

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

Ass. 2

SAAKNOMMER: CC 482/85

DELMAS

1987-01-28

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

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

VOLUME 163

COURT RESUMES ON 28 JANUARY 1987.

BAVUMILE HERBERT VILAKAZI, d.s.s.

CROSS-EXAMINATION BY MR JACOBS (Continued) : Mr Vilakazi, will you open up at AN 13 again.

COURT : Have you got the document? It is headed the Resolutions of the Vaal Civic Association? -- I have got it.

MR JACOBS : If you peruse this document as it is before you, you will see that there are a lot of insertions. Is that correct? -- That is so.

Is it not possible that this was a document from the(10) action committee, the typed part and that additions were added as they were received from the people in the ward? -- That is not so.

Can you explain why the additions were put in here and when? -- These are the additions that were put in after the meeting of the 10th when we looked at these - originally the typewritten form after having been typed out by Mr Thabiso Ratsomo and when we looked at these resolutions as they stood there, others were not in the form that were taken at the meeting and others were missing. So, after that (20) discussions these were the corrections that we made on this document.

These were added afterwards? After it was typed? -- After it was typed these were corrections and additions.

COURT : So, what Mr Ratsomo, that is accused no. 22, presented to the meeting on the 10th, the committee meeting of the 10th was the typed portion of EXHIBIT AN 13? -- No, at the meeting of the 10th it was still the handwritten form. He went to type it. I do not know what happened. When the typed was at a later meeting presented to the meeting, (30)

these/...

these were errors that were found to be there.

So, then at a later meeting, not that of the 10th of the committee, accused no. 22 presented the typed portion of EXHIBIT AN 13? -- That is so.

Is that correct? -- That is so.

And then the committee discussed it and the insertions were inserted? -- That is so.

MR JACOBS : The proposal to affiliate to UDF, was that also in written form, a little piece of paper? -- That is one of those that were discussed at the meeting of the 9th. (10)

No, but I ask you now on the meeting of the 9th, was it one of the pieces of paper written on that? -- That is so.

Were there also more than one pieces of paper? -- Yes, there were more than one.

With the same proposal? -- That is so.

Can you remember how many proposals? -- No, I would not be able to remember now.

More than two, more than three? -- I cannot remember the exact number. There were definitely more than two.

Definitely more than two? -- That is so. (20)

Was one of them also included in the committee's proposals? -- That was not included in the committee's proposals.

You can remember that? -- I am sorry?

You can remember that that was not included in the proposals from the committee? -- No, I cannot remember amongst the proposals being that specific one.

COURT : Proposals of the action committee? -- Of the action committee.

MR JACOBS : And when the proposals were read out on the 9th, who were the people who proposed them? -- I remember a (30)

Mr Mofokeng/...

Mr Mofokeng who I took it to be one of the speakers earlier in the day. The man who was a councillor in Zone 11 earlier on.

You only took it that it was him? -- Because the name was Mofokeng.

Because of the name you took it. You are not sure? -- Because in his speech he also indicated that the best for the organisation to do would be to affiliate with other organisations in the UDF.

With the UDF or other organisations in the UDF? -- (10) To be affiliated to the UDF with other organisations because other organisations are affiliated.

Was he the only speaker saying that? -- There were a number of speakers who said that.

So, why do you say then it is Mofokeng's proposal, the speakers? -- If there was a Mofokeng who made the proposal for affiliation to the UDF, earlier on in the day there was a Mofokeng who spoke in favour of such a move and it is easy for me to think that this is one and the same person.

COURT : But now did Dr Motlana not call for affiliation (20) to the UDF? -- No.

Not at all? -- I did not hear Dr Motlana speak in terms of the UDF or affiliation.

Did you hear him speak? -- That is so.

MR JACOBS : Did any other of the guest speakers speak about affiliation to the UDF? Mr Shabangu, did you hear him speak? -- No, I did not hear Mr Shabangu speak and I came into the hall in the middle of Dr Motlana's speech and I heard Mr Curtis Nkondo's speech fully. I can speak in terms of what I heard from Dr Motlana and what I heard from Mr Shabangu and (30)

both/...

both of them in my presence in the hall never referred to affiliation to the UDF.

Were there any other guest speakers? -- I do not know of any other guest speakers.

Who were the other speakers that said you must affiliate to UDF? -- These are people from the audience.

Yes, but I want to know who? -- Unlike usual meetings called by councillors where a speaker intending to speak would be asked his name and address and the zone he stays in before he is allowed to speak, he is asked to introduce (10) himself that way, this has not been the way we did in the Vaal Civic Association and this I did not see at this very first meeting of the 10th be done. So, nobody was asked his name or address, unless that particular person was referred to by another person there and unless he voluntarily introduced himself, but there was nobody called upon to introduce himself before he spoke.

How did you know the names of the other speakers then that you gave to the Court? -- I spoke about Mr Mofokeng because he did introduce himself as an ex-councillor and (20) Mr Nkota is a local business man that I know who stays in Zone 3.

And the others? -- Reverend Moselane was introduced by Reverend McCamel.

And the other Mofokeng? -- I spoke about one Mofokeng.

Were they the only people that you knew that were introduced at that meeting? -- That were introduced at that meeting?

Or that you knew yourself, those you mentioned now? -- Others are people that I had known and also the others were during nominations, when a person was nominated and a (30) person/...

person was present, he was asked to stand up. If he was amongst those people who were standing, he was asked to raise his hand so that the people can see who is this person that is being nominated.

Did any of the people nominated people speak at that meeting? -- Not speakers. There might be some of them who took part during the discussions of the resolutions.

You cannot remember the discussions on the resolutions. I am asking you about the speakers from the audience. -- There was also Mr Phatang who was a business man whom I know (10) very much well who spoke also at that meeting.

And the others? -- Reverend Lethale was interpreting for Mr Curtis Nkondo. So, I would not regard him as a speaker as such.

Who of the speakers that you know mentioned it that you must affiliate to UDF? -- I know of Mr Mofokeng.

Yes, you have already mentioned that. Go on. -- I cannot remember any other.

But you said a lot of people in their speeches mentioned that it will be a good thing to affiliate the UDF, but you (20) cannot remember any of them? -- The question was the people I know. Who among the people I know.

But I asked you earlier and you said many people mentioned it.

COURT : Many was not used and a lot was not used. There were more than one, definitely more than two was the answer. -- That, if I may add, was with reference to the pieces of paper as to proposals to resolutions.

MR JACOBS : Can you give the names of any other people mentioned who proposed affiliation to UDF? -- My answer (30) was/...

was and still is I did not remember others.

Were their names read out when the proposal was ... (Court intervenes)

COURT : Just a moment. Can you not remember that there were other people or can you not remember the names of the other people? -- I cannot remember the names of other people amongst those who submitted written proposals on pieces of paper.

For what? -- For the resolution to affiliate to the UDF. (10)

MR JACOBS : Were the names read out? -- Yes, the names were read out.

Can you tell the Court what was discussed when this resolution was read out? -- The chairman asked for people to motivate for this proposal, if there were any motivations and the first person to speak as a motivater was Miss Edith Lethlake.

What did she say on the motivation? -- She said - I cannot say her exact words, I will not remember them all now, but she spoke about the need for the organisation to come (20) together with other organisations to share their experiences together and to get advice from one another.

What else? -- She also spoke about UDF being a forum for organisations to come together in expressing themselves against the apartheid laws. That is what I remember in her speech.

What experiences did she refer to? -- Organisational experiences, problems that people are facing in particular areas and how this particular - other areas who experience thos problems, how was it possible for them to overcome (30) such/...

such problems.

To what experiences did she refer? -- She just spoke in terms of experiences. She did not make any particular reference to a particular experience.

And advice, what did she say about the advice? -- With the said experiences, organisations learnt from one another. As such they become advised by one another in dealing with these problems.

Did she elaborate on that, give examples of what kind of advice they were seeking? -- She did not elaborate. (10)

Who else spoke on this resolution? -- I cannot remember if anybody else spoke on this resolution.

I would like you to have a look at the last resolution on that, the printed one. It seems as if it had been scratched out. Is that correct? "That in accordance with the commitment to unity in action, we resolve to work with other organisations ..." -- That is so.

When was that scratched out? -- Like I said earlier, this was worked on at one of the meetings after the meeting of the 10th. (20)

Was it scratched out on that meeting? -- That is so.

Why? -- Because the resolution as adopted at the meeting was that the civilisation to affiliate to the UDF. Now, here in the line that it is typed, it is more or less explaining why the affiliation. So, these are some of the things that came up in Miss Lethlake's speech.

Was this last one not replaced with a written one at the bottom? -- No, that is another one.

But would you agree that this is more or less the same as the other one with a little alteration? -- It is (30)
replaced/...

replaced by the one on top of it. The handwritten part is "Affiliate through the association to the United Democratic Front, UDF.

ASSESSOR (MNR. KRÜGEL) : Yes, but does that not simply precede the last portion that was written in right at the bottom of the page? I see that there is - just after the words United Democratic Front, UDF, what do you call it?

MR BIZOS : Inverted V.

ASSESSOR (MNR. KRÜGEL) : And then we have got right at the bottom of the page "We pledge to strive for the unity of (10) our people under the banner of the Vaal Civic Associaton etc." -- That is so.

Will that then all replace the last paragraph as was deleted? -- The paragraph that was deleted, if one reads it, would imply both the addition at the top and the addition at the bottom. With that scratched out we had to be clear about this resolution of affiliation on itself alone and this other one at the bottom.

So, that the additions at the top and at the bottom all form part of the same last paragraph, the amended (20) last paragraph? -- The amended?

Yes? -- Yes, the amended was supposed to replace the two, but we had to clarify it that there was a resolution on affiliation and the resolution on the pledge for unity with our people.

COURT : I take it that the resolution for on affiliation adopted at the meeting read that we affiliate to the UDF? -- That is so.

Can you explain why those words "that we affiliate to the UDF" were not included in the typed resolutions? -- (30)

Well,/...

Well, I cannot explain that, as I did not know who did the actual typing of this document. But this document was definitely discussed by the Vaal Civic Association and it was corrected in this manner, so that it could be retyped and produced in a manner that it should have been in.

MR JACOBS : So, you say there were two resolutions. One is affiliate through the association to the United Democratic Front and the other one we pledge to strive for the unity of our people. That was another resolution adopted at the meeting, the meeting of the 9th? -- That is so. (10)

This last one, who proposed that resolution at the meeting? -- I cannot remember the name of the person who proposed it.

Were there more than one piece of paper in regard to this? -- There were a number of pieces of paper.

And this one as well? -- This one as well.

And you cannot remember the name that was read out? -- No, I cannot.

Was this also a resolution on the list of the committee? -- I would not remember the particular resolutions that (20) were on the list of the committee.

I see the main or the most important resolution was the one at the top. Is that correct? That you form the VCA? -- That is so.

You are referring here to our living conditions that must be bettered. Can you explain that to me? -- Yes. In broad terms when we talk in terms of bettering the living conditions of the people in a community, one looks at the provisions of health facilities, provisions of educational facilities, transporting, is housing adequate, are the (30) houses/...

houses provided habitable and how do the costs of living in such an area affect the people living there, is basically the services of the housing projects, the housing provision as a whole, threatening the living standards of the people. How does the general payments towards housing, transport in the area affect the living wage for an individual family.

So, was that discussed on that meeting? -- That was discussed.

And if I understand you correctly, your mandate was about the living conditions of the people, bread and butter(10) issues, housing and bread and butter cost of things? -- Well, I would leave it in broad terms within the parameters of the living conditions.

As explained by you now? -- That is so.

Referring to bread and butter issues? -- What I see as bread and butter issues may not necessarily be what the learned academy see as bread and butter issues.

COURT : Then you will both have to define your terms. Will you start?

MR JACOBS : Bread and butter issues in the sense that it(20) refers to your housing, cost of living, as you said transport, housing, health, education, things that refer to the people in the Vaal itself? -- My definition of bread and butter issues in my community would stretch from housing, the services rendered in the area, the health facilities, recreational facilities, schooling, sport facilities, transportation and the general political security of the people in the area.

What is general political security? Firstly, was general political security discussed on that meeting as part of (30)

the/,...

the mandate? -- We are talking in terms of the resolution as we see it here and the learned advocate came out with what he understands by that and I am speaking in terms of what I understand from these issues as a member of my community.

I asked you if you discussed these things that you mentioned and you said yes, housing, roads etc. Is that correct? -- That is correct.

And you also added general political issues, security issues, general political security. Was that discussed on that meeting as part of the mandate? -- Yes, it was dis-(10)
cussed and with reference to the participation of the Vaal Civic Association into the community council structures.

What else? -- That is when it was discussed.

Not when you adopted this resolution? -- That forms part and parcel of that resolution as it is at the top.

Is it not correct that you handled - the first resolution or proposal that you handled and discussed and then afterwards adopted was the one on top. That is how I understood your evidence? -- If you could give me a chance. As I said that formed part and parcel of the resolution as (20)
it is there and as it is also reflected at the various line of that resolution, betterment of our living conditions through civil political means.

So, you discussed it under civil political means? -- That is so.

What did you discuss at that stage? What do you mean by civil political means according to the discussion on the meeting when you adopted this first resolution? -- My civil political means we meant to, as this resolution refers to the residents of the Vaal complex resolved on this day (30)

of/...

of the 9th October 1983 at Sebokeng to form a civic association whose function will be to strive for the welfare and the betterment of our living conditions through civil political means within Sebokeng itself.

Where is the word Sebokeng itself? -- That is my addition now.

Why do you refer to Sebokeng itself and why not to the old Vaal complex? -- When I talk in terms of Sebokeng I ... (Mr Jacobs intervenes)

No, but we are not talking in terms of Sebokeng now. (10) I am sorry I interrupted you. We were speaking about this resolution the first one, discussed and adopted. I suppose this resolution is not for Sebokeng only, but it is for the whole Vaal Triangle? -- That is so.

So, my question is in regard to this resolution as a whole? -- If I may explain. Since all the townships in the Vaal complex at some stage were under the administration of the Sebokeng Administration Board I have become accustomed to referring to the entire area as Sebokeng as such, but by all means I will try to be as much clear as I can with (20) regard to Sebokeng and the Vaal complex.

Go on now and tell us what is civil political means in the Vaal complex? -- By civil political means in the Vaal complex I mean is by bringing about ... (Mr Jacobs intervenes)

That was discussed? -- That was discussed, was that the Vaal Civic Association be formed so that it can look into the aspirations of the people in the Vaal complex and through the mandate from these people and through discussions with these people and a mandate from them, be able (30)

to/...

to handle these issues and the term civil political means simply clarifies the situation that this will be in broad terms that given association in the townships where people are not faced up only with the housing problems but these problems also are there because of political problems that are there, that is how I remember it being discussed there.

What political problems were there? -- Political problems that were there was firstly, the lack of participation of Black people in decision making on matters that affect their lives, the denial of ownership of land in the country of (10) our birth.

Who said that on the meeting? -- This was discussed by the meeting. A speaker would come from any corner to speak about these issues.

Did you participate in this? -- In what?

In the discussion ... -- Of the resolutions in general, yes.

This one specifically? -- Well, I do not remember which one specifically, but I adopted this, I was part of the meeting that adopted these resolutions as they are. (20)

I am not asking you about the adoption of it, I am asking you about the discussion of it. Do not avoid my question every time, please. -- I am not avoiding the question, but I am saying that I may not remember my participation in that one in particular or any other of the resolutions, but my participation in the resolutions would be where, as a resident of the Vaal complex I had also these aspirations. These resolutions also reflected my feelings. That is why I was part and parcel of the decision making with regard to the adoption of these resolutions. (30)

Out/...

Out of your answer I must understand you only voted on the resolutions. Is that correct? -- That is not so.

What else, except to vote for the resolutions, did you do? -- I did also contribute in motivations on some of the proposals.

On which of them did you speak and give motivation? -- I will count the number of the resolutions as they are not numbered here.

COURT : Just read to us the first couple of words. --
Condemn the banning of SAAWU and to pledge solidarity with (10) our people in the Ciskei.

MR JACOBS : Only one? -- (No reply)

No answer? -- I did not hear the question.

Only one? -- Only one?

Did you participate in the discussion of only one resolution? I asked you to point them out? You said you did participate in the discussing of some of the resolutions. -- I understood the question to be which one, not those that you participated in. That is why I picked up that one. The others I also contributed in motivation and I may not (20) remember all those. This is the one I remember because I was the first motivater on it.

You were the what? -- I was the first person to motivate adoption of that resolution.

COURT : Were you the proposer of the resolution as well?

-- No.

You had not proposed it? -- I had not proposed it. I was a motivater for the adoption of that resolution. I also took part in others as a motivater also. I may not remember. As I said, these resolutions reflected what (30) was/...

was also my feelings.

MR JACOBS : Can you remember what you said in motivation on some of the others? -- Well, generally, my motivation on some of the others would be to ... (Mr Jacobs intervenes)

I do not want generally, I want specifically? I am asking you specifically? -- Then it means I have got to sit down and think clearly specifically which of the resolutions I motivated and if I can be given time on that, I can sit down and do it.

Did you have discussions with your counsel on the (10) resolutions? -- Not with the object of my identifying on which resolutions I participated and to what extent on each and every one of them.

You have seen the resolutions before ... -- But it was on the basis of whether I have seen this paper and do I remember it as being the resolutions adopted by the meeting of the Vaal Civic Association on 10 September - October 1983.

Have you read through it? -- I read through it.

Many times? -- Not many times. (20)

In order to identify it as resolutions of that meeting I suppose you would have to read through it very slowly to identify it and make sure it is correct? -- That I did.

During that reading of it, could you not identify any of them that you motivated? -- When I sat there and read I remember that these were motivated and I remember that those were some of the resolutions which I felt the same about. Whether I did take part with that specific resolution itself, I could not remember, but the one that came up was this one of the Ciskei on the banning of SAAWU. (30)

I/...

I remember that I motivated it and being the first motivater.

Is it not strange that you - have you got any trouble in your memory or with your memory? -- I always regard it to be normal.

Is it not strange that you can remember what other people said but you cannot remember what you self said? -- I can remember what I can identify well. There are a lot of things that I can remember and there are a lot of things that I cannot remember.

You remember that you motivated resolutions. Is that(10) correct? -- I spoke during the motivations of some resolutions, yes.

Did you motivate them? -- I spoke during the motivations in support of the motivations of some resolutions.

COURT : Do you draw a distinction between speaking and motivating? -- That is so.

What is your distinction? -- Speaking, you may be speaking around an issue. Then you propose that issue, but when it is time for resolution, of the adoption of that resolutions, then those people who are in support of such a resolution(20) will be called upon to motivate why that resolution should be adopted and those would be given an opportunity and those who are against will also be given an opportunity to motivate against and adoption of such a resolution.

So, when you drew a distinction just now between speaking and motivating, were you intending to convey that you spoke but not during the time when the resolution was put to the meeting? -- I spoke during the time when the resolution was put to the meeting for motivation. That is why I am saying I was the first motivater. (30)

That/...

That is one resolution? -- That is one resolution.
On others I spoke well after the other had spoken in motivation.

Do you not also motivate the resolution or the proposal even if you speak second or third? -- That is also motivation.
MR JACOBS : And you cannot remember what you said in motivation in any of the other resolutions? -- Yes, I cannot remember.

Is it not strange that you cannot remember what you yourself said and you can remember what other people (10) said? -- It is not strange.

So, you cannot help us at all in saying which of the other resolutions you took part in, either for or against? Can you tell the Court, did you speak against any of the resolutions? -- On these ones?

Yes? -- I never spoke against any of these.

So, you spoke in favour - when you spoke, you spoke in favour of the resolutions? -- That is so.

So, you motivated in favour of the resolutions? -- That is so. (20)

But you cannot say what you said? You cannot even remember on which one? -- No, I do not remember on which one. Other than the one of the Ciskei - the banning of SAWU in the Ciskei.

You mentioned the lack of participation and decision making, denial of ownership of land, what else and the civil political means? -- Also by bringing together the people in the particular areas, within the area committees, so they can be able to be of assistance to the people in those areas and also to act as per mandate from the people, that is (30)

the/...

the residents in that particular areas. Such mandates being guides to the Civic Association.

Anything else? -- That is all I want to say about that.

Will you agree with me that those that you have mentioned are problems and not means. I asked you civil political means. Do you agree, these are only problems? -- I have spoken about the bringing together, the means of dealing with these would be bringing together the community under the - various areas committees and the people themselves mandating their area committee members, who then pass (10) the mandate to the executive and the executive will act accordingly.

I am referring now to all the examples mentioned by you, the lack of participation, decision making, denial of ownership, all of them together, they are not means. -- Those are the problems, but the means to deal with those problems are through the mandate from the people right up to the executives.

I want to know the means. Can you tell the Court during the discussion, during the motivation, what was (20) isolated as means to achieve your objects of bettering your living conditions? -- The means that were discussed there were to bring a strong organisation into being by organising at area level, establishing area committees, who then would work hand in hand with the executive to carry out the mandate of the people with regard to each and every one of the problems. Those were the means discussed.

How were they going to carry out? -- That would depend on the mandate.

But the mandate is for the betterment of your living(30) conditions/...

conditions. You already had a mandate? -- We have a mandate, yes, but the resolutions are a guide to an organisation as the people themselves indicated here what did they want, what they wanted the organisations to deal with, but when it comes to the exact dealing, how it is to be dealt with, it is a process that the organisation has got to get the mandate from the people, like for instance the question of the boycott of the town council elections. This was a mandate that was clear that there will be a boycott of this council and this is the role that the VCA will play with regard (10) to that boycott, but when you look on all the political structures of the people, it is not something that can be drawn at a three hour meeting when it affects the lives of people who have suffered under these hardships for a very, very long time. It would have been inappropriate for that meeting to come up with the machinery in handling these social political problems there and then, but if the development of structures within the organisation and the growth of the organisation from time to time, an issue would be picked up and that issue per mandate would be directed (20) in such a way that the community will gain from such a manner that it was handled in.

When the meeting discussed this first resolution, during that discussions the other resolutions were not presented to the meeting, they were not discussed, they were not motivated, they were not adopted. Is it not correct? -- That is correct.

I am still dealing with the first resolution in the discussion on that and I asked you what were the civil political means to achieve your mandate of betterment (30)

of/...

of your living conditions. What was discussed on that? You tell the Court now what was discussed in the motivation of this resolution? -- I put to the Court what was broadly discussed at the time these resolutions were put to the meeting.

I am not asking you that. You are evading my question. I asked you specifically about this resolution. I do not want a broad discussion. I want a discussion on this specific resolution. Can you give it to us? -- I also gave an account of what I remember being discussed. (10)

Tell us again please what you remember in the discussion as civil political means to achieve better living standards in regard to this specific resolution. Do you understand my question? -- I will answer the question once more.

Do you understand my question? Firstly, let us get that clear, do you understand my question? -- I take it, I am answering, because I understand the question.

You understand the question? At the moment I am only referring to that first resolution, discussion and motivation of that resolution. Do you understand that? -- That is (20) what I do understand.

Now, just tell us then what ... -- What I remember discussed at the time in the resolution to launch this civic association ... (Mr Jacobs intervenes)

That is not my question.

COURT : You must give the witness an opportunity of finishing his answer.

MR JACOBS : I am sorry. -- .. was that the civic association should be such that it will be representative of all areas That the areas must be organised and area committees be (30) developed/...

developed so that through the mandate these areas could be able to deal with the socio economic problems of the people in the area.

Go on? -- And this can only be done through civil political means as directed to by the people.

COURT : Was the term civil political means discussed? -- I remember social political being discussed and civil political means yes was discussed too.

What was said? That is what counsel wants to know, what was said in respect of civil political means? -- By (10) civil political means what was meant there was for these problems to be handled or by the civic association to address himself to both civil and political problems.

I have a bit of difficulty with that explanation. You were to strive for the welfare and betterment of the living conditions. It was, although it was not discussed at that stage, probably a common thought that you would have nothing to do with the puppet body called the community council. Now, how were you going to strive for the welfare and betterment of your living conditions? -- This was to be through (20) the directions of the residents in the Vaal complex on how they wanted this to be handled. One of the ways would be to represent them from time to time to the government structures that are accessible to them like the Development Board. Depending and depending on the mandate as it comes out from the people and this whole document of the resolutions as it is, would have been one way of presenting these problems to those in authority, particularly where they doubted the authenticity of the organisation, but through this document as it was typed like this, it was to be (30) prepared/...

prepared for such occasions too that when such an occasion arrives that people want this problem to be dealt with directly with the board, it could be directly dealt with the board and this document could be handed to the board so that the board could see that this is an authentic organisation and as such discussions towards solving of such a problem ever be it a political problem or a social problem, it could be resolved at that level.

Did you think that the Board would listen to you seeing that there was a representative body like the community (10) council? Or town council? Would they not just send you back? -- It would have been very much unfortunate for us if we would not be given a hearing like the board would have done as suggested by the Court now, but because at that level it had not happened, it was not in our minds that that situation can arise. Experience has been that with a number of authorities where problems arose, representativeness would always be questioned and authenticity of the organisation would always be questioned, and the constitution, the aims of the organisation would be one way that an organi-(20) sation could present himself to the authorities for the authorities to know exactly what the organisation stands for and only if that rejection comes, after that, then it would mean that the authorities would not be prepared to discuss the problems of the people with those people who bring up these problems.

MR JACOBS : And then, what will be the next step then?

If the authorities are not prepared to discuss this? -- In a normal situation the next step would be to protest against such an action by the authority, to expose the authority (30)

by/...

by inviting on protest and if that fails again, other forms of protest, like writing letters to members of parliament, writing letters to the president, those could have been other alternatives, but at this stage, those alternatives were not discussed, because nobody envisaged such problems.

Let us make it easier for you. What has the resolution condemn the banning of SAAWU and to pledge our solidarity with the people in the Ciskei to do with the living conditions of the people in the Vaal? -- It had to do with the people in the Vaal. In the Vaal we have very big single males (10) hostels whose occupants, some of them, come from the Ciskei region and these people as people who spend most of their lives in Sebokeng, not only inside the hostels, but will go out with relatives who are staying in Sebokeng and would go out to friends, colleagues, people they work with in Sebokeng, these people are not seen in isolation as being people from the hostels and as such we did not see the hostel as a separate entity from Sebokeng as a whole. These are the people whose relatives were experiencing the hardships of being denied the rights to be represented by the (20) union of their choice in the Ciskei, the union being SAAWU and as most of the workers in the Ciskei were members of the South African Allied Workers Union, it was a blow to the people of the Ciskei living in South Africa or living in Sebokeng who, realising that they themselves, they have got secured jobs through union representations in the factories here, their kin, their brothers, their wives, their sisters are denied this right in the Ciskei and despite being denied this right only, the hardhanded action that was meted against the people by the soldiers and the police force (30)

in/...

in the Ciskei, the shooting of people during the protests, the bus boycott in Mdantsane, affected these people very much and we saw them, these people in the hostels, as part of the community and when the community was together at such a gathering, it was only fit for the community to express its feelings towards what we saw as atrocities being committed against our people in the Ciskei.

But the Ciskei is an independent country. Why do you say it is your people? -- Perhaps the learned advocate did not hear me when I referred to the members of the families, (10) those families in the Ciskei, who stay amongst us in Sebokeng, they live with us and they are part and parcel of the community in Sebokeng and as such, even if any part of South Africa can be cut off from the main countryland into some form of independence like we have, self-governing states, like Kwa-Zulu and Kangwane and have those independent states like Bophuthatswana and Ciskei, the mere fact that there is that independence, if I have a brother who stays there and I am staying here, that person still remains my brother. Those are still our people. (20)

What does it have to do with living conditions as elaborated by you first, what we refer to bread and butter issues? -- The political situation then was ... (Mr Jacobs intervenes)

Is a political situation a bread and butter issue, a health issue, a house issue, education issue or housing issue or a cost of living issue? -- Those issues are part and parcel of South African politics. Those are issues that are discussed in parliament. Those are issues that are debated in parliament and as such I see them as political (30) issues/...

issues.

Do I understand you now that living conditions according to your interpretation is a political issue in actual fact?

-- Living conditions can be made political issues.

So, was it a decision then during the discussing, was it then decided that these living conditions must in actual fact be political issues? -- No. All these problems that were seen there, were seen in the light of the causes of these problems and politics played a very, very important role in creating such things as being political, because (10) if we say housing is not a political issue, but I do not have a say with regard to my housing and I cannot freely choose where to stay, where to put up my house, but there is a law that will direct me, you cannot go this way, you cannot go this far, the group areas act is there and the separate amenities is there, these affect my living conditions. Those are the laws that keep me as a settler citizen of the country and as such my life will be that of a settler status. These are the issues that are political.

So, when I asked you in the first instance to elaborate (20) on what you mean by living conditions, why did you not mention this as well? I asked you for a definition of what was understood at the meeting under living conditions. Now you brought in something new. -- Well, it is not something new. I see it in the same context as others.

Why did you not mention it? -- Well, I have no special reason why I did not mention it.

COURT : Well, then, can I summarise your evidence as follows. That is that this association was to work on a local level with local issues and also deal with general political (30) issues/...

issues? -- As affecting people from area to area.

Affecting Black people and especially people in your area? -- That is so.

MR JACOBS : Is that in conformity with the UDF principle that you say it on such a wide angle? -- The aim of the UDF was to bring together all organisations that are opposed to apartheid and if in my organisation we saw our hardships being brought about by apartheid, it was only fit for us to affiliate with the UDF.

And your general planning here was in line with the (10) UDF planning and policy? -- These resolutions deducted out of the speeches of the people, the debates of the people and at that time I did not know what the planning of the UDF is, as I would not know now, I only know that my organisation represented by the chairman and vice-chairman and an assistant secretary at the UDF's general council, so I cannot address myself to the planning of UDF. We were talking in terms of many organisations with - who have got different aims and objectives of their own, but who are united as far as the apartheid system is concerned. (20)

What do you mean by apartheid system? Why are you mentioning it? -- What I mean by apartheid system, I mean a system that divides the people of South Africa.

Who is the apartheid system? -- What is the apartheid system I would understand the laws ... (Mr Jacobs intervenes)

Who makes out the apartheid system? -- The laws that divided the people through colour, through religion. The laws that deny the people in South Africa, Black people in South Africa political rights, the laws that do not provide any means for particular groups in the country to decide (30)

on/...

on matters that affected their lives, the laws that divide families in this country, the laws that decide on who is to stay where, whether he wants to stay in an area, whether he has a friend of another colour, the law will decide that you cannot be neighbours. You can only remain friends. That is what I mean by apartheid system.

And the government is part of the apartheid system? --
The government voted on these laws.

Is the government part of the system? -- Part of the system in what fashion? (10)

I am asking you is it part of the apartheid system? --
The government of this country?

Yes and the Black local authorities, the councils, are they part of the system? -- As long as that there are Black structures of Black people and these structures and the administration of the Black people is not done in consultation with the Black people and the Black people do not have a say in the structuring of the structures in the institution of these laws, that is apartheid in itself, but as long as I cannot vote any person here in my township, (20) in my area, a person who I have a strong belief in as an administrator, a person who I believe represents my aspirations and my ideals in the government that is governing me and my people in my community, the person I can go and consult with, I can mandate into parliament, then apartheid is in a whole in control of the situation and as the government, as it is now, the parliament, as the parliament is voted for by White people and I am not consulted when these laws are made, I cannot see that in isolation. That is apartheid system as it is. (30)

COURT/...

COURT : Now I do not understand your answer. The question was do you regard the government, Black local authorities and the councils as part of the apartheid system? Is the answer yes or no? -- That is part of the apartheid system.

The answer is therefore yes.

MR JACOBS : And your organisation was it also in opposition to the system, apartheid system as you like it? -- That is so.

And is that why you joined UDF? -- We joined the UDF to - for many reasons, but the main reason being that we are united in the UDF like against apartheid. (10)

Just give us the many reasons? Let us hear them? -- The reasons are, to basic experiences that we can have among organisations and to share experiences with other organisations building up strong organisations and also to come together as groups of different interests, as church organisations, as workers, as youth bodies, as student bodies and as civic bodies. To come together in itself is an experience. And to pledge together against the apartheid system in the country.

Is that all? -- (No reply) (20)

You mentioned many reasons. You gave only two reasons. -- Those are the two reasons that I can give.

If you say you pledge together against the apartheid system, what do you mean by that? How do you pledge together and for what purpose? -- For the purpose of encouraging our people to unite against apartheid, in speaking out against apartheid and apartheid laws in the country. To unite in showing others who are not yet in the fulls of the UDF, that through unity we can have a situation where many people would voice themselves loudly against apartheid and the (30) support/...

support of apartheid will ultimately diminish.

When you say speak out, do you mean speak out with the government or authorities or what do you mean by speak out?
-- That will depend on the mandate of the people. At my organisation level depending on the mandate from the people and at the UDF level it will depend on the mandate from affiliates.

So, the affiliates must mandate UDF? -- They must mandate those they have elected into the executive of the UDF. The affiliates will have to decide on that. Then that will (10) be the direction taken.

What was the decision in the Vaal? -- The decision was in the Vaal as I have said that everything will be dealt with through the mandates from the people, through the area committees to the executive.

Did you get a mandate? -- Who? Me?

Your organisation? -- Yes.

What mandate did you get? -- The group in the Zone 7 area committee firstly we were mandated to establish the Vaal Civic Association. We were mandated through the Vaal (20) Civic Association to affiliate with the UDF ... (Court intervenes)

COURT : You were to get your mandates from the area committees. What you are telling us now, is what is set out in AN 13 which were resolutions adopted at the founding meeting of the VCA? -- That is the mandate to the VCA.

That was not a mandate given to the VCA by the area committees. This was a mandate given to the VCA by the general meeting. You are saying that you would get your mandate from the area committees and the question is which mandate did (30) you/...

you get and from what area committee? -- The mandates from the area committees, from the people that came through the area committees, will be the mandate like the stopping of evictions in Zone 7, which the area committee in Zone 7 handled itself. The stopping of sending away of children because of the age limit restrictions in the schools in the Vaal at the beginning of 1984, which the Zone 7 area committee, which was then active in Zone 7, took part in to bring such a stop.

Is that all? -- The mandate to boycott the town council elections in 1984. (10)

That was already decided at the meeting of 9 October 1983. It was one of your resolutions. -- Yes, it was recreated at the meeting, at the launch of the meeting of the Bophelong area committee in November 1984. The mandate through the area committee to launch the Zone 3 area committee ... (Court intervenes)

It was reiterated by the Bophelong of Boipatong? -- Bophelong.

MR BIZOS : Did I hear November 1984? (20)

COURT : What date was it? -- 1983.

November 1983. Go further? -- The mandate to call upon the councillors to resign, the mandate to have the rent increase not implemented, the mandate to march to Houtkop on 3 September and present a memorandum to the Development Board there.

ASSESSOR (MNR. KRÜGEL) : Could I please ask, this memorandum, you have mentioned it before. Where is it? What happened to it? -- The group that was to meet on the 2nd, the day prior to the march, were to decide on what is to be done (30)

with/...

with the memorandum and as I was not part of that group, and I was not part of the group that had the memorandum on the march, I do not know what happened to the memorandum.

MR BIZOS : There will be evidence about it through witnesses who were there on the 2nd.

COURT : Have you finished with what you wanted to say about the mandate? -- That is so.

MR JACOBS : I want to go back to my question. I asked you whether there was a mandate given to the UDF, do you know about it, not to speak or not to discuss, have discussions(10) with the government? -- Not to have discussions with the government. I do not know of such a mandate given to the UDF not to have discussions with the government.

On political rights? -- I did not know of such a mandate.

We will come back to that later on. You said a week after the meeting of the 9th, you discussed the resolutions in the committee. Is that so? -- That is so.

What did you discuss on? What did you plan? -- We discussed that these resolutions must be typed out and be put up in a form that could be made into a book form, where (20) they could be written in languages that could be understood clearly by the people, that it will also have their translations and this would be used in presenting ourselves any where where we are called upon to do so through these resolutions, this is what the VCA stands for and also this could be used by members of area committees when they went out to organise more members into their areas, they could use these resolution so that anybody who will be against these resolutions would then have the choice of affiliating or not affiliating with the Vaal Civic Association. (30)

How/...

How do you mean affiliating? -- Seeking membership.

Becoming members and not affiliate? -- Becoming members, put it that way.

I just want to elaborate on this now. You yourself told the Court that you could not have any members because you have not got a constitution. How do you relate to the two ... -- I relate to the two in the way that this was to be the basis for organisation coming into being by organising and this could be used anywhere. Also this could come in the constitution itself, because the constitution will be (10) based on these issues and a number of other issues. A constitution is a different thing. When the constitution was discussed, it was discussed for these resolutions to be partr and parcel of those - of the constitution.

How can you get members to join the VCA if you have not got a constitution? That was your own evidence? -- My evidence was not that we should go and get members without the constitution. The question was what was discussed about this and I said what was discussed and the learned advocate there had also clarified the question by saying what was (20) the plan around these resolutions. I am merely putting out the plans as they were with regard to these resolutions. I did not in any way say these were to be done, all the things I am doing were to be done, despite the fact that the constitution was not there. So, it would be unfair to say that - to suggest that that would be the situation.

But did you not tell the Court a few seconds ago that the people had to go out, the members of the committee, to the people and use the resolutions that have been typed out and bound in a book form and to use that to get people to (30) affiliate/...

affiliate as members of UDF? -- That is what I said ... (Mr Jacobs intervenes)

Of VCA? -- That is what I said.

If you have not got a constitution how can they go out and get people to join VCA as members on the strength of that resolutions? -- The advocate is right that you cannot do that, but it is a constitution that speaks on the issue of membership, how to acquire membership, to go out and say this is all about the Vaal Civic Association and now you are a member. It does not say about the affiliation fee, it (10) does not say about the subscription fee. It does not say a thing, but this would serve as a voucher and I did mention that it would not be - I did not say that it would take the form of a constitution, but what I said was that during organising campaigns it could also be used so that people can see what the VCA stands for.

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Was that document now duly typed out, was it bound in a book form or not? -- No, that is a very costly exercise and we had not reached the stage where we were much financed to the sense that we could have it bound in that form. (20)

Was it typed out? -- It was typed out.

COURT : After AN 13 or is the final version AN 13? -- After AN 13 it was typed out.

In full? That is the insertions were inserted and typed? -- That is so.

MR JACOBS : So, you only planned to have it typed and bound in book form and to use it as an inducer to get people to become members of the VCA? That was discussed in short? -- Not as an inducement, because I did not expect any human being to see anything attractive in these and just be

induced/...

induced, but a person had to go into this and see it and read through this and decide on his own that this is an organisation I can identify myself with, because the term inducing would reflect that we made it so that it would be irresistible to everybody in the township.

And did you discuss the implementation of your mandate on that meeting? -- Yes.

What did you discuss on the implementation of your mandate? -- Still on the meeting on the 12th?

No, the meeting when you discussed the resolutions? (10)
The first thing you discussed was having it typed. So, what else did you discuss? -- How to implement these resolutions all in all. We decided that we should first of all meet the following day to get to know one another and to see which days of the weeks would be suitable for us to meet and be able to carry forward the implementation of these resolutions.

When did you meet and say that you would meet later on and get to know each other? When was that meeting? -- When we met ... (Mr Jacobs intervenes) (20)

When was that meeting? -- On the 9th, after the meeting. All the people who were elected to the area committee were called upon to meet, but we decided that we should come together at Lord McCamel's house so that we can now get to know one another and try to work out a program on how we are going to carry out the work.

So, let us get it then clear. When did you get together at McCamel's house ... -- That was on the 10th.

COURT : 10 October 1984? -- That is so.

MR JACOBS : The day after the meeting, not a week later? (30)

The/...

-- The day after the meeting.

So, on the day after the meeting, did you discuss - let me be clear. The day after the meeting of the 9th, that is the 10th, did you come together at McCamel's house and did you discuss the resolutions? -- Yes, we did discuss the resolutions.

So, that was a day after the inauguration meeting? -- That is so.

Are you clear on that? -- I am clear on that.

COURT : Did you have AN 13 there? -- AN 13 we discussed (10) at a meeting which I said earlier on about a week later.

MR JACOBS : On the day after the meeting at Reverend McCamel's house, what did you discuss. Let us get that clear? -- What was discussed was to have the resolutions typed out more clearly so that they can be discussed by the house. Apart from that we picked up some of the resolutions that needed to be attended to as early as possible.

If you say you picked up some of the resolutions, do you mean the pieces of paper? -- No, the pieces of paper were there and this has also been transcribed, ready for (20) typing.

This one? -- The draft of this one. Not the typed form. The draft was ready for typing and the AN 13 in its typed form I saw a week later.

Just a minute. Did you see the draft, did you have the draft at the meeting on the 10th? -- The chairman had the draft.

Did you see it? -- I saw the chairman with the draft.

Did you see the draft? Did you read the draft? -- I did not read the draft.

(30)

Why/...

Why not? -- The chairman was reading from the draft.

So, you picked up some of the resolutions adopted the previous day at this meeting and discussed it? -- That is correct.

Tell us which of them did you discuss? -- We discussed the question of affiliation to the United Democratic Front.

O.K. affiliation. Yes? -- That is the one we discussed at length there.

So, you only discussed one and not some of them? -- I will agree so. Some were mentioned but not really discussed. The one that was discussed was that one of the affiliation to the UDF. (10)

And you said some of them were mentioned? -- Yes, for possible discussions.

Which were mentioned? -- Since the following month would be the elections of the Black local authorities, we also - the resolution against the BLA was also mentioned.

Which one is that? -- The one that says condemn the community councils as puppet bodies and to boycott the Black Local Authorities elections since we believe that (20) nothing would be achieved by voting.

Yes? -- That was also mentioned. Those were the two that were mentioned.

The one was discussed and the one was mentioned? -- That is so.

So, it is only one discussed and one mentioned? -- That is so.

Did the chairman Mr McCamel read the resolution from the draft in front of him? -- That is so.

Because, if I understood you correctly a few minutes (30) ago/...

ago in your evidence you said that these were added at the meeting a week after the meeting of the 9th? -- That is so.

But then he could not have read this from the draft because this was not on the draft. This was only added afterwards? -- The draft was a draft before the typing and at a meeting a week later we worked on what was the draft earlier but was now written out and typed. That is what we discussed and discussed each and every resolution as it has been. These were corrections that were done on those.

COURT : Are you saying that in the draft the words (10) "affiliate through the association to the United Democratic Front" appeared but they do not appear and did not appear in the typed version AN 13? -- As he read it out it appears that way.

MR JACOBS : Do I understand it correctly that you discussed the contents of EXHIBIT AN 13 on the meeting of the executive a week after the inauguration meeting of the VCA? -- That is so.

I want you to tell us what did you discuss? What plans did you make on that day? Is that on the day, the same (20) day that you discussed the question of having it typed and use afterwards also when you were recruiting for people? Was it on that meeting? -- That is so.

What else did you discuss? What plan of action did you discuss? -- Some of the ... (Court intervenes)

COURT : With which meeting are we dealing now? I seem to have lost track.

MR JACOBS : I brought him to a week later.

COURT : A week after the 9th?

MR JACOBS : A week after the 9th. Where did you gather?(30)

Let/...

Let us get that clear? -- At the house of Lord McCamel.

Can you remember what day it was? -- It was on a Wednesday evening.

Who were present? -- Present at this meeting was myself, the chairman Reverend McCamel, the vice-chairman Mr Esau Raditsela, Mr Thabiso Ratsomo.

COURT : No. 22. -- Mr Maloisane, Mosieleng, Mr Kgaka, Mr Bonani Mafa and Mr Johnny Motete.

MR JACOBS : And Edith Lethlake? -- She was present, yes.

Dorkas Raditsela? -- She was not part of the ... (10)

(Mr Jacobs intervenes)

Was she present? -- She was not present.

IC.8? -- IC.8 was not present.

Can you remember how many of you were present? -- I mentioned the names of the persons present whom I can remember.

So, what plans did you make on implementing the resolutions? -- The plan was having received the report from Mr Thabiso Ratsomo on the UDF ... (Mr Jacobs intervenes)

What report? Be specific? -- That he had made enquiries from the UDF on affiliation. He reported that affiliation(20) was voluntary but if we wished to affiliate, then an affiliation deposit of R100,00 would be required and also presented us with the UDF declaration and the UDF working principles which two documents were circulated in the meeting and discussed. At the end of that meeting ... (Mr Jacobs intervenes)

Before you go on, did he tell you anything why he brought the declaration and the working principles, why it was necessary for him to lay that before you? -- Yes, because he could not just come and say that UDF says that if you (30) are/...

are willing, you are welcome to affiliate and the affiliation fee is R100,00. Through the declaration and the UDF working principles we could still check and see if this is an organisation that - the type of organisation that we feel that the people wanted to affiliate in and if we had doubts about the affiliation, through what we read in the declaration and working principles, then we were to take back the mandate to the people for them to reassess their position with regard to affiliating to the UDF.

Did he explain also that in order to affiliate to the (10) UDF that the VCA must adhere to and carry out the national campaigns of the UDF? That it is part of affiliation? -- No, that we did not understand that it was a matter of much carrying out, but what was there was that if we accept the declaration as it is and also identify ourselves with the working principles of the UDF, then other things like campaigns, particular campaigns was up to an organisation to decide on, whether that organisation would carry out that campaign or not. If an organisation felt that it can go out and carry out a campaign, then it was free to do so. By (20) affiliation to the UDF it did not mean that we are now wholly bound by the UDF. There is nothing that the organisation can do now without directus from the UDF or without really disagreeing with some of the campaigns that the UDF may have decided on.

Was it mentioned that - you see, Lord McCamel gave evidence to the effect that it was expected to carry out national campaigns of the UDF. Is he wrong in that? -- My understanding was that if we identify ourselves with the declaration, if we accept the declaration of the UDF, if (30)

we/...

we identify ourselves with the UDF working principles, then we could affiliate. If it comes to a particular national campaign, being an organisation and not being for that particular campaign, you had the right to say "I cannot participate in this particular campaign for reasons that I set out here."

What kind of reasons? Because of lack of money or what?
-- Definitely that would be one of the reasons, as you say for lack of money.

But not on ideology? -- On ideology too. (10)

Did you in the Vaal refuse to carry out any of the campaigns of the UDF? -- We never refused the million signature campaign, which is a campaign that I know that we went fully behind in the Vaal complex because .. (Court intervenes)

COURT : Just a moment now. Did you or did you not refuse to carry out any campaign? -- We did not.

MR JACOBS : So, the only expectation or condition for joining the UDF was that you must accept the working principles and you must accept the declaration? -- That is my understanding(20) of it.

Was it so explained to you by accused no. 22? -- That is how it was.

Did you discuss the declaration and the working principles and you accepted it? -- We accepted it.

What else did you discuss on - what planning did you do on the resolutions? -- Then we mandated the secretary, Mr Motete to write a letter of affiliation to the UDF.

Was it not at that meeting that it was reported that Mr Raditsela already affiliated to the UDF? -- We mandated(30)

Mr Motete/...

Mr Motete to write a letter of affiliation at that meeting. The person who was mandated to look into the issue of affiliation was accused no. 22, Mr Thabiso Ratsomo.

Do you agree that the actual person who actually wrote the letter for affiliation and who did apply for affiliation was Esau Raditsela, against the wishes of the committee? -- I do not agree to that.

Do you know anything about it?

COURT : Well, there are two things. Esau Raditsela applied for affiliation - Esau Raditsela wrote the letter. What (10) do you not agree with? -- I do not agree to both.

MR JACOBS : Was Mr Motete not afterwards dissatisfied with the way Esau Raditsela handled this application and affiliation? -- That did not happen.

And there was a discussion at one of your committee meetings? -- About something else?

About this that Johnny Motete was not satisfied that Esau Raditsela did the work of affiliation against the decision of the meeting? -- The thing is, I cannot be clear of what Esau Raditsela did in connection with affiliation, (20) because with affiliation, as I have said, we mandated Mr Ratsomo to find out on affiliation and on his return he came back with the declaration and working principles, which we discussed and after discussing this, we mandated Mr Johnny Motete to write a letter of affiliation. I never received any complaint that Mr Raditsela did some work with regard to affiliation.

You are conversant with the workings of your committee? You attend all the meetings? -- Not necessarily all the meetings. (30)

When/...

When did Mr Motete wrote the letter to apply for affiliation? Do you know? -- It was - no, I do not know when he wrote that letter.

COURT : Do you know that he in fact wrote a letter? -- Yes, he wrote it and it was signed for the chairman, Mc Camel as far as I remember it.

MR JACOBS : When was that?

COURT : By signed for you mean it was signed? The letter was signed? -- That is so.

By McCamel? -- That is so. (10)

MR JACOBS : When was that? Can you remember the month? -- It was late in October I believe.

If you say late in October, is it near the end of the month or in the middle of the month? -- Near the end of the month.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

BAVUMILE HERBERT VILAKAZI, d.s.s.

CROSS-EXAMINATION BY MR JACOBS : Mr Vilakazi, we discussed the affiliation. What other planning did you do on the (20) implementation of your mandate?

COURT : Are we now still on the meeting, one week after the 9th of October?

MR JACOBS : That is still the same meeting. AN 13. -- If I remember well, the other thing that was discussed was the question of the forthcoming elections.

And what did you plan on that? What were you going to do about that? -- That we must start preparing for the protest during that time.

What preparations were you discussing? -- I cannot (30) remember/...

remember specifically on that day what preparations we discussed. There were a number of meetings from that one up to the stage where we were to hold the mass meeting of 27 December - of November. We had a number of issues that we always handled in preparation for the protest mass meeting of 27 November.

But surely you must remember that you made provision for certain - did you plan a mass meeting? -- The discussion on the mass meeting did come up.

Did you discuss to hold a mass meeting on this parti-(10) cular meeting? -- If I remember well, we did discuss that.

So, what did you discuss about the meeting? -- To hold the mass meeting and also to advertise the mass meeting before.

Did you discuss speakers on that meeting, who would speak on this meeting or whether you would get guest speakers or what? -- I cannot remember if we did at this particular meeting, but at one of the meetings in preparation, we did discuss the speakers.

Do I see it correctly then that on this particular (20) meeting you decided that a mass meeting will be held? -- That is so.

And at a later stage you decided, made decisions on what form it will take? -- As I said the question of discussing preparation and the holding of the mass meeting came up from time to time in these meetings. I cannot say - we did discuss the holding of the mass meeting and other issues as regards mass meetings, but I cannot specifically remember at this stage what was discussed.

Did you discuss on the meeting a week after the 9th (30) strategy/...

strategy in how you would go about getting people not to vote, to boycott elections? -- But I will not remember. At this particular meeting, as I have said, there were a number of meetings and there has been nothing since that time up to the moment that could serve as a reminder on those particular meetings or specific issues discussed at each one of those meetings. I am trying to reflect back as clearly as I can about these meetings, without disputing that such discussions could have been held at any of those meetings that were held before 27 November. What I am (10) saying clearly is that I will not be in a position to remember the exact details of each and everyone of the meetings.

Did you take a decision that mass meetings would be held in order to get the people not to vote? Whether it was on that meeting or between that meeting and the meeting of the 27th? -- Between that meeting and the meeting of the 27th November we did discuss the question of calling up on the people not to vote as was the mandate from the people - the mandate of October 1983.

I will ask the question again. Did you during the (20) period from that meeting of the week after the 9th up till the 27th, did you make any decisions that you would hold mass meetings in order to get the people not to vote? -- To call up on people not to vote.

Yes, but you decide on the method, holding mass meetings? -- Method of holding mass meetings in calling on people not to vote. Not in making people not to vote.

Did you decide on mass meetings or did you decide only on one mass meeting? -- Our decision was on one mass meeting.

Only one mass meeting? -- If I remember well that (30)
was/...

was the focus on one mass meeting.

Except for the one on 27 November, were any other mass meetings held? -- For the Vaal as a whole there was the meeting of the 27th of November.

Is that the only mass meeting? -- For the Vaal as a whole?

Yes. -- There was another meeting in November which date I will not remember. That was in Bophelong for the launch of the area committee. (10)

Can you remember the month of that meeting in Bophelong? -- It was in November.

Was it long before the meeting of the 27th of November or when was it in relation to that meeting? -- It could have been a week before.

Any other mass meetings held? -- No, there were no other mass meetings held.

On the week after the 9th, did you discuss the holding of house meetings in order to get the people to oppose the council elections? -- On the meeting of 9 October we spoke (20) of the holding of mass meetings in organising the people into the Vaal Civic Association.

I beg your pardon? -- We spoke of organising people through house meetings into the Vaal Civic Association.

You just a minute ago mentioned mass meetings. What did you mean by that? -- House meetings.

On 9 October? -- I said the meeting a week after 9 October. That is what I am saying. At that meeting one of the things that was discussed was still the use of house meetings to talk to people into joining the Vaal Civic Association. (30)

Who/...

Who were the people to hold the mass meetings? -- The area representatives in the areas.

And in the house meetings what was the main object of holding the house meetings? -- The main object would be to talk to people about the Vaal Civic Association and to ask them if they would be or would like to be members of the Vaal Civic Association and to discuss generally what the civic association is all about.

What else? -- And also to discuss the problems that the people are faced up with in the areas. (10)

So, you must find out what problems the people have in the areas? -- In particular areas, yes.

What else? What about election? What was the people told about the elections? -- What did we tell people about the elections?

What was the discussion there - the decision, what must be done about the elections? What must the people be told about the elections at house meetings? -- I cannot remember any particular decision taken at a meeting for the use of house meetings and to take people into participating. (20)

When people discuss the question of their problems and how are these to be solved, people would also discuss at those meetings what they had against the council system and what they think the new system would bring any relief to them and also, we were to put an opposition to the people. It was up to those people to decide whether they are agreeable that the participation in the elections would be of any benefit to them or not.

COURT : Let us get clarity. Was the purpose of the house meeting to get the people not to vote? -- Not the sole purpose/... (30)

purpose, because I said the sole purpose was to organise people into the Vaal Civic Association and secondly to discuss problems that people had and to discuss issues that people were concerned with in the areas. That is how elections come into being there.

MR JACOBS : According to EXHIBIT AN 13, one of the resolutions is to the effect that the people must be asked to boycott council elections. This is the one that you discussed on the week after the 9th?

COURT : Before we get to that. Let us just determine a (10) date for our purposes. The 9th was a Sunday, 9 October 1983? -- That is so.

The 10th on which you met was therefore a Monday. Was it the next Wednesday that this meeting occurred or the week after? -- No, it was the week after.

On a Wednesday? -- Most of our meetings were held on a Wednesday.

Do you take it that it was on a Wednesday the week after. That would make it 19 October 1983. So, henceforth we can use the date 19 October 1983. Now, what was the (20) question?

MR JACOBS : On this 19th of October 1983 you discussed this resolution "condemn the community council and puppet bodies and to boycott the Black Local Authorities elections since we believe that nothing would be achieved by voting". You said you discussed that? -- I think we discussed that. It was touched on.

Did you discuss it now or not? -- We did discuss it, but we discussed it from those dates also including other dates.

(30)

Yes/...

Yes, but did you discuss it on this day? -- It came up, yes.

So, if you discussed it on this day, you discussed it. It is indeed so. Then we remain there. Did you discuss it and then it was discussed. Is it correct? -- I have got difficulty with committing myself to dates that I do not remember.

COURT : Well, are you unhappy with 19 October or is your difficulty that you do not remember when what was discussed? -- Both the 19th of November and exactly ... (Court inter-venes)

October. -- October. 19 October and precisely what was discussed at the meeting and to what extent.

For the purpose of this case we have determined the date to be 19 October, but if you are unhappy with it, then you can in general terms describe the meeting you were at and then we will go back to our previous description.

MR JACOBS : The week after the 9th. On the week after the 9th you told this Court in evidence-in-chief as well as in court here that you discussed EXHIBIT AN 13. Is that correct?
(20)
-- That is as far as I remember.

And you told the Court that you made planning - the discussion was planning of how to implement the mandate? -- That is as far as I remember.

And you told the Court that this specific resolution was discussed on this meeting a week after the 9th? -- If my memory serves me well, yes.

And on this meeting you gave evidence that you at first discussed to hold a mass meeting, as a means of getting to the people? -- If my memory serves me well, yes. (30)

And/...

And you said another, one other strategy was to hold house meetings. Is that correct? -- Strategy of doing what?

In connection with this resolution? -- No, the house meetings were for organising people into the Vaal Civic Association.

Organising to do what? -- To be members.

COURT : You could not do that until you have got a constitution? -- That is so, but to have an informal membership that we had.

MR JACOBS : So, the house meetings - in the house meetings(10) it is for membership and also day to day issues from the people to ascertain what their ... -- The problems that they are faced up with at that time.

And was it not also included that they must speak about councillors and not going to vote in the coming elections? -- Not to speak about not going to vote in the coming elections, but to discuss the problems they experience with their present council system and what they think of the coming council system and what they think is the position. At the launch there was this resolution that condemned the government (20) structures. With that discussions would come up and a clear picture would be received from the people. If before the mass meeting that we had, a great percentage of people in that area would have said to me at the house meetings that we should go ahead with the elections, then I would have taken it back that way to be discussed, but if the majority had said we should not go to these elections, we should boycott these elections, then that was my mandate back to the executive.

COURT : I do not seem to have full clarity on what you (30) are/...

are attempting to say. I get the impression from your evidence that you merely are holding these house meetings to popularise the VCA and to gain information from the community as to what stand should be taken in connection with the coming elections. My difficulty with that point of view is that you already had passed a resolution to which you subscribed condemning the community councils as puppet bodies and to boycott elections. -- That is so.

So far I was under the impression that the house meetings were also used to further your point of view. -- Also to (10) take up the other people's view on that issue, because at committee level, at area level, people still had all the rights to express their feelings with regard to that resolution. If it so happened that in my area there are still people and they are more in number who are in favour of participation, then I would have taken back to the executive for further discussions.

That is obvious that you would have done that, but was the purpose of the house meeting not to influence your part of the community to take up your point of view? -- To put (20) up my point of view as against any other point of view that may come up there.

So, you were propagating a boycott of the elections? Yes or no? -- Discussing the point of elections?

You personally? -- Whilst mentioning, informing people on the resolutions taken at Small Farms, at ... (Court intervenes)

Yes, but is the answer yes, we were propagating the boycott of the elections at the house meetings, yes or no? -- Probably I have difficulty with the word propagating, (30) when/...

when I say informing the people on the decision to boycott.

There is a difference between propagating and informing. Were you attempting to win people to your point of view that they were to boycott the elections? -- That is what was happening.

Were you not propagating a boycott of the election then? -- Well, if campaigning to win the views of the people would be read as propagating.

Well, let us use a different word. Were you campaigning for a boycott of the elections by means of house meetings?(10) -- That is so.

MR JACOBS : Another means of campaigning against the elections was to go from house to house, door to door, as they call it, going from one house to the next house. Was that discussed on this meeting? -- If going from house to house in the context of organising for membership into Vaal Civic, and in the discussions, this would also come up, yes.

Let us get this clear. Did you decide on another way of reaching the people, was for the area representatives (20) to go from house to house also. Let us just get clarity. It is a mass meeting, house meetings and then door to door visits? -- That is so.

And also to campaign against the election, people participating in the election, getting them over to your point of view, not to elect the councillors? -- Getting who?

Asking the people - campaigning and asking the people not to vote in the coming election? -- That also came up at one of the meetings.

And it was decided to use this method as well to get (30)
the/...

the people to boycott the elections? -- At some of the meetings, yes.

While we are on this point, did you campaign in your area? -- I did campaign in my area.

Did you between 9 October 1983 till election day which I think was 30 November - is that correct? -- That is correct.

Did you hold house meetings in your area? -- I did.

How many? -- I cannot remember the exact number.

Was it ten or was it twenty? Was it fifty? -- There are many houses there and I went to a number of houses and (10) I was invited to other houses there. I did not really check up the number of houses that I went to.

Can you tell more or less how many? -- No, I cannot say how many there were.

COURT : Can you say approximately one a week, two a week, two house meetings a week? -- It was in the region of about four to five a week.

MR JACOBS : What was your line of approach in this house meeting? What did you tell the people? -- I would come to a house and introduce myself ... (Mr Jacobs intervenes) (20)

No, a house meeting, is it not correct that you choose in a neighbourhood or in a block and all the people of the neighbouring houses are invited to this house to have a meeting there. Is that a house meeting? -- That is so. My line at the house meetings would be to talk about the Vaal Civic Association and its launch.

What did you tell them about the VAal Civic Association? -- That it was an organisation which was launched on such and such a date, where was it launched and we had people from all the areas in the Vaal represented there and these people (30) elected/...

elected the people to be their representatives and the executive. I will also tell them that for this organisation to be able to act within the mandate of the people, the people must be in a position from time to time to get in touch with the area representative to discuss these problems and also to encourage others to join in so that area representatives should be more representative of the people in that particular area. In that way area representatives would be in a position to receive a clear mandate from the people on the issues that affected them. (10)

Did you also tell them that you affiliated to the UDF and you are in opposition to the apartheid system? -- Yes, I did explain that it was resolved that the Vaal Civic Association should not take part in the town council system as it was seen as another form of apartheid system and that we had affiliated with the United Democratic Front to be together with other organisations who were for the idea of being in opposition of apartheid in the country.

That you are engaged in a liberation struggle against the government under the auspices of UDF? -- I never used (20) the term liberation struggle.

Or in the struggle? -- Yes, I used the word struggle from time to time.

What did you tell your audience? -- That through the VCA the people can see whether it is an organisation that can articulate their aspirations in their struggle for peace, security, full political rights in the country and against all forms of apartheid.

What did you tell them when you referred to full political rights? What did you explain to them what does that mean? (30)

Full/...

-- Full political rights I explained to them that that means being in the position to take decisions, to make decisions on matters that affect your life.

Did you explain how? Did you explain anything about franchise? -- Yes, that is what the people wanted and from these meetings I learnt that people want a vote in the country of their birth. People want to be in a position to elect people into parliament so that these laws can be in accordance with their aspirations and so that these people they elected into parliament can be in the position to consult with (10) them and to report back to them on issues that affect their lives.

Did you explain to them that you were aspiring for a fourth chamber, the same as the Indians and the Coloureds, the Whites, where we have a three chamber parliament now and that you wanted a fourth chamber and a four chamber parliament? -- It was not for me to tell the people what the aspirations are. People in my community have their own aspirations and I have never heard them talk about the fourth chamber, because at the time of my arrest I personally (20) have never heard any talk of a fourth chamber. That is why I referred to that concept as a foreign concept to me. As it is now being introduced, it would be very much difficult for me to form an opinion on it.

COURT : Did you tell the people of your aspirations or did you only ask them about theirs? -- I told the people of my aspirations which were similar to theirs and that was for a full vote in government.

MR JACOBS : Did you tell them that you were fighting for a one man one vote system? -- Fighting for a one man one (30) vote/...

vote system?

Yes. Did you tell them that? -- The people would ask me why do you fight for that.

But you must explain the full political rights that you and UDF were aspiring for? -- I aspire for in that the Vaal Civic Association never in his meetings said we are fighting for this and that and I have never heard anybody using that term for attaining that. Fighting can mean quite a number of things, as we have described it yesterday and I have not used that personally to mention anything (10) according to my aspirations. Even in the resolutions here we talk of in terms of aspiring, though the indictment would continuously equate that for fighting for this and that.

Did you tell your audience that you and the UDF aspire for a one man one vote system? -- Exactly. This I found to be the same feeling of the people. That is what they aspired for.

What did you tell them about the councillors and election for councillors? -- Through discussions, some of these things, it was not only myself who was telling them. Some were (20) spoken of by people during the meeting. They would come up with that suggestion that the council system is only to deprive the people of the real vote, because it is offered in place of real political participation of Black people, that we can only participate at local level, nothing further.

Did you tell that to the people? -- At some meetings this was mentioned by me. At other meetings it was mentioned by other people in the meetings.

COURT : Could I just get clarity. Historically speaking, I am a bit vague on this. At the time, that is now in 1983(30) was/...

was it government policy that the Blacks living in the townships should vote in their homelands or was that not government policy? -- To vote in their homelands?

Yes? -- As meaningful political rights.

Whether it is meaningful, that is debatable, but was that government policy? -- It was also government policy for Blacks to vote in their homelands and here in the local authority.

So, the council system was not intended to be the final say. The government's idea was that at a higher level (10) voting should be in or through the homelands. Was that the idea at the time? -- That was the idea at the time, but what about myself who does not attach any links between himself and a particular homeland? At least I would have to remain with this and also ... (Court intervenes)

I know your objection against it. It is obvious. -- That is so and another thing I would accept a vote in the homeland. Then it means that I accept a vote for the administration of the homeland there and not for matters that will affect even the laws that will also govern that homeland (20) itself. So, there is still limitation there.

MR JACOBS : Go on, what did you tell them about the councillors? What else did you tell them about the councillors? -- There was talk from me and other people in the meetings that the council system was merely offered as meaningful political rights for the Black people in the urban areas.

What else? -- To vote for that would mean that to accept. That is the situation.

Did you tell that to the people in your area? -- That has not been talked about. (30)

Did/...

Did you speak anything else about the councillors being dishonest and taking bribes and that sort of stuff? -- Well, I cannot remember myself particularly relating that, but from time to time during meetings people would talk about corruption of the councillors. They did not wait for me to come and talk about the VCA to be able to talk about the corruption of councillors.

Did you not speak to the people and tell them they must not vote for dishonest people? -- I did say so also.

You did say so? -- That is so. (10)

Anything else? Did you make them out to be puppets of the government, stooges, dogs? -- Those two last words I never used during my campaigns. I used the word puppet.

COURT : You did not use stooges or? -- Or dogs.

MR JACOBS : What did you explain to your audience in relation to them being puppets? What did you say? -- By puppets I referred to a person who supposed to be having the power, who will say that I have such and such powers, but in actual fact you will find that he has not got those powers. What he has got is the power to carry them out, to carry the (20) instructions out.

Whose instructions? -- Whoever will be at the top of the structure he is in.

I beg your pardon? -- The government instructions.

And what about the boards? -- The board being part of the government at local level, I would include that.

The government was not acceptable. The boards were not acceptable and the councillors were not acceptable, as the puppets or the other two? -- Councillors were not acceptable in the sense that they did not carry out the mandate of (30)

the

the people because they never sought the mandate of the people and as such being in office they were not serving the interests of the people but the interests entrenched in the apartheid system. The voting power for the Black people in the urban areas will be limited to this level only and nothing more and that is what they were there for.

Did this also happen in - did you conduct any house meetings from - door to door meetings? Let us call it ...

(Court intervenes)

COURT : While we are on this. Was it your conception (10) that the town council could be ordered by the government and would normally be ordered by the government to do something and/or would be ordered by the board, the Development Board to do something? That it would not be able to take its own initiatives? -- That is so.

Was that also your conception of the community council? -- That is so.

Did you take the trouble to enquire whether there was any difference in fact between the powers of the community council and the town council? -- There were. (20)

Were these differences not material? -- Inasfar as decision making was concerned, I did not see any difference.

Are you saying that the Development Board could tell the town council "You do this and that" and the town council then had to do it? -- That is so.

And that the government could say "You do this and that" and that they then had to do it? -- That is so.

MR JACOBS : That is what you conveyed to your audience? -- That is what I discussed with the people. Some people knew it because some people read newspapers, they have their (30) own/...

own way of making research around these laws. They knew these things and when I spoke about these things, it would be during discussions around the issue.

And other who do not know, you convey that over to them?

-- That is so.

COURT : What steps did you in fact take - one may be under a misconception of course and that is excusable, but you were now telling people on a large scale what the position was as far as the town councils were concerned. What steps did you in fact take to determine the correctness of (10) your facts? -- There were a number of information booklets that were supplied. Even the Black Sash supplied a booklet on the BLA, Black Local Authority which explained how the BLA would work. There were a number of articles written in newspapers with regard to Black Local Authorities Act and that information was the information that I adduced.

MR JACOBS : You said you also held door to door meetings?

-- I never said I held door to door meetings.

Did you not do it? -- I never did door to door meetings.

COURT : Did you do door to door visits? -- No, I would (20) not because of time constraints. It was impracticable for me to do door to door visits.

MR JACOBS : That was in your area where you were a representative? What about the others? Did they do the same, other areas?

COURT : Is the question did the others also not do door to door visits or is the question did they also have house meetings?

MR JACOBS : Let us get it clear. Did you report back on what you did to the VCA? -- The other members of the VCA? (30)

You/...

You yourself? -- That is so.

Did you report back on a weekly basis? -- That is so. We met on a weekly basis. I cannot say I did so on a weekly basis, as I explained that my old job also required for me to be out of the Vaal complex for certain periods and during these periods I would not be able to be at the meetings. So, I cannot say I did that on a weekly basis.

But did you report back fairly regular? -- That is so.

Then you reported back on the house meetings, so many house meetings held and so on? -- That is so. (10)

And the success of the house meetings? -- That is so.

The other representatives of the VCA when you reported back, did they also report that they held similar house meetings according to your decision? -- There would be times when I was present at meetings when I would hear a report from another representative reporting on a meeting he has held. From time to time such reports came in.

Can you tell the Court from which other areas there were reports that they held house meetings? -- As there has never been anything to remind me of details of particular (20) dates and days and what happened on the executive meetings. I said that from time to time one of the area representatives would make a report. For me to be able to say so and so did ever make a report would be - and so and so made a report about this and not about that - very much difficult. What I know is, there was no report from Sharpeville. There was no report from Boipatong that I ever heard. On the house meetings I also never heard a report from Zone 7. From Zone 13, I am sorry.

So, the other area representatives did report back on (30)
house/...

house meetings? -- From time to time they did.

And about door to door meetings? -- I never heard of any door to door meetings.

That was the discussion on this resolution. Can you tell the Court on this week after the 9th what other resolutions you discussed?

COURT : At the meeting?

MR JACOBS : At the meeting.

COURT : Approximately a week after 9 October 1983, what further resolutions were discussed? -- Those are the two (10) resolutions that I remember having been discussed at that meeting. These resolutions were discussed at meetings continuously and I will not be in a position to remember precisely which was discussed this time and this one at that time.

MR JACOBS : I would like to go back to the meeting of the 9th and about banners - 9 October 1983. You said in your evidence-in-chief you did not see any banners, posters inside the church? -- That is so.

You used the word "see". You did not see. Does it mean that you were not certain that you did not see them (20) but they could be there? -- Evidence I can receive through the ear, through smell and through seeing. For pamphlets and posters and banners I can only be truthful to this court by mentioning that I did not see this or I saw that.

COURT : I still do not understand your answer, because it is quite possible that you did not have a perfect view of every corner of that church. So, you may not have seen it and it may have been there and the hall was packed. So, is your answer that you looked around and that it was no where to be seen, therefore it was not there or is your answer (30)

I/...

I could not see every portion of the hall, it may have been there? -- At those portions I looked at in the hall, they were not there.

MR JACOBS : Now you make it a bit difficult. Which portions of the hall did you look at? -- The area where I was standing the area on my side which was very much open and the area on the platform on which I could have a clear view, other than next to the door here, where the other people were standing against the wall close to the windows, but from the door right up to the back of the stage and across (10) these three, right up to the end of the hall I could see. That part of the hall I could not see. The portion of the platform that is on the left-hand side of the platform as I am standing this way, that I could not see.

So, if IC.8 and Mr McCamel said there were pamphlets you would not dispute it?

COURT : Banners and posters.

MR JACOBS : Banners and posters?

COURT : The question is, McCamel and IC. 8, they said that there were banners and posters, can you or can you not dis-(20) pute it? -- I can dispute that.

You can or cannot? -- I can dispute that. If these posters were in the hall, then they would have been spread out throughout the hall, not being at the back where there are curtains there dividing the hall from the portion of the altar and also if they were in front on one side of the hall there I could not see. That is on that basis that I dispute it, to say that they were not there.

MR JACOBS : Are you certain then that they were not there?

-- In the hall they were not there.

(30)

Inside/...

Inside the hall they were not there? -- That is so.

You are certain of that? -- I am certain of what I saw.
What I saw was no poster inside the hall.

Did you tell that to Mr Bizos? Your counsel? -- That
there were no posters?

Inside the hall? -- Inside the hall?

Yes? -- Well, we gave him instructions, not only myself
with regard to evidence led by Mr McCamel and I cannot remem-
ber giving him instructions particularly. Counsel should
have had instructions with regard to that point. (10)

Did you give him instructions? -- I believe he was given
instructions.

Did you give him instructions on this? -- On that point
particularly I would not remember if I did give instructions.

Did you give him instructions when IC.8 gave evidence
here on posters and banners? -- I do not remember if I gave
instructions on this particular aspect to him.

Did he not ask you when the witness gave evidence on
this? You were the person present at the meeting about
banners and posters? -- Did I not ask him what? (20)

Did he not ask you about banners and posters at that
meeting? -- Me particularly?

You particularly? -- No, I would not remember that.
There are a number of instructions that I gave him on the
evidence of witnesses here, giving them in terms of my
recollection of the events on that particular day.

Do you know anything about a red and white poster? --
Yes, the red and white poster I know.

Did you tell Mr Bizos about a red and white poster? --
The red and white poster is AN 3. (30)

Was/...

Was it a poster or a banner? -- A poster AN 3 which which was outside the hall.

You say it is a poster and not a banner? -- It is a poster.

Where outside the hall? -- I saw about two on the wall fencing and I also saw one against the wall and one at the door.

COURT : There were two on the wall fencing? -- Yes.

What do you mean by the wall fencing? -- This concrete wall fencing. (10)

And two more? -- One more on the church itself and one against the door.

Of the church? -- Of the church.

MR JACOBS : And you said they were red and white? -- They were printed red and white.

What was standing on the posters? -- The posters referred to is AN 3.

MR BIZOS : I am assuming that My Learned Friend has left the question as to what was put to the witness McCamel and IC.8. (20)

COURT : Well, he may come back to that.

MR BIZOS : Because I want to assure Your Lordship and My Learned Friend that in fact it was what the witness has said was put on page 1 621 of the record. My Learned Friend Mr Chaskalson cross-examining Mr McCamel.

MR JACOBS : I am sorry if I referred to Mr Bizos. Did you tell Mr Chaskalson? -- In my answer I said I did give counsel instructions, because I did not want to pin myself to whether I gave Mr Bizos particular instructions on a particular issue. (30)

Who/...

Who consulted with you on your - when evidence was given in court here? -- At times we would consult amongst ourselves as accused people here. Then we would give instructions on pieces of paper. Just pass across to counsel.

After he gave evidence-in-chief did anybody consult with you on this question of - after McCamel gave his evidence-in-chief, did anybody of the defence consult with you specifically on this question? -- I do not remember that, because usually when counsel consults he would be consulting on a number of issues, that did not come out clear in the (10) evidence or where instructions were not clear. So, I will not remember if anybody came down and we consulted on this particular aspect.

COURT : Well, normally I noticed in court that when the witness said something with which you disagreed, notes were made by the accused and pieces of paper were passed on to the attorneys in the hope that they would be passed on to counsel, which they normally were.

MR JACOBS : I would like to read to you and I ask you to comment on this. It was put on page 1 621 where Mr Bizos (20) also referred to. Volume 36. You said you were positive there were no posters or banners or anything inside the church. I would like to read to you what was put to this witness "And they say they do not recollect posters inside the hall on that occasion." That was put that you cannot recollect. Do you want to say anything to that? -- It depends on who gave the instruction to that effect to counsel, but now in my evidence I am saying that inside the church I saw no posters or pamphlets or banners.

And afterwards you said that you were certain that (30)
there/...

there were no posters inside the church? -- That is so, on checking on my position in the hall and the extent of my view in the hall, I became certain that I cannot say that the only portion which was obstructed being the area on the platform on the windows on one side of the hall, could have been the area where the posters could have been posted during such a big meeting.

So, it is possible that posters of UDF, COSAS and Release Mandela could have been inside the church? -- It is not possible. (10)

And now you are positive of that? -- I am positive.

Then this is not correct to say that the accused - they say that they do not recollect posters inside the church. This was then not correct. Is that correct? -- Depending on who was giving instructions and how did he decide to write out the instructions.

But it was put that all the accused, they said, the accused said. I will read to you another piece "Secondly, again at this meeting the accused say that there was a red and white banner outside the meeting. Outside the church where the (20) meeting was held. A poster. A red and white poster outside the church where the meeting was held. Do you remember it?" -- I remember that.

That is a statement made by your counsel to the witness. -- The question of describing between the banner and the poster, during that stage of the case I remember there was much difficulty in describing what a banner is and what a poster is and His Lordship had to come in and deliberate on examples and descriptions to the effect that some form of structure could be accepted as being a poster and another (30) as/...

as being a banner.

COURT : Let us see whether you listened clearly. What is a poster and what is a banner? -- A banner is a big cloth with some writings on it that could be held up at both sides with some sticks at time protruding or by hand. That is a banner. A poster is what can be posted against the wall or can be posted on some hardboard and carried on, which otherwise I would have referred to as a placard.

MR JACOBS : You see, there is another difference here. There is only referred to one poster outside the church. (10) Let us get this right now. This red and white thing, was it a banner or a poster? -- A poster.

It was put here that there was only one poster, singular, a poster and you mentioned four now. -- If the person who gave instructions is a person who came from one direction of the church and saw only poster against the door of the church, then he will give instructions and on trying to find from other people and other people remembering one poster, the instruction will be on the basis of one poster.

Did you hear this wrong statement being made in (20) court, you yourself? -- I do not remember if I heard it or did not hear it.

Did you not listen to the evidence? -- Well, I was taking down the evidence, not much listening to it, as to work on it, as I did my own exercise so that I can give coherent instructions to counsel the following day because I realised that giving instructions to counsel in court here was very much problematic. It required time, it required coming together with co-accused as I could not rely on my own memory alone, but ... (Mr Jacobs intervenes) (30)

Did/...

Did you correct your counsel the following day and asked him to in fairness to this witness put the correct version to him? -- When we discussed that, when we ourselves discussed it, we decided that this would come up in our evidence.

Did the wrongness of this statement come up in your discussion then at the time? -- Not with counsel.

No, but between you, the accused? -- That is so.

That same day, in the afternoon? -- I cannot remember if it was the same day in the afternoon.

When did you discuss this wrong statement? -- I cannot(10) remember if it was the same day or if it was some time later.

And you never told your counsel about the wrongness of this?

MR BIZOS OBJECTS TO IT BEING CATEGORISED AS A WRONG STATEMENT.

MR BIZOS READS FROM THE RECORD.

COURT : The point being made is that this witness says there were four and it was put to him counsel said only one.

MR BIZOS : And he explained that there was confusion as to what was meant by a poster and what was meant by a banner.

K492 COURT : Well, then your objection is not valid. The cross-(20) examination is allowed.

MR JACOBS : Can you remember who arranged for the poster AN 3 and the pamphlet, I think the other one is a pamphlet for the printing of that? -- I cannot say who arranged for the printing of AN 3 or the posting of it on the walls of the church and the fencing, because when I arrived much, much later at the meeting, then I saw these posters. These posters were already there.

COURT : That was a double question actually. It referred to AN 3, that you have answered and I thought counsel (30) also/...

also referred to AN 5 . Do you have an answer in respect of AN 5? -- I do not know who printed AN 5 but I could see the name of the people who issued it being known as the Action Committee.

MR JACOBS : AN 3, that is a poster. Is that correct? -- Yes.

And AN 5 is that a pamphlet or a poster? -- That is a pamphlet.

Were they ever discussed in the council meetings, VCA council meetings after the 9th? -- No, these were never (10) discussed.

Was anything discussed about the paying for this? -- No.

Did you ever receive an account for these exhibits? -- For these exhibits particularly, no, I do not remember that.

Do you anything that it was the UDF who arranged for the printing of the two exhibits? -- I do not know particularly about the two exhibits, but I know that at some stage we acquired the assistance of MAAS for printing of the pamphlets. And the account that I remember being presented to the meeting was for printing done at MAAS for the pamphlets (20) those that were distributed for the meeting of 27 November.

COURT : Yes, but let us not wander far and wide. The question is, do you know whether the UDF arranged with MAAS for the printing of these, the poster and the pamphlets? -- Not for these.

MR JACOBS : Just to, so that there be no confusion later on, what do you know about the printing of articles on the meeting of the 27th? -- When we asked MAAS to print us those pamphlets ... (Mr Jacobs intervenes)

Who asked MAAS? You said we? -- I mean the Vaal Civic (30) Association/...

Association executive.

We, VCA. What did you ask MAAS? -- To print us a pamphlet for the anti-election campaign.

For the meeting or for the whole campaign? -- For a meeting.

Which meeting? -- The meeting of 27 November.

That is 27 November 1983? -- That is so.

Did you tell them what you want on the pamphlet, give them the names and the information to be included in the pamphlet? -- That is so. (10)

Did you hand over a draft pamphlet to them? A draft of the pamphlet to be printed? -- That is so.

When was that? How long before the meeting? -- I cannot remember how long it was before the meeting.

How many copies did you ask them to print? -- No, I would not remember the number of copies.

Did you make arrangement with them to pay for it? -- We were to pay for the pamphlets.

Did you make arrangement to pay cash or what did you arrange? -- We arranged that we will pay them as soon as (20) we have the account and as soon as we can have some amount to pay in, that is paying on terms.

Did they send you that account? -- An account was sent through to VCA.

When? -- I cannot remember when that was.

Was it before, when they delivered the pamphlets to you? -- That was much after.

It was after 27 November 1983? -- By after I meant after the pamphlet had been presented to us, not necessarily after the 27th. I cannot remember particularly when, but with(30) the/...

the pamphlet being delivered, much later the account came through.

Was it still in 1983? -- I would not remember. The other problem is that I was not responsible for the paperwork of the Vaal Civic Association. So, a person who would have been much involved in the paperwork, being the secretary, would give you much more coherent evidence in this regard. I am only using my recollection of the events and if I say I cannot remember, it is to say I cannot specifically say it was during this date or it was at that particular meeting. (10) I cannot remember how long after the 27th did that happen.

But I suppose you discussed it in a meeting because you had to pay the account? -- Yes, but I cannot remember exactly when the account did come.

And at that stage you did not have enough money, if I understood your evidence correctly yesterday? -- That is so.

So, where did you get the money to pay the account? -- AS I said earlier on that at times we were required to pop out of our pocket any amount that one could afford or to sell information booklets or magazines or editorials at (20) a small profit and this is the money that we then direct to where we have accounts.

If I remember correctly you said you more or less paid every three month, you paid about R5,00 each into the kitty. Is that correct, of the VCA? -- That is so.

Did all of you pay R5,00 into the kitty? -- Those who could afford at that stage to have the R5,00.

Was there any of them who could not afford it and could not pay? -- At times I could not afford it and I did not pay.

Let us stick to the first three months of the existence (30)
of/...

of VCA. Did everybody pay during that first three month period? Did everybody pay R5,00 into the kitty? -- I cannot remember that one.

But I suppose you must have discussed that you have got so much money, if you were ten and everybody subscribed R5,00, you would have R50,00 and then you could "We got R50,00 to work with" or what? -- I will not remember if there were people who did not put in anything during that period.

When did you pay in the R5,00, you yourself? -- I paid in the R5,00 in November. (10)

The beginning of November or the end of November? -- It was in the middle of November.

And was it at that stage decided that you will have to pay R5,00 out of pockets every three months on a voluntary basis I presume? -- Yes, it had already been decided.

When was it decided? -- At one of the earlier meetings. Most possibly at the meeting of the 10th.

How did it come about that you paid the R5,00 only then? -- Because it was only then that I could afford to pay the R5,00. (20)

And the other people, was there a need for money at that stage that you had to pay it in? Did you discuss anything at the meeting that you need money for and ask the people to pay now? The members? -- At the meeting of the 10th, we discussed the question of fund raising and the question of paying in the R5,00 was part of that. So, I cannot remember if at the stage when I paid in, that there was a particular need, that was other than the general needs to raise funds for the organisation.

When the account from MAAS received, was it discussed(30)
in/...

the meeting? -- Yes, it was discussed in the meeting.

What did you discuss about the account? -- That the account from MAAS had come and that it had to be paid.

Can you give the Court an estimation of the account? -- AS I did not deal with the documents I cannot remember what the account was.

But it is not a question ... -- But it could have been between R50,00 and R75,00. I cannot remember.

It was quite a substantial amount? -- My estimate would be about R50,00 to R75,00. (10)

From R50,00 to R75,00? -- That is my estimate.

Did you at that time discuss whether you have got enough money to pay the account? -- We did not have enough money to pay the account at that stage.

You did not have enough money? -- We did not.

And then, what happened to fill it up?-- Like I said earlier on that ... (Mr Jacobs intervenes)

I mean on that occasion, that specific occasion? -- On that account, this question came earlier on how did we agree how much - how are we going to pay this and I said(20) we were going to pay this in terms.

So, you discussed on that meeting to pay it in terms or when did you discuss to pay it in terms? -- At the meeting where the account was presented to the meeting.

How many terms? -- It would depend on how much money is available to put in and how long each payment would bring us to the closing of the account. To the paying off of the account.

How much money was available? -- Well, I cannot remember how much money was available or how much was paid in the (30) first/...

first term.

Did you know whether it was paid over one month or two months? -- No, I would not remember how long it took to pay off that amount.

So, that is an account for the printing of the pamphlets or posters - pamphlet and posters for the 27th. -- That is how I remember it.

27 November 1984. -- That is how I remember it.

1983. How many posters did you get? -- We got quite a number of posters. I cannot estimate the number. (10)

10,000, 50,000? -- It could have been 5,000.

ASSESSOR (MNR. KRÜGEL) : Are we talking about posters now?
-- Pamphlets.

MR JACOBS : Pamphlets 5,000 and you cannot tell the Court how many posters there were? -- We did not print the posters under VCA. For VCA.

So, it was only pamphlets? -- It was only pamphlets that we printed.

Where did you get the poster from? -- There were UDF posters that were there for the protesting against the BLA. (20)
Those are the posters that we acquired.

So, you got posters from VCA. Did you get any posters for the meeting of the 27th? -- No, not for the meeting of the 27th specifically.

That is one occasion when you asked MAAS to print anything for you. Did you have MAAS to print anything for you again before that or after that again? -- Well, I do not know about the other areas. Myself in Zone 3 and the executive, I cannot remember any other enquiry with MAAS or any request to MAAS for printing of other pamphlets. (30)

I/...

I am not speaking about the areas. I am speaking about VCA. -- Executive.

Yes, VCA Executive, pamphlets printed by VCA, paid for by somebody, either VCA, either UDF, either MAAS themselves. Did you ever request or get other pamphlets that you paid for or posters? -- We never - my recollection is that there was no other pamphlet that was requested from MAAS that we paid for other than this.

So, only one pamphlet was - on one occasion you received a pamphlet from MAAS that was paid for by yourself? -- (10) That is only the one occasion that I remember.

Do you know anything about arrangements with UDF to supply you with posters or pamphlets? -- For what occasion?

No, not for an occasion, any arrangement, general arrangement to supply you with pamphlets, posters? -- We did get posters from UDF for the anti-BLA elections.

What else? You received them. Was it arranged between you, the UDF and the VCA? -- The other would have been a pamphlet that was printed by the UDF that was generally on the BLA, campaign against the BLA. That we did receive (20) also.

Did you arrange with UDF - did the VCA arrange with UDF to supply posters and pamphlets? -- We did ask for them having heard that such pamphlets and posters were available at UDF office.

For which did you ask them? -- For the same that I am talking about, those that were against the elections in the Black Local Authority.

Yes? Is that all? -- That is what I remember.

Is that for the election on or at the end of November (30)

1983/...

1983? -- That is so.

And after that? -- I cannot remember after that.

Do you know anything about arrangements made between UDF and MAAS to supply you with pamphlets? -- I cannot remember hearing of such an arrangement.

If anybody said that there were such arrangements, would that be wrong? -- Well, unless it be a pamphlet that we requested from UDF and UDF asked MAAS for the printing of such a pamphlet.

Did you have to pay UDF for your pamphlets that you (10) asked from them? -- If we wanted them to print pamphlets we were to supply paper for the printing of that pamphlet.

Listen to my question. Did you have to pay money, cash over to UDF for any pamphlets supplied by them? -- We were to contribute towards the printing of such pamphlet.

Could you tell us which? -- Contribution like supplying paper for the printing of the pamphlets.

But I asked you about money. Why do you not answer the question? -- (No reply)

Why do you not answer the question? -- I answered the (20) question the way I understand the question.

Do you not understand the word money? -- With money I said we had to contribute towards the printing. Then the question was which. So, I understood it to be either meaning which contribution or which money, I do not know, but what I am answering is, I am describing the kind of contribution. It was through paper that we contributed.

So, it is only by way of contribution, by supplying paper to UDF that you paid for any pamphlet, any poster, any banner, anything in that line. Is it correct? -- The (30) printing/...

printing of a pamphlet with UDF that I know to have been done, we contributed paper towards it. With posters, as I have said, we have heard from Reverend McCamel that there were posters and pamphlets available at UDF office for the anti-BLA campaigns. So, I never got to know how they were paid for. Whether paper was supplied in this instance, I did not know.

COURT : Could I get some clarity, please. Did you supply or contribute paper when you wanted a general pamphlet from the UDF? Or did you only supply paper when you wanted (10) a specific pamphlet from the UDF in the sense that that pamphlet referred to the Vaal and that your name was mentioned? -- We could either supply paper for both purposes, for both the general pamphlet and pamphlet specifically referring to the Vaal complex, but I know that paper was supplied particularly for a pamphlet that was referring to the Vaal complex. Then I do not know during the same period whether part of this paper was used for the general pamphlet or not

You say you know of no instance where you got general (20) pamphlets which were used throughout the country and had to supply paper for that? -- No, I do not know.

MR JACOBS : Do you know of any pamphlet or poster or banner for that matter where you paid over cash money to obtain them and pay over cash money to UDF? -- Yes, there were a number of posters that were sold by the UDF.

Can you tell us when and which? -- Well, the number of posters issued out by the UDF in protest against say removals or detentions with our trial or - on a number of subjects that the UDF identified themselves with, then these (30) posters/...

posters would be available and at a certain amount of money one would get those. Also the UDF calender is also one of those posters that was sold by the UDF.

Do we understand now correctly that in furthering their campaigns or its campaigns, the UDF will print posters? -- That is so.

And then you as affiliated organisation had to buy the posters from UDF to display in your area? -- Well, that happened as from that stage, that the UDF was now printing a number of posters that I heard of this arrangement and (10) we bought these posters.

COURT : Was this purchase for resale, were you buying and selling the same poster or were you buying the poster and putting it up against the walls? -- One could buy a number of posters and sell them at some profit, say at about 2c. If the poster was selling for 15c, one could sell it for 17c. Then the 2c would go to coffers of the organisation, but with an organisation that was not well financed like ours,

MR JACOBS : Let us get it clear now. Say for instance posters against the rest, you said that you will get them(20) from UDF, buy them from UDF and then you sell them? -- I can buy for myself. Selling them was voluntarily. If you had financial problems in an organisation like ours, you would then buy them for the purpose of selling them. Other people would buy it for the purpose of having them for themselves.

To whom do you sell the posters then, a poster is something to be put against a wall. Who would buy them? -- People buy a number of things to put against the wall in the form of posters or framed photo's and all that. (30)

So/...

So, if you have it and you sell it, whether that person will take it and put it against the wall or he will frame it and put it on a stand, it all depends on the individual need for such a poster and the purpose.

So, you are giving a general answer. Can you be more explicit and tell the Court which posters were bought by the VCA from UDF and resold and then we will go further? -- I know the UDF calender.

COURT : Was the UDF calender in the form of a poster? --

That is so. (10)

One big sheet of paper? -- That is so.

MR JACOBS : Yes, go on. I can understand somebody having a use for a calender, because it gives the dates and so on. That can be sold to private people. Carry on, what other posters did .. -- Well, we spoke about the posters that were bought by VCA as VCA. The posters that I know being bought by VCA from UDF were the UDF calender posters.

We are going round and round and round now. Can you tell us, did the VCA ever buy any other posters except the calender, other posters in relation to campaigns in (20) relation to meeting or anything from the UDF for cash? -- Well, I cannot remember any other poster other than the calender that was bought by VCA from the UDF. I knew that UDF was selling a number of posters. Individuals, being members of organisations, could go and buy a poster.

Do you know about any pamphlets being bought by the VCA from UDF for cash, any pamphlets bought from UDF for cash? -- I will answer that question that the pamphlet that I know that we got from UDF was that we had provided paper for the printing and not cash. (30)

COURT/...

COURT : That is not the buying of a pamphlet? -- That is not the buying.

That is a contribution towards production of the pamphlet. The question is was any pamphlet bought from UDF by the VCA for cash? -- Not that I know of.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14h00.

K493

COURT RESUMES AT 14h00.

BAFUMILE HERBERT VILAKAZI, still under oath

CROSS-EXAMINATION BY MR JACOBS (continued) : Mr Vilakazi, (10)

can you tell the Court did the VCA buy any banners from UDF?

-- We never bought any banners from UDF, or any other place.

Is it correct that the VCA used the UDF banner at their meetings or some of their meetings, mass meetings? Say for instance the one on 26 August 1984 when Edith and the other brought in a UDF banner? -- Yes, there was a UDF banner that was used that day.

Also used at other meetings? VCA meetings? -- There was only one other meeting where I saw it.

You saw it also on another meeting? -- That is so. (20)

Which one? -- The meeting of 27 October.

27? -- November 1983.

Where did you get that banner from? -- I do not know how that banner came to be there.

Did you buy any stickers from the UDF? -- Yes, in 1984 when UDF was producing stickers we did buy stickers, but not as VCA. I do not remember VCA buying stickers. I did buy a sticker.

Who bought stickers? -- I bought stickers.

In a personal capacity? -- Personal capacity, yes. (30)

COURT/...

COURT : How many did you buy? -- Four stickers.

MR JACOBS : What stickers were they? -- Do not Vote stickers.

You bought them in 1984? -- That is so.

Which month? -- It was late in 1984.

To which election did they relate? -- These were stickers that a colleague of mine wanted for his car and that was in relation to the tricameral parliament. The Indian/Coloured elections.

Were any other stickers distributed in the Vaal? -- I never saw any other sticker distributed in the Vaal. (10)

To get it clear. The only poster that you can remember that money was paid for was a calender. Is that correct? -- That is so.

Is it not correct that you, the VCA, did not buy that? They were acting as a sort of agent for the UDF, collecting the banners and then selling them and keeping a portion of the selling price and pay over the other money, the rest of the money? -- Well, we had bought the calenders and we did not see ourselves as agents for the selling of calenders.

How many calenders did you buy? -- There were a number (20) of calenders. I do not know how many we bought.

A thousand, two thousand? -- I cannot commit myself to the number.

Approximately? -- I remember at some stage I could only find ten calenders being available at the UDF office when I went for that. So, I cannot say how many came at this stage and how many came at the other stage.

Did you not take a decision on that on buying calenders for resale? -- The buying of the calenders for resale fell within the decision that we had taken on 10 October on (30) the/...

the buying any publications or any newspapers for selling at profit.

I am referring to the calender now specifically. Did you take a decision on that on buying the calenders and to resell them? -- The decision was that the calenders were there and so we just said O.K. we will have the calenders and we will sell them.

When was that? -- That was in January 1985 - 84.

Who brought the calenders?-- I had bought the first calender. (10)

Brought from UDF? -- The first calender I bought at UDF and I brought it. I do not know who brought the others.

How much did you pay for that calender? -- It was R1,00 that I paid for that.

And those that you resold? -- I do not know how other calenders came there, but seeing that, we had people attending the general council. It could have been brought by the chairman. Anybody who was a representative of the general council.

And for how much did you sell them? -- They were sold(20) at R1,15.

Can you tell the Court how much money you realised out of this selling of the calenders? -- No, I do not have the records thereof.

And you are not able to assist the Court in any way to say more or less how many calenders ... -- No.

Did you sell any calenders? -- I did not sell any calenders myself.

Who sold the calenders? -- It was some members of the executive who sold these calenders. (30)

But/...

But who are they? -- I cannot be specific that so and so did sell and so and so did sell. I only knew that people always enquired about the availability of the calendars and when they are there, they could pick them up and sell them.

How did you sell them? Did you go around in the resident area and sold it there or were they sold from an office? -- We did not have an office and that would mean selling in the area.

And you cannot tell the Court who sold any calendars?(10) -- What I know is that many people took calendars for selling and they sold the calendars.

Who were they? -- Among the people who took calendars for selling were Miss Lethlake, the chairman Lord McCamel, Mr Raditsela, Mr Kgaka and others.

Were the people in your area not interested in buying calendars? -- They were interested.

You did not sell them? -- Myself?

Yes? -- No, I did not sell them.

Did you arrange with anybody else to sell them? -- (10) I did not make any arrangement with anybody to sell them.

What other expenses did you have in the VCA? -- The other expenses we had in the VCA were for stationery.

What stationery? -- For the secretariate and the treasurer.

What stationery? -- Books and pens, rulers, what they would need really to do their job.

What else? -- The other was when I was going out with Mr Motete to the UDF conference in Port Elizabeth, that we were to be paid for the trip by VCA, but seeing that VCA (30)

did/...

did not have money, we paid for ourselves. Travelling would be one of the expenses of the VCA.

I am not asking you what would be expenses. I am asking you what other expenses did the VCA in fact have or had? -- At executive level those were the expenses that we had.

Were those the only expenses? -- That I can remember.

Do you agree with me that you created a wrong impression in this court this morning when you said that you bought placards or posters in connection with different (10) campaigns from the UDF? -- I do not agree with that.

You told the truth to the Court that you did buy placards from UDF for the other campaigns? -- Can I have the question clear again? It looks like that I do not understand really what the question is.

I am putting it that you brought this Court to a wrong impression that the VCA, you in the VCA bought placards - other placards than the calender from UDF?

COURT : I thought he said he did not buy posters. They never bought posters. They bought pamphlets. Buying in (20) the sense of supplying. You may be right. Go ahead. Repeat the question.

MR JACOBS : You brought this Court to a wrong impression when you told this Court this morning that you in the VCA bought posters from the UDF in connection with other UDF campaigns? -- With these posters I explained that I am referring to the calender and that is one that I know that VCA as an organisation bought from the UDF. Others were bought by individual members of the VCA, other than the calenders.

(30)

But/...

But first you said the VCA bought it from the UDF and you explained, you mentioned inter alia removals, on removals, detentions? -- That was a question as to what posters would be sold by the UDF. I isolated the calenders as those bought by the VCA.

Do you deny now that you said that those were bought by the VCA? -- Well, I cannot remember saying that the VCA bought those after I had put it clear that amongst those number of posters that were sold by the UDF, what I remember is that VCA as an organisation buying those UDF(10) calenders.

On how many occasions did you supply UDF with paper for them to print pamphlets for you? -- I know of one occasion.

Only one occasion? -- That is so.

Are you sure of that? -- That is the occasion I remember.

When was that? -- That was when we were printing the pamphlet for the general campaign against the Black Local Authority.

COURT : That is for the elections or for - in connection(20) with the rents? -- In connection with the elections.

That is approximately 27 November? -- Yes, but not the one advertising the meeting.

MR JACOBS : What pamphlet did they print for you when you supplied the paper? -- That was a pamphlet similar to the one that was distributed by the UDF for their own general campaign.

Which pamphlet are you referring to issued by the UDF? -- I can check if it is amongst these. (Witness goes through exhibits) That pamphlet is not amongst the exhibits. (30)

AN 15(8) the last one on that book. You are not referring to this one, EXHIBIT AN 15(8)? -- No, I am not referring to this one.

Who printed this one? -- This one was printed through MAAS.

Who paid for it? -- That is the one for which we received an account.

The one that you paid in instalments? -- That is so.

And there was another one then, if I understand you correctly, similar to the one to UDF? -- That is so. (10)

So, you had two pamphlets out for the meeting of the 27th? -- This one was for the meeting. That other one was for the campaign, general campaign against the BLA.

And you supplied the paper for that other one to the UDF? -- That is so.

Were any other pamphlets - I would like you to have a look at AM 58. Do you know that pamphlet? -- Yes, I know this pamphlet.

The one that you produced for VCA through the UDF, is that similar to that one? -- It is similar to this one. (20)

Also in different languages? -- That is so.

How many copies did you receive of that? -- Well, I do not know the exact number of copies that were printed.

So, if I understand your evidence then correct, there is only one instance when you asked MAAS to print a pamphlet for you for which you received an account during the whole period, from the start till your arrest? -- At executive level that I know of.

By VCA? -- At executive level. That is the only opportunity I know of. (30)

What/...

What do you mean by executive level? -- Because the learned advocate said that we only talk in terms of VCA, we are not referring to area committees.

COURT : Who would get the account should the area committee order a pamphlet? -- The area committee will get the account.

Made out to the area committee of VCA? -- That is so.

MR JACOBS : In your area committee what do you know about accounts there for pamphlets, so that we can get clarity on this? -- In my area committee we had not asked for MAAS's assistance for printing of any pamphlet. (10)

And you do not know about other area committees because you were no part of them? -- Well, I do not know about other area committees because I was not part of them.

From VCA itself, you never order any other pamphlets from MAAS except the one for which you received an account? -- The instance that I know of is this one, when we printed this one.

I would like to refer you to the evidence and you can tell the Court whether this is the truth or not. I am referring you to volume 36 page 1 626. Just before go on(20) to that one, can you tell us when you asked guest speakers opr main speakers to come and speak, how paid for their expenses? -- We never paid their expenses. They would come on their own.

With whom did you arrange to have guest speakers? -- We had assigned the chairman and the vice-chairman to be the people who get us speakers.

Must they approach the UDF to help you with speakers or whom did they have to approach for speakers? -- They had to approach individuals, those individuals who were to (30) speak/...

speak.

Do you know if they ever approached UDF general to supply speakers? -- I would not know, because if we talk in terms of speakers and if the two then approach UDF, in our absence I cannot account for that.

I would like to read you the evidence now from page 1 626.

COURT : Whose evidence?

MR JACOBS : It was McCamel's evidence and what was put to him. I will start a little earlier so that you can follow(10) it. "Is it correct that the VCA had very little money./ That is true." What do you say to that? -- I will be very happy if the advocate when reading from evidence I can have also the opportunity to be looking together with him where he is reading that, for me to understand, because at time I tend not to understand what the question means.

COURT : This question is easy. McCamel said VCA had very little money and you are asked to comment on that? -- That is a true story.

MR JACOBS : The next question was "And in fact operated(20) on a shoe-string."

COURT : Do you agree or disagree? -- I agree with that.

MR JACOBS : "The churches gave the halls free." Do you agree or disagree? -- I do agree.

"The people held meetings and tried to find recruite members gave their services free." -- That is so.

"The only expense it had was when it got pamphlets printed." Do you agree or disagree? -- I disagree that it is the only time when it got expenses, when pamphlets were printed.

(30)

COURT/...

COURT : You mean that is not the only expense? -- That is not the only expense.

MR JACOBS : Then the Court asked a question from the witness "That means did UDF pay for the pamphlets? / Yes, I do not know of the VCA paying for pamphlets." What do you say to that? -- I did not know of VCA paying for pamphlets?

COURT : Actually it is a double answer. Now you must watch out. The question is did the UDF pay for the pamphlets. The answer is yes, I did not know VCA paying for pamphlets. -- (No reply) (10)

No comment on that. -- I know VCA contributed towards printing of pamphlets at UDF.

MR JACOBS : On one occasion? -- That one occasion I remember.

And then Mr Chaskalson came back into the questioning and he said "Yes, now I was going to come to that. Is it correct that the UDF arranged for MAAS to do the printing?" Is it correct or not? -- That is what is in the record or whether UDF arranged for the printing?

Correct or not? -- I do not agree with the fact that UDF arranged with MAAS, but what I know is, when we needed (20) pamphlets we approached MAAS and MAAS sent accounts to us. So, whoever had made arrangements prior to that being there, I do not know.

You used the plural again. You said "accounts to us." What do you mean by that? Did you receive more than one account? -- One account.

So, why do you use the plural? -- I am using the plural in that the practice has been preceded by this one account and I would understand it to mean that this would be the practice in case we wanted more work to be done by MAAS, (30) then/...

then the accounts would be sent to VCA.

No, but I did not ask you for possibilities. I asked you for facts. -- It is one account.

So, you do not agree with the statement that you ... -- To that statement I say that I do not know of such an arrangement. So, I cannot agree or disagree with that.

The next question "And do you know whether there were any other printers or was it only MAAS that you know of?" Do you know anything about this? Were there any other printers or did you only use MAAS on the one occasion? --(10) There was a silk-screen project somewhere in Johannesburg, but I do not know how many times was it used by VCA.

What is the name? -- I do not know what their name is. It is a silk-screen project.

COURT : Was it in fact used by VCA? -- I cannot remember if it was ever used, but I knew of it being there, having been accessible,

MR JACOBS : But why do you mention it here then if you do not know whether it was used or not? -- The question was did I know of any other printing other than MAAS. (20)

Used by VCA? -- If it was used by VCA I do not know, I cannot remember if VCA did ever use that.

The next question was "Do you know exactly what arrangements were between the UDF and MAAS in relation to the printing accounts?" Do you know anything? -- I do not know anything of the arrangements.

"Do you know that MAAS in fact rendered accounts to the Vaal Civic Association?" What do you say to that? -- That MAAS sent accounts to the Vaal Civic Association? Is that what the question is? (30)

That/...

That is what I put to you. I will read it again.

COURT : That is what counsel put to a witness. -- I will agree to that.

MR JACOBS : How many accounts did you receive from MAAS? -- One account that I know of.

But just a minute ago you agreed to accounts. What do you say to that? -- I am agreeing that the counsel put to a witness that statement. I agree that that statement was put to him. What do I say to that. I agree to such a process being their of MAAS. That is the basis of my (10) agreeing to it. Whether it is agreeing to the account or accounts, then it is clarified by the next question by the learned advocate who asked account or accounts and I said one account that I know of, because at the stage the counsel was talking to a man who was elected as the chairman of the Vaal Civic Association and a man who was to be again elected to be the representative of the Vaal Civic Association at UDF. If he agreed positively to suggestions on arrangements between UDF, MAAS and VCA, that I did not know of. I cannot bind myself by saying I know of those things. I can only bind (20) myself on the issues that I know.

I will read the question again and then you can comment whether it is wrong or correct. "Do you know that ^{MAAS} MAAS in fact rendered accounts to the Vaal Civic Association?" Is it correct or not? -- I know of an account.

So, it is wrong then? -- I will not say it is wrong.

Did you receive more than one account from ^{MAAS} MAAS? -- I know of receiving one account.

If you received other accounts, you would have known because they would have been discussed in the meetings? (30)

Provided/...

-- Provided that I attend that particular meeting where such accounts were discussed.

And if it is more than two? -- If they are more than two and they are discussed at a meeting which I attended, I would have known about it.

Were you not interested in the financial state of your organisation? -- The financial statement would be read at some stage.

And the paying of accounts, you have not got money, you were on a shoe-string basis and to pay the accounts (10) that you received you would have to collect money again so that you can pay MAAS? -- We had very responsible people handling the financial matters of the Vaal Civic Association. There was nothing for me to doubt their abilities. So, I would not prey into the financial affairs of the Vaal Civic at every meeting.

Then the next question "Well, I want to put it to you that in fact MAAS did render accounts but that we have no knowledge of these accounts ever having been paid." What do you say to this statement? -- What I can say is, I can (20) talk in terms of one account that being for pamphlets. My impression was that there had been some form of payment forwarded to MAAS although I cannot say if the amount owed to MAAS was paid off.

So, now you say you do not know if any money was paid over to MAAS? -- If the account was paid off. I know that there was some payment done. The arrangement was to pay off in terms. Whether it was paid off, I do not know.

Do you agree that there are some differences here in what I put to you and what you told the Court this (30) morning/...

morning? -- The difference ... (Mr Jacobs intervenes)

Do you agree or not? -- Yes, one being that of account and accounts. That is one difference that I recognise.

And also that UDF made arrangement with MAAS to have your pamphlets printed? -- I do not see any difference there, because that was put to a person who by virtue of his position would be in no better position than I was and I was not aware of the situation.

I put it to you that your evidence here today is quite different from what was said there, what was put (10) and that was obtained from the accused, from you as well. The version put to the witness here, is obtained by counsel from you, the accused? -- I have stated that I did not attend all meetings of the Vaal Civic Association and if the question of accounts may have arisen out of a number of meetings of the Vaal Civic Association, it can only be false for me to claim that I know anything about accounts, when I in actual fact know of one account.

Did your counsel at any stage consult with you and asked you about the financial state of the VCA? -- That (20) is so.

And what did you tell him? -- I told him that we were working on a shoe-string basis.

So, the shoe-string basis came from you? -- It may have come from me.

So, the information put by him to the witness came from you? -- Not the entire information. I am not the only one accused from the Vaal Civic Association and this has been through some lengthy time of consultation and thirdly I was never responsible for any means of the VAal Civic (30)

Association/...

Association or the treasury. I limit my knowledge to my presence at meetings.

Were you present in court here when the mistakes were put to the witness? -- I would not say it was mistakes.

Well, you admitted one mistake. -- Which mistake?

Accounts? The plural or did you not admit it? -- I did not admit it. I did not agree that I can say that is correct if it refers to accounts, which I did not know of, when I know of an account. This was put to the chairman of the Vaal Civic Association, a man who holds a responsible position, a man who was a link between the VAal Civic Association and the UDF office, a man at whose house most of the meetings were held and I want to put it clear to this Court that I did not attend every one of the meetings of the Vaal Civic Association. I can only remember attending a meeting when one account was discussed. If other accounts were discussed at other meetings, I cannot be in the position to say it is not true, if in fact I was not there. That is not the basis of my evidence.

I put it to you that in this answer that you have (20) just given to the Court you tried to bring the Court again under the wrong impression, because Mr McCamel was phased out of the VCA in February 1984. He was not there for the whole period? -- That is not true.

When was he phased out? -- He was never phased out.

So, he attended all the meetings of the Vaal Civic Association? -- His not being able to attend meetings of the Vaal Civic Association does not mean he was phased out. His failure to attend meetings of the Vaal Civic Association can be seen as phasing out. Then I was phased out too, (30) because/...

because I did not attend all the meetings of the Vaal Civic Association.

And if he told the Court in his evidence-in-chief that Esau Raditsela phased him out there was trouble between them, is that wrong?

MR BIZOS : Is My Learned Friend putting that as a fact that that is the word used by Lord McCamel?

COURT : Why do you use the word phasing out? That is the first time I have heard that.

MR JACOBS : I used the word phased out. Is it correct (10) that there was trouble between McCamel and Esau Raditsela?
-- None of the two gentlemen brought that to my attention.

But you cannot dispute it if McCamel said so? -- He never mentioned it to me and I never got to know of it. Otherwise I would not have regarded McCamel as the vice-chairman of the Vaal Civic Association and continued consulting with him and working with him.

COURT : Why would you merely because there was trouble between Esau Raditsela and Lord McCamel not regard McCamel any more as chairman of the organisation? -- I am saying if (20) there was trouble and he was kicked out, I would then not have regarded him as the chairman of the Vaal Civic Association because that it would be to me a situation whereby McCamel would have admitted that any single member of the executive could kick out any other member of the executive, but simply because the association was not launched, the people in the association were not elected by individuals, but by people at a mass meeting, that could not happen.

MR JACOBS : Do you now say that McCamel attended all the meetings of the Vaal Civic Association? -- That is not (30) what/...

what I am saying.

When did he stop to attend the meetings? -- I did not know when did he stop attend the meetings, but I know that as from March he was less frequent at the meetings.

Only less frequent? -- That is how I saw it.

From March, I presume it is March 1984 you are referring to? -- That is so.

How many meetings did he attend from March 1984 to August 1984? -- I do not know how many meetings he attended during that period, much as I do not know personally how (10) many meetings I attended during that period.

Did you attend any meetings during that period mentioned? -- I did attend some meetings.

Where McCamel was the chairman present at that meeting? -- At some meetings he was the chairman. At some meetings it was Esau Raditsela who was the chairman.

Can you give an estimate of how many meetings he chaired during that period? -- I can estimate it to an average of two to one compared to Esau. If Esau chaired two meetings, McCamel chaired one. Those are the meetings I attended. (20)

About how many would you say, two or three in March? -- In March the month?

Yes? -- He chaired a number of meetings.

A number of meetings? -- Yes.

And April? How many? -- I cannot remember the number of meetings like I said earlier on that Reverend Lord McCamel chaired between the period March and August 1984, because I myself personally will not remember how many meetings during that period of the executive I attended.

Did he attend executive meetings of the VCA in April?(30)

He/...

injured.

I want you in your own words to please describe to His Lordship how you felt when you heard about these events, as a result of the report that was made to you by your wife from the hospital? -- Well this tragedy shocked me.

Did you expect any people to lose their lives or to be injured?

COURT: When?

MR BIZOS: Prior to you hearing from your wife did you expect anything like that happening? -- As I described it I saw (10) it both as a tragedy and it came as a shock to me.

Yes. You, during the period the beginning of September 1984 to 12 December 1984 were you living in Sebokeng? -- I was still living in Sebokeng.

You were not questioned before your detention on 12 December were you? -- No.

Did anyone prior to 12 December, that is some three months after the events, did anyone accused you to be either directly or indirectly responsible for any of these events that occurred on the morning of the 3rd or during the day of the 3rd? -- (20) No one delivered such an accusation to me.

You do not have to give His Lordship the details as to how you came back into Sebokeng. Was there free access into and out of Sebokeng on the 4th when you came back? -- On the morning of the 4th when I approached Sebokeng from the outskirts of Evaton I could see heavy presence of police and the army and I had to go through three roadblocks to reach home.

Yes. What time did you reach home on the 4th? -- I reached home at about 10h00 in the morning.

Did you get any report as to how many people had died? (30)

COURT: /....

saw him at the meeting. Another thing is, I know that during that period from March to August I have seen him at meetings and the meetings which I attended, two out of every three that I attended two were chaired by Esau Raditsela and one was chaired by Reverend McCamel. Now, to pin it down to months, it is no like pinning me down to the number of meetings in that particular month which I am not in a position to remember.

You cannot tell us about the month of June that you remember any meetings attended by him? -- He may have (10) attended a meeting in June.

And July? -- I remember the first week of July was the last meeting I attended and he was there.

Where was that? -- That was at his house in Evaton.

In July 1984 you had a meeting at his house? -- That is correct.

And after the first week of July, did you attend any other meetings? -- That was the last meeting I was able to attend myself.

In August? -- I was not able to attend any meeting (20) of the executive in August.

I will come back to this. You mentioned certain exhibits here and referred to this receipt EXHIBIT AN6. That was for expenses paid to UDF for the use of a bus. R128,50. That is receipt number BO 3 on that exhibit. Is that correct? -- I did refer to that receipt.

COURT : Is it correct that it was for the use of a bus? -- It was to return money that had been used for a bus.

MR JACOBS : On what occasion was that? -- This was for the occasion of the people's weekend in Lenasia. (30)

People's/...

People's weekend? Is it a meeting or what is a people's weekend? -- It was a rally.

Whose rally? -- Rally of organisations.

COURT : Who organised the rally? -- Organisations affiliated to the UDF.

MR JACOBS : Was it a UDF rally? -- I can say so.

While we are at this point, did you from the Vaal attend any other meetings or rallies organised by the UDF and mass ... -- This is the only meeting that I attended.

Yes, but were there any other meetings arranged, (10)
people going from the Vaal to meetings by bus? -- I can remember this meeting only.

Did you not receive any invitation from the UDF to attend other mass meetings organised by UDF? -- Not that I got to hear of.

That is in the whole period? From the launching of the VCA up till September, the beginning of September 1984? -- This is the one I know.

The only one that you know of? -- The only one that I know that we had to get buses out there. (20)

You knew nothing of other organisations - other arrangements made in the Vaal to go in mass to any meetings of the UDF? -- I cannot remember getting to know of any other.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 29 JANUARY 1987.