

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

Ass 2

SAAKNOMMER: CC 482/85

DELMAS

1987-01-21

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

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

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COURT RESUMES ON 21 JANUARY 1987.

MR CHASKALSON ADDRESSES COURT: My Lord I regret that I cannot say that we are entering on the final stages of this long and complicated case. We are about to embark upon our defence but I am afraid that the defence may prove to be as long as the State case was. Your Lordship already knows from the cross-examination what the central issues in the case are likely to be. It has been made clear that the accused all deny the existence of their conspiracies relied upon by the State which are the foundation of each of the charges against(10) them, and this denial will now be dealt with in evidence and the defence case will be that the UDF did not pursue a policy of violence and that neither it nor the accused can be held responsible for the violence which was committed in the Vaal Triangle in 1984 and elsewhere in South Africa in 1984 and 1985. The statements with which we have been briefed run to thousands of pages and it is likely that many witnesses will be called to give evidence. Now we cannot obviously, in opening the defence case to Your Lordship, try to tell Your Lordship, as one would ordinarily do in a case of narrower (20) dimensions exactly what was going to be said and to deal with it in the sort of detail which one might do in opening a case of narrow ambit. It would not be appropriate to try to take Your Lordship in detail through every aspect of the defence case. Nor indeed, may I say, are we yet sure that we will definitely call all of the people from whom we have statements. That will depend to some extent upon the nature of the cross-examination of the witnesses whom we do call and what precisely is placed in issue by the State as the defence case develops. But before we begin to call evidence we think it would be (30)

proper/....

proper to give Your Lordship in broad outline a general indication of the way in which the defence will be presented. On some occasions in doing that I will deal in more detail with aspects of the case which may prove to be strange to Your Lordship in the sense that they have not been alluded to at all by the State during its case. In other parts I may move more rapidly. But I would like Your Lordship to know before we start with the calling of our evidence where we are going to and what we intend to establish through our case, and the evidence that we will be placing before Your Lordship, which(10) will be the context to some of the evidence which has already been placed before you and which will also give a context to some of the documents which Your Lordship has been asked to read in isolation.

Now the platform on which the State sought to build its case was the passage in Mr Oliver Thambo's statement on 8 January 1983 on the occasion of the 71st anniversary of the African National Congress calling for all democratic forces to be organised into one front for national liberation. That is a sentence in the statement which appears as EXHIBIT (20) AAH 1 in this case, and it has been the State case that the UDF was founded in response to this call and that the campaigns which were subsequently pursued by the UDF and the issues that were subsequently taken up by it were really the result of instructions or directions issued to it by the African National Congress. Now the defence case will be that this is simply not true, that the evidence which has been placed before the Court by the State on certain of the material issues has in several instances been both selective and inaccurate and that the indictment in many respects, and we will seek to show (30) that/....

that through the evidence that we present, is distorted and not a proper representation of events which it purports to describe. Now when Mr Thambo called in January 1983 for the organisation of democratic forces into a united front for national liberation he was in fact not saying anything new. There had been attempts previously to establish such fronts and the theme of unity in opposition to apartheid has been a constant and a recurring theme within the liberation movement in South African for very many years. In 1982 and 1983 this theme came to the foreground again because of the govern- (10) ment's proposals to introduce a new constitution which was designed to incorporate the Indian and Coloured communities into the parliamentary process but to exclude the African population therefrom. This provoked a sharp and an hostile response from political leaders of anti-apartheid groups within South Africa. The opposition came from all sides and included such diverse constituencies as AZAPO, as the Natal Indian Congress and the South African Anti-Indian Council Committee, Civic associations and others, and Inkatha. These are groups who according to the evidence had quarrelled amongst themselves (20) for years, and the opposition became sharper when the Labour party, which is a political organisation representing Coloured persons, decided in January of 1983 to participate in the new dispensation. That decision was taken at the National Conference of the Labour Party and that immediately became the focus for media cover and public debate. And evidence will be led in regard to the position taken up by various parties at this time and the media publicity given to it and we will call evidence to show the nature of the debate in political circles, both before the Labour Party decision and after the Labour Party (30) decision./...

decision. If I could give Your Lordship an indication now of some of the responses, public responses to what happened. Now the Labour Party decision was announced at the beginning, in the first week of January of 1983. I think, and I speak now subject to correction because I have not noted the precise date myself and I do not think anything now turns on it, we will have the precise date for Your Lordship later, I think it was on 5 January 1983 that this became known. But I may be wrong on that date but nothing for the moment turns on that. Now the Cape Times on 6 January 1983 carried a report of some of (10) the responses. The report reads as follows:

"The Azanian People's Organisation (AZAPO) strongly condemned the Labour Party's decision, describing it as an affront to the informed and patriotic advice of the majority of the oppressed. AZAPO's publicity secretary Mr Ishmael Makabela said in a statement

'They have rendered themselves completely and utterly irrelevant and obsolete in the struggle for liberation in South Africa.'

AZAPO said the Party's decision would be interpreted (20) as an endorsement of white supremacist policies and a betrayal of the legitimate and democratic aspirations of the oppressed majority.

The Federation of Cape Civic Associations, which comprises several community organisations on the Cape Flats, said in a statement:

'The Labour Party, like all other puppet bodies and homeland governments, have once again illustrated that they do not represent the true interests of the majority.'

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The/...

The Federation predicted during their anti-President's Council rallies in 1982 that there would be political opportunists who would be prepared to use government platforms and who would go inside to make this now multi-headed monster workable. It is common knowledge that collaborators would justify their acceptance and participation in these dummy institutions in terms of working for change but they will not fool or mislead the disenfranchised majority of people of South Africa.

The Federation called on Black people to have nothing (10) to do with the new Parliament's coming elections and those stooges who collaborate."

Now on the same day, that is 6 January, Dr Allan Boesak was interviewed by the Press and that interview was reported in the Cape Times of 7 January under a bold headline "BOESAK CALLS FOR UNITED FRONT". Now this of course was before Mr Thambo's statement had been published, let alone known in South Africa at all. Because the evidence is going to be that ANC publications and really Your Lordship does not really need evidence of that, are not permitted to be made known inside of this (20) country, they may not circulate. It is an offence for them to circulate. No doubt they do to some extent circulate and there is knowledge of the fact and Your Lordship presumably knows that there may be articles such as copies of Setchaba may possibly be smuggled into the country. But the fact of the matter is that the debate in this country takes place, and that will be the evidence, without knowledge of statements made by Mr Thambo and people like him. And so the debate in this country is started publicly on 6 January when Dr Boesak is interviewed and the newspaper, as I have said, reports (30)

Dr Boesak's/...

Dr Boesak's call for a united front on 7 January 1983, and I will tell Your Lordship later - and we will produce these newspaper cuttings to show the publicity at the time - how this developed from there. Now the article reads as follows:

"Dr Allan Boesak, President of the World Alliance of Reformed Churches, has described the Labour Party's decision to participate in the government's constitutional plan as disgusting and reeking of opportunism. In an interview yesterday (now this is 7 January 1983 so the interview is on 6 January 1983) he said the party (10) had now lost whatever respect it might have had and predicted a united front of opposition from community organisations, sports bodies and churches against Coloured participation in the proposed Tricameral parliament of Whites, Coloured people and Indians. What is surprising, disgusting, is the eagerness with which they have accepted the government's proposals. They have done so unconditionally knowing it is based on acceptance of the fact that the homelands policy would be irreversible and that all the basic tenets of apartheid such as race (20) classification and the Group Areas Act remain intact and cannot now be changed."

Then there is a passage dealing with his comment on certain of the people involved, which I do not think I need to read to Your Lordship, but the newspaper report continues:

"Asked whether he foresaw a united front of opposition to participation in the Constitutional plan Dr Boesak said 'All community organisations, sports organisations and the churches has so far clearly and unequivocally rejected both the PC and its proposals on political (30)

and/....

and moral grounds and these organisations do in fact represent the vast majority of people in the urban and rural areas. He said that a united front against the proposals was likely because people realise it is no longer the child's play of the CRC Coloured politics. This is historic stuff. People realise in this area the strength of our position in which I call the politics of refusal, for the lack of real power, saying no to any scheme which is politically immoral."

So now the Daily Despatch, it seems to be of the same date, (10) 7 January 1983, carries the same story. It has a slightly different heading, its heading is "BOESAK SLAMS LABOUR FOR SUPPORTING NATS". And it says:

"In an interview yesterday he said the party had now lost whatever respect it might have had and predicted united front of opposition from community organisations, sports bodies and churches against Coloured participation in the proposed Tricameral Parliament of Whites, Coloured people and Indians."

On the morning of 8 January 1983 the information was carried (20) by The Citizen and it is the same passage - I do not need to keep reading it to you. The Citizen on the morning of 8 January 1983 contains a heading "UNITED OPPOSITION PREDICTED - BOESAK SLATES COLOURED DECISION" and again it is to the same effect. It contains the statement:

"Asked whether he saw a united front of opposition to participation in the constitutional plan"

and again the statement about the churches and the community organisations and the sport organisations. And indeed we will show that by 10 January The Star was writing articles about (30)

this/....

this as well.

Now by the middle of the month, so Dr Boesak was interviewed on the 6th, the publicity starts circulating on the 7th and by the middle of the month the Transvaal Anti-South African Indian Council Committee had announced that a two day conference would be held at the Selborne Hall in Johannesburg at which the government's constitutional proposals will be discussed and at which Dr Boesak would be the main speaker. And for instance in The Natal Post for the week of the 12 and 15 January 1983 there is a heading "STATE'S CONSTITUTIONAL PROPOSALS AND POLITICAL FUTURE OF SOUTH AFRICA WILL BE DISCUSSED AT TRANSVAAL ANTI-SAIC CONFERENCE - BOESAK IS THE MAIN SPEAKER". (10)

"The Transvaal Anti-South African Indian Council Committee will host the conference which is to be attended by political and civil rights organisations from all over the country, including the Natal Indian Congress. Spokesman for the organisers Dr Rashad Saloojee said this week Dr Boesak would present an address of national importance." (20)

Now I will come back to the anti-SAIC committee meeting briefly later to put it in the context of what happened. But first I want to deal with the responses of AZAPO and Inkatha which I am just going to take at this stage of the opening briefly to show Your Lordship how two different political groups to those who subsequently came together under the United Democratic Front dealt with the issue which had been catapulted into the foreground of South African politics by the decision of the Labour Party at the beginning of January to go into the new constitutional dispensation. In EXHIBIT B 2 we have (30)

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an exhibit produced by the State which is an account of the AZAPO People's Organisation's Third Annual Congress which was held on 4 and 6 February 1983. And it is published by AZAPO under its logo with the heading "MOBILISE AND CONSOLIDATE THE LIBERATORY EFFORTS OF THE OPPRESSED MASSES". One of the papers is a paper delivered by Dr Neville Alexander, an educationalist from the Cape, and at page 34 Dr Alexander sums up his paper as follows - and I may say there will be evidence that Dr Alexander is extremely critical of the African National Congress. He sums up his paper as follows: (10)

"To conclude these are some of the steps which we have to take immediately:

1. We have to oppose the Koornhof President's Council new dispensation with all the force and ingenuity at our command. The scheme must be made to fail. We must show that it has no significant support amongst any section of the oppressed people.
2. As against their new dispensation we have to insist on our primary demand for the convention of a constituent assembly elected on the basis of one person one vote (20) at which democratically elected representatives of the nation will decide on a new constitution for Azania. The constituent assembly will not be a gathering of representatives of so-called ethnic groups. It is also not going to be convened by the present government. It is a goal for which we will have to struggle in the years ahead with even greater dedication than before.
3. We have to build up a national united front of all people's organisations in order to fight for full democratic rights for all and an end to the system of (30)

rac ial/....

racial capitalism. Such a front must not be an alliance of ethnically defined organisations but an alliance of workers, community, students, youths, sports and other organisations of the people. Ambivalent and opportunist elements such as White and Black organisations of liberals who are not committed to the total liberation of the people of Azania, those who are merely concerned with the elimination of superficial aspects of apartheid, must be excluded from such an alliance or organisation.

4. A national conference should be convened for the (10) purpose of formulating a national agreement on immediate political demands.

5. A national campaign against the so-called new dispensation or new deal should be launched immediately under the banner slogan 'ONE AZANIA ONE NATION'."

Now in calling for a united front Dr Alexander was taking up a theme which he had raised in the previous year in a pamphlet which had been written by him and distributed under the title "LET US UNITE IN THE YEAR OF THE UNITED FRONT", and this contains a statement such as this: (20)

"The intensification of the struggle in Southern Africa and the mortal danger of disunity and civil war amongst the oppressed people who have created a situation of urgency ever since the historic events of 1976 it has become clear to all serious minded militants that we can work together and that we have unity and action, even though we have not reached full agreement on all principles."

But I may come back to that in a moment. We will again lead evidence that phrases such as "unity and action" are (30)

phrases/....

phrases which are in current use by people opposed to the African National Congress. It is not as it were a catchword from which you can identify somebody as being an African National Congress supporter, it is in fact part of the language particularly of Black politics at that time in this country.

"Although some recent developments appear to contradict this tendency of people's organisations to work together it is clear that most serious militants realise that such developments would constitute a modern day national suicide. There is a great need for a national debate (10) on the principles and practice of the united front. The time has come to combine our forces in a united front that represents the vast majority of the Black workers and of the radical Black middle class. The challenge to the oppressed and exploited people has never been greater in our entire history. Against the background of heroic events since the Soweto uprising there is no doubt that the organisations of the people will rise to the occasion and will create through united action the instruments required to meet this challenge. Let us make 1982 into (20) the year of the united front and raise our struggle for liberation from apartheid and capitalism onto a higher level. Let us unite for a non-racial democratic and undivided Azania, South Africa."

COURT: What is the date of that pamphlet?

MR CHASKALSON: I do not have a date My Lord.

COURT: So it must be ...

MR CHASKALSON: 1982 My Lord. I will, I believe, but I speak subject to correction, that it was distributed in about July of 1982 but I may be wrong on that and I would not like (30)

Your/....

Your Lordship to rely on that date. There is also, and Your Lordship will find later in the documents even in this court, and I do not need to search for them now, reference to discussion which took place in the second half of 1982 in Roodepoort in regard to the question of whether or not a united front should be formed in response to the anti-President's Council, in response to the President's Council decision and that the feeling at that stage by the people who took part in the discussion was that the new constitutional proposals did not have a chance of getting off the ground and that there (10) was no need to organise a united front of opposition to them. But what our case is going to be is to show Your Lordship that the question of united front was part of the debate which had been for some time, and it was not as it were a new idea thought out and an instruction issued by the African National Congress and that the catalyst which set everything off was the Labour Party decision at the beginning of January to go into the new dispensation.

The Inkatha response, even before the Labour Party had taken its decision to go into the new dispensation Inkatha had (20) begun to attack the government's new constitutional proposals. The Rand Daily Mail of 23 October 1982 carries a report that the Kwa-Zulu leader Chief Gatsha Buthelezi has made a scathing attack on the Minister of Law and Order Mr Louis le Grange and repeated his warning that the government's constitutional plan is a recipe for violence. Anyone who has anything between his two ears would know that this plan is nothing more than a recipe for violence. "I have a duty to warn the people of South African as to where the present government is leading them with its half baked plan" Chief Buthelezi said in a (30) statement/....

statement to the Rand Daily Mail. "I speak for millions of Black people who are voiceless and I will continue doing so as long as there is life in me" he said. Now again the reason we are going to start putting this before Your Lordship is we are going to show to Your Lordship that right across the Black political spectrum in this country there was violent opposition to the government's constitutional plan and that it was natural that this opposition should ultimately come together in the political climate which then existed in the form in which it took, and when people come together, that will be the trend (10) of the evidence, the case which we are going to seek to establish to Your Lordship, is that the mere fact that the ANC in its covert publications writes about certain matters does not make those matters ANC policy and nobody else's policy, and indeed because of the nature of the structure of this country the debate here certainly takes place publicly without reference to the ANC and what the ANC is saying.

Now in May of 1983, now this is after the Labour Party decision, there is a report in The Star of 16 May 1983 and I have deliberately at the moment chosen publications before (20) the launch of the United Democratic Front. Some of them of course cover the stage during which there were preliminary discussions taking place following the meeting of the South African Anti-Indian Council Committee but it is before we have United Democratic Front structures coming into existence and before organisations have been asked to affiliate. And the reason for that, again, is to show Your Lordship that when organisations are asked to affiliate to the United Democratic and choose to do so they are doing so against a picture of the public debate which has been going on in South Africa (30)

for/....

for quite a considerable time about united fronts, about the negative effects of the new constitution and about the proper response to it. So Your Lordship at the end of the case is going to have to ask yourself the question - and we will lead evidence directly to that - whether the people who go into the United Democratic Front do so because of what is happening here and of the public debate here or because of some secret instruction from the African National Congress in Lusaka and elsewhere. And indeed I think I should tell Your Lordship immediately that the evidence is going to be that none of the (10) accused went into the organisations or the United Democratic Front as a result of any instruction or request from the ANC and I will deal a little bit more with that later as to what our evidence is going to be there.

If I could come back to this publication of May 1983. It refers to a rally addressed on the Witwatersrand by Chief Buthelezi and it says that:

"Chief Buthelezi told a crammed prayer meeting in Soweto's Jabulani amphitheatre that the South African government was laying the foundations for increased racial (20) hatred and stimulating the polarisation which would increasingly make politics a battle field or racism. He said he was surprised by the Labour Party's decision to join the new constitution with such haste, long before there was any need for them to act when they betrayed us a comrades in the struggle for liberation."

And again our evidence is going to be that the use of the expression such as "struggle for liberation" are current language by all groups opposed to apartheid in South Africa, and they do not connote a violent revolution. (30)

"Chief/....

"Chief Buthelezi (says the report) devoted most of his speech to attacking the government's new constitution which allows for Coloureds, Indians and Whites to be partners in the new Parliament. Any Black man who even thinks of co-operating in this treacherous political development will have opted out of the Black struggle for liberation' said Chief Buthelezi. The crowd gave him a standing ovation when he said 'We don't need any White man's guidance to understand the basic concept of democracy. We are a democratic people by nature'." (10)

And it goes on to say:

"Chief Buthelezi repeatedly warned Inkatha members not to resort to violence because it will play into the hands of Pretoria. 'Their fingers are itching to shoot kaffirs. If anyone disputes what I am saying look at the invasion of Angola, look at the Maputo killings and look at the South African Defence Force shootings in Maseru in December' he said. On the African National Congress Chief Buthelezi said he had never condemned the external mission of that organisation for opting for the armed (20) struggle. 'All I have pointed out is that if people at any time are forced to take the option of violence I am not afraid to lead them, even through those dark waters, as the people's options are my options'. Four letter words proliferated at the meeting with Chief Buthelezi referring to the planned Tricameral Parliament as a 'bucketful of s...'"

I think what is missing is the "hit".

"..'which the Whites expect us, the Black people, to help them carry.' The Zulu leader said those Coloureds (30)

and/...

and Indians who were with the government in its reform moves were helping it sweep the floor. He was applauded at every insult and his interpreter repeated them verbatim in Sesotho and Zulu."

And indeed it was also clear that at the same time Chief Buthelezi was endeavouring himself to forge unity of homeland leaders in opposition to the government's proposals under a front which is known as the Black Alliance, and there will be some evidence about that as well. So it is going to be the defence case that Mr Thambo's, that the sentence in Mr (10) Thambo's statement on 8 January 1983 calling for democratic forces to organise themselves into a united front of national liberation was not a new initiative propounded by the African National Congress. It was a theme which was current at the time and which had been articulated by others before him.

Accused no. 19 will be one of the persons who will give evidence about some of the developments in, particularly in the Soweto area where he was at that time. To put this in its context I should tell Your Lordship that accused no. 19 was for some time a supporter of the Black People's Convention (20) which is a Black consciousness organisation, or was a Black consciousness organisation, and that he later became one of the founders of AZAPO and indeed in 1979 he became the first Chairman of the Soweto branch of AZAPO. In 1980, while he was still a member of AZAPO he joined the Soweto Civic Association and at that time there were discussions about the formation of a broad front comprising of all organisations in Soweto, but that did not prove to be successful. Later, later in 1980, accused no. 19 in fact resigned from AZAPO but he continued to be active in the Soweto Civic Association. In 1981 he (30) was/...

was invited to speak at the National Conference of the South African Council of Churches. This conference focussed greatly on the plight of the oppressed people of South Africa and made a call upon all member churches to address the plight of their communities. At this conference accused no. 19 called for unity between church and the legal organisations of the people and he also suggested a broad united front against apartheid. The front envisaged then would have included the South African Council of Churches and all organisations operating legally against the apartheid system. In 1982 the Anti-Community (10) Councils Committee was organised in Soweto. This committee had been formed to oppose the elections of the Soweto Community Council. Although the Anti-Community Councils Committee comprised representatives of various organisations it was agreed that this committee would be accountable to the Soweto Committee of Ten which was the name of the governing committee of the Soweto Civic Association. Apparently, the evidence will be, that the Anti-Community Councils Committee received a great deal of publicity and became very popular. Because of that community organisations in other areas requested meetings (20) with the Anti-Community Councils Committee and meetings were held with the Munsiville Residents Association and the Krugersdorp Residents Organisations and these organisations were at the time also planning campaigns against Community Councils. These meetings between organisations expressed an emphasised the need to co-ordinate the boycott of the campaign against the Community Councils and it was agreed that the campaign would be known as the Anti-Community Councils campaign and that organisations would co-operate in the campaign to the extent that it was possible. The evidence will be (30) that/...

that during 1982 right up until 1983 the Anti-Community Councils Committee held a large number of meetings, recruited new members to the Soweto Civic Association which was now assuming the character of an umbrella body within the region, and this campaign was to climax in a boycott of the Community Councils election. The original meeting between the committees were consultative with the object of assessing the views of the residents, but from then onwards the committee having assessed the views proceeded with plans to organise the election boycott. So even before the UDF was formed the Soweto Civic (10) Association worked on the basis that it would accept support and work with any organisations which were prepared to support the Anti-Community Councils campaign. And there will be evidence that organisations such as AZASO and Union groups and womens groups were working together under this auspices to make this and other campaigns a reality. The Anti-Community Councils Committee of Soweto did not limit itself to the Community Councils campaign. Other issues were discussed, such as Black Local Authorities and the new Koornhof Bills. I must tell Your Lordship that the Koornhof Bills - and I do not (20) know whether we will have evidence on this - but in fact they came out in series, they were published, withdrawn, published, withdrawn, and changed all the time. But it was not just one set of Koornhof Bills. I think we will find the Gazettes if necessary, it was over a period of time that there were one set of proposals which were rejected completely, sent back again and a whole new set of proposals and I will find those Gazettes for Your Lordship and we will hand them up. But I mean these new Bills were being discussed in 1982 and even a little earlier I think. The accused will also give evidence (30) about/....

about other initiatives which he had heard about at the time to form united fronts in response to the Koornhof Bills, which encountered difficulties and which ultimately did not come to fruition and he will also say that he was aware that Dr Neville Alexander had called for the formation of a united front during 1982.

Now I cannot now tell Your Lordship in exactly what detail we will deal with the history of the call for united fronts by politicians in the Black community in opposition to the government policies. If needs be we can go back over 50 (10) years and look at incidents such as the bringing together of representatives of thousands, of hundreds of organisations in 1936 in opposition to the proposal to remove Black voters from the Common Roll, to pleas for a united front in the 40's, to the actuality of a united front in the 50's, to attempts to form a united front in the 60's. But I do not want to describe these initiatives because we have not yet decided whether we should go back so far. To some extent we will be guided by the cross-examination of the witnesses that we do call. And so I will say nothing about events prior to those which (20) I know we are going to deal with in evidence which I have mentioned to Your Lordship and the initiatives from earlier times I wish to say nothing about, though the accused are aware of some of those initiatives as well.

Now accused nos. 19, 20 and 21 are the three accused who are, or were, officials of the UDF and they will all describe how they came to take up positions in the United Democratic Front. None of them did so because of Mr Thambo's statement in January of 1983. Indeed they had no knowledge of that statement at that time. Accused no. 19 will say that he (30)

first/....

first heard of the UDF after reading or hearing of the Anti-SAIC, of Dr Boesak's speech at the Anti-SAIC meeting. In approximately March of 1983 he was invited to meet with a number of people to ascertain whether he was willing to participate in the implementation of the resolution of the Anti-SAIC conference. The real difficulty was how to reach people who may not have heard of the latest initiatives and to identify prominent personalities who could be approached to participate in the proposal to form a united front. He readily agreed to participate in the initiative. He will say that (10) the idea of a national front was one of which he approved and which he himself had advocated in 1981/82. He will say that the idea of a national front at the time was seen by him to be particularly important, that the nation was faced with the prospect of a new constitution, that the people in opposition to the government's apartheid policies were already divided and that unity was threatened by the constitutional proposals. He will say that the exclusion of Africans from the constitutional proposals had the potential of alienating Africans from Coloureds and Indians who were being offered what he (20) considered to be token representation in the proposed Parliamentary structure. He will say that at the time that he was invited to join the group that was discussing proposals for a united front it was difficult for him to meet with them on a regular basis because of his work commitments. However he will say that he kept close contact with these persons, was informed of meetings and was part of the discussions leading to the formation of the Transvaal UDF in May of 1983. Apparently a consultative committee of individuals had been established in order to set up a United Democratic Front in (30)

the/...

the Transvaal and although accused no. 19 was not actually a member of this committee he did keep contact with the individuals and he will say that the purpose of the consultative committee was to consult with organisations in the Transvaal concerning the formation of a front, to work towards the formation of a United Democratic Front in the Transvaal and to draw up a declaration and to draft a constitution. Apparently the consultative committee called a meeting of representatives of various organisations for these purposes and accused no. 19 was present at that meeting. This meeting ultimately led (10) to the formation of the Transvaal United Democratic Front and it was agreed that the consultative committee would act as office bearers of the Transvaal United Democratic Front pending elections of an executive in July. As it turned out that may be a wrong date I have here because accused no. 19 was elected as one of the co-secretaries of the UDF, Transvaal Region, and I think that was in June. It was either June or July. Clearly for the purpose of my opening nothing turns on that precise month. And he later, as Your Lordship knows, became the National Secretary of the United Democratic (20) Front.

Now accused no. 20 will say that at the beginning he expressed doubt about the establishment of a united front. He felt that the time was not right for the formation of a front. He himself was not at the Anti-SAIC Congress but he had heard about the call for the formation of a united democratic front some time thereafter. He joined the Release Mandela Committee in Natal, participated in the debate concerning the launching of the United Democratic Front and his reservation was that he felt that there were not a sufficient number of (30) organisations/....

organisations who would participate in the front to justify such a step. He had nothing to do with the formation of the United Democratic Front in Natal and was not present at the launch of the United Democratic Front in Natal. But as the year progressed he became persuaded to the view that a united democratic front should be formed. His name was put forward, apparently by the Cape and the Transvaal regions, as the publicity secretary of the United Democratic Front and ultimately, as Your Lordship knows, he having agreed, having changed his position and agreed to participate in the front, was appointed to that position at the National Launch. And indeed he will say that he formed part of the advance planning committee which went to the Cape prior to the launch to help prepare for that event.

Now accused no. 21 first heard of the call for the formation of a united front in February or March of 1983. He himself was in favour of that decision, as was the Mamelodi Action Committee of which he was a member. He joined the consultative committee which was established to determine the feasibility of launching the united democratic front in the Transvaal and he acted as secretary to that committee. In his capacity as a member of the consultative committee he assisted with the drafting of the constitution and the working principles. The consultative committee held office pending the election of a national executive. Accused no. 21 did not stand for election because of work commitments. However, after the national launch he became the General Secretary for the Transvaal Region and I think that that was in about October of 1983. And he held that position until March 1985 when the new executive was elected. He did not stand for General

Secretary/....

Secretary. He stood for Publicity Secretary but lost. So from that time onwards he did not hold office in the UDF and his linkage with the UDF was only an indirect one through his membership of affiliated organisations.

Now Your Lordship will remember that the Anti-SAIC meeting was addressed by Dr Allan Boesak and that the resolution was taken at the end of that meeting and that the declaration which is EXHIBIT C 49 was adopted and I think the documents show that approximately three representatives were appointed in respect of the Transvaal, the Western Cape and the Natal(10) regions, that they were charged with the responsibility of engaging in discussions and developing the front in each of these regions and I think again Your Lordship will find the dates through the documentation that the Natal region was launched during May of 1983, the Transvaal Region during June of 1983 and the Cape region in July of 1983. And that these regions participated in the national launch which was on 20 August 1983. So the national launch took place after a period of approximately seven months, or close to seven months, of debate, of the response to the new constitution and the (20) publicly stated goal of forming a united front of the type of organisations who were, which we know came there, the community organisations, the civic associations, the youth organisations, the student organisations. And the defence case will be that the United Democratic Front Declaration adopted at the national launch of the UDF in August of 1983 accurately reflects the aspirations and intentions of the UDF and that there never was, nor was there ever any suggestion of there being a secret agenda for the overthrow of the State by violence. On the contrary the evidence will be that the (30)

United/....

United Democratic Front saw itself as a lawful organisation pursuing lawful policies, and the evidence will be that the United Democratic Front made this clear to people who were associated with it and to people who took up its campaign. Your Lordship will find amongst the documents, I do not think it has been referred to at all until now, an EXHIBIT W 53 which is the UDF One Million Signature Campaign and Organisers handbook. It deals with the million signatures campaign, sets out clearly what its purposes are and there will be evidence about this but I do not want to deal with that now. What (10) I want to draw to Your Lordship's attention and tell Your Lordship that there will be evidence that this is in fact how the UDF made its attitudes known to people who were associated with it and its workers. If Your Lordship will turn to page 37 you will see "The Signature Campaign and the Law":

"We are all aware that the democratic movement in South Africa has been and will be continually harrassed, intimidated and attempts will be made to disrupt whatever campaign is involved. We need to be acutely aware of this during the MSC. We need to protect ourselves. (20) Our most important defence weapon is discipline. We must conduct ourselves in a proper manner. We must not allow ourselves to be provoked either by police or people that have different views. Our discipline will ensure our survival and prevent any potential disruptions."

And the evidence will be that the UDF was well aware that for its own protection, and for the protection of those associated with it, it had to keep itself in a position in which it acted lawfully and that it should avoid provocations such as that which are referred to here. (30)

"We/...

"We must locate a lawyer within our area that is willing to come to our aid in times of crisis. He must be willing to assist when an activist is harrassed or detained. His phone number or address must be made available. If the lawyer is not available contact local organisations or the UDF office. Report incidents of harrassment to local leadership and regional executives. We need to keep our publicity material and signed declarations in a safe place that cannot easily be found out. This is to protect our hard work so that (10) it is not taken away or destroyed. If any item is removed by the police demand a receipt. You have the right to defend yourself against an assault by any person. You may only use such force as is necessary to ward off the danger against you. If you are assaulted you can lay a charge at the nearest police station. Try and obtain full details of the persons who assaulted you. If you have to see a doctor obtain a certificate from him. If a policeman assaults you take a number down if you do not know his name." (20)

Now the evidence is going to be that violence was never part of the UDF's way of working and that this was made clear to people who joined its campaigns. If I could, and the evidence will be that what I have read to Your Lordship from EXHIBIT W.53 correctly describes the UDF's attitude. EXHIBIT W 52 is another document produced by the State, but again I do not think referred to until now. EXHIBIT W 52 is called "MILLION SIGNATURES CAMPAIGN - A VOLUNTEER'S HANDBOOK" and there Your Lordship will see under paragraph 2:

"This booklet is to help you to collect signatures (30)
in/...

in the UDF one million signature campaign."

It says that there are going to be other volunteers and that there is certain information you need to have, you can get more booklets if you want them, and it starts off:

"What is the UDF. The United Democratic Front is an alliance of 600 organisations fighting Apartheid. Last year P.W. Botha brought in new plans to divide us and to make apartheid even worse but without unity we are too weak to oppose his constitution and Koornhof Bills. That is why 15 000 of us met in Cape Town on August (10) 20 last year. We wanted to build nationwide unity against Botha's plans. UDF was born. UDF means United Democratic Front. United: 600 of our organisations are united in the UDF. They have come together across differences in race, religion and region. In the UDF are political parties, trade unions, church groups, student organisations and many more. Their members come from all colours and creeds across the country. There are many different political outlooks in the UDF but they have found common ground by signing the UDF Declaration(20) to commit themselves to a united struggle against Botha's plan."

Then there is a brief history of the United Democratic Front. It does not start with 8 January 1983, Mr Thambo calls for a united front. It starts 23 January 1983

"Allan Boesak calls for a united front against the government's plan at the Transvaal Anti-SAIC conference.
8 May 1983 First UDF regional launch in Natal.
31 June 1983 thirty-one organisations launch Transvaal UDF.

(30)

24 July/...

24 July twenty-one organisation launch W. Cape UDF.

20 August 15 000 launch UDF nationally at Rocklands Civic Centre, Cape Town.

15 October, Border UDF launched despite three delays caused by bannings of launching meetings.

30-31 October, UDF people's weekend to celebrate unity in opposing Botha's new plan.

13 November OFS UDF launched.

4 December Eastern Cape UDF launched.

Who is the UDF?"

(10)

Names are given. And now again the evidence will be that this correctly describes the UDF and also correctly describes the way the UDF describes itself in public, that if anybody asked to join, an affiliate or anybody enquiring about affiliation or who asked for information about the UDF would get information such as this. If anybody is invited onto a management and structure of an affiliate and wanted to know what the UDF was about that is the sort of information, on the evidence, that would be passed on to them. So the defence case is going to be that people who came into the United Democratic Front in the sense either of accepting office as officials, as accused nos. 19, 20 and 21 did, or mora motu by joining a management structure of an organisation which affiliated to the UDF did so on the basis that that is what the UDF purported to be, that is what the UDF was and that that was what they were associating themselves with, and there will be a denial that they did so at the behest of the African National Congress or that they did so in order to promote violent revolution or that they did so for any purpose other than a lawful purpose, to achieve the goals as described. (20) (30)

Now/....

Now the UDF had been formed initially to oppose the new constitution and the Koornhof Bills and to co-ordinate the efforts of all organisations in that opposition. The evidence will be that the UDF did not make decisions for affiliated organisations. Paragraph 6.2 of the Working Principles, which Your Lordship is fully conversant with, ensured that the autonomy of regions and the autonomy of organisations was preserved. The question of autonomy according to the evidence was one which was crucial to many organisations and the evidence will be that, by persons such as Mr Molefe, accused(10) no. 19, that the UDF had no chance of success unless organisational autonomy was recognised and respected. Failure to do so would undoubtedly lead to divisions and an ultimate failure of the effort. The UDF would therefore not dictate to its affiliates but rather leave it to the affiliates to determine their own programmes on the basis of issues facing them and encouraging them to participate in particular activities. And this view took into account that some of the important organisations existed and had their own programmes long before the UDF came into existence. Now I think it (20) should be explained to Your Lordship, and it does appear from the documents why there was the linkage between the Koornhof Bills and the opposition to the constitution. Now the Koornhof Bills were basically three Bills. They carried different names at different times of their history but I think they finally emerged, and I may not have the precise names correct now but they emerged as a Black Local Authorities Act, the Black Community Development Act, and The Orderly Movement and Settlement of Black Persons Act. Now these names did change and I may possibly, because I am not quite sure now whether(30)

I/...

I have got the names actually right but basically the Bills dealt with different matters and the evidence will be that these Bills were seen to be designed to achieve the following result: First an upgrading of the status of Black persons living in urban areas, and this was to be done in two ways. First that better conditions in urban townships could be achieved through the Black Community Development Act and that people living in urban areas would also be relatively speaking better placed because they would have the right to live and to work in urban areas. But that Black persons living in (10) rural areas would be excluded and they would be denied access to urban settlement through The Orderly Movement of Black Persons Bill, and what was of considerable importance was that Section 10 rights, that is Section 10 of the Black Urban Areas Act, were in these Bills to be taken away. Now the importance of that was that a person in a rural area could no longer acquire rights under Section 10(1)(b) of the Black Urban Areas Act, which was a section which enabled people to acquire urban rights by periods of long residence or long work in the cities. But the effect of the new Bills would be (20) that people in rural areas would be locked out of urban areas forever, they would never be able to put down roots in urban areas and they would only be able to seek employment there as migrants and that would be their lot forever and they would have no chance of establishing themselves in the urban areas. So those in the towns would have better work opportunities and that a limited political rights would be given through the Black Local Authorities Act to vote for a local authority which would have limited local authority powers without there being any power at a decision making centre of Parliament. (30)

So/....

So the, but that the Black Local Authorities - as the evidence will show Your Lordship - would have no money and no real powers. And so the Koornhof Bills were what were being offered to the African community in substitution for a say in the central Parliament whilst to the Coloured and Indian communities were being offered what will be described in the evidence as some second class position as junior partners with no real power but a voice in the decision making process. So the two went together. On the one hand you had the Koornhof Bills which were now being the alternative structure for (10) the future of the Black community and you had the new Tri-cameral Parliament which was going to set up the structure for the White, Coloured and Indian Communities. You would have the homeland policy for thirteen percent of the rest of the country. Now that was the structure and that, Your Lordship will see that it was not only the United Democratic Front which saw this linkage, it was indeed other political groupings. The AZAPO meetings, the AZAPO papers showed that a very similar analysis was reached by that grouping and similar attitude and methods of opposition were adopted which (20) is basically, had nothing to do with these institutions and the evidence will be that this was widespread within thinking within Black politics at this time and it really was not, as it were, an invention or a ploy of the African National Congress. And no doubt the evidence I think shows that clearly. The African National Congress approved of such developments.

Now basically the evidence will show that from the time of the launch of the United Democratic Front up until September 1984 when most of the accused were arrested immediately (30)

following/...

following the rioting in the Vaal Triangle, that the main activities of the United Democratic Front had focussed around opposition to the Black Local Authorities Act and to the elections which were being called under that act towards the end of 1983, around the campaign against elections for the Coloured and Indian Houses of Parliament, that considerable effort was put into their million signature campaign and that mass meetings were called. There will also be evidence that there were divisions within the United Democratic Front concerning the proper response to the issue of Coloured and (10) Indian, or a referendum for Coloured and Indian voters in relation to the new constitutional proposals, and some time was devoted to that and at the meeting of the National Executive Committee of the United Democratic Front on 5 November it appears that it was decided that the question of the UDF's attitude to a possible referendum should be determined at a National Conference to be held in Port Elizabeth from 16 to 18 December. And in fact the evidence will be that the National Conference was unable to reach agreement because approximately 55%, I think the figures show, of delegates (20) were for the referendum and 45% were against it. And as a result a commission was appointed to find a compromise which would be acceptable to all. The commission's recommendations, which were adopted, were that the region should be allowed flexibility as far as the referendum is concerned and that the National Executive Committee should take a final decision after the affiliates had discussed the matter and reported. No consensus could be arrived at after quite an extended debate and as late as January 1984, in the Transvaal at any rate, it was decided that the opposing positions must be (30)

submitted/....

submitted to the NEC who should make a final decision in regard to the position of the UDF in relation to the referendum. Finally the matter was discussed in January 1984 and it was decided that the UDF should call for a non-racial referendum, that each region should make a decision about Indian and Coloured referendums conducted as it were ethnically separately, on the basis of local conditions in accordance with the aims of the UDF. The Border region apparently expressed its dissatisfaction with the NEC decision but in the end it all came to nothing because there were no referendums. (10)

So really in the, up until August of 1984 most of the energies of the United Democratic Front, according to the evidence, had gone into these matters which I have referred to, the mass meetings, the elections for the new Black Local Authorities and the elections for the new Indian and Coloured Houses of Parliament. Now the evidence will be that the mass meetings conducted by the UDF, that care was taken to ensure that there were no martial laws and that it was done in the knowledge that violence should be avoided and in fact the evidence will be that there was no violence at the mass meetings. (20) There will also be evidence that at approximately 20 August the arrest of leaders of the United Democratic Front, certain of the leaders of the United Democratic Front, commenced and that the United Democratic Front's whole organisation was disrupted as a result of these arrests against its leaders and consequences flowing from those arrests. This took place about 20 August. Some of the accused were in fact arrested on 21 August and held in detention for some time. And apart from leaders who were arrested there were also arrests of other people over this period, in a non-leadership position. (30)

But/....

But as it turned out the elections took place at the end of August and the campaign seemed to have been successful. There was a very low poll of the Indian and Coloured election. And that brings us to the end of August and the riots in the Vaal Triangle.

Now the only incident I think that I need deal with as to how the UDF, the only incident I think I need deal with in relation collaterally which occurred prior to the Vaal riots was the rioting in Parys. That was in July of 1984, and the evidence will be that the, that accused, that Mr Lekota, (10) accused no. 20, made a speech shortly after that event in which he made it clear that the UDF was opposed to the burning of councillor's houses and there is in fact a brief newspaper report of that speech to which we are able to refer. It is a publication of The Star of 20 July 1984, but accused will tell Your Lordship that he made it clear immediately following that that the UDF was opposed to the burning of houses.

ASSESSOR (PROF JOUBERT): 20 August 1984?

MR CHASKALSON: I think it is 20 July 1984. The newspaper report, which will be produced in evidence, reads as (20) follows:

"The week of violence and tension in the Parys township of Tumahole is a direct result of new Black Local Authorities system and action should be taken against those who served on the new councils says United Democratic Front Publicity Secretary Mr Gerard Lekota. 'We will not burn councillor's houses and we will not burn their cars. We will boycott their businesses' he told people who gathered at Khotso House, Johannesburg yesterday to show solidarity with Tumahole residents. (30)

'People/...

'People should stay out of the shops and premises of councillors because they have made common cause with apartheid and should only use taxis of men who had nothing to do with the local authorities' he said.

Mr Lekota said it had been predicted at the National launch of the UDF a year ago that the Black residents would find it impossible to afford the new municipalities. These areas simply do not have the business income of White areas and would have to rely on pushing up rentals. There is no way that the masses of people(10) can meet these expenses. Mr Lekota called for the immediate resignation of councillors, stressing that the time is now."

Now that is a brief report and Mr Lekota will tell Your Lordship that he made it perfectly clear immediately following the Parys uprising that that is not the way of the UDF and people should not be burning houses and burning cars. But they should stay with boycott politics. Mr Lekota will say that that was always his position and there is a newspaper report, I do not have the date at the moment unfortunately but it will be dealt with in evidence but it was after Mr Lekota had been detained. It said:

"One of the last Press statements released by Mr Lekota ..."

COURT: Which newspaper?

MR CHASKALSON: It is The Star My Lord.

"... released by Mr Lekota before his detention made precisely this point. 'Disciplined mass action would correctly channel the energies of people and effectively demonstrate to the government what their feelings were(30)

without/...

without destruction of property or loss of life."

And again the evidence is going to be that the UDF in its own officers were aware of the need for discipline and were aware of the need not to be involved, to engage in disciplined action and there will be evidence about that, and I have already mentioned those handbooks and the like.

Now as far as the Vaal riots were concerned the evidence will be that the UDF was not consulted at all in regard to the march or in regard to the meetings which took place in the Vaal Triangle during August. Indeed the evidence will be (10) that there were no UDF speakers at the meetings, nobody was sent down from head office or anywhere like that to speak at these meetings, and indeed so much was it a local initiative that not even any mention was made by the platform speakers at those meetings of the arrest of the UDF leaders which had taken place only a few days before the main meetings of 26 August. This despite the fact that the UDF itself called a Press conference to protest the detentions. The evidence will be that none of the platform speakers made any mention at all on 26 August of this event, none of them called for solida-(20) rity with the people who had been arrested and that at only one of the meetings, and I think it was a Boiphatong, there is evidence that somebody from the floor suggested, I think the way it was put "that we should pray for the arrested leaders" and that was the only reference at this time to what C.472 had happened a few days previously. The evidence will be that it was a purely local initiative, that it had nothing whatever to do with, it was not organised, directed, instructed, manipulated nor indeed did the UDF play any part at all in those meetings. And in fact the evidence is also going to be (30) that/....

that there was not a functioning area committee of the UDF involving the Vaal region prior to the riots.

Now as far as the alleged ANC connection is concerned I should give Your Lordship an indication of the nature of the response to this aspect of the State case. And the evidence will be that as early as 1983 government spokesmen started to make statements which in some way linked or connected the UDF with the ANC and Your Lordship has seen through documentation produced by the State that the ANC in its official publications welcomed the establishment of the UDF and also Your (10) Lordship knows - and this will not be disputed - that some of the people associated with the UDF had previously been associated with the ANC. I think Your Lordship was shown some, Your Lordship's attention was drawn to that evidence during the argument for the State. Now the evidence for the defence will be that there was no link between the UDF and the ANC, whether formal or informal and that this was made clear by the UDF on many occasions. Some of these we have been able to find recorded in newspaper reports. Thus for instance accused no. 20, Mr Molefe, no sorry Mr Lekota sorry, will say that he (20) himself made this clear on several occasions and that one of the occasions was a public meeting at New Brighton on 23 October 1983, a report of which was carried, it is Mr Molefe, I am sorry My Lord I was right it was Mr Molefe not Mr Lekota. Mr Molefe. A report of this was carried in I think it is the East London Post of 24 October 1983. It was a public meeting attended by over 1000 people and the report of what was said contained in the newspaper, and Mr Molefe will deal more precisely with the fact that what was made clear there was:

"I want to sound a clarion call for unity. People of (30)

South/...

South Africa let us unite under the United Democratic Front against all evils of apartheid in this country". Mr Molefe said that the UDF declaration wanted all freedom loving people of South Africa to say with one voice that they cherish the vision of a united democratic South Africa based on the will of the people. The UDF was a broad alignment of different organisations with different ideologies and political affiliations who had pledged themselves to fight side by side against the government's constitutional proposals, the Koornhof (10) Bills and other day to day problems affecting the people. UDF stands for a single non-racial unframented South Africa, a South African free of Bantustans and Group Areas Act and all forms of oppression he said. Mr Molefe said the UDF did not seek to usurp the autonomy of organisations that come together under its banners but aimed at strengthening those organisations. The commercial press continues to project the UDF as another charteris(?) movement. I want to point out that UDF has its own declaration. We, however, do not deny within the UDF (20) there are those organisations that cherish the Freedom Charter and as autonomous organisations it is their right to cherish it. I also want to point out that the UDF is not an extension of the African National Congress. It is simply a broad front opposed to apartheid and the evils of the P.W. Botha reforms. Mr Molefe said there was a need for trust and faith if South Africa had to work out a constitution with a potential for maintaining peace for all the people of the country but this would also mean firstly the release of all political (30)

prisoners,/....

prisoners, the return of exiles and unbanning of organisations and people."

Another report was published in the Financial Mail in November of 1983, it is 25 November 1983. It is a question and answer publication.

"It has been alleged that the UDF is an attempt to recreate the African National Congress."

COURT: Who is the, who is being interviewed?

MR CHASKALSON: Mr Molefe.

"It is true that both the UDF and the ANC are groups (10) opposed to apartheid in South Africa but we must say categorically we have no relationship with the ANC and do not envisage one because we are operating legally and it is banned. The measures we are using to oppose the State also differ fundamentally. The ANC uses violence and we are dedicated to non-violence."

There will also be evidence concerning a Press conference, or a Press statement issued in August of 1984 by the United Democratic Front against the increasing government propaganda that it was really the African National Congress under (20) another name and the report of this, which appears in The Rand Daily Mail of 3 August 1984, was to this effect:

"The United Democratic Front yesterday categorically denied that it was a front for the banned African National Congress. At a special Press conference at its Cape Town headquarters the UDF issued a statement denying allegations that it was linked with the banned organisation. The UDF Publicity Secretary Mr Jonathan De Vries said 'We categorically deny any links with or receiving aid from the ANC.' These allegations (30) stemmed/....

stemmed from an anti-democratic alliance between the Labour Party, the Minister of Law and Order Mr Louis le Grange and the Security Police and were aimed at intimidation and coercion of the electorate. The National President of the organisation Mr Oscar Mpete and his Vice-President Mr Chris Mothinto(?) were also present as Mr De Vries read a prepared statement. It said the ANC link allegation was part of a campaign of slander and disinformation. The anti-democratic alliance was engaged in a campaign of coercion, harrassment and intimidation. (10) The struggle for a non-racial and democratic South Africa did not start with the UDF but has a long and rich history of popular organisations, mass campaigns and great leaders who have contributed to that struggle. One of the most deeply rooted of these political movements was the ANC. It is impossible to unite a representative gathering of community based organisations without incorporating some elder statesmen who belonged to such organisation in the past. The UDF was formed to oppose the new constitution and sought to unite the (20) broadest range of forces in the community. Inevitably these leaders were part of the process yet this does not make the UDF an ANC front."

Your Lordship knows that the ANC welcomed the emergence of the UDF and there was a time when there was a report that the ANC had actually asked, or made a call for commonwealth support of the United Democratic Front and the UDF in response to that issued a statement through Mr Lekota and that will be dealt with, but there is a report of this which appears in the Eastern Province Herald of 2 December 1983: (30)

"The/....

"The United Democratic Front will not be affected by the ANC's call for Commonwealth support. This was said yesterday by the UDF National Publicity Secretary Mr Patrick Terror(?) Lekota who is in Port Elizabeth to launch the organisation's Eastern Cape branch on Sunday.

He was commenting on a call by a senior ANC representative to the Commonwealth Conference in New Delhi this week for full support for the UDF. At a Press conference last night Mr Lekota said that the UDF could not ignore the support of the ANC because both organisations were (10) committed to the same cause, opposing South Africa's oppressive laws, but getting support from the ANC would not risk UDF banning he said. It is obvious the UDF was not a front for the ANC because if this is so we are confident the government would have banned some UDF leaders long ago. Allegations that the UDF is an ANC front are calculated to prepare people for the moment the government to ban the UDF. Mr Lekota stressed that the two organisations would never be affiliated because the ANC was illegal and the two organisations' tactics (20) differed. 'But we are not prepared to ignore the support of (I cannot read this because it is a bad print and I will get a proper print later). .. the support of organisations because they support the Freedom Charter. We are only interested in bodies like the ANC insofar as they are moved by the same injustices in South African legislation. We welcome their support as we would any group which is opposed to the laws we are fighting."

So the, Mr Lekota will say that he too made it clear publicly on many occasions in answer to the campaign being directed (30)

against/....

against the UDF that the UDF had no formal or informal links with the ANC, that it had pursued its policy differently and I think in the course of argument Your Lordship asked me at one stage whether there was any evidence to the effect that the UDF said "that is their way but our way is different". We will lead evidence to that effect to show that there are in fact newspaper publications which will support that evidence as well. A few days before his arrest Mr Lekota again issued a statement which alludes to this issue. It is from the, the report we have is from the Cape Times of 20 April 1985: (10)

"Only the unconditional dismantling of apartheid can bring about peace in South Africa the National Publicity Secretary of the United Democratic Front, Mr Teror Lekota, said in a statement yesterday. Mr Botha and his MP colleagues must make up their minds whether they will seek a peaceful solution to South Africa's problems or not. In the past the UDF has stated that it had no formal or informal links with the ANC other than the historical fact that both organisations were of South African origin and were opposed to apartheid he said. 'We reiterate (20) it is irrelevant whether the UDF and the ANC call for a national convention. What matters is whether that suggestion can bring about a democratic and non-racial constitution for this country in a reasonably peaceful fashion or whether Mr Botha will allow his army and police to continue to shoot and kill Black children for the preservation of apartheid. Mr Botha has conceded that real grievances exist which created unrest amongst Black people. The UDF has asserted that this dispensation fails to solve these problems. It is a lie that the (30)

UDF/....

UDF is intent on precipitating revolution. We are determined to see real changes rather than such massacres such as at Uitenhage. Nor could the UDF be blamed for the deteriorating economic situation."

Well that is a brief newspaper report. Mr Lekota will deal more fully with that particular occasion in his evidence, and of other occasions on which similar statements were made.

COURT ADJOURNS FOR TEA. COURT RESUMES.

FURTHER ADDRESS BY MR CHASKALSON: Your Lordship will also see if I could just complete these references and documents (10) tendered by the State which is EXHIBIT AL 140 which is headed "PRESS STATEMENT OF THE UNITED DEMOCRATIC FRONT - OCTOBER 19, 1984". There will in fact be no need to prove this as the State has proved it.

"Minister Le Grange's ill-advised statements during the past week represent the pinnacle of a sustained and vicious propaganda campaign against the UDF and its affiliates. It is clear to us that the government intends to vilify the Front in the eyes of the people and to create a climate in which they will be able to take repressive(20) action. Mr Le Grange has relied on veiled threats, inuendo, false conclusions and misinformation to achieve his sinister objectives. His allegation of links between the UDF and ANC are totally without foundation and cannot be substantiated even on the basis of his own flimsy evidence. We make no apologies for the fact that part of our leadership have been members of the ANC. Even the Minister cannot deny that they have a proud history of struggle against this evil system and that they command the respect and support of the majority of our people. (30)

For/....

For this reason these leaders have been democratically elected. We cannot influence the content of the publications of the ANC or the SACP as we have no access to these publications and therefore view the accusations of the UDF as an ANC as mischievous."

The evidence will be that this statement is correct, that the UDF cannot influence the content of publications of the ANC or the SACP people.

NOW if I may move from that aspect of the case to the second alleged linkage which is in regard to the campaigns (10) alleged to have been pursued by the UDF on the State case in pursuance of the conspiracy and it is suggested by the State that it is at the instance of the ANC. Now we have already given an indication to Your Lordship of the main thrust of the UDF's activities during 1983 and 1984. Although resolutions were passed at the launch which covered a wide range of issues in fact little time or attention was devoted by the UDF to issues other than the Koornhof Bills and the elections during the period relevant to the indictment. There were of course statements made about other issues, there was encouragement (20) to people to involve themselves in those issues but in fact the evidence will be that the main thrust of the energies of the UDF went into the campaign against the elections and the constitution and not these other issues. But we will deal, and intend to deal, with the issues raised by the State in the indictment in regard to the allegation that the UDF supported the ANC campaign and the defence case will be that the so-called campaigns were in fact, as far as the ANC were concerned, primarily statements made or resolutions passed in relation to issues which are the source of considerable (30) grievances/....

grievances in the Black community and that they are concerned with matters such as education, housing, rents, influx control, poverty, forced removals and so on. Now evidence will be given about all these issues showing that they are legitimate grievances, that they are widespread and long standing and that anger at these grievances has expressed itself sometimes in violent form long before the UDF had been established. There will be evidence about the reaction to grievances, the attempts to put down protest by force and the spill-over of anger, (10) and that will bring us into what were originally 31 areas and have now been slightly reduced. And I cannot now tell Your Lordship how long this part of the case will be, nor how many witnesses we will call to deal with this part of the case. There will, however, be evidence that none of the damage or violence described in the evidence was planned by the UDF, that it was not UDF policy that there should be resort to violent means. There will be evidence that violence has been symptomatic of life in Black townships for years before the UDF was founded, that violence in fact occurred at places (20) where the UDF had no organisational presence and no affiliates, and we will also be calling evidence to show that social and economic conditions existed where violence or at parts where violence broke out were in fact conducive to rioting and to acts of violence. As I say I can say no more about it other than that that will be the thrust of the defence on that aspect of the case. How long it will take and how many witnesses will be involved I do not now know but we will, in everybody's interests, try to keep that as brief as possible. I will probably try to find some comprehensive way of putting that (30) before/...

before Your Lordship to keep it as brief as possible. But we may not, it may not be possible.

As far as the UDF T-shirts were concerned great stress was placed on that by the State. The evidence will be that these T-shirts were sold publicly to make money, they were not as it were issued free of charge to members. Anybody could buy it whether you were a member of an affiliate or not. They could be bought literally by the whole world. But as far as the media affiliates are concerned the evidence will be that they all resigned as affiliates in about July of 1984 and (10) there will also be evidence that the media affiliates were independent though of course they were sympathetic to the UDF position. And of course the UDF itself was anxious to have its statements and meetings reported, but the evidence will be that it had no control over what was written in any of the publications of its affiliates nor any control over the editorial policy of such affiliates. These were independent projects which determined activities in their own right. On the issue between the alleged agreement between UDF and AZAPO the evidence will be that at national level there had been (20) an attempt to achieve co-operation but it had never succeeded, that no agreement had ever been reached at national level and that the relationship between the UDF and AZAPO over this period of time was at best uneasy and at times hostile. As far as the Vaal Triangle is concerned the evidence will be that there was no agreement, but I will say more about that when I deal in sequence with the Vaal side of the case.

I would now like to turn to the Vaal side of the case. And I will begin by giving Your Lordship an indication of the defence evidence in relation to the, what it will be in (30)

relation/....

relation to the Vaal Civic Association. Now the evidence for the defence will be that the Vaal Civic Association was established as a result of a local initiative and arose out of a suggestion made by one Phillip Masea at the June 16 1983 Commemoration Service. Following that service a working group, which included accused no. 5, prepared a questionnaire for a survey. The questionnaire was distributed and it appeared from the response, or it was interpreted as indicating support for a civic association, and there will also be evidence that the response identified problems which the residents themselves (10) identified which included high rents. After the survey had been completed it was decided that there was a sufficient mandate or would be a sufficient mandate from the community to justify the calling of a meeting to set up a civic association and the date originally fixed for that proposed meeting was 24 September 1983. Now a fortnight before this meeting it appeared that insufficient work had been done in preparation for the launch and that as a result of this a decision was taken to postpone the launch until 9 October 1983. There had not been publicity concerning the proposed date of 24 (20) September and it was agreed that steps should be taken to advertise the purpose or the proposal to launch the VCA, or to launch a civic association on 9 October by word of mouth amongst residents and through posters and pamphlets. A meeting of a larger group was called later in September to create a larger core group which could get the project off the ground and it was at about this time that accused no. 22 joined the core group. And I think that this group which was responsible, which initially set itself up after the June 16 meeting and grew as I said was at some stage, it became known as the (30)

Vaal/...

Vaal Action Committee and I am not sure, and I do not think it matters, exactly when that was. Whether it was known as that immediately or whether it acquired that name over that period. But that will emerge from the evidence. The evidence will also be that before the meeting of 9 October had been held an advertisement appeared in the Press indicating that the UDF would be holding a public meeting in various places, including one to be held at the Roman Catholic Church at Small Farms on 18 September of that year. The evidence will be that this had been done without reference to the Vaal Action Committee, (10) which at that stage had not made formal contact with the UDF. The meeting was in fact organised by one Seluku(?), who was not then part of the Vaal Action Committee. He was a member of the Orange-Vaal Workers Union and had apparently been present at the launch of the United Democratic Front. The evidence will be that a very small crowd attended the meeting of 18 September. It was put at under 100, and the people giving, there will be some evidence which will attribute this to the fact that local organisations had not been involved in setting up that meeting. There will be evidence, however, that (20) accused nos 5 and 22 both attended the meeting. The chairperson, who was not one of the accused before you, I do not think his name has previously been mentioned, it is Mr Patolo, indicated that the purpose of the meeting was to explain what the UDF was about. There were two speakers. The first was a Mr Bakala and the second was Mr Molefe, accused no. 19. Mr Molefe spoke about the UDF and the reasons for its formation, saying broadly that they were to oppose the Koornhof Bills and the new constitution. He explained that many organisations had already affiliated to the UDF and that the (30)

UDF/....

UDF intended to set up area committees in areas where there was support for the UDF. And he towards the end of his speech asked the audience if there were any people who were prepared to form a UDF committee in the Vaal. In response to this the evidence will be that accused no. 2 stated from the floor, sorry accused no. 22 stated from the floor that there was already a group of people working towards the formation of a Civic Association whose priorities would be local grievances and that once a Civic Association had been formed it could decide for itself whether or not to affiliate itself to (10) the UDF. The evidence will be that he said that it was important that all the resources should be directed towards a formation of a civic and that there could not be rival associations as it were. It was after this meeting that Mr Maluku, who had organised the UDF meeting, asked if he could join the Vaal Action Committee. He was welcomed and he was invited to participate in their meetings and did so. Now there were other meetings of what I refer to as the working group, well let me call it the Vaal Action Committee though I myself do not know whether it had that name at that time.(20) It was agreed that Dr Matlala and the Reverend Frank Chikane and Mr Nkondo should be approached to speak at the meeting, and the evidence will be that they are all well known people who had a high profile long before the UDF had been formed. They were chosen specifically because it was thought that their presence would attract a crowd and there were a number of other meetings of the Vaal Action Committee held in preparation of the launch. It emerged at this time that the Reverend Frank Chikane would probably not be able to attend the meeting and that the person who had originally been identified as a (30) person/....

person to be approached as a Chairman, the Reverend Letale, would not be available. In any event on 5 October it was decided that Lord McCamel should be approached to act as Chairman of the meeting and the task of approaching McCamel was allocated to Esau Raditsela. There were also discussions about finding candidates to stand for election to the committee, which would have to be appointed at the meeting. At one of the meetings there were discussions about resolutions which would have to be moved at the launch and the question was raised as to whether or not there should be a resolution that (10) the Civic Association affiliates to the UDF. It was decided that this was an issue which ought properly to be raised only after the Civic Association had been established. The evidence will be that although there were discussions about who should be nominated for positions to the committees there was no question of Esau Raditsela pushing his own position. In fact he did not want to stand for the committee and it was agreed that members of the action committee would not nominate. As matters turned out he was in fact nominated from the floor and he was in fact appointed to the committee. The launch took (20) place on 9 October and as Father McCamel has already testified there had been a brief meeting on the day before the launch at which he had been present. The evidence will be that at no stage during the meetings held by the Vaal Action Committee was there any talk about violent revolution or making the country ungovernable or supporting the ANC.

Now although accused no. 5 had played an active part in the affairs of the Vaal Action Committee he was not elected to any committee members of the VCA and in fact has never been a member of the management structure of the VCA. Accused (30)

no. 22/....

no. 22, who also participated in the discussions of the Vaal Action Committee, and I have already indicated to Your Lordship that he was a late joiner, was elected as Treasurer of the Vaal Civic Association at the launch and at the launch accused no. 10 was elected as the area representative for Zone 3 and I think this is common cause, we have had evidence about that. And indeed it is also common cause I believe that later accused nos. 7, 9 and 17 joined the Zone 7 committee of the Vaal Civic Association and that accused nos. 8, 10 and 15 joined the Zone 3 committee, that accused no. 11 joined the Boiphatong(10) residents committee. Now these latter affiliations, if I may call them, the joining of seven, accused nos. 7, 9 and 17 to Zone 3 committee and of accused no. 11 to the Boiphatong residents committee took place in August of 1984 and there will be evidence about that. There will be evidence which covers some of the ground which has already been dealt with by Father McCamel concerning the affairs of the Vaal Civic Association and I do not think that it is necessary for me at this stage to go into any detail about those early meetings other than to say that there was an attempt to, well other than to say(20) two things. First that following the resolution to affiliate to the UDF accused no. 22 was deputed to make enquiries about how affiliation would take place formally. He at the time worked in Johannesburg and the evidence will be that he was asked to do this because it would be easy for him to call at the UDF office and make the necessary enquiries and that he came back with a copy of the Working Principles and Declaration of the UDF which were distributed amongst the committee and that with the information that one should just write and apply to join the UDF and that there would be payment of (30)

an/....

an affiliation fee. The declaration and the working principles were distributed amongst the committee members and the secretary of the committee was instructed to write a letter of application to the UDF. The affiliation fee was not available but arrangements was made for this to be paid off. The other matter was that an attorney, a Mr Kakha(?) was mandated to draft a constitution. There was delay in obtaining the draft, the draft was produced but it was referred back for purposes of producing a final draft but in fact a final draft was never produced. So in fact there is no formal consti- (10) tution of the VCA. The evidence will be that the VCA took up the issue of the boycott of the elections, campaigned against the elections and that indeed that there was a very low percentage poll in the Vaal Triangle. The evidence will be also that during January of 1985, and this again I think is common cause, Father McCamel reported that he had been dismissed from his job as a teacher, that everybody on the committee, that is 1984, sorry January of 1984, that the people on the committee regarded this as having been a result of his having accepted appointment as chairperson of the Vaal Civic (20) Association, it was a blow not only to Father McCamel but also to the organisation itself and as a matter of fact after that Father McCamel became less active in the affairs of the organisation and generally the smooth working of the organisation or the opportunity for smooth working was not there and the Vaal Civic Association itself did very little of moment until the events, until the meetings which we have heard about in August of 1984 at the end of August, and I will deal with the circumstances of those meetings to show Your Lordship that they were in fact not meetings of the (30)

Civic/....

Civic Association itself but rather zone meetings which took place during that period of time. But I will come to that as well. There will also be evidence that early in 1984 accused no. 22 resigned as treasurer and that Edith Lethlaka was appointed as acting treasurer after his resignation. I will come back to that later.

We will deal later with the events following the announcement in August of 1984 of increased rentals but before doing that we propose dealing briefly with the position of AZAPO in the Vaal. Now the evidence will be that an interim (10) committee of AZAPO was in fact established in the Vaal in 1980 and that the State evidence on this is wrong. It is earlier than is suggested by the State in its indictment and its evidence. Accused no. 2 will give evidence that he attended a commemoration service in March 1980 at Sebokeng to remember those who had died at Sharpeville in 1960. The meeting made a big impression upon him and at the end of the meeting he responded to a request that those who were interested in joining AZAPO should remain behind. A group who remained behind were informed of the need to form a branch of AZAPO (20) in the Vaal and accused no. 2 joined that group and took part in the proceedings of an interim committee which was set up to establish a Vaal branch of AZAPO. This was in fact done. That branch met during the period, on a regular basis during the period 1980 till 1984 and accused no. 2 will say that he participated in the affairs of the AZAPO branch in the Vaal and that he eventually became Chairman of the Vaal branch of AZAPO in October of 1983. The accused no. 2 will also deal with the evidence concerning the allegation that he had a tape from Radio Freedom. His evidence will be that this (30) is/....

is a distorted version of what in fact happened. He will say that he had attended a meeting of the National Council of AZAPO towards the end of 1983 and that at that meeting tapes had been made available of a Capital Radio interview with two AZAPO leaders, Mr Saths Cooper and Mr Lybon Mabaso. Accused no. 2 obtained a tape, I believe he may have had to buy it (I am not sure of that) and it is that tape that he played to IC8. He will say the tape was played in the presence of other persons in the house of a Mr Tapele, not in IC8's brother's house as IC8 alleges. Mr Tapele was himself a (10) member of AZAPO and the suggestion that there was a need to abort the playing of the tape when the owner of the house arrived will be denied. Indeed it was a perfectly lawful operation, it was a speech which had been played, which was available on the cassette. Accused no. 2 will also say that after he had been elected Chairman of the AZAPO branch it was resolved that the Council election should be boycotted in the Vaal area and I may be wrong in saying that it was after but in any event there was a resolution of the AZAPO branch, it took a decision to boycott the Vaal election and to promote (20) the boycott of the elections. Members of AZAPO had become aware of the terms of the Koornhof Bills and it was the view of the AZAPO members that the election should be boycotted and the people should be encouraged not to vote. The allegation that AZAPO agreed to work with the UDF in the Vaal to obtain its aim will be denied. The evidence will be that AZAPO and the UDF were at arms length with each other and in any event when the decision to oppose the Koornhof Bills was taken by the AZAPO branch the VCA had not yet been inaugurated. That decision was taken as early as the beginning of October, (30) prior/....

prior to the launch of the VCA. There will be evidence that AZAPO in fact held anti-election meetings during 1983 and there will also be evidence of trouble between AZAPO Vaal and the VCA, well not really the VCA but it was, it may have been people associated with the VCA, concerning the June 16, 1984 commemorations. Apparently AZAPO Vaal had booked the Roman Catholic hall at Small Farms for the meeting. When accused no. 2 arrived at the hall he found a notice to the effect that the service had been transferred to the Anglican Church in Zone 13 and it appeared that this was a device to draw (10) people away from the AZAPO meeting and lure them to a rival meeting. Accused no. 2 had to send a message to the Anglican Church to bring back the AZAPO people who had gone and that did nothing to ease the uneasy relationship which existed between AZAPO and the Vaal Civic Association. It was seen in some way as being identified with a rival meeting. It is alleged by the State that accused no. 3 was a member of the Vaal branch of AZAPO, this will be denied by accused no. 3 and accused no. 2 as well.

I would like now to turn to deal with the rent in- (20) creases and indicate what the defence case will be there. We will deal first with the Sharpeville meetings. The evidence will be, and this will be given by accused no. 3, that early in August he began receiving complaints from his parishioners, particularly pensioners, about increases in rents. A lot of people were saying that they could not afford the increases and that they were already in dire financial straits. And the church itself was providing food parcels on a regular basis to some of these people. Accused no. 3 was concerned about the impact of the rent increases upon a poor community and (30)

he/....

he discussed it with his Parish Council and it was agreed that the church had a responsibility to the parishioners to do something about the proposed rent increase and it was decided that a meeting should be held at the church on 12 August 1984 after the morning service. The Parish Council authorised accused no. 3 to establish a small sub-committee to deal with the rent issue and he will say that he in fact drafted the document which is EXHIBIT AN15 (5) I believe, advertising a meeting for 12 August and made arrangements for the document to be typed and distributed. He set up a small committee to deal with (10) the rent issue. The committee did not have a name but it became known in the media as the Anti-Rent Committee. None of the accused other than accused no. 3 was on this committee. The first meeting called or arranged by the Anti-Rent Committee was that of 12 August. It was a fairly short meeting apparently and none of the other accused were present at this meeting. The evidence will be that most of the people who were there were from the older group, over 50's. Accused no. 3 will say that he had learnt that there was a possibility of taking legal action to have the rent increases set (20) aside but he felt that before this avenue was pursued he should first establish the extent of support for such an action and the extent of support which existed for the opposition to the increased rent. He will also say that during the following week a number of persons in the community expressed interest in the meeting which had been held on 12 August and it became clear that the feeling within the community in regard to the rent increase was wider than a small group who had first attended the 12 August meeting and that the meeting itself was the subject matter of discussion. (30)

During/....

During that week accused no. 3 had occasion to visit Johannesburg on church business. He called upon Mr Manthata, who is accused no. 16. He spoke to him about the meeting which had been held on 12 August. He told him of his concern and there will be evidence that there was discussion about the possibility of taking legal action in regard to the rent increases. He asked accused no. 16 if he would attend a meeting which had been arranged for the 19th to speak again to the group. NOW accused no. 16 was a field worker employed by the South African Council of Churches and was known to accused no. 3 (10) to have had experience in community affairs and in dealing with community grievances, such as rent increases. He was also an old friend whom accused no. 3 trusted and whom he says he believed would give sound advice. He knew that the second meeting might attract a larger crowd than the first meeting because of the discussions, the feedback that he had had, and he was anxious that the meeting should be addressed by a mature and experienced person and it was a result of this invitation that accused no. 16 came to the Vaal to speak at the meeting of 19 August. In the meantime apparently (20) there had been a meeting between the Clergy and the councillors and it was at this meeting that the councillors asked the clergy not to make their churches available for meetings but none of the clergymen present were prepared to accede to that demand. Accused no. 3 will give evidence to that effect and he will say that he himself firmly believes that the church is more than simply a place of worship, it is also there to serve the community and that if parishioners are experiencing problems as a result of social or economic ills the church cannot turn its back upon them. He will say that this is (30)

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a widely held view in South African church circles and that churches are used for the purpose of having places at which communities can be addressed and community problems can be dealt with as well as places for the higher calling of worship. And the evidence will be that on the afternoon of 19 August a number of people came to the house of accused no. 3, that these included accused no. 2 and accused no. 16 and also accused no. 4, who has already been discharged from this case. At about 14h00 or thereabouts the group left the house for the church, that on the way they saw a motor car with a long (10) police-type aerial driving by. There was a discussion about the car and comments were made about the police being there to record the proceedings as usual. Evidence will be given by accused no. 2, by accused no. 3, by accused no. 16 and by a number of other witnesses about this meeting. There will be a denial that accused no. 16 encouraged people to kill councillors or to engage in any acts of violence whatsoever. Accused no. 1 also spoke at this meeting. The evidence will be that his speech followed that of accused no. 16, that he spoke in what could be referred to as deep Xhosa and that (20) his speech had to be interpreted. It had not been contemplated that he would speak. The evidence will be that what happened was that whilst accused no. 16 was speaking accused no. 1 approached the Chairman of the meeting and asked whether he could speak as well. The Chairman discussed this with accused no. 3 and accused no. 3 said he had no objection. The evidence will be that the report of accused no. 1's speech in the Sowetan, which is EXHIBIT AAQ 7 is substantially correct. It will be denied that he started his speech by reciting a poem and that he used expressions such as "We are ready to fight(30)

if/....

if they want us to fight." It will be denied that accused no. 2 made a speech in the strict sense of that term. Apparently what happened was that he asked the Chairman if he could propose a resolution and this was agreed to. He spoke briefly in support of his resolution which was that the business of councillors should not be supported. This resolution was adopted by the audience, apparently with acclamation. There were no representatives from the Vaal Civic Association or from the UDF present at this meeting nor did anyone speak from the floor on behalf of the VCA or the UDF. Certainly (10) there were no VCA or UDF people on the platform. Whether there was someone in the audience who might also have been a member of the VCA is not the point I am trying to make. There was no formal presence of the VCA at this meeting. The evidence will be that the atmosphere at the meeting was generally peaceful and that there were no acts of violence or threats of violence. There will also be evidence that the police station is close to the church, which is clearly visible from it. There will be evidence about other events at this meeting and including evidence that a member of the uniformed branch (20) of the police, he was not there in uniform but he was known to be a member of the police, a Mr Mogema, who was also a committee member of one of the councillor's wards, that he was present and known to be present and that there were members of other ward committees present there as well, councillor's ward committees. A further meeting took place at the church on 26 August. The evidence will be that this meeting was conducted in a calm manner and that there was no incitement to violence. The question of legal action to prevent the increased rent was discussed as was the question of preparing (30)

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a petition to the authorities. On 28 August a number of councillors called at the house of accused no. 3. He will deal with that incident, he will say that one of the councillors who was also a security policeman threatened that he had power to detain him and other councillors threatened him with eviction from the house and the church. Other threats were uttered and as a result of this incident a complaint was lodged with the police and his attorneys were instructed to take steps to protect his interests. Now the last of the Sharpeville meetings was on 2 September. This in substance was similar to (10) the earlier meetings. On this occasion a woman present at the meeting referred to EXHIBIT AN 15 (2) which she had brought with her, that dealt with the stay away. She asked about the stay away as there had been no discussion at all about it. No resolution was taken at the meeting but accused no. 2, who was there, suggested that those who intended to heed the stay away call should come to the church on the following morning and his proposal was approved. The evidence will be that there was no discussion about marching, that this was not on the agenda of any of the meetings held in Sharpeville. It will (20) be denied that accused no. 3 called for a march to take place or that accused no. 2 shouted "Mabathi" (?) In respect of all these here too, when I deal with the Sharpeville meetings the evidence on this is going to be given by accused no. 3, by accused no. 2 and a number of other witnesses. The evidence will be also that these meetings had nothing whatever to do with the VCA or the UDF. The VCA and the UDF had no presence at the meetings, their banners were not displayed at the meetings, their interests were not promoted in any way at the meetings. They were the result of a local initiative (30)

flowing/...

flowing from complaints made by parishioners to accused no. 3 and his response to those complaints. The defence case will be that the meetings were peaceful, that in no sense can the meetings be seen as part of a larger conspiracy to overthrow the State by violence or to assist the African National Congress or to assist the United Democratic Front, and this version too will be supported by a number of witnesses.

Now as far as the VCA is concerned the defence case will be that at no time was any instruction given by the UDF to the VCA in regard to the rent issue, nor any requests of any (10) nature made by the UDF to the VCA in regard to the rent issue, and I am talking here about the crucial period of the increased rents. I am not talking about what may or may not have been before the rent increases were known and I am not in a position in opening to say to Your Lordship whether or not the issue of rent was ever raised at any other meetings, talking now about the period July-August 1984. I simply am not in a position myself to say whether or not rent may have been discussed earlier, I do not know. Now the state of the VCA at that stage was that the only area committee then in existence (20) was a zone 7 area committee. The zone 7 area committee had a meeting and the date we think is 11 August and I say "we" think, I think, it is a note I have of it, 11 August, at which it was decided that a public meeting should be called to obtain a mandate in regard to the response to the rent increase. Accused no. 7 was a member of the zone 7 committee and he will give evidence about that decision. In the meantime accused no. 10 started holding discussions with people in the zone in which he lived and that was zone 3. At that time there was not in existence an area committee for zone 3 (30)

in/...

in the Vaal Civic Association but accused no. 10 will say that the people he spoke to from his zone were concerned about the rent increases and that he felt that since there was no area committee for the VCA which had been formally constituted in the area, and this matter was discussed between the people, a decision was taken that a public meeting should be called to constitute themselves formally as a zone committee and then to obtain a mandate from their constituents with regard to what should be done. And this in fact was the purpose of the house meetings which took place at the house of (10) accused no. 10 during August. The evidence given by the Reverend Mahlatsi in regard to these meetings will be disputed. To begin with there were actually four meetings. The first of these meetings was on 14 August. There the evidence will be that accused no. 10 invited certain of his neighbours to the meeting and that he informed other members of the VCA about his plans so that they too could invite people who they thought might be interested. Accused no. 10's attitude at this meeting was that people were calling on him personally for advice concerned both with the increased rent and work (20) related problems and that he felt that it would be more satisfactory to have a committee in existence in the area which could obtain a proper mandate in the area to take up grievances on their behalf. It was agreed that there should be a meeting for the purposes of establishing an area committee and a date for the meeting was proposed as 19 August. It was suggested that Lord McCamel should be approached to act as the Chairperson of the meeting and this was accepted by the others. Accused no. 10 in fact left messages with Lord McCamel but received, for Lord McCamel but received no response. At the (30) meeting/....

meeting of 14 August a number of people were asked to look around for a venue and then to report back again on the 16th. It turned out that there was difficulty in finding a venue, the reason given was that several churches had received warnings that if they permitted their halls to be used for purposes other than church purposes their leasehold would be withdrawn. It soon became apparent that there could not be a meeting held on 19 August and it was agreed that a new date would have to be chosen after a venue had been obtained and in the meantime there should be some work for the preparation of pamphlets (10) without finalising the language and specifically referring to the date. Now the third meeting was held on 21 August. The accused no. 10 will say that on the previous day he had met Edith Lethlaka on the train and had spoken to her about the problems of obtaining a venue. I believe, I am not sure but I do believe from my recollection that Edith Lethlaka had been at one or more of the previous meetings but there will be evidence about that in any event, as to whether this was the first contact or there had been previous contact. Edith Lethlaka came to the meeting on 21 August and she mentioned (20) that the Zone 7 committee had arranged a rent protest meeting to be held at Small Farms Roman Catholic Church on 26 August, and that she had obtained permission from that committee to offer the use of the venue for the same date that the Zone 7 committee was holding its meeting. There was some discussion initially about the meeting being split, the one to be held in the morning and the other in the afternoon but in fact Edith Lethlaka did not remain for the house meeting but those at the house meeting saw this as a good solution and they accepted that proposal. Accused no. 15 and two other (30)

persons/....

persons were mandated to prepare a petition for which signatures would be obtained and the plan was to present this petition to the people at the mass meeting and to obtain a mandate in regard to the rent increase. The evidence will be that in fact the petition was not drafted. Now the last of the house meetings took place on 23 August. Accused no. 8, accused no. 15 and others attended this meeting. There was discussion about the failure to draft a petition and there was discussion about what would take place at the meeting on 26 August. It was agreed that Lord McCamel would be asked to act as (10) Chairman of the meeting and that if he were not available that accused no. 10 would take the chair. Arrangements were made in regard to who would speak at the meeting. The next thing that happened was on the following day. A meeting took place on that day between representatives of the Zone 3 and the Zone 7 committee at the house of accused no. 17 to discuss arrangements for 26 August and it appeared that the Evaton Ratepayers Association had already made arrangements to have a meeting on that day and that the hall could not be divided between Zone 3 and Zone 7 and what was discussed then was whether (20) there could be a joint meeting of Zone 3 and Zone 7. This was really the purpose of this meeting of 24 August and agreement was reached on a joint programme and on the speakers who would take part. It was agreed that since it was now to be a joint meeting and that a new committee for Zone 3 would have to be, or a committee for Zone 3 would have to be brought into existence that if Lord McCamel would not be available there should be a neutral Chairperson and the suggestion was that accused no. 6 should be asked to do that, he being the Chairman of the Evaton Ratepayers Association. In fact the evidence will (30)

be/....

be that he was asked later on the morning of the, or on the 26th whether he would play that role and he was not available and indeed ultimately accused no. 8 was asked to act as Chairman and he acted as Chairman of the meeting of the VCA no. 7 zone committee and the one to constitute the no. 3 zone committee on the morning of the 26th. I refer to accused 6 as the Chairman of the Evaton Ratepayers Association, in fact he was the Secretary, not the Chairman though he acted as Chairman of their meeting on the 26th. The result was that the Evaton Ratepayers Association held its meeting in the (10) morning of the 26th and the Zone 7 and embryo Zone 3 held a joint meeting on the afternoon. I will deal later with Evaton, which I will deal with separately from the Vaal, and indicate what the evidence would be in regard to Evaton. As far as the afternoon meeting was concerned, that was the embryo Zone 3 and the Zone 7 the evidence will be that there were no threats of violence made at this meeting and that the evidence of the State to the effect that violence was propagated is false. This evidence will be given not only by the accused who attended the meeting but also by a number of other witnesses (20) who were present. Indeed the account of the meeting given by Rina Mokoena, the Reverends Mahlats and Masenya, which is not a coherent account in the sense that they give different accounts of the meeting, will also be shown to be inaccurate. The result of the meeting was that a resolution was taken to the effect that there should be a stayaway. The resolution I think has been referred to but it was to the effect that there should be a stayaway, that the increased rent should not be paid, that businesses should be closed during 3 September, that buses and taxis should not operate on that day and that (30) councillors/....

councillors should resign. It was also resolved at that meeting that there should be a march. Now the evidence will be that the idea of a march was not mentioned by any of the platform speakers but was raised by one of the speakers from the floor and it gained general acceptance from the people at the meeting, including accused no. 10. Accused no. 10, who will give evidence, will say that he felt that a march would have an impact upon the councillors and upon the Board who are the, which is the government structure in the area, and it would demonstrate to the Board and to the councillors how (10) strongly the residents felt about the rent increases. An election was also held for a Zone 3 area committee. The committee was then elected of which accused no. 15 became the Chairman and accused no. 10 became assistant secretary. So this Zone 3 committee came into existence for the first time, oh accused no. 8 sorry was elected as Chairman of the committee and accused no. 10 was elected as assistant secretary. So this zone committee came into existence for the first time on 26 August, on this occasion. The evidence will be also from accused no. 10 that he had a long standing arrangement in (20) Natal for that weekend, that he was not present in the Vaal Triangle on 3 September when the march took place. Subject to considerations of health which affect accused no. 17 all the accused who were on area committees of the VCA at any time will give evidence. Each of them will deny that the VCA had a policy of violence or that they participated in the affairs of the VCA to promote a violent revolution or to assist the ANC. The evidence will be that they joined the VCA because they believed it to be a lawful organisation which would act in the interests of the community. This indeed was the (30) perception/....

perception of the VCA within the community. And the evidence will be that none of the accused had knowledge of the ANC publications relied upon by the State.

We turn now to deal briefly with the evidence concerning the march which took place on 3 September. Now there will be evidence, and this has not yet been referred to at all in the State case, that on 2 September there was a meeting to plan the march. It was a meeting of representatives of various areas and persons who were present, persons amongst the accused who were present on this occasion were accused nos. 8, 11 and (10) 15. Esau Raditsela was also there and other people were there as well. A memorandum was to be drawn up, it was agreed that a memorandum was to be drawn up to be presented to the representatives of the Board. A memorandum was in fact drawn up and it was taken by Esau Raditsela and was in his possession. In view of the frustration of the march the memorandum in fact was not, as far as is known, delivered to anybody. There was also a discussion on this occasion about the appointment of marshalls and about discipline which should be observed during the course of the march. Now the decision to march (20) was implemented. It will be common cause that accused nos. 2, 5, 8, 9, 13, 15 and 17 participated in the march. Each of them will say how they came to know of the march, why they decided to participate in it. Accused nos. 8 and 15 will say that they came to Small Farms shortly after 07h30 in order to prepare posters on cardboard. There was no cardboard when they arrived but that was later brought by Raditsela. Apparently people started gathering in the quadrangle of the Roman Catholic Church at Small Farms. Some of them, including accused nos. 8 and 15, were making posters by writing (30) directly/....

directly onto the cardboard "No to High Rents", "Away with Rent Hikes", "Councillors must Resign", "Asinamale". There will be evidence that there was no poster prepared there saying "Kill Mahlatsi and his brothers" nor any poster inviting people to violence against councillors or anybody else. Some of the people were milling around in the quadrangle. And indeed there will be evidence that there were no such posters at Small Farms. Some of the people who were milling around in the quadrangle and some went into the hall and there was singing in the hall and the hall filled up. Late (10) comers, which included accused no.2, and the evidence will also IC8, were unable to gain entry to the hall. Accused no. 2 will say that he was outside and it was not possible to hear what the speaker or speakers were saying in the hall by those who were outside. And others of the accused were also outside busy with the posers. Witnesses who were inside will testify about what happened inside and they will say that Raditsela did not call for violence as alleged by IC8, nor did he say anything which fits in, nor did he say anything about the somewhat different form of violence spoken to by the Reverend (20) Mahlatsi. I think the evidence of Reverend Mahlatsi and IC8 is not exactly the same. The evidence is going to be very simply that there were no calls for violence. The witnesses who will be called will say that Raditsela called for discipline, non-provocation of the police, no response to provocative behaviour by the police and stressed the importance of the march reaching its destination which was Houtkop. Shortly before 09h00 the people in the hall come out to the quadrangle and joined up with those who had been in the hall. I have got that the wrong way around, the people in the hall came (30) out/...

out and mixed up, joined up, intermingled with people who had been in the quadrangle. Raditsela again spoke along, again stressing the need for discipline and no response to provocation and two of the accused, no. 8 and no. 17, briefly supported what Raditsela had said. He also mentioned accused no. 8 also suggested an appeal to the placard carriers to slow down if people lagged behind. The evidence will be that the placards which were being carried were not of a violent nature. The march proceeded along the tarred road. As soon as it left the veld surrounding the church property. The evidence will be (10) that people joined the march as it went along. The evidence will be that there were no obstacles or obstructions placed on the road and that nobody was forced to join the march. The size of the march grew substantially as it was proceeding along, singing Siyaya e potole, or Houtkop apparently at times, Houtkop was also used there. Marshalls who had been appointed were keeping order. The evidence will also be that no damage was done to the bus ranks or the sheds by the marchers, nobody was carrying cans, no diversion was taken to councillor's houses along the way. No damage was done to the commission's (20) office past which they marched. The evidence will be that amongst those at the front of the march were accused no. 9, the Reverend Mahlatsi and one Mtombeni. Small groups joined the march along the way. The evidence will be that as they were approaching the intersection near the lane leading to Matjeane's house a group was waiting apparently to join the march. Smoke was seen coming from what was later learnt to be Motjeane's house. Shots were heard from that direction. As the vanguard reached the intersection it amalgamated with members of the group in the vicinity of the intersection (30)

who/...

who had not been part of the march before that. And the march continued on its way to Houtkop, even though isolated individuals may have left it to go and see what was happening. The crowd which attacked Motjeane's house, Motjeane himself and his bodyguard were not the march, it was not the march which went and did that and the evidence will be that they must have been the groups who were making repeated attacks even before the march left Small Farms in the morning. There was no attack on the post office by people on the march but a small group was stopped by accused no. 2 from doing any (10) damage at the post office. The march continued along the road to Houtkop, past the intersection which it would have taken if there was any intention to attack Mayor Mahlatsi's house and ultimately moved on until it was confronted by the police and dispersed by the use of teargas and shots of rubber bullets. The accused who had been on the march ran away and they will deny that they were responsible, either directly or indirectly for any injury or damage which was caused.

We should also give an indication about the nature of the defence, though I think it should be clear to Your Lordship (20) from what has already been put, in regard to the house meetings at the home of accused no. 11. The evidence will be that, well it is common cause I think that there was such a meeting on 15 August. It will be denied that this meeting in Boiphatong or indeed any other meetings in Boiphatong formed part of any grand conspiracy. These were local meetings which took place with a view to forming a committee to take up primarily the rent issue and to facilitate the expression of the views of the Boiphatong community on this and it was agreed that a meeting should be called in Boiphatong to deal with the rent(30) issue./...

issue. It is common cause that there was a meeting on 22 August at which final arrangements were made for a public meeting to be held on 26 August, that was on a weekend, it was a Sunday apparently 26 August. In the meantime accused no. 11 had been to see accused no. 3 in regard to the use of the Anglican Church in Boiphatong and he had been referred to the wardens of the church whom he was to approach for permission. The meeting of 26 August, the purpose of that meeting was essentially to have the views of the residents aired and to elect a committee for the persons present to decide about (10) the rent issue and I have already dealt with that so I need say no more about it and I will deal just now with what the position in Evaton was. As far as the Boiphatong march was concerned the Boiphatong committee intended this march to be peaceful and orderly. The evidence will be that most of the distance to be covered to Houtkop would be through non-residential open land. It will be denied that this march was part of any conspiracy to commit violence or of any conspiracy at all. There were placards which were prepared by accused no. 11. None of these were indicative of violence and (20) indeed that is not suggested by the State as far as the placards prepared by accused no. 11 are concerned. The evidence will be that as people were approaching the square the police sjamboked a number of them, including accused no. 11. Apparently what happened was that whilst the people were forming up in the square a police vehicle appeared there. A small group of youths threw stones at the vehicle and this then led to the sjambokking. Following that, well I may have got the sequence a little wrong but what happened was that a portion of the crowd then moved off, certainly after the (30) sjambokking/...

sjambokking, towards Mpondo's home where some stoned it.

Accused no. 11 will say that he moved with them in the hope that it would be possible to regain control but that this proved not to be the case. When the crowd left Mpondo's home accused no. 11 left them and went home himself. It is denied that he followed the crowd across the length and breadth of

C.473 Boiphatong.

Now as far as Evaton is concerned this is relevant to the case against accused no. 6. Accused no. 6 was born in 1938 and was in his mid-40's at the time of the events which (10) form the subject matter of the State case against him. He will give evidence and he will describe how he came to be involved in the affairs of the Evaton Ratepayers Association. His first job after leaving school was as a clerk in the office of the Bantu Affairs Commissioner in Evaton. Later he started a radio repair business in Evaton and he bought a cafe there. Evaton in fact was one of the few places in urban areas in which Black persons had freehold rights. And accused no. 6 was able to buy both the business and the land it was situated on. Now the evidence will be that when community councils (20) were introduced in Evaton in the late 1970's accused no. 6 was elected to the community council and held office as a councillor until 1983. I should perhaps indicate that I am saying a little bit more about Evaton because Your Lordship has had no evidence at all about it. And Your Lordship does not really know, as you do in respect of other aspects of the case, what the accused's version is. Of course there was nothing to put to him. So I am dealing a little bit more now with Evaton and the background there so that Your Lordship should know about that before the case, before the evidence there (30) starts./...

starts. Accused no. 6 will say that he found his experience as a councillor unsatisfactory and he came to the conclusion that it was not possible to further the interests of the community through the council system. He declined to stand for election as a councillor when the elections were called in 1983 under the new Black Local Authorities Act. He served out his term as a community councillor but would not join a town council. The particular issue about which he was aggrieved was the proposed replanning of Evaton which would have led to the, which would have affected the freehold (10) rights of certain persons there and led to the loss of freehold rights of some of the residents. He felt strongly that the councillors did not oppose the replanning as they should have done in the interests of the residents and that this was one of the principal reasons for his disillusionment with the council system. There were other reasons as well which he will talk about. The Evaton Ratepayers Association was formed in 1978 and had been in existence for many years before the United Democratic Front was established. The accused no. 16 will say that he joined, no. 6 will say that he joined the (20) association, that is the Evaton Ratepayers Association, in 1982 and that he was indeed a member of the Evaton Ratepayers Association when it affiliated to the United Democratic Front in October of 1983. The affiliation took place in that month, which is after the VCA had been launched. The Chairman of the Evaton Ratepayers Association had apparently been invited to the launch of the VCA and he reported back to his committee about what he had heard on that occasion. He made the point that a number of organisations were coming together under the banner of the UDF. At that time the evidence will be that (30) the/....

the Evaton Ratepayers Association had unsuccessfully attempted on several occasions to convince the government not to go ahead with the replanning of Evaton and it was suggested at this meeting, this is now the meeting of the Ratepayers Association committee that the Evaton community needed more support in its fight against the replanning of Evaton. A Mr Kabi suggested that it might be an idea to join the UDF since they represented such a large number of organisations and through the UDF pressure could be put on the government not to go ahead with the planning scheme. And in line with (10) this a resolution was taken to invite members of the UDF to explain to the public in Evaton what the UDF would be about. This meeting was on 6 November 1983. I think I originally talked about October, I seem to be wrong in that I am sorry. Some of these notes I wrote late, I think I am generally accurate but I apologise for that, it was in November. A meeting was held at the Roman Catholic Church at Small Farms and the speakers from the UDF who explained what the UDF was about was Mr Nkondo and a Mr Shabangu. And at this meeting accused no. 6 will say that he also spoke and that a Mr (20) Kabi and a Mr Olifant spoke as well, they were people from the Evaton Ratepayers Association. Now the evidence will be that it was made clear by the UDF representatives at this meeting that the UDF had been formed to oppose the new constitution and the Koornhof Bills and that, and that it would also be of assistance to local, to civic associations and that organisations which affiliated to the UDF retained their own autonomy and own programmes. Accused no. 6 will say that he was unaware of the call by Mr Thambo concerning the launch of a united front and he will deny that he supported the (30)

affiliation/....

affiliation of the East Rand Ratepayers Association to the UDF, which in fact he did, in order to promote revolution or to assist the ANC or because of anything which the ANC may or may not have said in any of the publications which he had never seen.

Now the evidence will be as far as Evaton is concerned that accused no. 6, will be that accused no. 6, or his association with the Evaton Ratepayers Association and the UDF he will say that he attended a meeting of the UDF General Council on 30 June, that he was a delegate to this, it is (10) 30 June 1984. He was a delegate to this meeting chosen by the Evaton Ratepayers Association. It was the first occasion upon which he had attended a general council meeting and he will say that there were a number of representatives from other organisations present at that meeting. At that time he knew very little about these other organisations and their policies other than that they were affiliates of the UDF. He had not previously met these delegates. He will say that nothing was said at this meeting which supports in any way the State's contention that the policy of the UDF was to promote a violent(20) revolution nor was anything said to suggest that the UDF had any connections with the ANC or that it had any secret and undisclosed agenda. The meeting was a perfectly normal meeting dealing with the matters referred to in the report which is EXHIBIT Q2. Nothing was said about a plan to make the Republic of South Africa ungovernable, nothing was said about violent revolution. The accused no. 6 will also give evidence about contact between the Evaton Ratepayers Association and the Vaal Civic Association in regard to the million signatures campaign. The evidence will be that on 5 July, (30) not/...

not 8 July as alleged in the indictment, a meeting was held at the house of accused no. 6 between representatives of the Evaton Ratepayers Association and representatives of the Vaal Civic Association. Accused no. 7 attended this meeting as one of the Vaal Civic Association representatives and accused no. 6 was himself present. The purpose of the meeting was to discuss the million signature campaign. It was agreed that there should be a concerted effort to collect more signatures and points were identified at which tables could be set up at bus terminuses and the railway station. The meeting was (10) concerned solely with the million signatures campaign and in implementation of what was agreed upon the campaign was started approximately a week after the meeting. There will be evidence that there is a close contact between the Evaton people and the people elsewhere in the Vaal Triangle, many of them having started off life in Evaton and having been moved into Sebokeng, the new township.

COURT: You were speaking about a replanning of Evaton. Did that entail a total replanning of the whole area or was it sort of a road coming through and pass, or a business (20) centre or what was the idea?

MR CHASKALSON: I will have to take an instruction to answer that one precisely.

COURT: It is not that important, I was just wondering whether the whole township was to be scrapped.

MR CHASKALSON: No as I understand it it was not a small thing, it was a significant replanning but I had better take a proper instruction to answer that. It did not affect the whole of Evaton. But it would affect a number of people in Evaton and it was an issue in the community. Accused (30)

no. 6/....

no. 6 will say that he also attended a meeting of the UDF General Council in the Transvaal on 14 July. Once again, I am still in 1984, once again he did so as a representative of the East, of the Evaton Ratepayers Association. The minutes of the meeting are EXHIBIT R2. The accused will say that once again at this meeting there was no talk of rendering South African ungovernable or inciting the masses to engage in violent revolution. It was a perfectly normal meeting dealing with matters referred to in the agenda. Now on 26 August the Evaton Ratepayers Association held a meeting at the Roman (10) Catholic Church in Small Farms. Accused no. 6 will say that the hall had been booked prior to the meeting and that a deposit had been paid for the use of the hall. He himself was not aware at the time that the VCA had wanted to use, or that a committee of the VCA had wanted to use the hall for the afternoon and it was only when he arrived at the hall that he was told by the caretaker that the Evaton Ratepayers Association had to be over by 13h00 and that all people had to be out of the hall by then. The Evaton Ratepayers Association had called the meeting because of its concern arising out of (20) the fact that the Board had begun to instal sewage pipes throughout the township and this indicated that it was proceeding with the redevelopment plan which might lead to the loss of the freehold rights of some of the residents. And the purpose of the meeting was to inform and to warn the residents of this possibility and to discuss what the response should be. The Chairman of the Evaton Ratepayers Association was not available and accused no. 6 acted as Chairman of that meeting. He will say that he informed the meeting about the significance of the installation of sewage pipes by the Evaton (30)

Town/....

Town Council and of the fact that this might result in subdivision of the land and the loss of freehold rights. The witness Rina Mokoena spoke at this meeting. According to accused no. 6 she had come to the meeting as a representative of VOW and in her speech she spoke about the good life she had led when she was in Evaton and how people were now burdened with higher rentals in Sebokeng. The evidence will be that she urged the people of Evaton to stand firm against any move that would result in the loss of their freehold rights. She also urged the women at the meeting to join VOW to make (10) their fight against injustices more effective. Accused no. 6 will deny that Mrs Mokoena spoke about the death of councillors or urged violence in any way and I think that has now become common cause because Mrs Mokoena herself said that nothing happened at the meeting at which accused no. 6 ultimately agreed that the meeting at which accused no. 6 acted as Chairman they were speaking about pipes. A number of other witnesses will also be called to confirm that the meeting was concerned with the issue of freehold rights, that there were no threats of violence made during the meeting. Accused no. (20) 5 was present at this meeting. He had been born in Evaton and his grandparents had owned property in the area and he spoke as a leader of the youth and his speech was directed to the issue of the loss of freehold rights. The evidence will be, his evidence, the evidence of accused no. 6 and of a number of other witnesses that he said nothing which amounted directly or indirectly to a incitement to violence. Shortly before the meeting closed, the evidence will be, that Esau Raditsela, Edith Lethlake and accused no. 17 arrived. They were concerned with the meeting which was going to take place (30) in/....

in the afternoon and accused no. 6 asked each of them to speak briefly. Raditsela spoke about the million signature campaign and the need to support it. Lethlake spoke about the million signature campaign and went on to talk about the need to join VOW which had recently been established, and accused no. 17, the evidence will be, spoke very briefly about the need for people to be united against injustice and he related this to the proposed replanning and the possible loss of freehold rights. The witnesses will all deny that accused no. 17 called for the death of councillors or made(10) any threats of violence of any nature whatever. Accused no. 6 will say that he first heard about the proposed stayaway on 28 August when it was mentioned to him by Raditsela. He heard about the march when it became part of the township talk during the week. The evidence will be that the Evaton Rate-payers Association played no part whatever in arranging the march. Accused no. 6 will say that he was aware of a call for a stayaway and that in fact he did not open his shop on 3 September, he was at home in Evaton on that morning and he saw smoke coming from the direction of Zones 11 and 12 Sebokeng.(20) Later in the morning he saw a mob which attacked a shop near to his place and he saw the Administration Board police dispersing the mob. He will give evidence to the effect that the mob attacked and was dispersed and regrouped and that ultimately the shop was stoned and burnt and that that happened to another shop in the vicinity. He will say that on the following day he heard about the death of councillors. He also received news that a friend of his had been stabbed and he went off to his friend's house to visit him. He will say that on his way he observed barricades of tyres and he saw(30) burnt/...

burnt out cars. Whilst he was at his friend's house Esau Raditsela, who had been told by accused no. 6's wife where he was, arrived and called him to a meeting which was being convened as a matter of urgency at the church. The evidence will be that when they arrived at the church they found a heavy presence of police and that they decided to come back and to hold the meeting at accused no. 6's house. That meeting commenced in the early afternoon and it lasted the whole afternoon. Other persons present at this meeting included accused no. 7, accused no. 9, accused no. 10 and accused (10) no. 15 as well as certain other persons. The meeting discussed the violence, including violence on the part of the police and the looting. They were concerned about how it would be possible to restore calm and order in the region. Accused no. 6 will say that he was shocked by the death and destruction which had taken place and was concerned to see that an end was put to it. It was agreed that a meeting should be called on 9 September and that a pamphlet should be prepared for the calling of a meeting and that it should be distributed and that the pamphlet should be an attempt to calm the situa- (20) tion and that representatives of the Evaton Ratepayers Association and the Vaal Civic Association should address the meeting. Because the evidence will be that violence had spilled over into Evaton as well. Accused no. 6 will say that he attended a meeting at the office of the Reverend Frank Chikane on 7 September 1984. The Reverend Frank Chikane had been present at the meeting which was ultimately held in accused no. 6's house on 9 September and he had undertaken to arrange for assistance to be given to Edith Lethlake, Esau Raditsela and accused no. 17 who were to draw up the (30) pamphlet./....

pamphlet. He was going to help them with finance and there was to be assistance with other arrangements necessary for the production of the pamphlet. Accused no. 6 went to Khotso House on 7 September to make enquiries about the pamphlets and he learnt there that Lord McCamel had been at Khotso House but had left for the Braamfontein office of the Reverend Frank Chikane. Accused no. 6 wished to speak to the Reverend Chikane as well and so he went on to the Reverend Chikane's office and he found there Lord McCamel, accused no. 9, Esau Raditsela Cassim Soloojee, accused no. 11, accused no. 17 and one (10) Tstosu. He will say that this was the first occasion on which he had met Tsotsu. During that meeting there was a disagreement between Tsotsu and McCamel related to the setting up of a minister's solidarity group without consulting or informing his colleagues in the VCA. Accused no. 6 will say that he intervened because he was embarrassed by the quarrel and he tried to make peace. He will say that nothing was said on this occasion that suggested in any way that the VCA had planned and been responsible for the riots. Accused no. 6 will also deal with the pamphlet which he had received (20) calling a meeting to be held at the Roman Catholic Church, I seem again to have got a wrong date. I think that the Reverend Chikane was at accused no. 6's house on the 4th and not the 9th. Let me check that and I will try and establish it correctly. I am told that I have given the wrong date.

COURT ADJOURNS FOR LUNCH.

COURT RESUMES.

MR CHASKALSON : Two matters to which I should revert before I complete what I have to say. The first is that I referred to a meeting at the house of accused no. 6 as having taken place on 9 September. That should have been 4 September. Secondly, as far as Evaton is concerned, apparently the position is this, that there was a plan to subdivide the plots. Originally it was to be ten sub plots and later eight sub plots. The scheme was that the stand owner would be entitled to retain ownership of his originally one-tenth, one of (10) the subdivisions but the others would then be owned and leased by the Board and that the people who might previously been tenants of the owners would therefore become tenants of the Board. So, the stand owner property's rights which would be their ownership would be diminished thereby by one-eighth - no, by seven-eighth. He would lose seven-eighth of his freehold and indeed his one-eighth was not to be transferred thereafter either to his heirs or to anybody else.

COURT : What would happen at his death then?

MR CHASKALSON : Presumably taken over by the Board. (20)
Apparently the revenue would be used by the Board to finance its affairs in Evaton, including the development of Evaton which would be the laying of sewerage pipes. Indeed, if one goes back, I do not know whether anything is really going to turn on, apparently there had been other unsuccessful attempts and I am not sure whether this will be spoken to by accused no. 6. But there has been an ongoing struggle in Evaton focussing around freehold rights and attempts to end the freehold rights and that goes right back to the early sixties and the replanning was at this stage the final scheme adopted (30)

by/...

by the Board to deal with the freehold question in Evaton and that is why it was such a strong issue within the community. Accused no. 6 will say also that he received a pamphlet in September saying that there would be a meeting at the Roman Catholic Church in Zone 12 on 9 September and that the meeting was apparently organised by the VCA. That pamphlet he will say came as a surprise to him because he thought that there would be a joint meeting of the VCA and the Evaton Rate Payers Association to be held at the Roman Catholic Church in the Small Farms at Evaton. He will say that on (10) 9 September he went first to the Small Farms Catholic Church where he found accused no. 10, who was there and was waiting for other people to arrive and that he then went on to the Roman Catholic Church in Zone 12 to find out what was happening there. When he arrived there he found that a church service was on and as he was about to leave, he noticed two police Casspirs and that the policeman came up to him and delivered to him a notice banning the meetings that had been called. He took the banning order back, drove back to the Roman Catholic Church at Small Farms and informed the (20) people who had come there to attend the meeting, that all meetings had been banned and as a result the meeting which had been planned for Small Farms in order to calm the community and try and bring the influence of the Evaton Rate Payers Association and the Vaal Civic Association to bear, was not held. There has been difference in the evidence to funerals. Accused no. 6 will say that he spoke at the mass funeral which was held on 15 September 1984 for victims of the unrest. He was in fact the first speaker at the proceedings and he will say that he made a short speech expressing (30) condolences/...

condolences and the need to support the people in the Vaal in their tragedy. He will also say that he was at the funeral of the late Joseph Sithole on 21 September. The Reverend McCamel had been responsible for the arrangement of this funeral and it was contemplated that he would be master of ceremonies. He was, however, late and when he did not arrive accused no. 6 was asked to perform that role. He was given a program on which had been written the names of the organisations and speakers who were to speak on behalf of these organisations and in addition there were other persons, (10) like accused no. 1, who asked if they could be permitted to speak. When the service was on the way, Father McCamel arrived. He apparently went outside, or went away from the proceedings a bit, came back again and he was present when a certain Sipho Sebusi was speaking and during the course of that speech Father McCamel approached accused no. 6 and suggested to him that he should stop Sebusi and accused no. 6 will say that he did so. There will also be evidence that there was a heavy police presence at the funeral and as the funeral convey left, police vehicles drove in (20) front and behind it in the grave-yard. There will also be evidence that the police took up positions at the cemetery just before the burial was completed and as the people were leaving the cemetery and walking towards the cars, the evidence will be that the police set upon them with sjamboks and fired rubber bullets and teargas. The people scurried all over the cemetery. Some were caught and beaten by the police and ultimately the police prevented people from leaving until everybody was in the cars and at that stage the people left. There will probably be evidence when we deal with the (30)

thirty/...

thirty-one areas, in relation to funerals there as well.

COURT : In order to make it sound less formidable, could you deduct those areas which are now excluded?

MR CHASKALSON : I am sorry. I sort of internalised the figure thirty-one. I always say what about the thirty-one areas. I am sorry. I will try and internalised the correct figure. I apologise. Accused no. 6 will say that Evaton Rate Payers Association retained its autonomy and took its own decisions at all times. It did not receive instructions from the UDF and apart from attending UDF general council(10) meetings and agreeing to take part in the million signatures campaign, there was really very little contact with the UDF as such. I want to say a few words about the particular position of some of the accused.

As far as accused no. 1 is concerned, the evidence will be led to the effect that AZANIO was not an affiliate of AZAPO, nor was it connected with AZAPO in any other way. Apparently AZANIO is an Africanist organisation and AZAPO is a Black consciousness organisation and we will deal with that... (Court intervenes) (20)

COURT : No doubt you will explain the difference to me in due time?

MR CHASKALSON : I think it is that a Black consciousness would embrace people who are not White, whereas Africanists would embrace only Africans. There will be evidence that accused no. 1 was not on the management committee of the VCA. There will be evidence that he was not on the management committee of AZAPO. There will be evidence that he was not in the Vaal on 3 September, in the sense that he took no part in - there will be evidence that he took no part in (30)

the/...

the planning of the march or the stay-away. There will be evidence that he was not at the meetings of 26 August and as presently advised, we do not intend to call accused no. 1 himself to give evidence.

As far as accused no. 14 was concerned, he was in fact in detention from 21 August until 26 September 1984. There has in fact I think been practically no evidence about him at all other than that that he was a COSAS organiser. He was in detention at this time. He was not on the management structure of the VCA. He was not on the management (10) structure of the UDF. He was not in the Vaal at the time when the meetings at the end of August were held. He was not in the Vaal at the time when the march took place and as presently advised, we do not intend to call him to give evidence.

As far as accused no. 22 is concerned, there will be evidence that he resigned as treasurer shortly before his departure for Rhodes University and that .. (Court intervenes)

COURT : Beginning of 1984? (20)

MR CHASKALSON : Approximately February 1984 and that Edith Lethlake was appointed as acting treasurer. He took no part in the meetings in August 1984. He took no part - he was not at the planning meeting. He was not at the planning meeting on 2 September. He was not at the march on 3 September and he did not participate in the affairs of the Vaal Civic Association after his resignation. As presently advised, we do not intend to call him to give evidence.

There will also be evidence that accused no. 20 was in fact in detention from 21 August 1984 to 10 December. So, (30)

he/...

he could have played no part at all in the alleged murder. He simply - he was actually in detention on 21 August to 10 September 1984. December. 21 August to 10 December 1984.

There will also be evidence that accused no. 21 was in detention from 26 August until 26 September 1984.

Your Lordship knows that accused no. 17 has medical problems and those problems may have a bearing on our decision to call him, but subject to that, as presently advised, we intend to call all the other accused and I have also indicated to Your Lordship that we intend to call other witnesses (10) as well.

I think I should indicate to Your Lordship how we intend to approach the case structurally. We intend to begin with the Vaal and we will try and present that side of the case as logically as possible. We propose to begin with accused no. 10, who is able to give a comprehensive account of life in the Vaal and the affairs of the Vaal Civic Association from the time of its launch right through until September 1984. He is also able to give the background against which the events took place. He was in fact born in Sharpeville, (20) he was brought up in Evaton, he lives in Sebokeng or did until he was arrested and he and his family have a long tradition of community service. We gave notice to the State Monday of our intention to begin with accused no. 10. It seems to us that that is a logical way of doing it and that it is better to try and get the case together in a logical and sensible form, rather than starting with some peripheral witness and jumping in and out with witnesses. That is where we intend to begin and we intend to call accused no. 10 shortly, but before that, I think I should just inform (30)

Your/...

Your Lordship that an application for bail ... (Court intervenes)

COURT : Before we get to the application for bail. The normal sequence would of course be that one calls accused no. 1 and his witnesses, then accused no. 2 and his witnesses, et cetera, et cetera, et cetera. Does the State have any objection to the manner in which accused no. 10 is called out of turn so to speak?

MNR. JACOBS : Ons het gekyk na daardie aspek toe ons gehoor het dat begin word met beskuldigde nr. 10. Volgens wat (10) ek in Hiemstra kan vasstel is daar nie wetlike beswaar nie. Dit is gebruikelik dat begin word by beskuldigdes 1 tot die ander en dan met die toestemming van die Hof kan daar andersom begin word. Daar is nie iets wat die verdediging verhoed om die beskuldigdes so te roep nie. Ek verstaan net nie die hele aspek duidelik nie. As dit beteken dat na beskuldigde nr. 10 miskien getuies geroep word wat nie beskuldigdes is nie, daarteen sal ons baie beslis beswaar maak op grond van die artikel, maar op die ander kan ons blykbaar nie 'n beswaar maak nie, solank dit die beskuldigdes se volgorde ... (Hof(20) kom tussenbei)

HOF : Op die oomblik handel ons met beskuldigde nr. 10 dus?

MNR. JACOBS : Ja.

MR CHASKALSON : It is our intention to call the accused one after the other. We just thought that we should do it in a logical fashion so as that the case would make more sense to Your Lordship.

COURT : A second aspect is, I hear that you have notified the State of your intention to call accused no. 10. Is it possible, it might help the Court a lot if we know, say a (30)

day/...

day in advance what type of evidence is going to be presented so that we can read up on it - on the background we already have. If that is possible.

MR CHASKALSON : Mr Bizos says it will at least a day. That he will always know a day ahead how the structure is going to be.

COURT : So, that if we are going to deal with Adelaide we can read about Adelaide?

MR CHASKALSON : Yes.

COURT : And thirty others. (10)

MR CHASKALSON : A bail application has been lodged with the State, has been served on the State dealing with the position of the accused other than those who are already on bail. I would like to hand it in. We would not like to fix a date for the hearing of that application at the moment. It is a matter the State will - which we think should be the subject matter of discussions between us and the State and if we cannot reach agreement as to what should happen, we may come back to Your Lordship for direction, but I do not think we should take up Your Lordship's time with that. (20) So, if I could just hand that to Your Lordship's registrar.

BAVUMILE HERBERT VILAKAZI, d.s.s.

EXAMINATION BY MR BIZOS : Mr Vilakazi, I want very briefly to deal with the main allegations against you right at the beginning. It is alleged against you that you attended the meeting of 9 October 1983 where the VCA was launched. Is this correct? -- That is true.

It is also said that you were elected as an area representative for Zone 3 at the meeting of 9 October 1983. Is that correct? -- That is also true. (30)

It/...

It is also said that you convened a number of meetings at your house during August 1984. Is that correct? -- That is correct, but I may add that according to the chronology in the indictment and evidence led, I think by the witness Reverend Mahlatsi, the chronology is not correct.

The chronology is wrong, but you did hold the meetings? -- That is correct.

And that you attended a join meeting between Zone 3 and seven area committees on 24 August 1984. Is that true?

-- That is so. (10)

And that you advertised by loud-hailer the meeting of 26 August 1984 in order to establish the area committee for Zone 3 and discuss the general grievances of your community?

-- That is correct.

And that you attended the meeting of 26 August 1984 at Small Farms where you spoke and you took the minutes? -- That is true.

You have admitted that you did these things. Did you do any of these things on behalf of the African National Congress or the South African Communist Party? -- That is (20) not true.

Did you do any of these things as result of being directed secretly by anybody to do any of them? -- I will deny that allegation that anything that I did or my organisation, that is the Vaal Civic Association was at the initiative of any organisation legal in the country or illegal or banned in the country, but what we did, I personally, every activity I was involved in I did out of steadfast belief that it was my duty as a resident of the Vaal complex and a citizen of South Africa not to keep quiet about the grievances of my (30) people/...

people and the issues that they were facing, as long as apartheid drove us into civility.

What is your work? -- Until my arrest I was employed as a trade union educator with Urban Training Project.

Would you give a description to His Lordship and the learned assessors what Urban Training Project is? -- Urban Training Project is a service organisation mainly responsible with or concerned, I may put it that way, with the training of Black Trade Unions in industrial relations in South Africa. (10)

We go into your earlier background a little later on. When did you become a trade union educator? -- It was in May 1982.

Did you achieve any status or prominence in your job as trade union educator? -- I may just mention basically what I was involved in as to the question of status really it will be difficult for me to judge, but after joining Urban Training Project then I was posted to be a regional educator for the Vaal complex. That later included the Orange Free-State and after training within Urban Training Project (20) itself and having received some courses in industrial relations from institutions like the Institute of Industrial Relations and a contact group I sort of started specialising in my work. I was specialising in negotiations, basic negotiations and also in the question of health and safety at work.

Your employer, does it receive wide support in and outside the country? -- At the time of my arrest Urban Training Project was servicing twelve Black Trade Unions in the country and also had contact with other union organisations (30)

like/...

like the ICFTU in Britain, the Nasionale Christelike Vakbond in the Netherlands and the Deutsche Werke Verbonden in the Federal Republic of Germany.

COURT : What is your employer? Is it a foundation? -- Not a foundation. It is more of an organisation, I can say.

How is it funded? Does it have members that pay dues or how is it funded? -- Besides the funding that is raised from time to time from these international union federations, those unions that seeked services from the organisation do pay services dues. (10)

MR BIZOS : The allegations against you concern the period August to September 1984. Do you recall the date on which you were arrested? -- Yes, that was on the morning of 11 December 1984.

If you had not been arrested, where would you have been in January 1985? -- I had been invited for trade union education programs by the British Trade Union Council and this was done through Urban Training Project. I would have participated, had it not been of my arrest, in the programs for a period of three months. (20)

Are you a sort of academic trade unionist or did you come up from the ranks? -- I came up from the ranks.

Perhaps we should give His Lordship some idea of your background. My Learned Leader Mr Chaskalson said that you were born in Sharpeville. How long ago? What is your age now? -- I may correct a fact there. I was actually born in Evaton and I grew up in Sharpeville.

You were born in Evaton, grew up in Sharpeville and were living in Sebokeng? -- That is so.

So, if you would have no objection, we would call you (30)

a/...

a son of the Vaal Triangle? -- I would regard myself as such.

How far did you go at school?

COURT : His age is?

MR BIZOS : The age? -- I will be 32 in June.

How far did you get at school? -- I went to school in Sharpeville and later in Sebokeng. Due to my father's illness I could not write the end of the year. I was in matric.

What work was your father doing? -- My father was a dairy product business man in Sharpeville from the fifties up to 1964. In 1965 he opened up a small dry cleaners depot in(10) Sebokeng.

Did your father take part in the community affairs? -- Yes. My father was a member of the what was then known as the Native Administration Board - Native Advisory Board.

Just for a short while or for a long time? -- As I got to learn this was from right in the early fifties up to 1964 when we left for Sebokeng.

Your father has passed away? -- That is so.

When did that happen? -- That happened in May 1976.

Did he cease being a member of the Advisory Board? (20)
-- Yes, he did.

Do you remember what year? -- That was in 1964.

We will come to the attitude of your family to the advisory board system and other matters in due course. In 1964 you left school without writing your matric examination? -- That is at the end of 1975.

What was your father doing at the time? -- He was ill with diabetes.

What business was he doing? -- As I said earlier, he was collecting dry cleaning. (30)

And/...

And when he became ill, what did you do? -- I had to take over the - run the business.

Was that the reason why you did not write your matric? -- That is so.

Did you stay in the dry cleaning business or did you go out of it? -- I was not really keen on business myself and after having discussed it with my father, I left the collecting.

Where did you go? -- I went into employment from then.

Let us have an account of your employment history. (10)
What did you work as in the first instance? -- I was employed by the Transvaal Administration Board Hospital Services at Vereeniging Hospital where I work as an admissions officer. I left the hospital services in 1977 when I joined the African Explosives Chemical Industry at their Midland Factory in Sasolburg.

In what capacity did you join African Explosives? -- I joined there as a cooling floor attendant in the carbide producing plant and I left there with a position of a tapper.

Is this an easy job that you were in for African Explo-(20)
sives?

COURT : Is it relevant?

MR BIZOS : It is, as to how he became involved in the trade union activities and the role that he played as a result of industrial accidents. -- As a tapper I was responsible for tapping molten carbide from the furnace into the tapping bore gauge and as a result one would be exposed to excessive heat, dust conditions and practically one is always exposed to the danger of falling objects.

Whilst in that job, did you become interested in trade(30)
unionism/...

unionism? -- Yes, I was, but I was not a member then. The problem was that the trade union in that factory was not of a high profile as such because of constant victimisation of union members, although it was quite apparent that there was a necessity of the existence of the unions amongst the workers due to the general hazards they were exposed to during their shifts.

Did you become interested in that? -- Sorry?

Did you become interested in that sort of issue for yourself and other workers? -- That is so. (10)

Was there an accident at that factory? -- Numerous accidents.

Did you take any steps about that? -- At some stage I was involved in a near fatal accident myself where I suffered broken ribs and I took this up together with my fellow workers with the management. A few months afterwards there was an enquiry held and I was duty bound to give evidence in front of this enquiry, which I did, together with my co-workers.

As a result of that, were there any improvements in your factory? -- Yes, there were lots of improvement. (20)
The phase of the tapping area was completely overhauled.

Did you stay there for much longer after you took part in these activities on your behalf and on behalf of your fellow workers? -- I did not stay long there because I started having problems with lower management, because basically those were the people who were from time to time guilty of mismanagement because of this accident.

Did you go to another employment? -- That is so.

Where did you go and work? -- I then joined the Vaal Transport Corporation. (30)

COURT/...

COURT : When? -- That was in 1979.

MR BIZOS : Did you become interested in trade unionism whilst you were in that job? -- Yes. Whilst being employed by Vaal Transport Corporation I became a member of Transport and Allied Workers Union.

Did you achieve any office or did you assume any office or elected to any office there? -- As a member of Transport and Allied Workers Union one of my possibilities was to organise other workers into the union and in 1980 I was elected to the position of soft steward. (10)

Did your trade union experience teach you anything about co-operating or not co-operating with official or semi-official organisations? -- What I learned from trade unionism was the basic importance of normalising industrial relations in the factory. I saw the union playing a much important role into difusing problem situations in the factory to the benefit of both the workers and management. I just normally saw the Civic Association to be of equal importance had it been possible for such recognition of civic associations. (20)

We will come to that in greater detail. At the time that you became interested in trade unionism, was there any dispute as to whether workers should take part in trade unions or not or were there other bodies which were considered more representative or less representative than trade unions proper at the time?-- At the time there was the problem of workers being denied the right to have representation of their choice in the factories. In the industries, what was enforced was the system of using works councils and liaison committees, most of which were appointed by the employers. This has (30) been/...

been what the workers have been against because now that these structures have been imposed on them most of the time. The workers were not satisfied with this situation because there was no question of they being fully represented to their benefit by these structures.

These liaison committees and other names that were given to workers organisations, were they welcomed or were they boycotted?-- They were boycotted.

Did you draw any conclusion, the fact - let my cancel that. By the time you became involved in trade unionism (10) proper as you can call it, was this system of liaison committees still in existence? Or had they gone out of existence? -- They were still in existence, but mostly I think the system that was there was this works council system that was being enforced.

What was your view? Did the boycotting of the liaison committees help the workers cause or was it against the interest of the workers? -- Because of the boycotts of these systems by the workers, there was a change of mind with the authorities and some commissions were held (20) which resulted in the labour relations act 1979 which laid down the basis for recognition of trade unions by the employers.

What was your view? Had the workers not boycotted these liaison committees, would there have been the industrial relations act of 1979 or not? -- I do not think so.

You told us that your father was a member of the advisory board. Does it go back any further of attempts by members of your family to be of service to the community? -- No. My family had been acting in the committee, but mostly in (30)

the/...

the church circles.

What was your grandfather's occupation? -- My grandfather was a church leader in the Mahon Mission Church in the Orange Free-State.

And has your family been active to this day in the activities of the church? -- Very much so.

Which church? -- The African Methodist Episcopal Church.

When you say members of your family, does that include you? -- That is so.

Were you an active member of the church up to the time(10) of your arrest? -- That is so.

Your church, is it a despotic church or a democratic constituted church? -- Our constitution is very much democratic.

Having been brought up with that constitution in your family? -- That is so.

COURT : Do you elect your parson? -- At conference level. The church members have got a say with regard to the appointment of the bishop - of the minister by the bishop.

MR BIZOS : Did your father give up the position of member of the advisory board or was he not elected or how did it (20) come about that he was no longer involved in the advisory board? -- When we moved to Sebokeng in 1967 he had already given up that position.

Why? -- He was of the feeling that the advisory board would not take his position or the position of his fellow blacks any way, as the name itself would imply that it was merely an advisory structure to the authority with no decision making powers at all.

Did he form any view as to whether he should continue serving on these boards or not? -- Yes, he thought that he(30) would/...

would not continue serving.

Was he alone in this view as far as you know or was it discussed in the community? What was the perception of your immediate circle, your father having been a member of the advisory board and not taking up re-appointment or re-election? What was the attitude towards bodies that did not have any power?

COURT : This witness, if this happened in 1964, was 12 years old.

MR BIZOS : Except that we learnt a lot on our father's (10) knees.

COURT : Then you had better ask him if he learnt this on his father's knees. I should think he was more interested in soccer at the time.

MR BIZOS : I suppose he was. Did you ever discuss with your father, either at the time when he went out of the advisory board or thereafter what he thought about bodies that did not have any powers?

MNR. JACOBS : Net om daarby aan te sluit, dit is wat hy nou lei eintlik hoorsê wat sy vader aan hom oorgedra het. (20)

COURT : Why do you not ask him what his own opinion is about those bodies? That would be relevant? Then if it is not attacked, it remains his opinion.

MR BIZOS : I would be happy to ask him that, but let me try and explain. The allegation of the State is that this witness took part in a campaign against the councils in 1983 at the behest of the African National Congress and the UDF. That is the allegation that this witness will have to meet and if in fact his father rejected the advisory board from 1964 onwards and spoke to him, we may ask Your Lordship to draw(30)

an/...

an inference other than that which the State has alleged.

COURT : Well, can you not ask him then outright whether his father told him anything about the advisory board when he was 10 years old in 1964.

MR BIZOS : I would be happy to do that. I did not want to be accused of leading. Did your father's decision to leave the advisory board influence you in relation to bodies such as the community councils? -- That is so. He did.

Were you asked to serve or to stand for election on the community councils? -- I have been approached on a (10) number of occasions.

When were you first approached to stand for election on the community council? -- The first time was in 1981.

By whom? -- The then chairman of the Vaal Triangle Community Council Mr Knox Josiah Matjila.

Did you reject it out of hand or did you have discussions? -- We had discussions.

Please tell His Lordship briefly what these discussions were about? -- I will have to bring in the kind of setting we met with Mr Matjila for it to be more coherent. (20)

COURT : If counsel thinks that is relevant, I will listen to it.

MR BIZOS : What proposals were made to you by Mr Matjila?

-- The proposals that were made to me by Mr Matjila was that I should stand for elections in the ward that I stayed in, the reason being that the councillor in that ward was not a member of his party, that is the Mbomba party.

COURT : You were to stand for his party? -- That was his proposal. But I was open and honest with Mr Matjila, because it had earlier dawned to me that Mbomba party was only (30) interested/...

interested in developing those wards or areas where it was represented. This has been openly discussed by the members of the Mbomba party at a conference held earlier that day - the conference which I had attended at the invitation of a friend of mine.

Just to get clarity. They had councillors elected from different wards? -- That is so.

And did I understand you correctly that the benefits that were available would go primarily to the wards where the councillor of that party had won the election? Is (10) that what you really say? -- That is what I was speaking of.

How did you react to this proposal? -- The proposal of my joining or the proposal of the development by Mbomba?

The proposal of standing for his party? -- My reaction was that I found it difficult to participate in a structure that I did not believe in. I was open with Matjila and I told Mr Matjila that I likened the councillor to a worker who could not decide on how much of the work to do, how to do the work, when to do the work. The example that I gave him, the literal example that I gave him was a man respon-(20) sible for running a boiler but not having the decision making power to say how much coal to put in the boiler, when to put this coal in, when to buy coal, what type of coal to buy and that is how I saw it.

Were any advantages pointed out to you if you decided to take part in the system? -- Well, what the deputy chairman Mr Sekobane said then was "Well, Vilakazi, if you join Mbomba then you would be a man of status." That is what he said.

What did you understand by a man of status? -- What I understood by this proposition was what every person knew(30) generally/...

generally in the Vaal complex that if you are in the ranks of the council, then you are in the position of numerous favours with regard to allocations of businesses, allocations of stands, either for residential purposes or for business purposes and also the receipt of bribes from people who were desperate for homes in the area. This is what the general perception was at that time.

This Mr Matjila that you speak of, is he the same Mr Matjila who later was convicted in the Regional Court of receiving large bribes? -- That is the very same person. (10)

Did the people in the Vaal have to wait for that conviction to form an opinion about Mr Matjila before it happened? Or did they know the sort of man that Mr Matjila was?

COURT : It makes it rather awkward if you have one man speaking for all the people of the Vaal. Can he not speak for himself and his close friends?

MR BIZOS : you yourself, your family, your fellow workers, your immediate neighbours, did they have to wait for the convictions to take place or did they know about Mr Matjila's reputation for taking bribes before? -- In a very close (20) society like the community I come from in the Vaal complex this was common knowledge. People did not have to wait for the trial to come up.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 22 JANUARY 1987.