

Ass

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-06

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 6 AUGUST 1987.

MR BIZOS : My Lord, before My Learned Friend, Mr Chaskalson, continues, lack of certainty has again arisen in relation to the obligation of the accused on bail to report daily on days on which the Court is sitting.

COURT : There should be no lack of certainty. As the order stands, as I remember it, they have to report in any event whether the Court sits or not. Whether that was intended by you at the time, is a different matter.

MR BIZOS : We assumed obviously wrongly that Your Lordship's(10) amendment would redefine the word daily in relation to those accused who had been on bail. May I, in order to avoid ...
(Court intervenes)

COURT : Would you and Mr Jacobs redefine the conditions of bail and inform me during the tea adjournment?

MR BIZOS : As Your Lordship pleases. Perhaps we should write something out.

COURT : Then I will put it on record.

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I would (20) like EXHIBIT D1 to be placed before you, please. Yesterday His Lordship asked you questions about the cultural boycott and I think you gave an answer to His Lordship yesterday. I would like you to look at paragraph 23 of EXHIBIT D1. I would like you to revert to the question His Lordship asked you yesterday about the cultural boycott. First of all, when His Lordship asked you that question yesterday, did you recollect this item in the minutes, item 23 of EXHIBIT D1? -- I could not recollect it.

Could you perhaps take His Lordship's question to (30)

you/...

you about the cultural boycott. Can you say anything in the light of what appears in paragraph 23 of EXHIBIT D1? -- Having noted the minutes, this exhibit, I then realised that in fact this point was mentioned at the NEC meeting in question. What really happened there is that the National Publicity Secretary had come to know that international artists, Paul Newman and Arthur Ash and others were campaigning that artists from America should not go to Sun City and he had responded to what was happening, pledging support for what they were doing. It was really seen as forming part of the sport(10) boycott, but really directed at the kind of promotion of shows in a place like Bophuthatswana which is contrary to the UDF's attitude to homeland - the policy of separate development.

Apart from this incident, are you able to recollect any other occasions upon which the issue of cultural boycott would have arisen? -- I cannot recall any incident where it was discussed.

I would like to deal with the allegation concerning a campaign against the Ciskei. First of all, does the UDF (20) have any affiliates which in any way would be affected by the activities of the government of the Ciskei? -- That is correct.

Can you mention who? -- At that stage it was the South African Allied Workers Union.

As far as the United Democratic Front was concerned, how did it see SAAWU? -- It saw SAAWU as an important element. It was its affiliate and where there were problems affecting the affiliates, the UDF would speak out against those problems.

How was SAAWU affected by the Ciskei? -- At that (30)

stage/...

stage ... (Mr Chaskalson intervenes)

When you say at that stage, could you just give us the approximate time? -- During the period I think July and September 1983. It could have extended beyond September. The government of Ciskei arrested a lot of - a number of members of that trade union. A lot of them had gone into hiding and SAAWU was banned in that region, in the Ciskei.

Was someone from SAAWU meant to speak at the launch of the UDF? -- Yes, at the launch, the national launch of the UDF the president of SAAWU was supposed to address the (10) conference and he could not come because of the harrassment by the police. He had to go into hiding and the situation really came to the attention of the UDF much broadly at the time of the conference.

We know that there was a mass meeting concerning, directed to events in the Ciskei, on I think it was 22 September 1983? -- That is correct.

Where was that mass meeting? -- It was held in the hall at Khotso House in Johannesburg.

Did you speak at that meeting? -- I did. (20)

I am going to deal with that in another context later. Did you yourself have an opportunity of going down to the Ciskei immediately after that meeting? -- That is so.

Do you remember when it was that you went down? Are you able to tell us? I do not need the exact date, but I want to know whether it was within a matter of days or weeks or months? -- I think it was the following morning, the morning following the meeting that was held at Khotso House.

Why did you go down? -- The organisations in the border region were planning to launch a region of the United (30)

Democratic/...

Democratic Front that week, the weekend that was following and I had been invited to speak, to be present there, to speak about the UDF. To explain what the UDF was all about.

When you were there, did you get an opportunity of going into the Ciskei? -- That is so.

I do not want you to tell me what anybody else told you, but while you were there, did you have an opportunity of speaking to people in the Ciskei? -- That is so.

I want to know the sort of people that you spoke to. I do not want to know what they told you, but just the type(10) of persons you were speaking to? -- I spoke to leaders of SAAWU, I spoke to doctor who were handling cases of people who had been assaulted. I spoke to lawyers.

Did you speak to any - you say you spoke to people from SAAWU. Were they people who were able - were they people who had personal knowledge - were they giving accounts of their own experience or were they giving accounts of somebody else's experience and again I do not want you to tell me what they said to? -- They were giving both.

I would like to show you EXHIBIT - there is a volume (20) AC1 to AC8. I wonder if that could be placed before you. Could you begin by looking at EXHIBIT AC5. Is that a letter dated 27 September 1983? -- That is correct.

Was that a letter written by you? -- That is so.

Was that written before or after you had been down to the Ciskei and spoken to the doctors and lawyers and individuals there? -- It was written after I had been there.

It begins by saying "The following twelve organisations have come together in an ad hoc committee to condemn Sebe's government for banning SAAWU and attacking the people of (30)

the/...

the border region."

COURT : Just a moment. It is not written on the letterhead of the United Democratic Front but on the letterhead of SAAWU and the Border Region Solidarity Committee. Is that correct? -- That is correct.

But you signed it as UDF Secretary General. On whose behalf did you write the letter? -- I was serving in that committee and I think it was just an oversight. When one is working in an organisation and he gets a small committee that he is working in, he tends to forget that he should (10) now write as a member of that committee, but in reality it was really a matter that concerned this committee.

So, you wrote on behalf of the committee? -- On behalf of the committee.

MR CHASKALSON : It is the Ad hoc committee and the names of the bodies which came together to make out that ad hoc committee, are they set out immediately after the introductory paragraph? -- That is so.

I see most of them are unions? -- That is correct.

The committee - the next paragraph says "So far the (20) committee has had two meetings in which it was decided that there were three main areas of solidarity work. Publicity and education, solidarity action by workers, fund raising." Could you explain to us what the publicity and education related to? -- Publicity related to releasing press statements, giving interviews to radio's, asking news agencies to take interest in the situation in Ciskei as a way of putting pressure on the government there to stop the atrocities against the people. Education really related to getting the facts about the situation there and getting these facts (30)

to/...

to be known to the public so that the public must understand why it was necessary for that matter to be given attention and to arrive at informed decisions as to what forms of assistance they could provide.

There is a reference immediately after that "The UDF hosted a press conference which was attended by journalists who were informed of the situation in the border region." Did that occur? Do you know whether that occurred? Whether the UDF did host a press conference? -- It did occur, but I was not present . (10)

You were not present at that press conference? -- I was not present at that press conference.

Then it says "Later in the week the UDF called a public lunch hour meeting at Khotso House in Johannesburg to express solidarity with SAAWU and border region." Is that the meeting to which you referred previously, being one at which you spoke? -- That is so.

It mentions that the meeting was attended by 200 people who were addressed by various speakers from SAAWU in the Eastern Cape, UDF and SAWUSA. Then there is a reference (20) to education and solidarity action and then there is a reference to fund raising. Do you know whether anything was done to raise funds? Or first of all, what was the purpose of fund raising? -- We had received reports that, I mean the committee, the UDF and the trade unions involved received reports that a lot of people were being kept in the football stadium in Ciskei and those people needed clothes and so on. They were not allowed to get clothing from home. So, the money was intended amongst other things to get clothes for those people, such as track-suits and blankets if (30)

possible/...

possible.

Could I ask you to look at EXHIBIT AC1 and AC2. Can we begin with EXHIBIT AC1. It is headed "Solidarity with SAAWU and our people in the Ciskei." Will you look at the second page. It bears the title "Issued by the United Democratic Front Transvaal Region." Do you know anything about this particular pamphlet? -- I knew that it had been issued by, Transvaal UDF was working on it, but I did not take part in the actual drafting of the pamphlet.

Have you read the pamphlet? -- I read it some time (10) ago, not now.

I am going to ask you to look at it at some stage and we will come back to it. I do not want you to read it while we are taking up court time in reading it. I am going to ask you to look at it during the adjournment, but there are a couple of questions that I would like to ask you. I see there is a slogan typed at the bottom in bold print "An injury to one is an injury to all." Is that a slogan that you - can you tell us anything about that slogan? -- This is a slogan that I learnt as a member of the trade union. (20) It is commonly used in trade unions and it is generally accepted by the workers as a slogan that emphasised the need for solidarity amongst the workers.

The pamphlet begins "An injury to one is an injury to all. The truth of these words is shown by the call of 12 organisations to support the people in the Ciskei Bantu stands." Then those organisations are listed. Is that the - if you look at it, I think you will see there the members of the ad hoc committee which you previously referred to have the same names. There is a statement saying "These (30) groups/...

groups have come together in an ad hoc committee to condemn Sebe's government for banning SAAWU and attacking the people in the Ciskei Bantustans." Is that to which you have previously - is that the matter to which you previously referred us? -- That is correct.

EXHIBIT AC2 is a pamphlet entitled "No to Ciskei terror." Do you know about this pamphlet at all? -- I am not certain about that. I might have seen it before. The one I have got here has only got one page, but it does not say who issued it except the logo up here. (10)

As far as the UDF logo is concerned - how is that used?
COURT : Just to set the record straight. It does consist of a front and a back page. So, there is something wrong with the copy you have.

MR CHASKALSON : Does your copy not have printed on the reverse side of the page? Just go back to AC2. On the reverse of AC2 do you see any printing on the back of it or is it blank? -- No, there is nothing on it.

Then we will let you have to see one with printing on the back, but you said it has the UDF logo on it. Can you(20) tell us about the use of the UDF logo? -- The UDF has got no policy on the use of its logo. However, the general practice is that affiliates of the UDF have often used the UDF logo in publications, in pamphlets that they themselves produced side by side, alongside their own logo's. This, as we understand it, is simply a way of indicating that they were part of the UDF.

You do not have the second page, you have now, the second page says "Solidarity meeting Hanover Park, Civic Sun" no, "Solidarity meeting Hanover Park Civic Sun 2 October 3 pm."(30)

That/...

That is presumably a meeting to take place on Sunday, 2 October 3 pm. Do you know anything about that meeting? Did you attend it? -- No, I did not attend it.

Do you know whether it was held or not? -- I am not quite sure as I stand here now. All I recall is that the region of the UDF in the Western Cape was also concerned about the situation in Ciskei.

The Ciskei you have told us is one of the homelands. What was the UDF's attitude as it would express - what was its attitude to homelands? The independent ... (Court (10) intervenes)

COURT : Before we continue on this aspect of the logo. If you look at that pamphlet AC2, could one come to a different conclusion from that it is a UDF pamphlet and if so, on what grounds? -- It is not impossible to arrive at a different conclusion. It has happened in the past that a lot of pamphlets were distributed with the UDF logo on that. Some of them purporting to have been issued by the UDF and they turned out not to be UDF pamphlets. So, it has really happened in the past and it is not something that one can say (20) is impossible.

Let us take it from a practical point of view. Anybody receiving this pamphlet, will he be correct, should he take up the view that this is a UDF pamphlet? -- (Witness hesitates)

A man in the street, receiving this pamphlet, will he think this is a UDF pamphlet or could he conceivably think otherwise? -- A person in the street might think that it is a UDF pamphlet, but also that would depend on the understanding of that person of the policy of the UDF. If for instance, I do not know if My Lord was dealing specifically with this (30)

one/...

one, this particular one?

This particular one? -- Well, I think in the circumstances as existed at the time, the fact that the UDF was interested in this matter and it was seeking to do certain things to help the people of Ciskei and that this pamphlet also contains some of these things, it may well be that that person regards it as a UDF pamphlet.

Is there any reason for you to say it is not a UDF pamphlet? -- I cannot say so. I simply do not know.

MR CHASKALSON : Perhaps you should look at it carefully. (10)

I was going to ask you to read both AC1 and AC2 during the adjournment and ask you about your response to the contents, but since we have AC2 perhaps we can take it rather than going back. AC2 you will see deals with the fact that in early July there had been a busfare increase. "People of Mdantsane in East London live miles from work. There are many unemployed. They cannot afford the higher fares. They sent a ten person delegation to the bus company, but the bosses refused to meet them. Nearly all the committee are now in detention." Would that be consistent with the (20) report which the UDF had received? -- That is correct.

COURT : I do not want to beat about the bush. We must have clarity. Does the UDF accept responsibility for this pamphlet or not?

MR CHASKALSON : I am asking him to read it.

COURT : Please read it and take your time. -- (Witness reads pamphlet) I am satisfied that it is a UDF pamphlet and I actually think that I saw a copy at one of the meetings of the UDF. It might have been a meeting of the secretariate. I am not sure. (30)

MR CHASKALSON/...

MR CHASKALSON : On the basis of you have looked through it, do you have any reason to believe that anything contained in this pamphlet is not correct? -- I have no reason to believe that.

Were you yourself responsible for the production of this pamphlet? -- I was not responsible.

If we could go back to AC2. It deals with the question of a bus boycott and attempts by the Ciskei government to force people onto the buses by the use of force to compel commuters to get onto buses. It says on August, 4 "Sebe (10) began open war against the bus boycott as people trying to board trains were shot by lines of police. Hundreds have been beaten up. There are stories of disappearances and secret burials. Sebe's figure of seven dead is no where near the truth." You went down to the Ciskei yourself. You spoke to people there? -- That is so.

You saw doctors? -- I did.

You saw lawyers? -- That is so.

You saw individuals who had been affected by what had happened? -- I did. (20)

You received reports? -- I did.

Can you tell us whether you have reason to believe on the basis of information given to you there whether the statement I have just read to you is correct or not? -- I have got no reason to believe that it is not correct. I have got reasons to believe that it is correct, because the information contained here is similar to the information I got when I was talking to the people in Ciskei. The information that arose later on from other reports also.

Assuming it to be correct, do you think that that is (30)

an/...

an issue which should be made public or could be kept quiet?

-- I believe it is an issue that has got to be made public.

Was it an issue which affected the members of an affiliate of the UDF? -- That is correct.

Which one? -- That it affected the South African Workers Union which is an affiliate of the UDF.

And its members? -- I should have indicated earlier on that it also affected some members of the Council of Unions of South Africa. They had been arrested also in that region.

If I could come back to the question of the UDF's (10) attitude to homelands. I think without a great deal of detail from what you have said previously, let me lead you into an answer, that the UDF is opposed to homelands? -- That is correct.

Would it have been UDF's policy to make that position known? -- That is so.

Apart from the publicity and the action taken in regard to the Ciskei government and its response to the bus boycott and the banning of SAAWU, are you - do you recollect any specific activity which is directed specifically against (20) the Ciskei? -- I cannot remember any. In fact there is none.

I would now like to turn to deal with the question of ... (Court intervenes)

COURT : Could I just get clarity. You did not organise the bus boycott I take it. The UDF did not organise the bus boycott? -- Yes, it did not.

So, what action was there then against the Ciskei? -- I assumed that counsel was referring to the public meeting held on 22 September. I assumed that is what he meant.

So, only for that meeting. Apart from that meeting (30) there/...

there was no other action in respect of the Ciskei? Is that what you are saying? -- I think I am now beginning to be reluctant to take it like that, because action I think is quite a broad word. It might well mean that whether other people - the members of that committee did not go on collecting moneys, sending it there or holding meetings to discuss the Ciskei, but I would say that on the overall, as defined in EXHIBIT AC5, the letter, I do not know of any other activity with regard to Ciskei that extended beyond the parameters as defined in this letter. (10)

MR CHASKALSON : And focusing in relation to this particular incident which you have described? -- That is so.

For that period of time? -- Yes.

I would like to now deal with the question of conscription.

COURT : Do you remember the paragraph in the indictment?

MR CHASKALSON : It is really the central part of paragraph 56. As far as the opposition to the new constitution was concerned and the - did the issue of prescription, sorry, conscription, did the issue of conscription arise in any (20) way? -- It did.

How? -- The issue of conscription was seen as part of the new constitutional proposals and in fact it was seen as - it was believed to be the reason why the government had decided to include the Coloureds and Indians in the tri-cameral parliament. It was directly affecting the constituencies and affiliates of the UDF. As a result of that, in a number of meetings, in their publications, conferences of the UDF the issue was raised by the affiliates.

Were the affiliates opposed to the policy of (30)
conscription/...

conscription or the possibility of conscription? -- They were.

As far as this issue of conscription have existed, were you aware of whether or not there had been opposition to compulsory conscription before the UDF came into existence and I deal now specifically at a time when the possibility did not affect the Coloured and Indian communities, but only the White community? -- I knew about that.

How did you know about it? -- By talking to people who were concerned about it. I knew that the churches were (10) taking up the issue of conscription. They were speaking out against it. So did - I mean, the organisations like the South African Council of Churches, the Southern African Catholic Bishop's Conference. There had also been a number of individuals who were protesting against the conscription. I had had occasion of talking to some of them.

Was NUSAS an affiliate of the UDF? -- Yes.

Do you know what its attitude was to conscription? -- It was opposed to conscription.

Had it been opposed to conscription before it became (20) an affiliate or did it only become opposed after it became an affiliate? -- It had been opposed before it affiliated to the UDF.

Can you tell us what the basis of the opposition of these persons was, of NUSAS and the Catholic Bishops, to conscription? Try and be brief if you can. -- As I understand it, the basis of those groupings of opposition to conscription was that people should not be forced to fight in defence in apartheid. They believed that the war that people were fighting was an unjust one and believed that what is (30)

regarded/...

regarded as the enemy of South Africa, was not a foreign enemy. It was really the people of South Africa who were forced into those circumstances by the policies of apartheid.

ASSESSOR (MR KRUGEL) : Just to get clarity on this. What people regard to be the enemy of South Africa, which enemy are we talking about now? Some people may regard A as the enemy and some people may regard B as the enemy. -- I have in mind here organisations like the PAC and the ANC as well as the youth groups called the South African Youth Revolutionary Council. (10)

You say that the people would regard them as the enemy. -- What the government regard as the enemy of South Africa.

That the government regard as the enemy? -- Yes.

COURT : Just to take the last answer, I have not heard of the South African Youth Revolutionary Council before. I may be uninformed. What is that? -- As I understand it, it is an organisation that was formed by the students who left South African from the period 1976 and under the leadership of Tsietsi Mashinini.

Is it not part of the ANC then? -- As I understand (20) it it is a separate organisation.

And it is external, it is not internal? -- That is so.

And is it revolutionary? It calls itself revolutionary? -- From what one has read in the papers it calls itself - it has taken up arms.

MR CHASKALSON : Do you know of a body called the "End conscription campaign"? -- I do.

And I do not know whether you may be able to tell us, I have seen reference to something called the "End conscription committee". Do you know whether they are the same (30)

bodies/...

bodies or whether they are different bodies? Or whether it is the same word, the same way of describing the body? I do not know. Could you just possibly tell His Lordship whether there is any difference or not? -- I cannot remember seeing the name "End conscription committee". I am not sure of that.

Let us leave the "End conscription committee" for a moment and deal only with the "End conscription campaign." Is that an affiliate of the UDE? -- It is not.

Do you know - are you able to tell us when you first(10) heard of the "End conscription campaign"? -- I heard about the idea of an "End conscription campaign" around July or so 1983.

Did you know whether it was in existence before this or did it only come into existence after that or are you unable to tell us? -- I am unable to say.

Can you tell us what the "End conscription campaign" since you heard of it in about July 1983 - can you tell us what you know about the "End conscription campaign"?

COURT : The activity or the body? (20)

MR CHASKALSON : Shall we deal first with the activity.

What does it do? -- Well, as the name indicates, it is a group of people who are opposed to compulsory military service and it - I cannot speak of firsthand knowledge because I am not a member. I did not sit in their meetings, but as I understand from their own publications and press releases, they are campaigned to give publicity to the view that the government should not force everybody to serve on the army, that it must a voluntary choice. People must be left to choose if they want to go or do not want to go. I cannot go(30)

at/...

go at lengths. That is what I understand of it.

Then I would like to ask you to look at EXHIBIT D1 under item 22 on page 7. The minutes record "It was felt that as a campaign by conscientious objectors unfolded and many objectors were being charged, the UDF had to play a definite role. The UDF role was identified as a supportive one, manifesting itself in speeches, press statements and publications on conscientious objectors. It was decided that all regions of the UDF should identify conscientious objectors support groups in their respective regions and consult (10) them for information on conscientious objection." The statement there that the UDF role was identified as a supportive one? What does that mean? -- It meant that the issue was not going to be the initiative of the UDF. The UDF was not going to take it up independently. It would merely support - land support to the efforts of other groupings which were already handling the matter.

Could I ask you then to look at EXHIBIT E1. This is the meeting following the one we have just referred to. It is the meeting now of 5 and 6 November 1983. Would you (20) please look at paragraph 6.1.6.4. It provides "The Western Cape region was instructed to form a commission on the question of conscription." It says conscription, but I think it is one of those typing errors one finds here. It should be conscription, I assume. -- That is correct.

"It was decided that the youth organisations affiliated to the front be encouraged to spearhead the campaign. The general secretary was instructed to make available to the Western Cape region all affiliated youth groups." Can we deal now with what was discussed at the meeting which (30)

follows/...

follows the one referred to in EXHIBIT D. "The formation of a commission on the question of conscription." What does that mean? -- It meant appointing people who would work specifically on the issue of conscription, doing some of research and making certain recommendations as to how they thought the UDF could have participated in the conscription matters. This had come as a result of requests of course within the UDF itself.

The last statement "The general secretary was instructed to make available to the Western Cape region all affiliated(10) youth groups", what does that mean? -- Because Western Cape was going to be the region that was going to set up the commission, it was felt that they would have to discuss the matter with all youth affiliates of the UDF and to get their views in that matter.

And the central paragraph says "It was decided that youth organisations affiliated to the UDF be encouraged to spearhead the campaign." Was it contemplated that a campaign at that stage would be launched in relation to this matter? -- That possibility was in sight. (20)

I would like you to look at EXHIBIT F paragraph 10.1 on page 5. "The Western Cape region reported that a rally had been planned for 26 January 1984 in the region. A speaker from Swapo was expected" and I have got written in here something, I do not know whether it is on yours. Does it have it as well? Could you just read what you have on your minute? About "A speaker from Swapo was expected." Is there some handwriting there? -- Yes, that is correct.

Do you know whose handwriting that is? -- It is my handwriting. (30)

As/...

"As well as Comrade Terror." Who is Comrade Terror? -- That is accused no. 20 in this matter.

Was that a report that was received at that meeting concerning a rally to take place on 26 January 1984? -- That is so.

And under 10.2 there is a reference to the border region indicating that they did not have enough information on conscription and as a result they had not been able to address the question of conscription. Was that report made at that meeting? -- That is so. (10)

I would then like you to look at EXHIBIT G. Before I go to EXHIBIT G, the previous minutes which you referred to, EXHIBIT F, were the minutes of the National Executive Committee on 21 and 22 January. -- That is correct.

And they were referring to a rally being planned for 26 January. Do you of your own knowledge know whether or not that rally was held? -- I do not know.

Then the next minutes which we have is EXHIBIT G1 page 8 paragraph 24. There is a statement that "The report from the Western Cape Anti-conscription commission was presented. (20) The region is planning an anti-conscription rally for June, 17 1984. Natal, Transvaal and Border regions are addressing the questions of conscription." Were those reports received at that meeting? -- That is so.

Do you know, are you today able to recollect what the report of the Western Cape Anti-conscription commission was? Are you able to tell us anything about that? -- I have seen it quite long ago. My recollection in that regard is that this was the findings of that commission that was appointed by the Western Cape region, following the decision of the (30)

NEC/...

NEC I think as contained in EXHIBIT E1. They were really dealing with their own findings. I cannot say now off-hand precisely what those findings were and their recommendations.

COURT : But actually it was instructed to form a commission. Would that be a commission of the National UDF? In the sense that it would do work for the National UDF not for the Western Cape region? Is that correct? That is why there was reported back to the National UDF? -- Those details were not discussed, but as I understood it really, although the report was going to be useful to the UDF, that commission (10) would be attached to the region of the Western Cape. I think there is an unfortunate word that has been used there, "instruct". In fact, that word should be "recommended" not "instruct", because it was a matter that was still to be discussed by the Western Cape region at its regional council meeting and if it had decided to go against it, there was nothing the NEC could do to enforce that.

MR CHASKALSON : Perhaps while you are raising that, you might give us some indication how the NEC related to regions. You distinguish between an instruction and a request. (20) Can you perhaps explain to His Lordship the basis upon which the NEC and the regions dealt with each other? -- It operates in this manner. At all material times it takes into account the fact that the regions are autonomous body within the broad UDF and that the decisions that the NEC take, are recommendations which are got to be discussed at regional level. When the affiliates in the region of the UDF feel that as far as they were concerned, what the NEC is saying is incorrect, they had every right to take a position that is against that. They are free to do so. In other words, (30)

the/...

the NEC did not impose its decisions on its regions. It could not enforce those decisions unless there was a consensus within the UDF.

As a matter of policy, would the NEC act prescribedly in its dealings with the regions? -- It did not operate like that.

And again, as a matter of policy, regions and affiliates, what was the relationship there? -- A similar relationship existed. Regions could not instruct affiliates. They could not prescribe to affiliates. That will be contrary to (10) the entire policy of inspecting the independence of the affiliates.

If you could sum up in regard to the UDF's attitude to conscription, could you do it fairly briefly? What was its position basically with regard to conscription and how did it involve itself in that field? -- The issue of conscription really was discussed from time to time at regional levels. My conscription committees - may be we should from time to time give reports to the regions and then the NEC would only get feed backs as presented by the secretaries (20) from regional council. It has never been a campaign, a proper campaign in the real sense for the UDF to take it up in a ordained fashion at a national level setting out clear goals. It has always been a problem within the UDF and the discussions in that regard were really an ongoing process.

Was the UDF opposed to conscription? -- It was opposed to conscription.

Did it make its opposition known? -- It did so.

Would it be UDF policy to oppose conscription? -- That is so. (30)

WITNESS STANDS DOWN.

COURT/...

COURT ADJOURNS.COURT RESUMES.POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I would like to deal now with the issue of Namibia. I think that would be paragraph 57. That would be the central theme of that paragraph. Did the question of Namibia have any relevance to the UDF? -- It did.

In what context? -- It arose from time to time when people were making speeches in relation to the question of conscription and it also arose when really we thought of (10) the speaker from Namibia to address UDF meetings.

Did the UDF see any similarity between or any link between Namibia and South Africa? -- There was.

How would you describe that? -- The government in this country that is in power in this country, is also the government that is interested in Namibia. The policies which apply in South Africa similarly influence the situation in Namibia, although it might not be in a very same way, but matters such as conscription would mean that those who are conscripted would not only end up inside the borders of the (20) Republic of South Africa. They tend to be taken also to be part of the army that is fighting in Namibia. It was our belief that once the government had resolved the situation in Namibia, it would speed up a process of change in South Africa also, because once the government has recognised that the policies of apartheid do not - are not good in Namibia and the Namibian people need to have their own independence and participate equally in the one government, it would look ridiculous if the government was to deny the Black people in this country the rights that is according (30) to/...

to those in the other country, but it would also mean that in terms of conscription whereas when the government had to deal with two situations, the immediate problem of the Republic and then the problem of Namibia, therefore needing a lot of young people to be conscripted into the army. Once the situation in Namibia is resolved, it would no longer be necessary for the government to impose compulsory service to young South Africans. In the sense therefore, it would really assist in the process of ending conscription and military service would then be a voluntary matter. (10)

Did the NEC as such ever debate campaigns concerning Namibia? -- No.

I would like to turn to deal with the question of homelands and separate development. I think you have made clear already your own attitude to the policy of homelands and separate development. -- That is so.

And I think you have also made clear to His Lordship the position of the UDF in relation to that? -- That is correct.

I do not think it is necessary at this stage to ask (20) you for detailed reasons why the UDF is opposed to the homelands and separate development policy, but if you are asked, are you able to explain exactly why that position is taken up? -- That is so.

Can I ask you just one or two questions around that subject. Are you able in any way to distinguish between apartheid and the homeland policy or do you see the two as being linked together? -- They are linked together. In fact the homeland policy is a brain-child of apartheid.

Is it possible, do you think, to oppose apartheid (30)

without/...

without the homeland policy? -- It is not.

Then I would like to deal with the allegations in paragraph 59 dealing with the campaign on women, alleged campaign concerning women. Did the UDF have any organisations, women's organisations who affiliated to one of its regions?

-- That is correct.

Had such women's organisations or were there women's organisations in existence before the UDF was launched or did they only come into existence after the UDF was launched?

-- As I understand it there were those who were in existence (10) long before the UDF. Others might have been formed after.

Would you say that the UDF conducted a campaign around women? -- No.

What was the UDF's attitude to women or women's organisations? -- They regarded them as being important elements of the whole process of organisation as other sectors, other constituencies of the society were and they were really part of the whole struggle to resolve the problems that were faced by our society. If one may give an illustration. If the new constitution affects an Indian male, it would (20) affect the female as well. If the new constitution, the pass laws, the influx control affected a man, an African man, that would affect the African women also. So, really, the women were seen as part of the whole effort to bring about change. It was in that context that it was seen and long before the UDF they had been taking initiatives on themselves, on their own.

So, would the UDF then in its campaign concerning the constitution or the Black Local Authorities - would it direct itself to women as well as to men? -- That is so. (30)

I/...

I would like to deal with the allegations concerning the United States of America, England and Israel, the imperialism allegation. It is the central theme of paragraph 60. First of all as far as Israel is concerned, was there any particular issue which concerned Israel which became the focus of attention? -- That is so.

Can you tell His Lordship what it was? -- The focus on Israel came about when there was repression in Ciskei and there were efforts to find out which countries had links with the Ciskei and were supporting the Ciskeian government. (10) It was reported then that there was a strong connection between Israel and - the Israeli government and the government of the Ciskei, that they were supporting that government, but there was not really much that the NEC knew at that stage and the matter was referred, it was discussed in one of the NEC meetings and the border region was asked to go and make further investigations in that regard, but it came up insofar as the UDF wanted to put pressure on Ciskei to stop its atrocities and one way of doing that would have been to persuade those governments that have links with Ciskei to (20) put pressure to end that, to end the atrocities.

As far as the United States of America was concerned, can you tell us what the focus was there? -- It was referred to also from time to time. I think the overall basis has always been that the South African government is sensitive to the pressure that comes from those governments that are strong, powerful and have certain links with it. So, it was mentioned by way of indicating to that government that it had to listen to the voice of the majority of the people of the country. If I remember quite well the situation really (30) arose/...

arose after - during the time of the debate on the new constitutional proposals in the United Nations. I am not sure if it was - I think it was the General Assembly. When a number of other countries were saying that the new constitutional proposals were not meeting the aspirations of the majority of the people. The position of the American government was that the new constitution was a step in the right direction and when a vote was taken against the new constitution, they chose to abstain. I think it was in those circumstances that, it was amongst others for those reasons (10) that from time to time it was referred to.

Do you know anything about the policy of constructive engagement? -- That is so.

Can you tell His Lordship whether that was ever referred to by the UDF? -- It was referred to. The UDF believed that the Reagan administration was intend on bringing about pressure to bear upon the South African government to effect changes. It could not do it in the quiet where we were not informed or the public was not aware of what was happening. Which was really the essence of the constructive engagement (20) policy, that we talk privately, we do not make what you are saying public, unless there is an agreement to go public. The view of the UDF was that if the Reagan administration was not happy with the policies of apartheid, that position must manifest itself very clearly in public statements so that the oppressed majority could know that the people are doing something to help the situation.

Would the attitude of the American government have had any influence on people who were not part of the oppressed majority in South Africa? -- I believe so. (30)

How/...

How would it have had an influence on them? -- It would have an influence in the sense that the more people from what is regarded as a civilised world speak out publicly against the policies of apartheid, that creates a situation where the White electorate would be deemed to debate the issues - they will want to know why is it that the whole world is against them. They would want to know why other people who are like them, who are White as they are, think that apartheid is not a good thing. If it is done by the people who come from the Black communities only, the tendency is (10) that they are regarded as agitators who do not know what they want. They have a vote in the Bantustans, they do not know what they want, but the more a lot of people who are seen by the electorate as friends of the government come out to say the government is wrong, the policies are wrong, that would have the effect of influencing people also to begin to choose their leaders that they elect to move in the correct direction of change.

As far as the British government is concerned, what was the position there? -- My recollection is that the circum-(20) stances were similar to those of the Americans. They were also - they also abstained when the new constitution - a vote was taken on the new constitution and they were also very reluctant to make public their opposition to the new constitutional proposal.

Did the UDF make known its position in regard to these matters concerning the United States of America and the United Kingdom and Israel? -- That is so.

It is alleged that this constituted some sort of a campaign. Could you comment on that? -- That was not a (30) campaign/...

campaign. The attitude has throughout been that where the American administration and the British government were doing things that the UDF felt were not correct, the UDF spoke out against those things, but where they did something that was good, the UDF did not hesitate to say we appreciate what you were doing. I recall one instance after the events of Ciskei earlier on the UDF have issued a statement criticising the Reagan administration, but when they spoke out about - against the atrocities in Ciskei a letter was written to express appreciation of what they were doing. So, that, I do not (10) regard these things as campaigns and we ourselves have been in contact with those people from time to time.

There is a resolution or was there a resolution of the National Executive Committee ever taken concerning contact with a diplomatic or with a diplomat representing Britain, Israel and the United States of America? -- There was a decision in that regard.

Do you recollect what that decision was? -- I do.

What was it? -- The decision was that the UDF shall not have contact with the Reagan administration, the British (20) and the Israeli. That whilst we were going to establish contact with their diplomats in South Africa, we were not going to talk to them.

You say you were going to establish contacts with other diplomats but not with the representatives of those three governments at that time? -- That is so. Although later on, the situation changed.

Did you in fact have contact with the representatives?
-- We did.

I am now talking about representatives of the United (30)
States/...

States government and Britian? -- That is so.

Did you ever meet any representatives from Israel yourself? -- No, that I have not done.

The next issue I would like to deal with is the issue of detention, political prisoners and exiles which is dealt with in - it was central to paragraph 61 of the indictment. I would like to know, you dealt with the question of political prisoners and exiles. I do not want to cover that ground again, but I would like to know the attitude of the UDF to detention? We talk here about detention with a trial? (10) -- The UDF regarded detention without trial as unacceptable. It was opposed to that and the UDF itself had - the affiliates of the UDF itself had been victims on numerous occasions of these detentions and several of the officials of the UDF themselves had been victims of detentions without trial. It is a really a system that denies people fundamental rights of freedom of speech and association, because from time to time when people express themselves openly they end up detained by the security police and subjected to humiliation and unhuman treatment. (20)

Did the UDF makes it attitude to detention known publicly? -- That is so.

K816

I understand there is a problem with the recording and it is necessary to repeat the last question. I had asked you, Mr Molefe, whether the UDF made known its attitude to detentions? -- It did.

All these matters which we have been discussing under the alleged campaign formed the subject of resolutions which were passed at the National General Council? -- That is correct. (30)

Let/...

Let us take the time of the launch. I would like to put all this into context again. How were - the resolutions that were passed at the launch, how did they come about? I mean, how did those become the subject of matters upon which resolutions were passed? What was the process by which it happened? -- The conference started with a key-note address by Reverend Chikane. After he had presented his address, certain points were isolated from his talk. The conference was asked to discuss those points. There were other matters which were not mentioned in his address. Those matters (10) which were isolated from the address of Reverend Chikane were debated and the conference formulated resolutions out of those, but there were other matters which just emerged spontaneously from the floor, from affiliates and from regions. Some regions presenting their own resolutions on specific matters which they felt merited attention from the conference, the UDF as such. We have then the situation where those points which were presented to the conference formed the subject of the resolutions. Individuals, delegates from the floor suggested that in respect of this point I think we must (20) formulate a resolution in this connection, in this way and so on. That is how it went. It was a fairly long process but I think it gives an idea, a clear idea of what happened.

I think you have mentioned this to us before, but I think we should just put it into context here. Did the affiliates who were attending the conference, that launch conference have concerns about particular issues in which they were particularly interested? -- That is so. In the course of the debates on resolutions affiliates came with those problems that they felt were affecting them directly (30)

and/...

and they proposed that the conference takes a resolution on that. Just to illustrate this point. On the issue of conscription, for instance, that matter was proposed by a delegate from NUSAS and she gave a long motivation why it was necessary for the issue of conscription to be addressed., Similarly, with regard to the issue on Namibia, the matter arose from the side of the church, a church organisation, which is connected with a grouping of bishops which had gone to Namibia previously and had written a report about the situation there, what was happening in Namibia. Similar- (10) ly with the resolution on women, that that came from the women's organisations themselves.

I am going to ask you whether you are able to recollect the source of different resolutions. If you are, please tell us and if you cannot remember, please say you cannot remember. Do you know who would for instance have - are you able to tell us of the origin of the resolution on housing policy? -- I am not certain about that.

You mentioned women already. Militarisation. Do you know where that came from? -- Militarisation came from NUSAS. (20) That is what I meant when I said conscription.

Workers. Do you know where that came from? -- I am not certain about that one.

Education? -- Education would have come from - may I say this, when I say I am certain, I would not be able to say that I saw a delegate of this organisation saying this.

But if you do not know, just say so. -- I am not sure about that one.

The Ciskei, do you remember ... -- Ciskei I remember quite well. (30)

Where/...

Where would that have come from? -- It came from delegates from the border region. They motivated before for that resolution.

Bantustans, are you able to recollect? -- I cannot recollect.

Cost of living, are you able to recollect? -- The cost of living resolution came from the women's organisation.

Detentions, political prisoners and exiles? -- I cannot recall.

Namibia you have already dealt with. Removals and (10) group areas, are you able to recollect? -- Removals and group areas, people who motivated strongly for that were people from the Northern Cape who were people working around - in the Western Cape. I think someone from Natal also spoke on that.

Harrassment and repression, are you able to remember anything there? -- I cannot recall.

Imperialism? -- I cannot remember.

I want to deal now with allegations of alleged campaigns which did not form the subject matter of resolutions at the launch. There is an allegation concerning the Freedom (20) Charter which is central to paragraph 62. First of all, do you mind to tell us your own position. You personally, are you a supporter of or not a supporter of the Freedom Charter? -- I subscribe to the Freedom Charter. I support the Freedom Charter.

In your time prior to your arrest, can you tell us what the policy of the UDF was in relation to the Freedom Charter? -- The attitude of the UDF to the Freedom Charter was that although the Freedom Charter was a significant document, that embodied the broad aspirations of South Africans. It could(30)

not/...

not as a front adopt the Freedom Charter. The reason being that the UDF sought to unite a broad range of organisations, many of which had nothing to do with the Freedom Charter or were opposed to the Freedom Charter and the UDF felt therefore that if it was to adopt the Freedom Charter, that might have had the effect of making it difficult for it to win more organisations into its ranks and also possibly leading to those organisations which had already affiliated to the UDF disaffiliating. So, it shows therefore not to commit itself to the Freedom Charter. (10)

Was that made known publicly that that was its position?
-- That is so. I myself made that public several times.

There are some papers before the Court which deal with a workshop concerning the Freedom Charter. Was that a UDF workshop? -- It was not a UDF workshop.

COURT : Whose workshop was it? -- As I understand it, the organisations affiliated to the UDF which were committed to the Freedom Charter possibly with others who were not part of the UDF came together to discuss the need to take up the campaign to celebrate, I think it was the 30th anniversary (20) of the Freedom Charter. These organisations did independently organise that workshop. As I understand it, the initiative came from the Transvaal Indian Congress.

MR CHASKALSON : Did you yourself attend that? -- I did not attend their meetings.

Did you have anything to do with the preparation of the papers for that meeting? -- I did not.

How do you know about it? -- Well, there are members of organisations committed to the Freedom Charter and the UDF. I spoke to Mohammed Vali who was the Transvaal Secretary. (30)

He/...

He was involved in those things, in the arrangements of that workshop.

The Freedom Charter, do you know whether it was a document which was a prohibited document in any way or whether it was admissible to have the Freedom Charter? -- It is a document that is circulated freely.

You say that some of the affiliates of the UDF subscribed openly to the Freedom Charter? -- That is correct.

Was that fact known that they were openly supporters of the Freedom Charter? -- That is so. (10)

There is an allegation in paragraph 66 dealing with harrassment and repression and I want to ask you some questions about that. I am sorry, it is paragraph 63. First of all, let me ask you about another treason trial. Did the UDF adopt a position in regard to the arrest of certain of its leaders who were facing charges of treason? -- May counsel repeat the question?

COURT : Please give a specific trial. Then the witness will know what we are talking about.

MR CHASKALSON : I think it was the people who were charged (20) in Natal. I do not have it specifically in front of me. I believe the trial of Ramgobin and others. Do you know about any position taken up by the UDF in relation to that? -- That is so.

What was the position with the UDF? -- The attitude of the UDF was that that trial - that the charges brought against them were without substance. In particular the charge of high treason. The UDF viewed that as an attempt to weak-kneed, to keep away the important leadership that would have otherwise guided the organisation on very (30) crucial/...

crucial matters that were facing it at the time.

Without entering the question whether it was proper or improper to issue such a statement, was it the intention of the UDF to bring the courts into contempt in any way? -- That was not the intention. The UDF throughout its existence where it had doubts in its mind from time to time in relation to certain important matters, it had resorted to the courts, sought legal advice and when necessary, made court applications and it had benefited in that regard. I think what the UDF was merely trying to put across was that was a legal (10) organisation, its activities were public knowledge, that anybody would know that the UDF is not an organisation on revolution and any attempt therefore to charge the UDF with high treason was viewed as being wrong. We were really looking at the work of the police at that stage, not what the findings of the court should be, but we are confident that our work was a lawful work.

I would like to ask you ... (Court intervenes)

COURT : While we are on the subject, is the statement available? Is it amongst your papers? (20)

MR CHASKALSON : I will find it for Your Lordship. It is a State exhibit.

COURT : You can just give me the reference so that I can put it in.

MR CHASKALSON : May I do it during the adjournment? I think there may be more than one document and I should get it for Your Lordship.

COURT : Certainly.

MR CHASKALSON : We will come back to that then later when I have all the documents. I would like to turn to the (30)

allegation/...

allegation central to paragraph 64 which is an allegation of a campaign against Inkatha. Were the relationships between the UDF and Inkatha good? -- They were not good.

What - perhaps I should do it this way. Had the - is the attitude of Inkatha to the UDF and UDF to Inkatha a matter which has appeared in the press? -- That is so.

I am not going to put any press cuttings, but what I mean is, was this - has there been, as it were, criticism which has been addressed by the UDF against Inkatha and Inkatha against the UDF which has been publicly made known? -- That (10) is so.

COURT : Are you in principle against Inkatha or is it merely a matter of personality? -- In principle we are not against Inkatha. It is not a matter of principle. In fact I was going to say that there was - the situation was fluid, in the sense that at a particular point in time, the relationship would be - that at X period, the situation would be different. If I may start at the time of the national launch for instance. At that stage the attitude of the UDF was that Inkatha should not be antagonised and that it was a matter that would still (20) have to be considered seriously and when we launched the UDF Chief Buthelezi himself praised that as a good initiative. So, the situation was Okay at that time. The problem arose when some time in September then there was a situation, an unfortunate situation that involved members of Inkatha and a member of an affiliate of the UDF and later on from that time on, there had always been criticisms from both sides through the newspapers, but the UDF had always been clear that the people who are members of Inkatha are the people who are suffering in the same way as those people who are members (30)

of/...

of the affiliates of the UDF. There would of course be differences in terms of our attitude to the policy of separate development, the homeland policy and their attitude to the homeland policy.

MR CHASKALSON : Would there be members of Inkatha who might belong to trade unions? -- That is so.

Would there be people in such trade unions in respect of whom the UDF might wish that union to affiliate to it? -- That is so.

The fact that that union had amongst its membership (10) people who were from Inkatha, would that operate as an obstacle or a barrier to the UDF accepting affiliation of that union? -- That would not.

Would the UDF be willing to accept affiliation of any organisation which was directly part of a homeland structure? Would it accept such a body as an affiliate? -- The UDF would have problems with that kind of a situation.

So, if we could come back to the matter of principle raised by His Lordship. If Inkatha - as Inkatha had thought to affiliate to the UDF, would that have been acceptable to (20) the UDF? -- Yes, if it was going to have nothing to do with the homeland structure, because the declaration of the UDF made the position very clear that it is opposed to the policy of Bantustans. So, there would really be a contradiction in terms if that affiliate would want to promote Bantustans and at the same time seek to promote the principles enshrined in the Freedom Charter. Sorry, in the declaration of the UDF.

Is it possible in a case like Inkatha to divorce the organisation Inkatha from the homeland Kwa-Zulu? -- I beg your pardon?

(30)

Would/...

Would you think that - what I am asking you and I do not know whether it ever arose, but in view of His Lordship's question to you in regard to principle, you have told us it is a matter of principle, the UDF would not want to associate it with bodies which participated in homeland structures. I am asking you whether it is possible to divorce Inkatha from a homeland structure or whether the to go together really? -- There is a bit of problem with regard to that. I think Inkatha as an organisation is not a party of the homeland structure, but the leadership within Inkatha ... (Court (10) intervenes)

COURT : But is it not led by people who are part and parcel of the homeland government? -- It is led by people who are part and parcel of the homeland. I think the problem would be of a technical nature. At one level we would not like to reject the membership of that organisation and at another level we have problems with the leadership of that organisation in the sense that the leadership seeks to promote the policy of separate development.

MR CHASKALSON : On this issue, do you recollect a letter (20) being written to the president of the United Democratic Front by Chief Buthelezi? -- That is so.

I would like to show you a copy of that letter dated 10 November 1983 and ask you whether you are able to identify it or not? --

COURT : Before it goes in, you must give me the assurance that it is not already before Court.

MR CHASKALSON : I personally cannot give you that assurance, but ... (Court intervenes)

COURT : Ask Mr Marcus. (30)

MR CHASKALSON/...

MR CHASKALSON : He says it is not. I am told it is DA24.
Are you able to identify it? -- I am.

Let me read it into the record. It is addressed to Mr Gumede, the President of the United Democratic Front.

"Dear Mr Gumede, I am writing to you as the president of the UDF formally inviting you and your executive to come to Ulundi to explore with us the extent to which the goals we have in common demand a synchronising of Black strategies and tactics. South Africa has just seen Whites adopt a new constitution which denationalises every African in the (10) country. The White political solidarity in support of apartheid which the massive "yes" vote represents, is historically the most determined expression Whites have ever evidenced to put Blacks into permanent political subjugation. I believe African brotherhood is a vital component of the brotherhood of all freedom loving people in the country. I believe this brotherhoods needs to be expressed and translated into the kind of united Black common purpose which history now demands of us. The tragic events of the University of Zululand in October, 29th, have been used by some (20) Blacks to sow a seed of Black/Black confrontation. Some of those who are attempting to do so, have used the name of UDF in their endeavours. I believe that a discussion between yourself and your executive and myself and my colleagues is urgently needed. I am therefore inviting you to address the Kwa-Zulu legislative assembly, either in caucus, where whatever is said will be said in committee, or in an open session where the public and press could be present on any date which suits you. We have no illusions of the task we face to establish a united Black response in our shared (30) commitment/...

commitment to eradicate apartheid in every form in which it is expressed, presents us with an enormous task. We believe we should face the challenge of burying some of our differences and co-operating in the substantial aerial of common cause between us. From out side we believe it is urgent for us to get together to examine the prospects there are of doing so. Disunity and Black/Black violent confrontations can only strengthen apartheid's hand to suppress us as we dissipate the political forces which should be harnassed in the struggle for liberation. I sincerely hope that (10) you will respond positively to this invitation. UDF may not feel the need for an alliance with Inkatha for its own sake and Inkatha does not feel the need for an alliance with UDF of its own sake. Black South Africa, however, demands a unity in the struggle, which we must do everything we can to make a reality. Your sincerely" and then it is signed by Chief Buthelezi. There was a response to that letter. Are you aware of the response by Mr Gumede? -- I am.

If I show you the letter responding to it, will you be able to identify it? DA25. Is this the response by (20) Mr Gumede to that letter? -- That is so.

COURT : Why did it take you so long to reply?

MR CHASKALSON : I think you will see from the first paragraph. -- This matter warranted some discussions in regions and in fact I may say that the draft of the letter was done quite earlier. It took time before we got the feed back from the regions on this matter. UDF by its very nature is so broad that sometimes you get things moving, is very, very difficult. Also the kind of people we had to run to offices. We had limited manpower to deal with these things. It would really (30) manifest/...

manifest these problems from time to time where our responses sometimes came quite late on an important matter.

If I could read this letter into the record. "With reference to your letter of 10 November wherein the National Executive Committee of the United Democratic Front and I were invited to address the Kwa-Zulu legislative assembly, be informed that all the regions of the UDF have now considered its contents and have instructed me to reply as follows. Firstly the call for unity is not only significant, but it has been recognised as such by our people for a considerable(10) while already. History records that it was in deference to the call for unity that our forebears converged from Bloemfontein on 8 January 1912 to establish the South African National Congress as a premier liberation organisation of Africans in this country. By the forties a drive for unity across racial lines was place on an irreversible class for the signing of the Dadoo/Kumin/Naicker pact. This led directly to the congress of the people which brought together South Africa of all races and from every social strata. Indeed, the very formation of the United Democratic(20) Front, a non-racial alliance of hundreds of the people's organisations against the present constitutional amendments, was inspired and is based on our recognition of the need for ever greater unity of those opposed to apartheid, oppression and exploitation. It is in this light that we view your call for unity and credit it with our support. Secondly your condemnation of the Nationalist Part's present constitutional machinations and the results of the White referendum as ploys designed to denationalise millions of other South African citizens, is in consonance with the spirit (30)

of/...

of the UDF. We make bold to hold, however, that the whole exercise is intended to draw or so-called Indian and Coloured compatriots into the White lager as junior accomplices in the crime of apartheid. Be assured that we have already exposed and are now actively opposing these discriminatory measures. But your letter also raises the question of a fundamental and even contentious nature and with measured frankness these must also be carefully considered before acceptance or rejection of the invitation. You have invited us to address the Kwa-Zulu legislative assembly, an institution which is created without consultation with the people and one which is imposed on the section of the population in total disregard of the people's pronounced and demonstrated opposition. Such a body cannot any stretch of the imagination be viewed as democratic. It is in fact an instrument of coercion. On the other hand we believe that to unite we need to liberate our country and people must inter alia rest on an uncompromisingly democratic organisation and practice. The UDF prides itself of its democratic foundations and workings and will not risk jeopardising (20) either. In the circumstances association with the Kwa-Zulu legislative assembly has the potential of compromising the democratic projection and character of this front. We must hasten to add that this is not directed against you and your colleagues in your personal capacities. We are constrained to remark, however, that for members of an oppressed and coerced community to voluntarily man and daily keep institutions of oppression serviced to grind the defenceless masses under the yoke of oppression, is suicidal and untenable. Such programs as land consolidation and especially the (30)

incorporation/...

incorporation of certain settlements of townships into homelands daily denationalises our people and cause them untold suffering and misery. Your direct and indirect roles in such programs and schemes is a matter of deep concern to many of us. Furthermore this invitation must be viewed against the back drop of recent events between Inkatha and yourself as its head on the one hand and the UDF and its affiliates on the other. The public utterances and actions of some representatives and members of Inkatha have created an atmosphere not conducive to constructive and fruitful (10) meaning. For instance the fatal assault on students and AZASO members, an affiliate of the UDF, at the University of Zululand in which five people were brutally killed, remains a source of grave concern and disaffection to us. In this regard your own public pronouncements of these regrettable events have left us variously shocked. It has made us angry. Circumstances have been exacerbated by your unsubstantiated allegations that the UDF is a front for the ANC and that it has prepared a hitlist of Inkatha members which you claim to be the number one target. Not only is this allegation (20) unfounded, but it appears to be a cleverly orchestrated campaign to incite the South African security police to act against the UDF, by projecting it as a front of a violent nature. The allegation that the UDF is a facade of the ANC was first made by the Nats and the confluence between yours and their allegation is unsettling at the least. We find it difficult to reconcile these actions with your call for unity and overtures to us. Such incidents of the Mpumalanga affair in which various members of Inkatha including some who were highly placed took the law into their own (30) hands/...

hands, terrorised our members and damaged property, cannot but arouse anger and invite condemnation by all those who strive for unity of the people of South Africa in their struggle against the systematic and institutionalised violence of the apartheid state. Finally, we must add that the continuing exclusion of the Congress of South African Students, COSAS and the Azanian Students Organisation, AZASO, both active affiliates of the UDF from the University of Zululand schools and colleges under the control of the Kwa-Zulu Government Services, daily continues to frustrate your own(10) pursuits for unity. In conclusion, we reiterate the commitment of the UDF to all the people of South Africa including those presently under the control of the Kwa-Zulu legislative assembly. We are prepared at all times to avail ourselves of an opportunity to address ourselves to them and to problems peculiar to their specific area, but not through institutions which perpetuate their own free status. For the present the struggle must be aimed at the establishment of democratic institutions which will be under the control and guidance of the people they will be serving. This letter has been (20) written with frankness, honesty and sincerity and we hope that it will be received in the same spirit and attitude. Thank you, Yours sincerely" and it is signed by Mr Gumede and there is a PS enclosing a copy of the declaration of the United Democratic Front. Would that reflect, as it were, the positions of the Inkatha and UDF vis-a-vis each other at the time covered by that span of letters? -- That is so.

You have told us that the UDF made known publicly its attitude to Inkatha? -- That is so.

Would you describe that as a campaign? -- That is not(30)

a/...

a campaign.

I would like to deal with the allegation in paragraph 65 concerning the campaign against the constitutional proposals. I think you have told us that it is a campaign, as you understand a campaign to be? -- That is so.

You have already dealt with the UDF's objections to the new constitution and I do not want you to repeat that. I think you have also told us that it was a subject of public debate. -- Correct.

I think I asked you but I cannot remember, you may well(10) remember, whether there were bodies other than the UDF who participated publicly in campaigning against and condemning the constitutional proposals. -- I was asked that question but I think in my answer I left one important organisation, the National Forum Committee, out.

Incidentally, while you are mentioning it, there are other organisations which we see in these papers. You might be able to assist His Lordship about who they are. There is reference in some of the Court exhibits to an organisation known as APDUSA. Do you know who they are? -- I have heard(20) about them. I have not met them personally, but it is an organisation called I think African Democratic Union - APDUZA, African ... (Mr Chaskalson intervenes)

You say you have not met them? -- No, I have not met them. I have just forgotten the name, but I think it is African Political Democratic ... (Mr Chaskalson intervenes)

Do not worry. You have not met them. Do not talk about it. Do you know anything about the Non-European Unity Movement? -- I know about them, but I have had nothing to do with them. (30)

COURT/...

COURT : Is this now all in the context of bodies against the constitution or is it apart from that?

MR CHASKALSON : They are mentioned and I think that you will find writing showing that those groups were publishing important exhibits to which may be referred to later in which they were writing on the subject. Let me leave it, I should find the exhibits rather at some stage and deal with it then.

ASSESSOR (MR KRUGEL) : The one that you left out, please?

-- The National Forum committee.

COURT : Is that now where Dr Alexander is involved? -- (10)
That is correct.

MR CHASKALSON : And would the National Forum also have groups which were affiliated to it? -- That is so.

Was it a political organisation or was it a front or do you not know? -- There is a difference between the - I think it is some kind of a front. I think the word forum is the correct description. It brings together a number of organisations to discuss and formulate, draw them together for the first time to come together and formulate their position against the new constitutional proposals and the Koornhof(20) bills some time in 1983 before the launch of the UDF.

COURT : And they did not go along with the UDF? They did not join the UDF? -- They did not join the UDF.

Why not? -- There were problems as to whether the UDF is a principled alliance. They had problems. I think also the other problem was the fact that ...(Court intervenes)

Is it not the fact that the UDF is non-racial? -- That was one of - there is a problem, because they also had some White organisations which had White members. There is really just a problem there which is sometimes difficult to understand.

(30)

But/...

But one of the arguments which I remember was that the UDF was regarded as an amorphous group that included sons, daughters and wives of the bosses like the Black Sash and so on. There were really those kind of criticisms and they were saying that the UDF has got no clear policy. It has got no clear identifiable principles. But I think the other objection was also that within the UDF there were those organisations committed to the Freedom Charter which many organisations in that body were not subscribing to.

MR CHASKALSON : The next of the allegations is that contained in paragraph 66 the central thrust of which is concerned with the Black Local Authorities and I think you have identified this already as what you would regard as a campaign of the UDF. -- That is so. (10)

And I think you have given evidence about your reasons why the campaign was taken up by the UDF and I do not want you to repeat them, but I would like to ask you some questions arising out of the campaign. First of all, I would like to ask you specifically about the - your own knowledge, whether you are able to tell us about it. Let us take (20) Soweto where you live. You are in custody at the moment.

COURT : Where you are domiciled.

MR CHASKALSON : Yes, where you are domiciled. Where your home is. The Soweto local authority, Soweto Town Council, does it have any permanent officials? -- It did have.

Do you know who would be the senior official there? Do you know the title of that official? -- The town clerk would be one of them. The director of housing and I think the treasurer.

Who in fact are responsible for dealing with the day (30)

to/...

to day affairs, as far as you know, of the functioning of the local authority? -- As I understand it, those people are key, those that I have referred to, are key to that and they are linked to the Development Board.

When you say they are linked to the Development Board, do you of your own knowledge know what the linkage is or whether there is any linkage or would you explain to His Lordship what you mean by that? -- What I mean by that is this, that when these structures, the Black Local Authorities were set up, these officials were seconded to help the local authori-(10) ties.

COURT : Does that mean then that they are puppets on a string? -- May I just add, they were, as I understood it, getting their salaries, they were being paid by the Development Board.

MR CHASKALSON : I would like to show you a pamphlet entitled "Koornhof Bills". It is a little booklet actually. Are you able to identify that as a document which you know about? -- Yes.

My Lord, I would like to put that one in as DA26. Do you know who is responsible for the publication of this (20) document? -- My recollection is that it is a document that was produced by an affiliate of the UDF called the Johannesburg Democratic Action Committee.

Did you see the document at about the time that it was produced? -- That is so.

Do you know whether it circulated or not? -- It was distributed. It was even distributed from the Transvaal office of the UDF. Various affiliates also got copies to distribute it.

It contains an analysis of the bills and their impact, (30)

but/...

but I would like to draw your attention specifically to page 12. Does it there set out the Minister's powers under that Act? -- That is so.

What is recorded there - let me read that into the record. Under the heading "Ministerial powers" what is recorded is the following. "The wide powers given to the Minister of Co-operation and Development further cracks the illusion of autonomy and self-determination. The Minister has complete discretion with regard to defining, granting or removing functions and powers of the councils. The (10) Minister can establish or dissolve a council. Change the status size or even the jurisdiction of a council. Grant councils extra powers not stated in the act. Appoint councillors to vacancies. Appoint local committees where no councils exist. Announce elections and determine electoral procedures. Authorise all budgets and financial matters of the council. Intervene whether or however he chooses. The act itself unambiguously states if the local authorities fail to take the necessary steps in accordance with the Minister's discretion within a period determined by him, (20) the Minister may, by notice in the Gazette (1) remove from office the persons who are members of the local authority or (2) dissolve the local authority. The Ministerial discretion not only makes any notion of democracy or autonomy absurd. It was also useful and necessary. It is useful because if there is a boycott of elections, the Minister can ensure the establishment of councils and once established can determine the directions. It is necessary because a boycott is likely. In the last community council's elections in 1977 percentage poles were low. Soweto 6%, Port (30)

Elizabeth/...

Elizabeth 11%, Daveyton 20% and Kwatema 19%. Boycotts aside, the government wants the town councils to work as they will become the target of community resistance and dissatisfaction. The councils also have to be seen as a viable vehicle for the potential aspirations of the urban Africans. The act tries to make sure that councils will take the blame for a situation which they did not create or which they cannot solve." I do not want to focus on the comment, but your understanding of the position, if all councillors were to resign, would the Minister be able to do anything about that? -- As I (10) understood it, he would.

Would the resignation of councillors necessarily mean that the officials employed by the local authorities, the town clerk, the other officials in the local authority, would that mean that they would resign? -- I did not regard it in that sense. View it in that sense.

If the officials resigned, if the councillors resigned and the officials remained at their posts, would there be chaos? -- There would be no chaos.

If the councils resigned and if this statement at (20) the bottom of the page is correct, what could the Minister do? -- As I understand it, he would appoint other persons to do the work that otherwise would have been done by the councillors and this would have meant anything. Another committee or he could have asked the Development Board to continue the work.

Do you know what would happen as a matter of law, if you do not know, do not say so, but do you know as a matter of law what would happen if the Minister shows to dissolve the local authority? -- As a matter of law? (30)

Well, /...

Well, do you know what the consequence would be of the disillusion? Was it something which was brought to your attention or not? If you do not know, just tell us.

COURT : Should the witness tell me what the law is?

MR CHASKALSON : No, the witness's subjective attitude may be important in this case.

COURT : At present or at the time?

MR CHASKALSON : Perhaps I should try to find out. Mr Molefe, this document, was it prepared at the time of the campaign?

-- That is so. (10)

And you say it was being circulated amongst - you know that it circulated amongst affiliates at the time? -- That is so.

Was it the intention of the UDF in promoting its campaign against the Black Local Authorities to cause chaos? -- It has never been the intention of the UDF.

I would like to have placed before you a document which is EXHIBIT C110. I do not know whether Your Lordship wants to deal with it now or after lunch? It will go beyond a few minutes. (20)

COURT : I would rather take the adjournment now.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

K817 MR BIZOS : My Lord, on the question of bail, Our Learned Friend, Mr Fick was good enough to reduce to writing the agreed conditions. I would ask for leave to hand that in and draw Your Lordship's attention to the differences that there have been introduced. They are substantially, save that 5.2 the condition that Your Lordship amended originally in relation to the days on which the court is sitting, has (30) been/...

been incorporated. The other change is that the times have been changed. Your Lordship will recall that Your Lordship indicated a two hour span for reporting. It has presented some difficulties and the State has agreed to a longer time span in the last column on page 2 and there is an alteration on the typing which has been initialled on the original before Your Lordship. One of our instructing attorneys and Mr Fick and we would ask Your Lordship - it may also - some of the police stations have been changed. The accused have settled down in the adjournment the places(10) where we hope they will live for the duration of the trial. We ask that these now be the conditions on which they are on bail.

MNR. FICK : Dit is korrek.

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

PRETORIA

1987-08-06

THE STATE

versus

PATRICK MABUYA AND 21 OTHERS

RULING IN CONNECTION WITH NEW CONDITIONS OF BAIL

VAN DIJKHORST, R.: I will put the new conditions of bail(10)
on record then. They are as follows:

- (1) The accused will not attend any meeting of whatsoever nature or participate in the organisation of such meeting, except bona fide church services.
- (2) The accused will not enter the residential areas of Sebokeng, Evaton, Boipatong, Bophelong or Sharpeville without permission in writing of one of the investigating officers and should such permission be granted, they will strictly comply with the conditions laid down therein. (20)
- (3) The accused will not participate in any political activity or make any political statements.
- (4) Accused no. 16 will not participate in any of the activities of the Soweto Civic Association.
- (5) 1. Each accused must report on each day that the court
is/...

is not sitting at the police stations and between the hours set out in the annexure attached hereto.

2. On the days that the Court is sitting, the attorneys for the accused will telephone the station commander or responsible officer at the respective police stations set out in the annexure hereto and advise them that the court is sitting and the accused will not be required to report.
- (6) Each accused will hand such passports and travel documents as he holds to the investigating officer before (10) his release on bail and no accused will apply for new travel documents while on bail.
- (7) Each accused is to attend court daily on the days the court sits from the hour indicated by the Court.

ANNEXURE CONTAINING REPORTING TIMES

I mention the number of the particular accused first, then the police station and the reporting times are in all instances the same, namely between 06h00 and 09h00 and 18h00 and 21h00.

Accused no. 1 - John Vorster Square

Accused no. 2 - Hillbrow

Accused no. 3 - Hillbrow

Accused no. 5 - Jeppe

Accused no. 6 - Hillbrow (10)

Accused no. 7 - Hillbrow

Accused no. 8 - Jeppe

Accused no. 9 - Jeppe

Accused no. 10 - Jeppe

Accused no. 11 - Jeppe

Accused no. 13 - Jeppe

Accused no. 14 - Orlando

Accused no. 15 - Jeppe

Accused no. 16 - Orlando

Accused no. 17 - Jeppe (20)

Accused no. 22 - Jeppe

(Pages 13 436 to 13 438 sent for revision)

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I asked to have placed before you EXHIBIT C110. Do you have it? -- I have it.

Do you know that document? -- I know the document.

The document - can you tell us what the document is? Do you know what its origins are? -- As I understand it, it was written out or prepared by the Education and Information Centre on the request or at the request of the Transvaal region of the UDF. (10)

If you say that is your understanding, do you have personal knowledge or is it based on any report made to you? -- I have got no personal knowledge. It is based on the report.

How would such a report have been made to you? -- My recollection is that I got the report either from the Transvaal secretary, Mohammed Vali or the administrative secretary of the Transvaal, Patrick Lephunya. I am not quite sure at this stage who exactly of the two told me.

Why would they have made that report to you? -- There had been a meeting of the national secretariate of the UDF (20) which recommended that the Transvaal region, the Transvaal secretaries must write a document that would assess the situation of the Black Local Authorities and thus I understand then, they asked this research organisation to do the work for them.

If you look at the document as it is before the Court now, the exhibit as it is before the Court, you will see that there is ... (Court intervenes)

COURT : May I just ask a question. This Education and Information Centre, what is that? -- It is a research project/... (30)

project.

By whom? -- One of the people working there is Barbara Chrisie.

Who pays her salary? -- I do not know. I do not know the nitty-gritties thereof.

MR CHASKALSON : The document seems to contain twelve pages it is numbered 1 to 12. Then there seems to be four unnumbered pages immediately afterwards. The one headed "Town and Village Councils in South Africa, the second one headed "Community Councils still in existence." The third one (10) headed "Local committees in existence." The fourth one headed "Resignation of councillors." All that seems to be - this is my own - perhaps I should not say - I just want to take you beyond that page headed "Resignation of councillors". There is a schedule there.

COURT : You now refer to pages 13 to 16.

MR CHASKALSON : Immediately after that, there is a document with four columns. "Name, organisation, local authority and issue." Do you have that? -- I do.

There seem to be nine pages of that schedule. (20)

COURT : Pages 17 to 25.

MR CHASKALSON : The document - first of all. Did either Mr Vali or I think you mentioned two names. It was a Mr Lephunya: -- Lephunya.

Were you provided with a copy of this document or was a report merely made to you? -- I was given a copy.

Did you yourself occasion to go through the document at all prior to your arrest? -- At the time of my arrest I had not read the document yet.

Do you know whether what was given to you contained (30)
everything/...

everything from pages 1 to 25? -- I do not know.

Do you recollect having seen pages 17 to 25 before the document was produced in court? -- I cannot recollect.

Do you know whether it was attached to the document which was given to you? I want to know what the position is, whether you say it was not attached or whether you do not know whether it was attached or not? -- I simply do not know whether it was attached or not attached. I cannot remember seeing it.

The document C110, was that document ever placed (10) before the National Executive Committee whilst - are you aware of it ever having been debated by the National Executive Committee? -- I am not aware.

Are you aware of it ever having been debated anywhere else by the United Democratic Front? -- I am not aware.

Are you aware whether the document was ever adopted in any way by the United Democratic Front as stating its position in any way? -- I am not aware of any such adoption.

Do you know what the source of the information was from which the document was compiled? -- I do not know. (20)

Do you know what the source of the information was from which these pages 17 to 25 were compiled? -- No.

If it were to be said that this document shows that the UDF had the policy of damaging property and injuring councillors, what would you say about that? -- I would reject that allegation. It would simply not be true. It is not part of the policy of the UDF. The policy of the UDF is quite clear. It has got nothing to do, whilst it is opposed to the policy of apartheid and the local authorities set up in terms of the Koornhof Bills, one of the Koornhof Bills. The UDF (30)

has/...

has always operated on the basis that it would not use violent methods and it would not attack the properties from those it differed with. Neither would it employ violence in its dealings with its opponents. This policy was clearly understood by all the affiliates of the UDF.

I would like you to explain to us how would the administration of the national office worked? First of all, how many people were employed by the national office? -- The national office started off with two full time employees. That is myself as the general secretary and the national (10) publicity secretary who is accused no. 20 in this matter. At a later stage ... (Mr Chaskalson intervenes)

Can you pause for a moment. Did you have any secretarial assistants when you started the office? -- We did.

Could you tell His Lordship what assistants they were? Was it one person or more than one person? -- It was one person.

When the national office started apart from yourself, the publicity secretary and the one person who provided secretarial assistance, was there anybody else on the staff (20) of the national office? -- There was nobody else, but I need also to indicate here that even that person who was assisting in the national office, half of his time was spent for Transvaal work. He was really assisting both offices at that stage.

COURT : That is now the secretarial assistants? -- That is correct.

MR CHASKALSON : As far as the geography - first of all, how many rooms were occupied by the national office initially? -- It occupied one room. (30)

And/...

And in that one room was that the room which was used by yourself, the publicity secretary and the administrative assistant when the administrative assistant would come into the office? -- That is so. There was in fact a desk outside. Most of the time the administrative assistant used that desk outside.

When you say outside, where is that? -- Just in the passage.

Did the Transvaal region have an office in the same building? -- That is so. (10)

How many rooms did the Transvaal office have? -- It was one room.

Was it in the vicinity of the national office's room? -- Adjacent.

So, you had the two adjacent offices and the administrative assistant would have a desk outside in the corridor? -- That is so.

How many people were employed in the Transvaal office? -- The Transvaal office also started with one employee. Later one another person was engaged. (20)

I am not quite sure when you say later on another person - the person in the Transvaal office who occupied the office, was that an official of the UDF in the sense of holding the post of a secretary of the Transvaal region or some title such as that or are you talking about somebody else? -- Well, the first person I am referring to is the co-regional secretary of the Transvaal.

Who is that? -- Mohammed Vali.

So, we would have had then two adjacent offices. Mr Mohammed Vali in the one office, yourself and Mr Lekota in (30)

the/...

the other office and the administrative assistant at the desk which would be in the corridor and the administrative assistant was helping both the Transvaal office and the National office? -- That is so.

Did the National office ever employ - did the staff of the National office grow at any time? Were there any other employees ever taken on? -- That is so.

Can you tell His Lordship approximately, if it becomes necessary we could find the date, but at the moment can you give His Lordship an approximate idea as to when the staff(10) was increased? -- I think it was increased approximately around June 1984.

What happened, who came on to the staff then? -- A person by the name of Ester Maleka who was to be administrative secretary in the National office.

Did the Transvaal office ever increase its staff? -- That is so.

When did it increase its staff? -- I think on or about the same time that the National office employed Miss Ester Maleka. (20)

Did it employ - the person it employed was that person to perform secretarial services? Or other services? What was the additional employee for? -- That person was supposed to do the administrative work of the office of Transvaal.

Up until the time of your arrest, did the staff of the National office, as far as - I am now talking about administrative secretarial staff, did it remain at two or did it increase at any time? I am sorry, I am talking now of the National office. Up until the time of your arrest, there was Ester Maleka and what was the position with Mr Lephunya(30)

when/...

when these two people came on? Did he continue working for both or did he go one way or the other? -- He was employed by the Transvaal office on a full time basis.

He was employed? -- Yes.

Oh, I see. So, you had Ester Maleka now working as - only for the National office and Mr Lephunya working only for the Transvaal office? -- That is right.

Then apart from this one assistant whom you and the publicity secretary had, did you have any other administrative employees in the National office at any time prior (10) to your arrest? -- No, we did not have any.

Did you ever increase your office accommodation from the one room which was being occupied by the National office? -- I missed the question.

You told us that the National office had one room and that the administrative secretary had a desk outside in the corridor. When you now have two people instead of one person, for the two offices you now had Mr Lephunya and Miss Maleka. -- That is so.

Where did each then sit? -- They sat at the same desk(20) in the corridor.

COURT : On the same chair? -- They changed. Sometimes the one would use the desk. Another time when there was not much work like typing and reception work to do, it would be used by the other one.

MR CHASKALSON : But did you ever get an additional office or did you just have one office the whole time for the National office? -- We had one office and the matter of getting a bigger space and more offices was under consideration.

When it came to the filing of documents, what facilities(30) did/...

did you have for filing documents in the National office? Where would the records be kept? -- We had in the National office a steel cabinet - a cabinet, filing cabinet for the documents. However, we had not yet developed a proper filing system for our documents.

And as far as the Transvaal office was concerned, where did it keep its documents? -- I think, I am not sure, if they had a filing cabinet. I think they had some filing cabinet but they used a lot of cardboard boxes there also. I am not quite sure of the exact situation there. I think some of (10) the documents were really put in cardboard boxes, others in the cabinet.

I will come back to this, but for the moment I would like to be placed before you EXHIBIT G1. Could you look at paragraph 14 of the minutes of the National Committee of June, 1984. It is on page 5. Is the heading "Restructuring"? First of all 14.1 "Publicity." 14.1.1 "It would be noted that a properly equipped office for publicity, research and information would facilitate the work of the front in that respect." 14.1.2 "The office should have telex and photo-(20) copying facilities." 14.1.3 "The national publicity secretary was mandated to set up a sub-committee to fulfil this function." 14.1.4 "The national offices must set up a labouring unit to address labour problems and relations with unions." If I might pause there for a moment. Was a properly equipped office for publicity, research and information ever established? -- It was not.

Did the National office ever itself have telex facilities? -- No.

What about photocopying? What was done as far as (30)
photocopying/. ..

photocopying was concerned? -- The National office did acquire a photocopier.

Under 14.2 it says "Administration. It was decided that an efficient administrative assistant must be employed for the National office." Why was that? -- Well, here we are talking about the stage before Miss Maleka was employed. There were really problems within the office. It was simply impossible for the two of us, myself and the National publicity secretary to run the office efficiently. We had no proper filing system. We were not able to follow every matter (10) to the tee and it was necessary therefore that we should get someone who could be in the office all time, who could be able to handle matters as efficiently as possible, to allow the front to be able to execute its tasks in a fairly professional way.

14.2.3 "The Transvaal region was instructed to stop using the national office telephone, to apply for their own and to pay their rental henceforth." What was that about? -- At that stage the Transvaal office was using - the National office was using the same office as the Transvaal UDF. (20) There were a lot of problems. From time to time people who were visiting the Transvaal office, some members of affiliates. would also want to use the phone for their own personal matters and it was difficult to control that kind of a situation. The view of the NEC was that if the Transvaal office had its own telephone, these people would not then come into the National office and use the phone. They would use the phone of Transvaal and the high bills that would result from this kind of excessive use of the phone, would be paid by the Transvaal office rather than the NEC, the (30)

National/...

National office.

14.2.4 "The National treasurer was instructed to stop all payment of debts incurred by the Transvaal region and to debit to the region all money owing to the National office. In the event of allocation, all money owed to the National office is to be deducted immediately." I do not think we need to ask you for any comment on that. 14.2.5 "Transvaal is to return all National office keys to the National office." Did that happen? -- Because of this common usage of the telephone by the Transvaal employees and the National (10) office employees, it necessitated that they should also have a key so that they could enter the National office any time they wanted to use the telephone. There was of course also the key for the other telephone that was on the reception desk. They had that key. All the National Executive was saying was that for purposes of effectively ensuring that the phone is not used by the Transvaal and people visiting Transvaal, all the keys to the office, National office and the telephone should be returned by the Transvaal.

14.2.6 there we see that it is recorded that "Patrick(20) Lephunya is no longer a paid worker in the National office." -- That is so.

As far as you personally were concerned, did you have duties which would have taken you away from the National office from time to time? -- That is so.

As far as accused no. 20, the publicity secretary was concerned, did he have duties which would take him away from the office from time to time? -- That is so.

Are you able to give some assessment to His Lordship at different times about how frequently you would be at the(30) office/...

office and how frequently you would be away from it and I do not know whether it is something regular or not, but could you give us some idea. Let us take the period prior to your detention in October 1984. Let us take the period from the launch up until the time that you were detained in October 1984. Is there any way of indicating to His Lordship how frequently you would have to be away from the National office? -- I would say about half the time I would be away from the National office.

Then from October 1984 until December 1984 you have (10) given us the dates previously, you were in detention? -- That is correct.

After you came out of detention in December, did you spend any time - did you go away from the National office at all? -- I did.

Can you explain to His Lordship what kept you away from the National office? -- At that stage the leadership of the UDF was - about eight at that stage, members of the UDF were on trial in Maritzburg. Most of the time was spent in attempts to drum up support from various government representatives (20) who are based in South Africa in order to persuade the government to release them. Also it was spent really on drumming up publicity around the trial itself and organising as much support as possible for their families.

Did you yourself have any thoughts as to whether you yourself might be either detained or arrested again? -- Yes.

What was your concern at that stage? -- On 19 February the offices of the UDF country wide were raided. A lot of homes were raided. A number of people were detained and I had a feeling that I too was going to be detained and it (30)

became/...

became necessary for me to keep away from the office, because also during that period there were important preparations that were on the way before the national conference of the United Democratic Front which was due to take place in April of the same year. We could not risk further arrests of the remaining officials of the UDF.

So, during the period following your release from detention from December through to April, could you give an indication of how much of your time would have been spent away from the National office and again I am merely asking(10) for an approximation? -- I missed the question. How much of the time away from the office or in the office?

No, away from the office? -- In this instance I would say about 60 to 70% of my time was spent away from the office. It could well be 80% at that time.

A large number of documents have been produced in this case. I want to look at the documentation on different aspects. First of all, when affiliates produced documents, would the UDF as the UDF have any part in the production of those documents? Did they give - could you deal with that subject? (20) -- It was not the duty of the UDF to produce documents for each affiliate and as far as the National office was concerned, I cannot recall the UDF ever producing a document for its affiliates.

If an affiliate produced a document, would a copy of that document be forwarded to the National office? -- There was no obligation for the copy of documents produced by the affiliate to be sent to the UDF and in any event, the space that the UDF occupied, the small office that it occupied, was such that it would not be able to keep the documents, (30)

thousands/...

thousands of - hundreds of documents coming from each affiliate. It would not be possible to do that. That did not happen.

Were there occasions upon which the National office would get documents from affiliates? -- That is so.

Merely to round off ths subject, the documents which have been produced in court as having come either from - allegedly having come either from the UDF or from an affiliate, would you have seen all those documents before they were produced in court? -- No.

Are there documents which you have seen for the first(10) time since you have been in court here? -- There are in fact hundreds of them. Possibly thousands of them that I had never seen before.

In the UDF office itself, if a document got into the UDF office, let us take now the National office, would it necessarily be brought to your attention? -- Well, there would have been instances that I would know about it, but there were other documents which were produced here which are alleged to have come from the office of the UDF and written as UDF documents, some of them I had never seen (20) before.

If one were to look at the indictment, the allegation seems to be that the National office of the UDF was a central controlling point from which control was exercised over the affiliates of the UDF and from which directions issued instructing the UDF's affiliates as to what to do and how to do it. What would you say about that proposition? -- That proposition is incorrect. It is simply not in accordance with the nature and policy of the UDF. I went at length explaining the policy of the UDF and the relationship (30)

with/...

with the affiliates. The National office of the UDF does not deal directly with the affiliates of the UDF except on exceptional circumstances which might warrant that that should happen. The National office concerns itself with the national work of the UDF. If it had to deal with other organs of the UDF it would deal directly with the regional offices of the UDF and in this instance really the regional secretaries and even at that level the National office was not giving instructions to the regions as to what is to be done and what was not to be done. When there were crucial decisions to be taken (10) or crucial matters to be addressed, these were sent as recommendations or proposals to the regions for discussions in those regions and they would be accepted if they pleased those regions, the affiliates of those regions and the whole thing would go through a democratic process.

I would like to deal with another subject. It is the question of freedom songs. I would like to ask you when you first heard freedom songs, you yourself as an individual? -- It is difficult to be precise in this respect. All I could say is that I heard the freedom songs when I was still a (20) young child.

What sort of songs were being sung then? What people were being sung about? -- Well, people would sing about all sorts of things. They would sing - I do not know if I am required to say specifically what kind of a song or so.

COURT : You might be required to give the tune too.

MR CHASKALSON : That I think he could do very well. Could you just give us one or two examples of the people who were being sung about and the type of freedom songs that were sung while you were a child? -- One of the very first songs that (30)

I/...

I learnt was about the then Prime Minister Mr Strydom and it used to say "Strydom, get out of the way. The sky has got no wheels. Strydom get out of the way. It will tremble on you."

Are you translating now? -- That is the translation. In Sotho it says - if I may sing just a little bit.

Do not sing. I think the record is difficult enough at the moment. The transcriber, I am afraid, would not manage either your voice or the Sotho, but when you are giving as the versions, each time will you tell us whether it was a (10) song in the vernacular which is being translated into English, which you are translating into English or whether those were the words.

COURT : Just give as the first line in the original, so that we could identify it with other witnesses, should it crop up. -- The song is Koloi ena ha ina mavili. Then it says Sutha Sutha Strydom.

That is the second line? -- Yes.

Well, just the first line is enough.

MR CHASKALSON : Another song from your childhood? I do not (20) want a whole compendium, but I would like His Lordship to know a little bit about the type of songs that were being sung. Can you mention another one? -- Another one that was sung was about Chief Luthuli. It used to say - I will give the vernacular first Hlomlandela Ulthuli. Who will follow Luthuli.

Can I just mention the song Senzeni, when would you have heard that song for the first time? -- I sung that song when I was still a child.

Do you remember a song called Ama joni? -- That is so. (30)

From/...

From what period would that come?

COURT : Just give me the first line of that song? -- It says Umkhulu Umkhulu Longsebensi.

MR CHASKALSON : Which song is this now? -- Umsebensi unkululeko. No, I think I missed that. That is not the song I am talking about.

COURT : Should I delete this?

MR CHASKALSON : What is that song that you have just mentioned? -- This song has got also Amajoni. It says Umkhulu Umkhulu Longsebensi, unkululeko. Ufuna amajoni. Amajoni (10) unkululeko.

What date would that go back to? -- When I was a child and prior to the period 1974 through 1973/74 up to the time of my arrest, it was a song that was being sung.

Could you tell us what the subject of that song is? What does it deal with? Could you just give us an idea in the English what the words of the song refer to? -- It says the work of freedom is great or big, it requires soldiers. Soldiers of freedom.

Can we then go into the sixties. Can you think of (20) any songs at the time of the period of Dr Verwoerd when he was the Prime Minister of the country? -- Yes.

Could you mention them? -- It was a song that I believe was composed by or was sung mainly by Miriam Mageba. It was a very popular song. She even got into record, got it recorded. It says There is the Black man, Verwoerd. Watch out, the Black man will get you. That is again the translation. The Zulu version says Nazindodenyama Verwoerd.

I do not want a whole compendium of songs, but these songs you told us that you heard them being sung when you were (30) young/...

young. Were they - did they include songs which would have been of a militant character? -- That is so.

Can you tell us how those songs were taken? Are they taken literally? -- No, these songs are not taken literally in our communities. They are really something that is part of the character of the community. People just sing at all sorts of places and they never care much to know what each word in that song really mean.

Do you know why people might be singing freedom songs? How did it come about that freedom songs were being sung (10) for so long in the Black community? -- The Black community is a community - I am not an expert on this issue. I need to place that on record. My experience is that the Black community is a community of people who like singing generally. They compose all sorts of songs. To talk about referring to their own experience, the history and so on. When they are happy they sing. When they are sad, they sing. When the burden of the work they are doing, even on the factory floor is too heavy they sing. It is really a way of self-expression in various ways. In the case for instance the work (20) that they are doing is a very heavy work, they would sing in order to make themselves forget the difficulty, the heaviness of the work that they are doing and to use that, to ensure that those who are working are not sitting there thinking about many other things of their problems that might have happened in the past, once they are singing, they are able to concentrate on the work that they are doing.

If we could come back specifically to the freedom songs. You told us that you really became politicised while you were still at school and you started going to meetings (30)

when/...

when you were at school. Political meetings. -- That is so.

Can you tell us what the atmosphere was at those meetings that you attended? -- I would say I have a difficulty in describing the atmosphere. I am not a very good person ... (Mr Chaskalson intervenes)

Were songs being sung ... -- People would sing at those meetings. They would dance around. They would shout. They would do all sorts of things.

Would freedom songs be sung? -- That is so.

Would slogans be shouted? -- That is so. (10)

Let me put this differently to you. We know that the meetings which are recorded on video, we know that there was a lot of singing at most of the meetings which are on video. Is it something surprising to you? -- There is nothing surprising in those meetings. No, the singing is not surprising in those meetings. I think it typifies the situation in the Black community. My experiences that date back many many years are that people have been singing and doing all those sorts of sings, dancing and so on. It is not something that would surprise a person who comes from the Black (20) community or at least a person who has been closely in touch with the istuation in the Black communities.

The contents of the songs, the words of the songs, did they come as a surprise to you when you heard them being sung at meetings? -- They did not come as a surprise. I need to state here that although some of these songs change from time to time, they are something that one can call contemporaneous. People sing - you may find that the same tune that was used in the sixties, when another generation sings that song in the eighties, it sings that song with a lot of (30)

improvisation/...

improvisation using new words which were not used at that time. I am referring to the situation as at the time - as experienced by that generation, a situation that is known to that generation. They keep on really changing from time to time.

The singing of songs, what I want to know is whether it was something that was started by the UDF or whether it was something which has predated the existence of the UDF? -- It predated the existence of the UDF. I had indicated earlier on that I used to attend the meeting of the - the(10) meetings of the Black People's Convention. These songs were sung there. We used to sing one of the songs there which says Ngomhla Sibuyayo. The day we come back. (Indistinct) It will be silence. There will be gunfire.

COURT : If you speak so fast, the typist will not be able to pick it up from the recording. You will have to spell it out, otherwise it will be a hash. -- I am sorry. I will repeat that.

MR CHASKALSON : Please. -- We used to sing a song during the period 1973/74 which was Ngomhla Sibuyayo. It goes on(20) but then - it says the day we will come back, it will be quiet, there will be silence. There will be the sound of the gunfire on the mountain. There is really a lot of similar songs.

I do not want to ask you any more questions, but what I want to know is whether these freedom songs are sung only at political gatherings? -- They were sung at various sorts of occasions. The initial songs that I referred to, for instance like - they would even isolate a song, but in any event, they would be sung at all sorts of occasions. (30)

At/...

At different sorts of occasions, which had nothing to do with politics.

The other question I would like to ask you is whether the singing took place - these meetings at which the singing took place, were they open public meetings? -- That is so.

Would policemen be present? -- That is so, sometimes.

Did it occur to you that there might be anything wrong or an offence being committed by the singing of these songs? -- It never occurred to me.

I would like now to ask you some questions in relation(10) to the Vaal Triangle. There has been evidence about a march and there has been evidence about events which took place in the Vaal Triangle in the period from about 3 September for some time after that and some events prior to that. The day upon which - the day of the main, as I might call it, disaster when people were killed, people were injured, property was damaged, do you know when you first heard about that incident? -- I heard about that incident after it had happened ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : That would be on 3 September? (20)

MR CHASKALSON : That is what I was going to ask Mr Molefe. Did you hear on the day that it happened - I am now talking about the incidents of the 3rd? Did you hear on that day or did you hear on a subsequent day? -- I think may be I need a bit of clarity, whether when we talk about the incidents, we talk about the violence that took place or whether we are talking about the march?

Let us first of all talk about the violence that took place. When did you hear about that? -- I heard about that after it had happened. (30)

Was/...

Was it the day that it occurred - you say it was afterwards. Did you hear on the 3rd or on a date after the 3rd? -- My recollection is that I heard on the day after the 3rd.

COURT : So, you heard of it on the 4th? -- Yes.

MR CHASKALSON : Are you now able to remember where you were? Were you in the Johannesburg area or away from the Johannesburg area? -- I was in the Johannesburg area, but unfortunately I did not have access to newspapers that day and I did not meet anybody from the UDF. It was at the stage when a lot of the UDF officials were in detention again. I was (10) unable to be in the office of the UDF.

Had UDF officials been arrested on 20 August? -- On 21 August.

And were you keeping away from the office at that time? -- That is right.

What was your reaction when you heard about it? -- It shocked me because I had not heard of it before either. The UDF had not known of the plans before that.

Was there any particular - let me go back to a period before 3 September. Were you yourself aware of any meetings (20) that any meetings were to be held in the Vaal Triangle towards the end of August? Did you yourself have any personal knowledge of that? -- I had no personal knowledge. I read about that in the papers.

Was the UDF consulted in any way in connection with the meetings - was the National office, as far as you know, consulted in any way in connection with those meetings which were held at the end of August? -- No, I know of no such consultation.

It was suggested in the indictment that there was a (30) plan/...

plan to which the United Democratic Front itself was a party to attack councillors and damage their property on that day. Are you aware of any such plan? -- I am not aware of any such plan.

Was there any discussion with you or anybody else in the UDF who you may know concerning strategy to be adopted in connection with the meetings and to achieve the goal of injuring councillors and damaging their property? -- I do not know of any such consultation.

Have you yourself ever spoken in the Vaal Triangle? (10)
-- I did.

Can you recollect when it was that you- let me go back. Was that at a time when you were the national secretary of the UDF? -- That is so.

Are you able to recollect approximately when the first occasion was that you went to the Vaal Triangle for the UDF? Or as national secretary of the UDF? -- It was on 18 September 1983.

What was the purpose of that meeting? -- The purpose of that meeting, as I understood it, was to give the (20) people of the Vaal the opportunity to know what the UDF was all about. It happened shortly after the national launch of the UDF and some enthusiastic supporters there then organised that meeting. It was really not a meeting organised by the UDF per se.

Was the invitation addressed to you directly or did you receive that invitation through any person? -- I received that invitation through the Transvaal secretary of the UDF, Mr Mohammed Vali. If I recollect I think he placed it before the Regional Executive Committee. He reported to the (30)

Regional/...

Regional Executive Committee as well on that matter.

Were you the only person who went out to the Vaal Triangle that day to speak or were there other people who accompanied you? -- There were two of us. I was with a Mr Bokhala who was also a member of the Transvaal region executive committee of the UDF.

Where was the meeting held? -- It was held at the Roman Catholic Church in Small Farms in Evaton.

Are you able to recollect who the chairman of that meeting was? -- Yes. (10)

Who was it? -- It was a certain Tshepo. I have forgotten his surname.

Without giving us any great detail, can you tell us what the subject matter of your speech was?-- I spoke about the circumstances leading to the formation of the UDF, the nature of the UDF, its structure and its development and the objectives of the UDF.

Were any suggestions made on that occasion that you can recollect? -- Yes, there were suggestions made.

What were they? -- At the end of my talk I made a (20) call on the people present that those who were interested in being part of the UDF, if they did not have organisations in that area, they could start off by setting up a UDF area committee, that would work on ways and means of beginning a process of getting organisations together in the Vaal Triangle.

What was the response of the meeting to that? -- I got a response from accused no. 22 who indicated that they were not in a position to do what I was suggesting should be done. They felt that they had their own priorities that they had to pay attention to. He indicated that they were busy (30)

with/...

with a process of setting up a civic organisation for the people of the Vaal and it was undesirous for them, undesirable for them to divide their attention and start something else. They wanted to concentrate on the job that they were doing at that stage. He further indicated that he did not know if that organisation once formed, it would be part of the UDF, but the matter could be discussed by the people who shall have formed the organisation.

Was there any other occasion on which you went into the Vaal Triangle to speak? -- There was. (10)

When was that? -- It was on 23 December 1984.

Was that after you had come out of detention? -- That is correct.

In connection with - what was the subject matter of your speech? -- The subject matter of my speech was the Black Christmas.

Was there anybody else, any other UDF official who spoke on that occasion? -- That is so. I was with the president of the United Democratic Front, Mrs Sisulu, Albertina Sisulu. (20)

As far as you were concerned, what was the theme of your speech concerning the Black Christmas? -- My speech really centred around the explanation of what the Black Christmas was and clarifying the position that that Black Christmas call was not a consumer boycott and that nobody should be coerced to support that call. That the UDF believed that the participation by the community must be a voluntary one and I urged that over the Christmas period people should not buy excessively, they should not engage in festivities but rather that they should use that occasion praying for (30)

those/...

those families who had lost their loved ones and whose next of kin were in jail and so on.

You have given us two occasions on which you had spoken in the Vaal Triangle. Were there any others? -- On that same occasion I addressed two meetings in the Vaal Triangle.

You mean on the Black Christmas occasion? -- Yes.

Can you tell us where the other meeting was? -- The first meeting was in Zone 13. I think it was the Anglican Church. The second one was also in Zone 13 at the Methodist Church. The Methodist Church is not very far from the (10) Anglican Church.

As far as your speech at the Methodist Church was concerned, what did you deal with there? -- It was a similar talk. Similar to the one I gave at the Anglican Church.

So, there were the two speeches on the same day. Were there any other occasions on which you spoke in the Vaal Triangle? -- There was.

When was that? -- I think it was in February 1985. Can you tell us what that was about? -- The matter had to do with the question of education, resolving the crisis. (20)

What was the problem there? -- There have been school boycotts during the year 1984 and the issue, the concern was to get the students to go back to school.

To get the children to go back to school. Who else spoke besides you? -- On that day I was with my colleague, accused no. 20, Mr Lekota.

Can you tell us whereabout that speech was made? I do not remember whether you told us about the venue of the speech, where the speech was made? -- I spoke there.

But where was it? I cannot recollect whether you (30)
told/...

told us what the venue was? -- It was the Dutch Reformed Church, NG Kerk. A place called Tshirela in Boipatong.

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After you had heard about the events of 3 September, did you have any occasion to discuss those events or to know - let me take it differently. You told us that the leaders had been arrested and that on 3 September you yourself were really keeping away from the office. Were there occasions when you went back to the office or did you keep away from it all the time? -- That is in 1984?

September of 1984? -- I did. I went back to the (10) office on 1 October 1984. The following day I was detained.

During that month of September were you really away from the office the whole time or did you manage to get in at all? -- They were times when I would sneak in for a few hours and go out.

Were you able to deal with much business on behalf of the UDF at that time in September? -- That is so.

I am not sure what that means. Were you or were you not able to deal with much business during September of the UDF? -- I was able to deal with a few things within the (20) strictures that were there of course.

Did anything - any of the work to which you gave attention in that period, have anything to do with the Vaal Triangle? -- It had nothing to do with the Vaal Triangle.

It had nothing to do with the Vaal Triangle. There are allegations in the indictment relating to acts of violence which were committed in what were originally 31 areas and there are now fewer areas in the Republic of South Africa. Do you personally have any direct knowledge of any of the acts of violence referred to in the indictment as having (30) been/...

been committed in those areas? Of your own knowledge, do you know anything about it? -- I do not have any personal knowledge of the violence in those areas.

Do you yourself know whether at a time any particular act of violence was committed, any particular affiliate of the UDF in that area was engaged in any demonstrations or activities? -- I do not know.

Do you yourself know whether any affiliate of the UDF - anything that any affiliate of the UDF may have done could have had any connection with such violence? -- I do not (10) know.

Do you have any reason to believe that there would be any such connection? -- I would have no reason to believe that.

Do you know whether any other political groupings either national or local were engaged in any particular activities at that time in such areas? -- In violent activities or any activities.

Anything particular which might have been done by any other particular political grouping in those areas at that(20) time? -- May be we should deal with a specific area and the time. I might remember something.

Alright. Let me put it to you differently. Was the UDF was the only political grouping in opposition to the government at that time? -- There were several groupings which were opposed to the government.

Was it the only political grouping who was opposed to the Black Local Authorities? -- No, there were several.

If one goes to local levels, do you from your travels around the country know anything about whether or not (30)

there/...

there was any dissatisfaction in Black living areas about conditions - about Black living conditions? -- Yes.

What was your - what do you know from what you may have gleaned from your travels? -- What I gleaned from my travels is that people had all sorts of problems. These problems ranged from housing, high rental, education, really quite a number of problems that one would come across.

Are you yourself able to identify the cause of any particular act of unrest without going into details of each particular incident? -- I would not be able to do that. (10)

Knowing conditions in Black townships and attitudes there, are you able to identify anything which could have caused anger in the townships? -- Well, one would say it is the nature of conditions, of problems that people are experiencing in those areas and the manner in which those in authority respond to those problems.

It is said that the UDF planned all this violence. What do you say to that? -- That allegation is devoid of truth.

As far as you know, did any UDF affiliate, you personally of your own knowledge, have anything to do with the violence?(20) -- I know of no affiliate of the UDF which was involved in violent activities.

I would like to turn to ask you to deal with some of the allegations which are made in the indictment which I have not yet dealt with. Before doing that, I would like to ask you for some information about your own political attitude. Have you have any formal political education?

COURT : Does anybody have?

MR CHASKALSON : I do not know, but have you studied a course in politics at a school or university? -- No. I indicated (30) earlier/...

earlier on in my evidence-in-chief that I was merely a matric drop-out who managed to pass his matric whilst employed and has not been to the university. I have got no university education.

I think that is a fairly modest description of yourself, but let us leave it at that. You told us that when you were still at school you started taking an interest in politics. Can you just describe what that interest would have involved? Apart from attending meetings, what was involved in that? -- That interest would involve discussions on current political(10) development, on the history generally of the political struggles in this country.

Did it involve any reading? -- It involved reading - reading books, public journals and publications and so on. It also of course included papers written by individuals in organisations.

If you were to describe your own attitude, do you have a particular leaning to any particular political view point? -- I would describe myself best as a democratic who is committed to a non-racial approach. (20)

Can you tell His Lordship what your attitudes to socialism are? First of all - yes, what do you understand by socialism? -- I understand socialism to be a system of social organisation in such a manner that the means of production is in the control of the public and that their resources are shared in the manner that nobody goes hungry and there are resources there.

Have you read about - is this something that you gathered in the course of your reading? -- That is so. In the course of exchanging of ideas with fellow students and other (30) people/...

people involved politically.

Are you able to state your own position whether you find that an attractive position of an unattractive position? -- If I deal with that answer I need just to add this point. The reading and the discussions that I am talking about is not the one that would have given me profound understanding of the system of socialism. I would not boast of that profound understanding. I have a limited understanding, limited to the knowledge, the ideas that one was able to glean from the material that he was getting and getting from the (10) discussions which were taking place. If I may then now proceed to the question raised. I would say that the idea of the sharing of the resources is particularly an attractive one to me. It is so because I come from a community that has got no means of assistance. That is denied a share of the wealth of the country. That has been subjected to extreme material deprivation. For that reason I find the idea of the sharing of the resources very attractive to me and I believe it is an idea that would be attractive to the vast majority of the Black people in this country. (20)

COURT : So, are you a socialist or are you not a socialist?

-- I am not a socialist. I am attracted to certain aspects thereof.

Which aspects do not attract you? -- I am not sure. I have not got much knowledge thereof, but I think if I would profound study thereof, possibly one would come across certain things which would not be attractive. I need also to state that from the discussions that one has gone through, there has been so many countries that are socialists, that when one looks at them, they really differ in the way they look at (30) socialism/...

socialism. Some are completely Marxian and others are not. So, it is really something that one cannot take a final decision on until he is properly informed about it.

MR CHASKALSON : When you say there seem to be different types of countries, could you just give His Lordship some indication? I do not know what you have in mind? -- Well, I have in mind a country like France for instance. The party that is in power is a socialist party. Then there would be another party, for instance in may be East Germany. The Government of France is committed to a system of free (10) enterprise but in such a manner that their resources are shared equitably. The other one is not committed to that system. I think that is the nearest example I can give.

I would like to talk to you or ask you to deal with some of the allegations in the indictment. You have I think already mentioned - you have mentioned the meeting involving yourself and Mr Bokhala. Yes, you have. We dealt with it just now. In the indictment in paragraphs 4 to 8 there are a number of allegations made concerning meetings of the National Executive Committee of the United Democratic Front. (20) You have identified those of the minutes which you have prepared yourself and you have identified one minute which you said was prepared from your notes, but was written out by someone else. The indictment is in Afrikaans. You can understand Afrikaans, can you? -- Yes, to a limited extent of course.

Do you feel that the indictment insofar as it represents those minutes, gives a fair account of what the minutes in fact record? -- It certainly does not. In a number of instances it tends to distort or use too strong words than (30) would/...

would be used in English and I tend to see it as a really misrepresentation of - inconsistent rather with the spirit in which the issues at hand were being discussed.

You have already told us that the spirit of the meetings was not a prescriptive one but one to achieve consensus and you have drawn attention to certain other decisions in the minutes, but can I ask you this. If one comes to - would those minutes, if there is any discrepancy between what is recorded in English in the minutes and what the State has made an allegation about in Afrikaans, what would you say (10) about the English version as you recorded by you? -- My suggestion would be that in order to understand properly what was taking place there, we should look at the English version of the proceedings.

COURT : Were your proceedings in English? -- That is so.

MR CHASKALSON : There is one item I think which I should deal with. It is in EXHIBIT D1. I wonder if that could be placed in front of you. I think we have already dealt with this. I see that I have and I have not ticked it off my list. It is the meeting with Mr Foster and the prepara-(20) tion for the suggestion that the UDF should prepare itself for the possible gravitation of FOSATU into its ranks.

COURT : Yes, we heard it yesterday or the day before.

MR CHASKALSON : I just want to ask you one thing. Did FOSATU ever affiliate to the UDF? -- It did not.

Could I ask you to look at EXHIBIT T2. If you could please look at paragraph 3 dealing with the referendum. It says that "Two months after the White referendum the UDF has not yet taken definitive decision as to how it is going to respond to the question of the referendum of the Coloured(30) and/...

and Indian communities. It is not without cause that the situation is as it is for the front. Within the front we have not yet adequately addressed two questions." Then you go on to deal with the issue. I think we have touched on this before. I do not think we ever finalised it. You told us, I think, that at the Port Elizabeth conference there was a division amongst the delegates in regard to what their attitude should be to the issue of the Coloured and the Indian referendum. Was it finally resolved, that is what I want to know, not necessarily at this time, but at some time, (10) any other time? -- It was.

And how was it finally resolved? -- The decision taken by the NEC which was a symphysis of the views of various regions of the United Democratic Front was that regions would be - I think regions and affiliates, regions and affiliates would be - the UDF would adopt an approach of a tactical flexibility where regions would address the issue of the referendum on the basis of the conditions existing in those regions but within the broad policy provisions of the UDF.
COURT : That is rather big words for a small thing. That (20) was left to the regions. -- Yes.

MR CHASKALSON : In fact I think there was no referendum ever held? -- Yes, it was never held.

In EXHIBIT G1, could you please look at item 27. It concerns a campaign against the UDF. 27.1 "It was decided that a press conference be organised by all regions to address the campaign that is aiming at discrediting the UDF."
27.2 "The publicity secretary was asked to prepare a fact sheet on attacks on the front and make it available to all regions on 7 June 1984." 27.3 "The front must produce a (30) publication /...

publication clarifying the position of the front in the light of this campaign." 27.4 "Noting the bias" I think that is meant to be "of the Lange(?) editorial on UDF/Inkatha relations, the NEC asked the national publicity secretary and president, Archie Gumede, to respond to the comment." If I could go back to the matter dealing with the attack upon the aim at discrediting the UDF. What was that directed to? Do you recollect what the nature of the attack was that was causing concern? -- At that stage there were public statements made by cabinet ministers attacking the UDF that it (10) was a front for the ANC and the South African Communist Party. There had been a lot of bogus pamphlets which were distributed by some organisations. I think amongst them was the Student Moderate Alliance which alleged that the UDF was a front for the ANC. There was also an allegation, there were allegations that UDF million signature forms had been found by the police in Swaziland. There were all sorts of these kind of pamphlets. There have been a lot of pamphlets really saying all those things about the UDF. The NEC sought to respond to all those allegations to place on record what the posi-(20) tion of the UDF was in relation to the ANC and all those allegations.

Was such a conference held? --If you look at 27.1 "It was decided that a press conference be organised to address the campaign." Do you know whether that was held or not? -- I believe it was held. I cannot be certain now.

Alright, we will deal with it in a different way. -- I was not present at that press conference.

In paragraph 15 of the indictment there is an allegation in which it is alleged that you attended a meeting concerning(30) schools/...

schools and that - it was said that the UDF had done nothing to defuse or to avoid violence in the area. I would like to put before you EXHIBIT P1 on page 2 under "Secretarial report" there is a reference to the fact that crisis in the Pretoria schools reported. It was mentioned that the situation is worsening. I would like to ask you some questions about the crisis in the Pretoria schools and the attitude of yourself to it. Were you yourself involved at any stage in matters concerning the crisis at the Pretoria schools? -- I was. (10)

Are you able to tell us as far as the Pretoria schools were concerned, whether any discussions took place? -- That is so.

Who were involved in those discussions? -- I think it is important for me to identify precisely at what level are we talking about the discussions. Are we talking about the discussions with the people in Pretoria or the discussions at the level of the UDF, in this UDF meeting?

First of all, who were the people in Pretoria who were involved in those discussions? -- There were a number - (20) the first person was accused no. 21, Moses Chikane, my colleague in the UDF from Pretoria and there were a number of other people from Pretoria, members of the Atteridgeville/Saulsville Residents Organisation. There were members of COSAS. There were some members of the SRC, Student Representative Council. There were members of school committees. There were vice-principals and some teachers.

What was the purpose of those discussions? -- The purpose of the discussions was to find a solution to the crisis in Pretoria to normalise the situation. To get the students (30) who/...

who were then boycotting classes in protest to go back to classes, to go back to school.

WITNESS STANDS DOWN.

COURT RESUMES UNTIL 7 AUGUST 1987.