy of the UDF? -- That is correct.

So you are conversant with the policy of the UDF? -- That is correct.

So then you can tell the Court if this policy of the UDF to run campaigns around these matters? -- That is correct. (10)
It is the policy of the UDF to run workshops on any other aspect that comes out of apartheid that affects the lives of our people.

That is workshops. -- And inasfar as these examples are concerned they seem to be examples that were made by people who live in different parts of the country. Some of them from, possibly from the Transvaal. For instance they talk about Crossroads and Khayelitsha, which is areas in the Western Cape. So I did not run campaigns or programmes to focus myself or to address myself to campaigns to Khayelitsha for instance (20) because it does not really affect my region. So if counsel refers to these specific issues I find it very difficult to answer. But if counsel could have said you ran a workshop in issues that are created by the apartheid system I would have simply said yes.

Mr Chikane I am not interested in the workshops so much here, I am interested in the policy of the UDF and that is the national, UDF national, the policy of the UDF national. -- Yes to oppose apartheid.

And it is also policy of the UDF national to run (30)
campaigns/....

campaigns by way of the regional regions of UDF and by way of affiliated organisations to UDF, is that correct? -- All those structures are what is called UDF, that is correct, that is the UDF policy.

And the campaigns enumerated here is according to the UDF policy to run campaigns around these issues? -- I am saying these could have been issues that were uttered in the conference itself either by speech or some of them could form part of the resolutions and that was the intention, I agree.

And can you tell the Court what was the intention of (10) enumerating them here and to send them out in great numbers to people outside all over the country? -- The very word is "for example", that is the author of this or the compiler of this document is giving these as examples. He is not asking people for instance from Pietersburg to campaign against Khayelitsha and Crossroads, that is not possible.

It goes on to the next paragraph, I just want to read it in:

"Part of these local campaigns have already included solidarity meetings with the people of Mdantsane and (20) East London as well as with the South African Allied Workers Union, SAAWU, in the fight against Ciskei government terror. Speakers at these meetings pointed out that the homelands were regarded as the constitutional solution for most South Africans by the Nationalist government and that the UDF rejection of these homelands goes hand in hand with the campaign against the new constitution."

Is it also UDF policy that the campaign against the new constitution must also include the campaign against the (30) homelands?/....

homelands? -- Not only is it the UDF policy but it is I think initially for the government structures because if I remember very well in 1982 when the then Prime Minister Mr P.W. Botha was addressing one of the Nationalist congresses he said no inasfar as the Africans are concerned, you know, they will be linked, their political aspirations would be catered for by the homelands and it was in that particular context that we saw it as well.

It was an easy question. Is it part of the campaign against the constitution? -- That is correct, as far as we (10) are concerned the homelands were linked to this new constitution.

Edele mnr Bizos het gevra dat hy wil die Hof toespreek.
MR BIZOS: My Lord I have two matters, there are two matters that we want to raise. The first relates to the record. Mr Molefe has been through his evidence and he has enumerated, we have not checked it but there is reason to believe ...

COURT: Well before you raise it you have to check it.

MR BIZOS: Well I have checked a sufficiently representative, it is of such dimensions that we really want directions (20) as to what ought to be done rather than during, during the vacation rather than ask for an amendment now.

COURT: Now what is the nature of the complaint?

MR BIZOS: Well could I hand up, Your Lordship can go through the page very quickly and Your Lordship will see that the exhibits, V becomes B and some of them are fairly obvious. "Team talent", instead of "team challenge" it is "team talent" and ...

COURT: Would this then mean that all the exhibits have been wrongly ... (30)

MR BIZOS:/.....

MR BIZOS: Not all.

COURT: .. indicated not only in Mr Molefe's evidence but also in the other evidence?

MR BIZOS: Well we have not checked that part yet but if Your Lordship ...

COURT: I am afraid you will have to.

MR BIZOS: Well if Your Lordship will have a look at the type of thing that we have to face and it is not something that we can do unilaterally.

COURT: Let us have a look at that. (10)

MR BIZOS: Your Lordship will see the volume, the page number and before the stroke is it appears and in the opinion of Mr Molefe after the stroke was as it should be. Now we have reason to believe that Mr Lekota's evidence may be of a similar nature.

COURT: Well we can go back and check everyone. If this is the type of thing we have.

MR BIZOS: The first page is not the worst. If Your Lordship turns a couple of pages, it may be because phonetically because ... (20)

COURT: Yes well I mean one would not complain about Covadia(?) being spelt with a K.

MR BIZOS: No that is just for the sake of completeness but if Your Lordship goes on Your Lordship will see some that may be described as howlers. We are not blaming the typist, it was new vocabulary and Mr Molefe did speak fast. It is not a complaint but we really would require some directive.

COURT: Well it is not, it does not help much to blame anybody for this but we have to fix this up and we have to do it fast. I suggest one counsel on either side be set aside to check (30)

the/....

the record henceforth and if there is any complaint to sort it out and tell me what it should be and if there is any dispute I will look at my notes and solve it from my notes. My notes are quite comprehensive.

MR BIZOS: As Your Lordship pleases.

COURT: But I do not think it can be expected for me to check the record at this stage.

MR BIZOS: No My Lord we do not want Your Lordship to do that but what I was going ...

COURT: But we will have to go through the record page by (10) page and we will have to rectify the record.

MR BIZOS: Yes My Lord, may I suggest that once counsel in consultation with Lubbe's have agreed if there is agreement that we approach Your Lordship's registrar to get Your Lordship's copy and the Learned Assessor's copy of the record to make the alterations and not to have to retype whole pages.

COURT: No I do not think we need retype the pages. We can just do that in ink. I think the best should be to make a list of errata, hand it in formally to the Court and then take the record and rectify the record. If there is any dispute(20) you can approach me and I will solve it from my notes.

MR BIZOS: As Your Lordship pleases.

COURT: This in the meantime you can take back.

MR BIZOS: That is so, because it is really a print out from, the other matter, accused no. 13, Mr Simon Nkoli, has changed his place of residence and if it pleases Your Lordship to amend Your Lordship's order that he should not as from tomorrow, no longer report at Jeppe but to the Hillbrow Police Station, which will save him a considerable amount of travelling.

Tomorrow's date is the 10th. I have also just received an (30) instruction/....

instruction that there is a similar request from accused no. 1 from John Vorster to Hillbrow, if Your Lordship pleases.

COURT: What is your attitude Mr Jacobs?

MNR JACOBS: Ek het, niemand, die verdediging het my mos nie genader voor die tyd nie. Ek weet nie wat is die possisie van ...

HOF: Sal u net uitvind asseblief.

MNR JACOBS: Die Staat het nie 'n beswaar nie.

(10)

(20)

(30)

ORDER/.....

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO. CC. 482/85PRETORIA

1987-10-09

THE STATE

versus

(10)

PATRICK MABUYA BALEKA & 21 OTHERS

O R D E R

VAN DIJKHORST, J.: The following amendment is recorded in respect of the bail conditions of accused no. 13 and accused no. 1. This amendment will be as from 10 October 1987.

The name "Jeppe Police Station" where accused no. 13 has to report and "John Vorster Police Station" where accused no. 1 has to report are deleted and the words "Hillbrow Police Station" are substituted therefor.

(20)

PAGE 17 211 - AWAITING RETURN OF REVISED
ORDER.