

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-05-18

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 403

(Bladsye 23 501 - 23 543)

COURT RESUMES AT 14h00.

MANAS BUTHELEZI: d.s.s.

MR FICK: My lord I would like to hand up EXHIBIT CA.36.

CA.36 consists of first of all an envelope addressed to the South African Council of Churches, secondly a letter from the Secretary for Africa, addressed to "Dear Friends" and dated 30 November 1987, thirdly the minutes of the South African...

COURT: The letter is dated 30 November 1987?

MR FICK: That is correct. Thirdly the minutes of the South African Council of Churches Consultation, Catigny , Geneva, (10) dated 22 and 23 October 1987. That is the report consisting of eleven pages. Then the fourth document is the South African Council of Churches Womens Ministry Aims and Objectives.

COURT: I am sorry where are we now?

MR FICK: The fourth document, immediately after the minutes. The South African Council of Churches Womens Ministry's Aims and Objectives. Then the fourth document is nine pages and the last document is a letter dated Christmas 1987 from ...

COURT: Now do we need all this documentation Mr Fick?

MR FICK: The only reason why it is part of the exhibit (20) is because it was in one envelope. I do not want to be accused of removing certain documents but I am certainly not going to refer to the document The South African Council Women's Ministry's Aims and Objectives and the letter of Bishop Tutu. I am not going to refer to it, use it, that is part of the documents ...

COURT: Well can we not take this apart and just have before court what you need?

MR FICK: As the court pleases.

COURT: I really do not want an envelope before court or (30)

a/....

a letter which nobody is going to refer to.

MR FICK: As the court pleases.

COURT: You refer to the minutes, is that all you are interested in?

MR FICK: That is all I am interested in, the minutes of the South African Council of Churches Consultation.

MR BIZOS: May I suggest that the covering letter also be in because I may refer to it in re-examination.

ASSESSOR (MR KRUGEL): Dear Friend?

COURT: That is "Dear Friend" of 30 November? (10)

MR BIZOS: Yes that is the first letter after the...

COURT: 1987, yes very well.

MR BIZOS: I think that that is really it.

COURT: Well we may just leave the envelope as well then and then take out the fourth and the fifth one, that is after the appendix we take it out and you may have it back Mr Fick.

FURTHER CROSS-EXAMINATION BY MR FICK: Now Bishop

COURT: Wait a moment.

MR FICK: I am referring to page 1 of the minutes of the South African Council of Churches consultation. (20)

COURT: Are you referring the witness to the minutes, to CA.36?

MR FICK: That is correct my lord. I am referring to paragraph 4(b), the second paragraph of paragraph 4(b), and we are now dealing with the second sentence, namely

"The South African Council of Churches functions as a crisis council and operates as an alternative government in an abnormal situation where the government serves only the minority."

First of all was that reported at the consultation in Geneva by Reverend Chikane? -- May I address myself to the earlier (30) question/....

question because now I have had the advantage of looking at the structure of the document presented. I now notice that what was quoted is in essence a report by the writer of the minutes and therefore I am personally not sure that Reverend Chikane said what he said or not because these are not, this is not from the text of his presentation.

Bishop ... -- So one way or the other it may or may not be the phrase he actually used, maybe that is why it did not leave any impression upon my mind.

Bishop but before the adjournment you stated that this (10) was reported by Reverend Chikane at that meeting? -- No I meant the, I thought it was the full, it was a quotation from the speech because I repeatedly stated that that did not, there was no record in my mind of that particular phrase. It might have been. But now I see the reason why there is no record because here it is a report by the secretary of the meeting that that is what he said.

Now when you read this report why did you not go and ask Reverend Chikane what did he ... -- Usually when you get the minutes of a meeting where you were there you do not read as (20) thoroughly as you may do if you are trying to get an impression of something in which you were not yourself a participant. that goes with most of the minutes, one just glances not so carefully and I think this is the reason that I did not pay any particular notice of this.

Was this minutes not discussed at any subsequent meetings of the South African Council of Churches? -- They were not discussed because they actually have not status in the structures of the council beyond merely being part of a report of the executive to the council about a meeting which occurred. (30)

They/....

They will be adopted, may be adopted in a future meeting of the consultation. The council itself may not adopt the minute as such. So as far as I am concerned I admit that upon receiving this I did not read the document as meticulously as I might have been if I was trying to familiarise myself with the proceedings of a meeting in which I was not a participant.

COURT: Do you know Janet Thomas? Janet Thomas? -- It does not ring the bell.

That was the secretary at the meeting. -- No I do not, (10) I might have, I do not know him, I have no personal familiarity with her. The same, seeing that the question has been raised is that the reference to the council as operating as an alternative government in an abnormal situation I cannot say that these are the exact words which he said and my feeling is supported by the fact that that is not the policy of the council and even the member churches cannot see the function of the council as an alternative government because that has all sorts of practical implications.

MR FICK: And that part of the minutes also slipped your (20) attention? -- It is not a matter of slipping my mind, I admit this is a report of the one who was writing the minutes but I cannot say before the court that indeed these are the exact words which Chikane said. He might have given that impression to the secretary. That is why the reading, that is the purpose of the reading of the minutes to straighten things of this nature as to whether the minutes are a true reflection of what the speaker or the meeting actually resolved. These minutes have not been read.

Now what is the position in the South African Council (30)

of/....

of Churches? Do you hold in the Council of Churches that there is a war going on in South Africa? -- I beg your pardon, a war?

A war? -- Again my problem is now to lead the official stand of the council which is expressed through its resolutions it is usually what I can describe as what the SACC says. It is true that there is that kind of perception in the sectors of the council, by sectors of the council, I mean the member churches that in our country there is a war which is going on.

It is going on not only at the border but also in the town-(10) ships.

And was it reported at this meeting by anyone, or Reverend Chikane, that there is a war going on in South Africa? -- I do not remember, I have not read the full minutes, I only had time to just look at this to familiarise myself with what he said because I only have from memory an overall impression of what he said, not the specific phrases which he used. So I cannot deny or not deny.

If Reverend Chikane had said at this meeting that there is a war going on in South Africa would that be in line with(20) the policy of the SACC? -- That is a phrase in which one will be trying to describe a situation, to paint a situation. I cannot say that particular phrases which are used either in reports or in other contexts are policy. We do not have policy phrases. Yes we do have policy directions which may be described by words and phrases. All I can say is what I have said earlier that I have heard that many many times within the sectors of the constituents of the South African Council of Churches and outside the church that there is a war which is going on in our country. (30)

Now/....

Now is it part of the policy of the South African Council of Churches to force the State President to abandon the apartheid system? -- Not to force but to draw to his attention, which has been done on a number of occasions in different ways, the fact that the present policy is creating problems if not for the government but those upon whom the policy is implemented so that the policy is abandoned. Yes the abandoning of apartheid is a dream and a wish of us all.

And is it part of the policy, the standpoint of the South African Council of Churches that they are part of a revolu- (10)
tionary movement? -- Again the phrase revolutionary movement, the council has not adopted such a phrase. It may very well happen that one or the other person in the process of describing the situation may use that phrase but I cannot, while I stand here, say that the phrase revolutionary, whatever it is, the phrase is a policy of the council, the use of that phrase.

Now will you turn to page 2 please, the third paragraph:

"The war now involves official and unofficial arms of the state in its attacks against trade unions and (20)
children and the police and military protect only 15% of the populations. Options proposed to the present situation by Reverend Chikane included forcing the (the third line) forcing Mr Botha to 'abandon the apartheid system which creates victims."

You see that? -- Yes I do see it in the report.

Then three paragraphs down:

"The meeting discussed the development of parallel structures since 1985 which is part of a counter-
revolutionary movement. It is the formation of the (30)

Western/....

"Western Cape Council of Churches as opposed to South African Council of Churches, Western Province Council."

Did Reverend Chikane refer to the war in South Africa, forcing Mr Botha to abandon apartheid and to the counter-revolutionary movements? -- The subject, the overall subject which was discussed yes, but I cannot vouch for the particular phrases because these are the minutes which the participants still have a right to approve or not to approve, those who were present in the meeting and that has not yet been done. When it comes to specific wording. (10)

Do you agree with the contents of the paragraphs we read, that there is a war? -- That there is a war going on?

Yes, and Mr Botha must be forced and that there is the development of parallel structures since 1985 which is part of a counter-revolutionary movement? -- The way I understand what is meant, I agree to what is meant although I would use different words. I would not use the word "force" but I would use other, or to persuade or to make it clear to him that there is a need of change which is really what the paragraph is about and not so much the specific words which are (20) used. The same thing goes with, I have already expressed my view about the war.

Now I do not understand what you are actually trying to say. Do you say that Mr Chikane was busy exaggerating the situation or lying to the people in order to obtain funds or what? -- In the first place I am not in a position to discuss these quoted paragraphs as statements of Reverend Chikane, but rather as the phraseology of the writer of the minutes which even Reverend Chikane still has a right to say no, no you have misrepresented me or you have stated things as I have said (30) and/....

and I have not had that opportunity of ascertaining whether in fact the Reverend Chikane would say that the wording, even though he may agree with the recorder, is exactly how he phrased it, the statement. That is my problem.

Was it at this meeting discussed the policy that the council uses church networks for channelling funds to the rural areas? -- What paragraph is that now?

No forget about the paragraph, I am asking you was it at this meeting said that the council of churches uses church networks for channelling funds to the rural areas and not (10) to the official apartheid structures, the homelands? -- The way I understand that is that the counterparts of the SACC are the member churches, if what you are referring to is the description of the member churches as the network through which the SACC reaches the people whom it helps that is part of the policy of the SACC, that the SACC does not deal with the governmental structure, operate through governmental structures but through the member churches.

Yes, and does the South African Council of Churches help any people to get out of the country for security reasons? (20) -- No to my knowledge that has not happened.

Is it not the policy of the ... -- No it is not.

Then either the minutes are lying or Reverend Chikane had lied to the ... -- That it gets people illegally out of the country? Oh you mean providing a ticket if somebody should go to the United States?

No, no, people to get out of the country for security reasons? -- It is not the policy of the council to get, to help people to get out illegally out of the country, it is not the policy of the council. (30)

And/....

And it was never done as far as you are concerned? -- As far as I know it has not been done.

Now will you turn to page 3 please of the report. The second paragraph:

"Reverend Chikane stated the need to review project funding as there is no adequate existing structure. As a policy the council uses church networks for channelling funds to the rural areas and not to the official apartheid structure like homelands."

What do you say to that, was it reported as such? -- Ja (10) even though the meaning is, I think I have already said that that is part of the policy of the council even though I cannot say that these are the words which the Reverend Chikane used.

Is it not in actual fact what is done by the council of churches, they channel the funds not to individuals but to organisations in the rural areas? -- There are regional councils, apart from the member churches there are regional councils which are in touch with the grassroots, so-called grassroots and they are the ones who know the need in their respective areas and the SACC operates through these regional councils (20) which are the regional councils of churches. Apart from member churches as such, that is, if I understand what the writer of the minutes was portraying there I would say it is consistent with the policy of the council.

Well you have said a lot of things except answering the question. The question is is it not so that the council of churches has a policy to channel its funds to the rural areas but not to individuals but to organisations in the rural areas? -- Yes the ones I have mentioned, yes.

Now the organisations to which the funds are channelled(30) are/....

are civic organisations, youth organisations? -- No it is not. The council only entertains applications which are channelled either through the regional councils or through the member churches. So it is the regional councils which assess the needs. So there is no direct official channel with, I would say secular organisations other than a church related agency through the churches, either churches or the regional councils.

Now page 3 the last paragraph, paragraph 7 under the heading "Scholarships":

"The South African Council of Churches has problems (10) associated with requests for scholarships to study outside South Africa. The council gives emergency grants to get people out of the country for security reasons but once they are out they can no longer be supported by the council and other means of support must be secured."

-- That is on ...

Page 3 the last paragraph. -- Oh page 3?

Yes. -- Again I have said repeatedly I am not sure whether this is actually the statements which Reverend Chikane (20) made apart from the fact that it is the writer of the minutes who put it that way. All I can say from where I stand is that it is not the policy of the SACC to get people out, to give emergency grants to get people out of the country illegally for security reasons.

How does one get out of the country legally for security reasons? Do you know? -- Legally?

Ja, for security reasons? -- Oh I can imagine that somebody who is harrassed in his or her community would like to get some fresh air and go out, there is nothing wrong if (30)

one/.....

one has a valid passport and if he is a legitimate case related to the objectives of the council, if that person would get some assistance if there is nothing illegal about it and nothing contradictory to the guidelines of the council.

And the harrassed you are referring to is that now when the police are looking for such a person to arrest him? -- Oh I was merely using that as an example. There are all sorts of reasons which relate to one's personal security. It may be the hostility of the neighbours, it may be the other things.

I cannot imagine that somebody could be granted a pass- (10)
port by the government if one department of the government is looking for that person for certain reasons. I take it that somebody who is granted a passport is regarded as an honourable citizen.

COURT: Well now could I just get clarity what you are saying Bishop. Are you saying then that the council helps people to keep out of the grasp of the police, to put it flatly? -- To? To get away from the police? -- No.

Not. What, if that is not what are you saying what does "security reasons" mean? -- I was merely trying to define (20)
the phrase "security reasons" under the proviso that I am not doing so trying to define what Chikane said but I can, first that it is not the policy of the council to help people to leave the country illegally but then I was saying I can imagine that it may be possible for somebody to get assistance if one say has a valid passport which entitles one to free movement in and out of the country, as long as it is illegal. I am not describing a policy as such.

As long as it is illegal or legal? -- Legal.

Legal. But now how do you tie that to the use of the (30)
words/....

words "security reasons"? -- Ja, security for me, reasons of security cover a very broad spectrum. It may be security reasons again, as I have just said, that if one is not living happily with one's neighbours, if one's life is threatened somehow. We know what is going on in our country, that, particularly in Natal at this present moment that families are harrassed and people are killed. I can imagine one thinking very seriously about what is in the best interests of one's security. I am not in so saying suggesting that the council is doing that. I am merely describing a hypothetical case. (10)

No, no but let us get down to brass tacks because here it is said the council gives emergency grants to get people out of the country for security reasons. So it is an ongoing thing it seems. Now what examples can you give us in that line? -- I have already stated that I cannot use this document as the basis for the description or explanation of the policy of the council. This is not the right document. The right document would be the minutes of the executive and the minutes and resolutions of the national conference. Those are the official documents which can be used as a basis for describ-(20) ing the policy of the council. My problem is that we have before us a document not of the council, not which is issued by the council but which comes from a consultation. It is a report of the secretary and the participants in that meeting have every right to say that this was not properly worded, that needs to be changed.

No .. -- And that has not yet happened. That is my problem.

Let us accept that but was it stated at this meeting where you were present that the council gives emergency (30) grants/....

grants to get people out of the country? Let us leave the security reasons bit out. -- No I do not remember.

You do not remember it? -- I do not remember that.

Now another factual question, does the council give emergency grants to people to get them out of the country? -- I have not had any report of that, apart from for instance if somebody has a scholarship say in the United States or elsewhere and the scholarship does not make provision for the air fare and many such cases have been brought to my attention. That, it can happen that the council gives assistance (10) for one to leave the country.

Thank you.

MR FICK: So if this was said, if it was said, as far as your knowledge is concerned for the purpose to obtain funds from abroad but it is not the truth, as far as your knowledge is concerned? -- I think I have stated the problem about this, the status of the document as the basis for, it is one thing asking me to explain what the policy of the council is with regard to this. It is another thing using a document of this nature as a launching pad for a description of the (20) policy of the council. That is the problem I find.

If, no, no, there is no problem. If this had been said as stated in paragraph 7 ...

MR BIZOS: My lord with the greatest respect I have listened to this and I deliberately did not object earlier because I did not want it to be suggested that the witness was told not to answer questions about his organisation but we started off by my learned friend reading to the witness a portion of a document and clearly representing to him that he was reading from a report of Mr Chikane which turned out to be incorrect. (30)

Your/...

Your lordship has ruled this sort of document, this sort of document, in the past inadmissible. I do not want to go as far as that because the witness said that he did receive it and on that basis I cannot argue that it is inadmissible but a draft minute, a draft minute, I dare say may be used for the purposes of testing the witness' memory in relation to the matter or be used for other purposes. But to cross-examine the witness on the basis of the correctness of the document and if it is correct, which the witness says "I do not remember these words being used", to use the words of the draft (10) document as a launching pad, to use the witness' phrase, in order to get him to answer a hypothetical question that if this was said, if this was said then your counsel was not telling the truth to its funders. There are three points that I want to make in relation to that. First of all that one cannot start off with a hypothetical basis to ask a person whether he be an ordinary witness or a Bishop. I am not claiming any particular privilege for the Bishop. You cannot start off on a hypothesis and ask the witness to pass judgment upon himself and his organisation on an hypothesis which (20) has not been proved and the question, this sort of cross-examination is inadmissible on that ground.

COURT: Well wait a moment, are we busy with an hypothesis? It was either said or it was not said.

MR BIZOS: Yes.

COURT: Or the witness cannot remember it.

MR BIZOS: Yes.

COURT: If he cannot remember it he cannot say that the minutes are wrong.

MR BIZOS: They are not minutes yet my lord, they are draft (30) minutes./....

minutes.

COURT: Well that the draft minutes are wrong. On that basis he is being cross-examined. If he says it was not said that is the end of the matter.

MR BIZOS: Yes but my lord ...

COURT: But he does not say it was not said.

MR BIZOS: But your lordship would want, before a witness is asked to answer questions on a collateral matter such as this in relation to the issues that are before your lordship, some two years after the end of the indictment - but be that as (10) it may - I do not want to enter into a long argument on that either. But the witness has said at least a dozen times that "I am not accepting that these things were said by Chikane." The last question is based upon if Chikane said this then this, that and the other. I always thought that it was axiomatic that hypothetical questions are not admissible.

COURT: The question is merely if he said it it was wrong. Is that a question that is not allowed?

MR BIZOS: My lord...

COURT: It is put to the witness if he said this sort of (20) thing it would have been wrong.

MR BIZOS: My lord first of all the question was not, was not put in that way. The question was much more prejudicial in order to get into the record something which can only have the effect of possibly being prejudicial to the South African Council of Churches.

COURT: Well I may have written it down incorrectly but I wrote down that if it is so it would not be true if it was said.

MR BIZOS: No it went further my lord, then you were (30) telling/....

telling your funders a lie.

COURT: Yes well that is not necessary.

MR BIZOS: Well I submit that this whole cross-examination, I should really have objected to it earlier but this is the sort of cross-examination which is only calculated to harrass the witness and to try and bring an organisation which is not before your lordship, and we have had a long enquiry now lasting over half an hour in relation to it which is not relevant to any of the issues before your lordship in my respectful submission. It may be relevant to the state of mind and (10) credibility of the witness but I submit, with the greatest respect, that it has gone too far and that the document, having regard to the fact that the witness does not adopt it, is being abused.

MNR FICK: Edele dit is my submissie dat eerstens op geloofwaardigheid kan ek dit vra, daar is ek nie tydgebonde nie. Tweedens het hierdie getuie in die hof kom probeer voorgee dat hy, objektief hy behoort nie aan die een kant nie, hy behoort nie aan die ander kant nie, hy is 'n objektiewe mens en ek wil aan die hand doen dat hieruit blyk dit, en sal (20) later argumenteer dat hy is nie so objektief teenoor die vryheidsstryd soos daar gesê word nie. Hy het definitiewe, hy behoort aan 'n organisasie wat definitiewe riglyne het, beleid het ten aansien van die vryheidsstryd. Dan kan ek argumenteer oor die man se geloofwaardigheid, oor alles wat hy sover in die hof te vertelle gehad het.

HOF: Ja die vraag word toegelaat.

MR FICK: Now paragraph 7 page 3, if it is correct that the Reverend Chikane said this he would have been telling not the truth, is that correct? -- That... (30)

Ja./....

Ja. -- That people are given

Assistance for security reasons to leave the country, to get out of the country? -- Yes I would say it is not the policy of the council. There are guidelines for scholarships which ...

COURT: No I am sorry Bishop, it is not a question as I see it directed to its policy, it is a question directed towards the factual position. Never mind policy. It may have been done without being covered by the policy of the SACC, I do not know. But the question at the moment is, as I see it, if (10) this as a factual statement is given, factually it is incorrect? -- My problem is that if the issue is the giving clarification of the policy of the council with regard to scholarships there are documents which explain clearly what the policy is and then there would not be any problems about whether the secretary was right or wrong because that still has to be assessed by the meeting. I am not in a position as an individual to judge on behalf of the participants that the secretary was wrong. They may very well overrule me and say that what is in here is correct. That is therefore my problem (20) in saying if he said this he was, that is my problem. Otherwise there are clear guidelines about scholarships, about all the items which are listed here. If the court is interested in what the policy of the council is then there are positive statements which will state the case clearly and positively, rather than by way of correcting or agreeing to a document. I think I cannot, I am not in a position really to do justice to the council I represent in describing its policy on such a basis because I know there is a better way which can help the court much better than this document. (30)

ASSESSOR (MR KRUGEL):/...

ASSESSOR (MR KRUGEL): Are you saying now Bishop that what is written here, the factual words that are written here, that you cannot say that is wrong? -- Ja that is, I cannot say on this forum as an individual that the document which is here is correct, is a correct reflection or not because there is a body, a legitimate body that has the prerogative to make that judgment. Therefore as an individual that puts me in an awkward position because I am approving or disapproving the minutes before the legitimate body does it.

COURT: No you are misunderstanding the contents of the (10) question. You are giving here evidence under oath in your personal capacity, not representing anybody and in your personal capacity you are being asked questions and the question is of a factual nature and the learned assessor asked you can you say that what is set out in the second sentence of paragraph 7 is incorrect? I understood you to answer "I cannot say it is correct, I cannot say it is incorrect". Is that a correct interpretation of your answer? -- It is, I was just stating the problem. The personal opinion is inseparable from the fact that I am asked questions about the council because (20) I am president of the council and therefore what I am saying is in fact a projection of the policy direction of the council. I cannot separate my individual opinion or assessment of that council. So it is because of the gravity of the impact of what I say when I say that there is, there are documents which can be obtained if the court likes which will clarify on the policy guidelines on scholarships in a very clear way without any need for qualification.

Well I do not know whether we have difficulty understanding each other Bishop but we must just have one thing (30) clear./....

clear. It may be that at the end of this case you will be accused of being evasive by the state and I will have to make a finding on that. Now the question is whether you can or cannot say that what is set out in that sentence is correct? If you say I cannot say you say I cannot say, it is easy enough. But I must have clarity as to what your answer is because I do not have clarity. -- I have stated the policy of the council with regard to scholarship grants as I understand it.

Is that your answer? -- With regard to, I have already stated that the policy of the council with regard to scholar-(10) ships is that sometimes if the recipient has been granted, I mean the one which relates to people leaving the country, if the recipient of some scholarship has been granted a scholarship which only covers tuition and the other related expenses but not the air fare then the council may help that person to get an air fare and the other thing the matter of security, again which is a very wide nature, although it is not a matter of express policy that I can imagine a situation if somebody for instance is harrassed in Natal and then he agrees with his or her family that the best thing is that we must move from(20) this place but we do not have money to do so, that is for security reasons, that on compassionate grounds that it would be consistent with the policy of the council to cover that ground of security.

And did that happen? -- No I am not aware of it happening.

MR FICK: Now just to get some clarity. For what purpose was the minutes sent to your office? -- Well it is the usual practice that minutes are sent to the participants of the meeting.

For what purpose? -- Just for, perhaps for reporting (30) purposes/....

purposes on the part of the secretary when it comes to certain details. But the question of what was actually said in the meeting is still reserved as the right of the participants when they meet again to specify.

Bishop let us forget about the perhaps. For what reasons were these minutes sent to your office? -- I think it was for, it is the usual practice that minutes are sent to participants after every meeting. So there was no extraordinary reason.

Were they not supposed to be ratified somewhere? And sent back? -- No that has not happened, that has not happened(10) yet. As I have said it is usually done by the participants unless there is, I am not sure whether the secretary has responded to references which relate to his presentation, I am not sure. I have not had time to check on that one.

These, are they the draft minutes or final minutes? -- Oh draft in the sense that the one who was recording unilaterally put on paper from his or her notes but minutes to the extent that nobody raises any objection to what is reflected in the minutes, which is ultimately the prerogative of the participants when they are together. (20)

Now you yourself did not raise any objections since January 1988 when you received this, up to today? -- I have said earlier that I did not make any minute reading of these minutes because I was present in the meeting. I did not read the minutes thoroughly in order to correct words or correct phrases.

Now what can you tell the court about dependents conference? Do you know any organisation or body like that?-- It is a unit within the council which helps the dependents of people who are taken away from their family for a number (30)

of/....

of reasons, much specifically if for instance the breadwinner is spending some years in prison and the church it belongs to, it is part of the ministry of the church to help the dependents of that person.

Now ... -- And also the same thing will happen with regard to the dependents of people who are in detention for extended periods of time, that this unit helps those persons.

Now what is the difference between the Dependents Conference and the Asingeni Relief Fund?

COURT: Esen, Asin? (10)

MR FICK: A-s-i-n-g-e-n-i. -- The Asingeni Relief Fund was started in 1976 when there was, there were a series of events which placed people in a situation of need and in some cases people lost members of the family or the breadwinners died or were killed and then the council started this fund in order to meet that situation of need.

COURT: So is it a fund which is still operative? -- Yes it is still operative.

MR FICK: What sort of people are being assisted? -- Any person who is a victim of a similar situation is assisted. (20)

What similar situation are you talking now? -- Such as I described in what, in, the situation of 1976 when for the first time in our history there were many people who lost their beloved ones, the children, and therefore the church had to do something to help those people. That help continues to be given.

And is the relief fund also used to assist detainees? -- Yes it is also used in that respect.

COURT: I am sorry I thought the Dependents Conference assisted the detainees? Does this fund also assist the detainees?/.... (30)

detainees? -- The situation is this when the Dependents Conference started the scale of the social needs were of a normal character, that is from time to time there might be somebody who is away from his or her family and therefore needs help but since a few years ago this has escalated so that it is more than just a regular help, therefore some other fund was established in order to cope with the level of escalation of the needs in the community. The Dependents Conference still specialises on that level of helping the families and sometimes helping the wives to visit their husbands in prison. (10)

MR FICK: Yes, and the Asingeni Relief Fund, are these funds also used to pay bail of accused persons in security trials and pay for the defence? -- They ...

Of such persons? -- Yes families which are in need of legal assistance are helped.

But in security cases? -- Including security cases which in the community are, well ...

If not the majority, is not the majority of the cases security cases where the ... -- It so happens that the cases are, that are going on in the name of what is regarded as (20) security, it so happens but it is, there may be other cases which may be related to situations which people cannot help or apartheid in general.

Yes but now is the fund used to assist ordinary thieves? -- No.

And ordinary murderers? -- No it gives assistance to people who find themselves caught up in things not of their making, problems in our country which everybody has conceded are there and something needs to be done about them but in the meantime there are people who fall victims to these (30)

problems/....

problems before the ultimate solution is found, and that is how the church sees its role in trying to bridge the gap and bind the wounds of those who have, who bleed.

And is it so, correct that the funds are obtained from Canada, United States of America, the Netherlands, Sweden? -- Yes from Europe and the United States, including the member churches inside the country.

My lord I am finished with this document CA.36.

COURT: Yes.

MR FICK: Only one last aspect ... (10)

ASSESSOR (MR KRUGEL): Bishop before we go away from this document please. You have intimated that the, that what is here and the questions that were put to you, you regard these as an, well I cannot, I have not got the exact words but quite serious. The question that was put to you for instance on the question of whether the contents of the document is correct or not correct. You have also intimated that it is really the prerogative and the duty of the secretary, that I suppose is Mr Chikane, to go through the document and to say what is wrong about it or what is right about it? -- For the first (20) point about the serious dimension it is that I was merely highlighting that I find myself explaining the policy position of the council and I know that there are explicit documents which can do the job better and therefore it was in that respect that, because I think it is important for the court to know about the council and in my mind I know that there is a better way in which the court can get to know on each of the items rather than either correcting what is stated in the document and with regard ...

I think you mentioned grave consequences? -- Grave in (30)

the/....

the context of discharging my duties because I am president of the council and therefore if I explain the position of the council I am not merely doing that personally but there are member churches and I regard that responsibility as grave.

But the second part of my question related to the Reverend Chikane's duties in respect of this document and his duties as secretary? -- Yes I was, well first I would say it is the duty of the participants to say whether this is what was actually said or not but I referred to him that he may, I do not know whether he may have written and said where I am (10) quoted this is not the way I put it, I am not sure about that, not to say that it is his duty to do so. If for instance I was misquoted or my name appeared I would feel that I should do that.

Yes. Yourself was also a participant at this meeting?

-- Yes that is correct.

So do you not also have a duty to look into this? -- I do to the extent that it is a report of a meeting.

And if there was anything wrong with this, seriously wrong with this report would you as president of the SACC (20) expect your secretary who was a participant and whose name is mentioned here to come and tell you about it? -- Well that might happen if there were any problems related to, if for instance he was misquoted and then there were difficulties he might do so but if there was not any need I would not regard that as necessary. What is actually said is not so much that there is something wrong or right, it was on the level of the status of the document as as starting point for the explanation of the policy of the council. It was not so much that I was not expressing my opinion on each and every paragraph. (30)

But/.....

But I do understand you that you do say that if there was anything seriously wrong with this document you would have expected Mr Chikane to come and tell you about it? -- If he could not have ironed out, it is not necessary, it is only when there are problems that he can come to me, some of the things which are just procedural he can do.

He has not informed, or has he informed you about anything? -- No.

Regarding this document? -- No he, no I have not had any ... (10)

Yes thank you.

MR FICK: EXHIBIT DA.184, it is a document with the heading "The Lutheran-Roman Catholic Joint Commission, Versailles, France 7 to 11 March 1988". The revelation questions and our questions Bishop Manas Buthelezi. EXHIBIT DA.184. Is it not there? -- Oh yes there it is.

You have it. Now for what purpose did you deliver this paper at this commission? -- There is a discussion between Catholics and Lutherans whose aim is to sort out and iron out those controversial points which were debated in the (20) 16th century and led to the split of the christian church. That is the purpose. And the item which is under discussion to which this paper addresses itself is the question of justification, justification by faith. That is what Luther said, that one is not justified by good works but solely by faith and the purpose of the paper also is to try to compare the questions of the 16th century with the questions of the present time to see what we can learn from the questions which were asked and how those questions or answers throw light to some of our questions. (30)

And/....

And you also delivered this paper to inform the commission about the position in South Africa?

COURT: I am sorry Mr Fick if you speak do not put your hands in front of your mouth, it makes it rather awkward to hear what you are saying.

MR FICK: As the court pleases.

COURT: What is the question?

MR FICK: You also delivered this paper with the purpose to inform the commission about the conditions in South Africa?

-- No it was not to inform about the conditions but rather (10) the question, the statement of the questions, I think that is said in the first paragraph, the kind of questions. For instance for Luther the question was "How can I face a righteous God as a sinner". So the question is a person who lives today what kind of a question is he asking, is he asking that question or is he asking some other question. So it is to, that is the purpose of the paper and theology as a science tries to address itself to questions which relate to the understanding of the gospel.

Now did people from all over the world attend the (20) conference? -- Yes.

Now will you turn to page 2 please. The fifth paragraph page 2, the second and third lines I want to read to you:

"For Luther it was a monk's private cubicle and for the detainee a prison cell of indefinite detention and solitary confinement. Unlike Luther the detainee has no feelings of guilt because in fact he has done no obvious wrong."

Is that really your belief that all detainees have in fact done no obvious wrong? -- That is the, I said elsewhere (30)

that/....

that from the interviews which I have had with people who have been in detention when I asked but what keeps you going and for most of them it is that "I am kept here but I know I am innocent." I am not saying that if a person were to be brought to court that would necessarily be the case but for most of them they are detained and then they are released and that is what I gathered from them.

But did you not say to the conference that the detainee has no feelings of guilt because he in fact has done no wrong?
-- According to his perception. (10)

No but that is not stated. -- It is said, this is the thrust. It is said, for instance towards the end, that is on page 3, the third paragraph:

"The main point here is what the detainee's religious perception is rather than whether he is approaching God rightly or wrongly."

That is the, that sentence explains the question. It is not to justify the perception but merely to state it so that then when we address people with the gospel we must be aware of the questions they ask so that the gospel may provide answers (20) to their questions.

Thank you my lord I have no further questions.

RE-EXAMINATION BY MR BIZOS: Bishop in view of the fact that such a large portion of your cross-examination related to CA.36 would you please take it before you. This document, the draft minutes that, of the Consultation in Geneva. I want to deal with the statement on page 1 please.

COURT: Of the minutes?

MR BIZOS: Of the minutes, the draft minutes.

MR FICK: I object against the reference to draft minutes (30)
each/....

each time. There is no reference in this document that it is draft minutes.

MR BIZOS: The witness has said that they have to be confirmed.

COURT: Well then they are the unconfirmed minutes not the draft minutes.

MR BIZOS: The unconfirmed minutes. The unconfirmed minutes that were placed before you. Now what I want to ask you is this, as a matter of fact, as a matter of fact does the South African Council of Churches operate as an alternative govern-(10)ment in South Africa? -- No it does not do so for the simple reason that even if it wished to do so it does not have the resources of being a government.

Yes, at the risk of being accused of stating the obvious, no police force, no courts, none of the organs of the government has it got? -- That is correct. Even if it were to be so ridiculous as to think of itself as a contending party for government it just would not work.

Has in its documents or its speeches or in anything that its board has ever said ever held itself out as an alter- (20)native government to South Africa? -- I have been associated with it for a long time, particularly the time when I was president. I have never heard any such and no resolution to such effect has been made.

Could you give the unconfirmed minutes, give some idea of the nature of the work of the council. If you were to choose one or two words or an expression how would you describe the work? Would you describe it as being involved in government or in some other branch of human activity? -- The council is an instrument or agent of the member churches. It does (30)

what/....

what the member churches on the basis of the biblical minded are supposed to be doing but there are areas where collective action so as to avoid duplication is necessary and the council fulfils that purpose.

Is it involved in welfare work in any way? -- Yes there is a lot which again belongs to what is expected of the church.

To do welfare work? -- Compassionate work.

Yes, you told us that your money comes from countries in the United States, my learned friend said Canada and Europe. Now do you know whether or not in those countries welfare (10) work is done by the government or the state? -- In, particularly in Europe I know that society has for many centuries relegated welfare work to the church, which is something that dates as far back as the middle ages and therefore there are certain functions which the church does for society.

Now in 1987 have you any approximate idea how many people were detained in South Africa without being brought to court? -- There are, the figures are disputed. Some, particularly the people in the community may speak in terms of hundreds and thousands and the state on the other hand would quote a (20) smaller figure.

Yes. Did you consider the number, did you or your council consider the number of people detained during 1987 as a small number or a large number or a number which had reached crisis situations? -- It is a vast number indeed if I base my assessment on the reports we receive, not only on the member churches but also from the regional councils and individuals who come directly to the council.

Yes. Now had you, thank you my lord I have no further questions in relation to this document. Have you word the (30)

"enemy"/....

"enemy" used at one or other of the meetings, commemoration services or funerals? -- I have.

Used by speakers? -- I have.

In what sense has it been used or in what sense has it been understood by you? -- It has been my perception with regard to how it has been used, it has been used with reference to what is conceived to be a political opponent and that may be on various levels, starting on the community level and in some events it is also referred to the government.

Yes. -- Or agencies of the government. (10)

I want to show you EXHIBIT V.10 which you were cross-examined on. Have you got it? Would you please look at page 3.

COURT: Page?

MR BIZOS: Page 3 for a start. Now you told his lordship that you did not remember the word "enemy" being used at this meeting. Your lordship will recall ...

COURT: Yes I asked the witness but I cannot remember where the page is, is it page ...

MR BIZOS: It was on a subsequent page. We know the enemies, (20) we know who the enemy is. Page 9.

COURT: Yes thank you. Are you at page 9 now? You are at page 3.

MR BIZOS: No in order to give it a meaning on page 9 I am coming back to page 3. Will you please have a look what the master of ceremonies, Reverend Lebamang Sibidi had said and if you, having read that whether it refreshes your memory in any way as to what became an issue at this commemoration service. Yes master of ceremonies and I want to refer you where they ask you whether this refreshes your memory in any way: (30)

"Pamphlets/....

"Pamphlets have been thrown all over Soweto. Now before this causes any confusion I will ask Ishmail Mkhabela to come and speak two or three words."

Well it looks as if he was not unduly optimistic but the portion recorded is:

"We have used our minds to the extreme and are coming together under one roof has been that the willingness of isolating an enemy and concentrate efforts against him. There have been many obstacles cast on our efforts but the latest has been the pamphlets which have been (10) distributed around Soweto which are purported, I want to stand and refute here very categorically that we know what we are up to, we know what our enemy is. We are in no way going to fight for small things, trivial things. We are fighting for the recompense of our country and in that we are all united. In these few words master of ceremonies and my countrymen consider this pamphlet the work of our enemy and let us celebrate that our coming together is a frustration of this job."

Now that is, and then the audience takes up the question of (20)

"Do you know who the enemy is, do you know who the enemy is" and then later on I want to refer you to a reference - if your lordship bears with me - well I cannot find it but we will use it in argument. I think I have done enough. What was the issue in relation to these pamphlets? Do you now remember? -- Yes this particular meeting was held during a time when there was conflict, including physical conflict, between the UDF affiliated organisations and the black consciousness organisations. Sometimes this conflict took the form of pamphlets which were purported to be written one organisation (30) against/....

against another and so what is being referred to here is that we are not enemies to one another and those pamphlets were not written by us. It is a third factor that is really our enemy.

COURT: Who is the enemy then? -- Whoever, well it is not stated here...

Well you were there, who did you understand to be the enemy? -- It is whoever wrote pamphlets in the name of one of the organisations against another organisation.

Well everybody seemed to know who the enemy was because they were all shouting "We know who the enemy is"? -- Ja I (10) think ...

Were you left in the dark? -- I think on the whole from other things which one hears people say the assumption is that the seeds of dissention are sown by, if not by the government by agencies of the government. That is just a perception which one finds in the black community.

MR BIZOS: My lord, do you recall, I will ask the witness without finding, do you recall whether, do you remember whether the name of any police station was mentioned during the course of this meeting in connection with that pamphlet? Do you (20) remember whether the name of any police station? My lord it is common cause by my learned friend Mr Fick and I that the Protea was mentioned in the document. I just cannot find the page but we will find it for the purposes of

COURT: Well if you look at page 5 right in the middle of the page you will find "Protea".

MR BIZOS: Oh, thank you my lord, it is just ...

COURT: Which is round the corner as an agent of Pretoria.

MR BIZOS: Yes, thank you my lord, I did not have it ...

COURT: Not entirely around the corner, it is around their (30) corner/....

corner but not around Pretoria's corner.

MR BIZOS: Yes, do you remember Protea being called, thank you for the assistance my lord. Do you remember Protea being mentioned? -- Yes in the speech.

What is at Protea? -- It is a police headquarters under which Soweto falls.

And how did you understand the reference of Mr Chikane that the pamphlets which have been distributed in the name of AZAPO has been denounced this morning and the system is bound to be disappointed and frustrated and Pretoria, and in (10) particular Protea, which is around the corner as an agent of Pretoria. What did you understand in the context of the meeting as a whole the enemy to be? -- I understand that to imply that the agents of the government or the police in particular were responsible...

For that? -- For that, yes.

Yes.

COURT: For spreading the pamphlets? -- Yes. The police or the agents of the police.

MR BIZOS: The chairman of, I am sorry I do not want to lead (20) you, does the name Sebolelo Mahejani mean anything to you?

COURT: Sorry spell it, Sebolelo I can spell, the other one is?

MR BIZOS: M-a-h-e-j-a-n-i. I do not think it has anything to do with that document Bishop but does it bring anything to your memory? -- No. The name.

Now his lordship asked you bishop ... -- Except that, oh yes Mahejani is the lady who is, who was in the crisis, chairman of the crisis committee. Mahejani.

Is that the name you could not remember this morning? -- Ja that is the name I could not remember, Mrs Mahejani. (30)

The/....

The final topic that I want to ask you a couple of questions about Bishop is this, his lordship asked you whether the students attitude was this is what we want, if we do not get this we will not go back to school. You will recall what your answer was in relation to that, that some room for negotiation was or may have been possible. In your meetings with the students despite the, any uncompromising public stand or stands that they may have taken what was your conclusion, were they anxious to get back to school or not at the end of 1984, October 1984? -- They were anxious to go back to school. (10)

Now you were asked by his lordship whether you had any detailed mandate as to what format the SRC should take. Was the SRC question the most important question at that time or did anything overshadow that? -- There were other questions relating to the administration of corporal punishment, the age limit, the detention of students. I think in terms of immediacy and the level of emotion raising I would be inclined to put at the top the question of the age limit because it had a bearing on one's future. (20)

And the question of examinations? -- And the question of the examinations, if the schools were reopened and they went back to school that they had to rewrite the exams at a time when they will have prepared themselves sufficiently, that would also be there. And then of course the question of the release from detention was also on an emotional level. The question of the SRC is mainly a question of creating a structure of relationship between the students and the administrators of education. The understanding was that this might take time but the expectation was that these others had to (30)

be/....

be given attention to immediately.

Yes. Now at the meetings that you had with students and the meeting that you had with the deputy minister, having taken part in this activity did you feel whether or not there was any desire to reconcile, at least for the time being, the students to reconcile their differences with the authorities in order to go back to school or were they intransigent? -- My impression then was that there was a desire. The fact that they had specified, I would not call them conditions but things which needed attention immediately was an indication that (10) they were prepared to go back to school.

After the meeting with the deputy minister did you come away with any concession from the department or the deputy minister or the department, or did you go away empty handed? -- There were no concessions on other issues except the one on the reopening of the question of SRC's and the matter of the age limit. But then that left the committee with the feeling that when they go to report if the matter of the exams was not solved and if the matter of detentions then it would be very difficult for them to stream back to school. (20)

C.1382 COURT: Now Bishop I understood from another witness that in fact exams were written later than the end of the year. Do you know about that? I am not speaking of Soweto. It was somewhere else but it was on the Rand. Do you know of such a thing? -- Yes I know of it and the staff of the department indicated that there was another level of exams where the department was not in charge, the senior certificate, and therefore the exam issue would not be resolved because of those complexities.

Now could I just get clarity please. The department (30)
of/....

of Education and Training did not have control over the matriculation exam, is that what you are saying? -- Yes that is what I say.

That was under the Joint Matriculation Board or something? -- National Certificate.

National certificate. So they could not move the date of that exam, is that what you are saying? -- Ja that is what they said.

But I did also hear in court that in fact a standard ten pupil did write during I think May of the next year. I may (10) be wrong on the date but it is somewhere around there? -- Yes it might have been. What I recall is that was related to the discussion between us and the department then.

Yes, thank you.

MR BIZOS: Now it was, you were also asked whether this boycott took two years. Was it a continuous boycott or was it an intermittent boycott at various areas and at various schools? -- It was an intermittent boycott and in the course of time after they have gone back to school something else would emerge and then the schools would close again. The (20) same thing would apply to the writing of exams, even when they have been back to school. So this continued until 1986, one and off, on and off.

Do you know whether your successor committee during this on and off process took any steps to put an end to the crisis? -- Yes I do know, particular the NEEC, what frustrated their effort according to the information I received was the detention of the members of the committee which paralysed the committee.

MNR FICK: Die staat maak beswaar. Dit is hoorsê eerstens (30)

en/....

en tweedens ek het die man nie daaroor gekruisverhoor nie.

MR BIZOS: Well my lord he did not have personal knowledge of the two year boycott either, with respect. Much of what ...

COURT: Well I do not know about that. I thought everybody in Soweto would know about the boycott.

MR BIZOS: Well maybe also everybody in Soweto would know, especially a person who was the chairman of the committee and then succeeded would keep a close watch of what was happening thereafter.

COURT: Well did the NECC arise in cross-examination? (10)

MR BIZOS: Oh yes my lord.

COURT: No it did not.

MR BIZOS: But ...

COURT: No questions were asked on the NECC as far as I can remember.

MR BIZOS: No he was asked who the members were, whether they were the same members as the, whether the personnel on the NECC ...

COURT: Very well Mr Bizos I will give Mr Fick another opportunity to cross-examine. Go ahead. (20)

MR BIZOS: Yes. Did your successor committee take any steps to defuse the boycott question after you were no longer on the committee? -- Yes they did, they continued interviews with the minister until the point when the members of the, the majority if not the whole committee was detained and even now some of the members of that committee are still in detention. And that paralysed the work of the committee.

Was that kept a secret or was it known to the whole of Soweto? -- It is known to the whole of Soweto.

Thank you my lord I have no further questions. (30)

COURT:/.....

COURT: Yes, any questions Mr Fick?

MR FICK: Only one question. What do you know about the NECC and the functions and the work they did is what you have been told by others persons, yes or no? -- What does I have been told?

All you have been told by other people? -- And what I have seen it doing, it is not just as if I did not ...

How did you see what they did? -- Their work, the work they are doing.

How did you, were you present? -- No the work they (10) have been doing has had an impact in the community. In 1986 when there were a series of meetings whose aim was to persuade children to go back to school by January 1987. Some members of the NEEC committee did attend our meetings. I remember particular Mr Molobi and Reverend Tsele who briefed the committee on the level of the operation of the committee and the people who were in that meeting found that helpful that we were working at, that there was a common purpose.

Did you attend the meetings? -- No I did not attend the meetings of the committee. (20)

No further questions.

COURT: Further questions Mr Bizos?

MR BIZOS: No thank you my lord.

NO FURTHER QUESTIONS

TOM LEUTLWETSE THEBE: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Are you a retired miner living in Huhudi? -- That is so.

For how long have you been living in Huhudi? -- I arrived in Huhudi in 1966 until at the present moment I am still living there. (30)

You/...

You are married, you have seven children? -- That is so.

And you have a home in Huhudi? -- That is so.

And let us just briefly start with 1978. Do you remember that there were elections in 1978 for your council in Huhudi?

-- That is so.

And did you vote in those elections? -- Yes.

What party did you vote for? -- Sopasengwa party.

COURT: For record purposes is it S-o-p-a-s-e-n-g-w-a?

-- That is correct.

MR BIZOS: Thank you my lord. Were Mr Dikole and Mr Math- (10)
loko members of this party? -- That is so.

What was the main plank on the platform of this party?

-- It was being said that Huhudi is going to be moved to Pudumoe and therefor Sopasengwa party was there to oppose the removal of Huhudi to Pudumoe.

Yes. At that time was Bophuthatswana independent already?

-- Yes.

And how did you feel about the idea of the possibility, firstly of moving away from Huhudi and then losing, going away from South Africa into newly independent Bophuthatswana? (20)

-- I was not happy about that, I wanted to stay in Huhudi.

In 1980 was there a meeting of your community held in Huhudi? -- That is so.

And what was said there? -- What was said there is that Huhudi was being moved from where it is to Pudumoe.

COURT: Just a moment, had that not been said all along, was that not government policy at the time? -- It was said prior to that but during the year 1980 there were people who were already moving from Huhudi to this new place Pudumoe.

So it had started? -- Yes it started and the removals (30)

started/....

started that year.

MR BIZOS: Who had called this meeting? -- Dikole and the other councillors called the meeting.

Yes, and what was the feeling of the people at the meeting when now it was announced that people were moving? -- The feeling of the people, that is the community, was that they were not accepting that, they were not happy.

COURT: Was the announcement made at the meeting that the people were moving or did you just notice that people were moving and thereafter a meeting was called to protest? -- (10) We became aware of the people who were trekking, making us of trucks and then thereafter we, then this meeting was called after having realised that.

MR BIZOS: Can you recall whether you yourself spoke at this meeting Mr Thebe? -- Yes I did speak there.

What did you say? -- My utterance was directed to Mr Dikole saying it is disappointing to see that people are now moving and there is some trekking from Huhudi whereas when we voted your people into office in 1978 the purpose was to oppose the removal. (20)

Did you get a response to your question or remark, speech? -- Yes in reply to that Dikole said there is nothing else that can be done because the whites are saying that we must move.

Did that answer satisfy you? -- No I was not satisfied.

As far as you could see or hear did it satisfy any of the people present there at the meeting? -- No the audience were not satisfied.

Now at the time in 1980 what was your information? Could you be moved against your will, if you did not want to be moved could you be moved? Did the government say anything (30) about/....

about that? -- Yes Dikole said that if we are not prepared to move what is going to happen is that some superior whites from Pretoria were going to come there and they are going to force us and move us by force.

Did you accept that as a correct statement of the position? -- Yes I accepted that because he was our leader. We the community of Huhudi.

Now, and from what happened at this meeting did you get any impression whether the councillors that you had elected...

MNR JACOBS: Edele ek wil net van die begin af vra dat (10)
mnr Bizos nou nie meer die antwoord in sy mond lê nie. Hy kan vir hom vra en nie leidende vraestel nie wat sy opinie is van die raadslede nie, soos in die vorige geval waar gesê word "Ek het so n opinie gekry dat dit is die posisie."

MR BIZOS: I am sorry, I will try not to lead the witness my lord. Were you satisfied that nothing more could be done by you or by the councillors to, about the removals? -- No we were not. That we indicated by forming another body which was to oppose the councillors.

Yes. (20)

COURT: What body was that? -- HUCA from Huhudi.

And did you form that in 1980? -- No that was in 1982.

MR BIZOS: Did anything happen between 1980 and 1982 when you formed HUCA? Which changed your attitude to the councillors that you had elected? -- Yes what happened is that some of the community trekked from Huhudi to the new place and with the others remaining behind and those who remained at this place, that is Huhudi, decided on forming this body to resist their removal.

Why could you not leave that to the councillors? -- It (30)
was/....

was because we were made aware that the councillors were defeated. That I say because Dikole had told us that there is nothing more they could do if the whites were saying that we were to move.

Any other reasons that you can think of now, as to why you wanted your own body and you could not leave this to the councillors? -- We decided on the formation of HUCA which HUCA had its own leaders.

In the beginning were all the councillors against the removal? -- Yes all of them, in fact all of us including (10) the councillors in the beginning were against the removal.

By the time you, or before you formed your association were all the councillors as far as you were concerned still against the removal or had some of them changed their minds? -- No some of them had withdrawn from that attitude, namely four had withdrawn and the other four were still in support of the resistance.

How did you know that four had withdrawn? -- How I came to know about that was because whenever the councillors who were opposing the resistance had called a meeting of the (20) residents on attending that meeting one would always look at the platform to see if the leaders were all there. Each time we attend a meeting of that nature I would only see four and the other four was always not there at this meeting.

ASSESSOR (MR KRUGEL): You are saying that the four who kept up resistance came to the meetings but the others did not?

-- Yes the others did not.

MR BIZOS: Can you recall whether there was any talk or publicity of any nature in your community about this division of the council of four and four? -- Yes the perception of (30) the/...

the community there was that why is it that the other four are no longer attending the meetings where the resistance to the removal was being discussed, it would thus mean that they have now withdrawn from the resistance. And that left the community questioning their being honest towards the community.

Do you yourself read papers in Afrikaans? -- No I cannot read Afrikaans.

COURT ADJOURNS UNTIL 19 MAY 1988.