

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

Ass

SAAKNOMMER: CC 482/S5

PRETORIA

1987-08-07

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 252

(Bladsye 13 475 - 13 523)

COURT RESUMES ON 7 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, yesterday we were dealing with the question of the Pretoria schools. I would like to have placed in front of you EXHIBIT AAZ2. We will be dealing with page 22. Can you identify what this document is? -- Yes. It is a document containing the notes that I took at the meeting in Pretoria was discussing the school situation.

Are those the notes at page 22? (10)

COURT : Only at 22 or is the whole book concerned with the meeting in Pretoria? -- I was looking at page 1. May be I should look through the whole book.

MR CHASKALSON : Perhaps you could just identify the book for the moment. Whose book was it? -- It is a long time since I last saw it. I think it could either be mine or accused no. 21's book.

Is some of the handwriting in that book yours? -- That is so.

Is some of the handwriting in the book accused no. 21's? (20)
-- That is so.

If you would turn to page 22. Whose handwriting is that on page 22? -- It is my handwriting.

At the top you find ASRO. What is ASRO? -- It is the Atteridgeville/Saulsville Residents Organisation.

The third one is, next we have UDF. We know about that. Then we have Principal's Committee. What is that? -- It was a committee formed by principals in Pretoria.

And below that we have COSAS. Then we have SAYO. What is that? -- SAYO is the Saulsville/Atteridgeville Youth Organisation/... (30)

Organisation.

What is written below SAYO? -- It is "Chair persons of school committees."

Go below the next line? Just read that whole note? -- "Representing parents as well as their committees."

What do those notes refer to? -- These notes refer to a meeting we held in Atteridgeville. These names that are set out in this note refer to organisations which were represented at that meeting.

You discussed yesterday - you told us yesterday about (10) what you now refer to as this meeting. There is a note at the bottom there. "It was agreed that no student must be victimised when students go back tomorrow." What does that reference "when students go back tomorrow" mean? -- There was a crisis in Atteridgeville. The students were in protest at that time for certain reasons and the meeting was held to normalise that situation, to get the students to go back to school. So, it really refers to the fact that when students get back to school they should not be victimised.

Had it been agreed at this meeting that the students (20) would go back? -- That is so.

At that about that time was a press statement prepared by accused no. 21? -- That is so.

Did you see the press statement at the time, the draft of the press statement? -- I did see it.

If I put a document before you, would you be able to identify whether - I would like to show you a document. Can you tell us whether that was the press statement or press release to which you refer? -- This is the document.

I would like to hand it in DA27. (30)

COURT/...

COURT : Do we have the date?

MR CHASKALSON : I was going to deal with that. At the bottom there are figures 07/84/04. Are you able to tell us what that refers to? -- That is 7 April 1984. Although my colleague, Mr Chikane, has a very strange way of writing his date.

It is headed "The United Democratic Front's position on school situation. We wish to place on record how the UDF got involved in the Atteridgeville school situation. When the situation was worsening in the abovementioned situation, the UDF got involved with the hope of bringing Atteridgeville (10) people together to solve their problems. It has up to now not achieved much and its concern about some groups of people who are coming together to form vigilante groups. If any group involved in the Atteridgeville situation is going to adopt violent methods, UDF will have no option but to pull out from negotiations. We want to appeal to all people in Atteridgeville/Saulsville to refrain from forming any kind of such groups to try to find students and other groups in Atteridgeville/Saulsville. We would like to make the UDF's position clear. We want to see all students back at school (20) at soon as possible. Allegations made by some people have got no foundation. We reject them with the contempt they deserve. Moss Chikane, secretary of UDF Transvaal is calling a meeting of principals, students, teachers and parents together with federal school committee and all other concerned groups to a meeting on Wednesday, 7 pm at Atteridgeville High School." Is that the meeting to which you have just referred? -- No, no. At the meeting that we attended, it was decided that another meeting would be held the following week. What had happened in that meeting was that the (30) position/...

position the students were taking, was that they would return to school on condition that the twenty other students who had been suspended were allowed back to school.

And what was the attitude of the Principals Committee to that? Was that something which was acceptable to them or was it not acceptable to them? -- Those who were present at this meeting, it was acceptable to them, but there were many others who were not present, especially one of the schools which was directly affected. The principal thereof was not present.

What was the ultimate result, do you know, whether the (10) students did go back to school or whether they did not go back to school? -- The situation went on for a long time. I am not sure. It seems like in the end it was not resolved. I am not sure about that, but by June it was not yet resolved. I may indicate here that whilst the discussion on the matter of schools was in the process, the police then detained some of those students who had been suspended and after that the whole situation went out of hand.

Will you look at the following page, page 23. Whose writing is that? -- That is my handwriting. (20)

There is a note "1. Moss convene." What does that refer to? -- It meant that he should convene the meeting.

And 2 says "Suspension of students. Conditions for going back to school. Committee must be formed. Two persons per organisation, the UDF and SRC, to look into the demands and report as soon as possible. Petition to be signed by principals will be circulated. Committee must sign too. Teachers stated that they are not responsible for the suspension of the students. Structure of SRC was presented by COSAS. School committees will discuss the structures (30)

of/...

of the SRC." Could you explain what this note refers to? --
The whole note?

Yes. -- The matter really refers to decisions which were taken at that meeting.

The fact that a committee was to be formed, what was going to be the function of that committee? -- There were certain demands which were made by the students and it was agreed in that meeting that it was important that a committee comprising the students, parents and these organisations which were present there, should be set up to look at (10) those demands and formulate a petition around those demands. It was also intended that that committee would be the one that would from time to time deal with the problems that affected the school situation in conjunction with the schools in question of course.

Are you able to recollect the nature of the demands that the students were making? What was the concern of the students at that time which had to be resolved? -- My recollection is that there were really key issues at that stage. The first one was the issue of the suspension of the twenty(20) students. The second one a demand that students be allowed to form the SRC's in certain schools, but the immediate and the burning issue at that stage was the suspension of the twenty students.

Some evidence has been given concerning your presence in Atteridgeville during April and I think it was put to one of the witnesses that you had been arrested for trespassing. Can you explain what that was about? -- I can.

Would you tell His Lordship? -- That happened after this very meeting that we attended, at the end of this (30)

very/...

very meeting that we attended. My recollection is that it was on or about 4 April 1984 when this happened. At the end of the meeting when we were leaving - the meeting was held in a school hall, or I think it was a class room. When we left the school we found the security police outside - let me see the police outside and then they stopped us, they stopped myself, my colleague, accused no. 21 and other people who were with us. They asked us to accompany them to the Atteridgeville police station, which thing we did on the basis that they were arresting us for trespassing. That said (10) that "You are not supposed to have been in that school here at that time."

Did you explain why you had been there? -- We did.

And was the matter then resolved? -- It was resolved, but after spending several hours at that police station.

It is alleged by the State in the indictment in paragraph 15(3) that when this incident was reported to the council, the Regional General Council of the Transvaal region of the United Democratic Front, that the council took note of a crisis amongst the Black youth in Pretoria schools, where (20) violence had broken out and that the deterioration of the crisis and the fact that the UDF had done nothing to defuse or avoid violence in the area was noted. I would like to have placed before you the minute. It is EXHIBIT P1. This is minutes of a meeting held on 14 April 1984. The minute records "The crisis in the Pretoria schools reported. It was mentioned that the situation is worsening."

COURT : At what page?

MR CHASKALSON : Page 2. Were you present at that meeting?

-- I was.

(30)

What/...

What would have been reported at that meeting about the crisis in the Pretoria schools? -- What was reported was first the efforts that myself and my colleague, accused no. 21, made to try to normalise the situation and the subsequent attempts by other groups to bid the students to go back to school and the reaction of the students to the efforts by the groups that were generally regarded as the vigilante groups to force the students to go back to school. So, it was in that context that the report was given and that the Transvaal UDF had to find ways of helping to normalise that situation. (10)

In the indictment at paragraph 19 there are allegations about the role of the national secretariate in the UDF. I would like you very briefly to tell His Lordship what the true role of the national secretariate is in the UDF? -- The national secretariate is an administrative body or wing of the UDF National. It is concerned with the practical implementation of the decisions of the NEC or the decisions of the NGC. It is not a policy making body for the UDF and whatever decisions that it takes, are merely recommendations which either go directly to the NEC or are referred back to regions (20) to discuss further and decide if that suit their conditions and if they were happy, they would implement them.

Does the national secretariate concern itself directly with individual affiliates? -- No, no, it concerns itself with matters that relate to the national UDF. It does not deal directly with the affiliates of the UDF. There may, of course, be circumstances that may warrant that kind of attention; but as a general rule that is not the position.

In various parts of the indictment there are reference to door to door visits and house and mass meetings which (30)

seem/...

seem to be said or seems to be the State case that their purpose is to incite people to violence. Could you tell His Lordship what the purpose of these door to door visits are and why they are undertaken? House meetings and the like?

-- Well, if any organisation - if the UDF has got to do anything, if any affiliate of the UDF has got to do anything that concerns the community, it has got to do it on the basis of the interest and feelings of the community. The door to door work, it is an important element in the process of assessing the attitude of the community in respect of (10) certain issues that are affecting them and we consider it as the best way of allowing people the opportunity to make their views known and to make - to question whoever is talking to them about the UDF or about the organisation that is talking to them. That we think provides the opportunity to people to be able to make a correct and informed judgment on issued. It was simply - it is not true that the UDF did that to incite people to violence and indeed I believe if it was so, we have had several witnesses here who would say we had Mr Molefe, accused number so and so talking to us in our home, saying (20) this that we should take up arms against the government and so on. My recollection is that there is no single witness who was brought in this case who testified that people who went door to door talking to the residents were inciting them to do anything violent.

It is alleged in different parts of the indictment that the UDF sought to encourage animosity between different population groups. What do you say about that? -- That allegation is not true and it lacks understanding of the UDF policy and principles. The UDF is fundamentally a non- (30) racial/...

racial organisation. It brings together - it seeks to correct the situation that has been created by the policies of apartheid, the situation of differentiation of race and discrimination on the basis of race and colour. The UDF seeks to bring those people together to see themselves as people of South Africa. It operates along those bases and to attempt to do anything against any racial group, would be counter-productive. It would go against the very objectives of the UDF. The very interest of the UDF of winning everybody into a broad united society. (10)

I would like you to deal with a meeting which took place in relation to the Ciskei. We have already had some reference to the meeting concerning the Ciskei. The meeting I have in mind - I think it was held in Khotso House, was it? -- That is so.

First of all, who were, as it were, the organisers of the meeting? -- The meeting was organised jointly by - it was organised by the ad hoc committee.

Is that the ad hoc committee which you referred to previously consisting of the UDF and I think the other (20) bodies were largely trade unions? -- That is so. That was done jointly with the UDF.

That committee organised the meeting. My Lord, there is a transcript of this meeting in EXHIBIT V2. Can you tell us what role you played at that meeting, first of all? -- I was the chairman at that meeting. I chaired the meeting.
COURT : I see you call yourself the chairman and no longer a chair person.

MR CHASKALSON : Was it anticipated that there would be a speaker from the Eastern London area at that meeting? -- (30)

That/...

That is ocorrect.

Who was that speaker meant to be? -- He was supposed to be a representative of the region of SAAWU in East London.

Did the person arrive? Do you remember whether or not he arrived? -- He did arrive, although late.

He arrived late. At one part of the meeting there is a record of your having called for a song. Do you remember that? -- I remember that.

You had an opportunity of looking at the transcript of the meeting at some stage? -- I did. (10)

And do you accept that you did call for a song? -- I accept that.

Could you just describe the circumstances in which you called for a song? What made you call for a song at that particular time? -- We had been waiting long for this speaker from East London and we were worried about that we were nearing time to close the meeting and he had not yet come and we were worried that we were at the risk of calling on the speakers before he came and he had not come, we would have had to tell the people to go away. Now, when I called on the audience(20) to sing a song, it was intended to while up time so that we could - as we are waiting for him, we would not be forced into a situation where people would have to sit in a meeting quietly.

Did you know what song was going to be sung? -- I did not know the song they were going to sing.

Did you think it would be a freedom song? -- Yes, I knew it would be a freedom song.

But you did not know which particular freedom song? -- Yes. (30)

Who/...

Who actually chose the song? -- It came spontaneously from the floor. I do not know exactly who started leading that song. But someone from the floor just stood up and started singing.

Was it a song that you had heard sung before? -- Yes, I had heard it before.

Did you see anything particularly unusual in that song being sung? -- There was nothing unusual. Really, if I may comment on that point. The issues of songs, the question of songs have never been an issue in our communities, even (10) within the UDF. It has never been a question, a matter to which serious attention was paid as to what kind of songs people sing, whether people are singing at meetings or not. It was really part of the custom, part of the tradition, part of the culture of the people in the township. It is not a matter that people get surprised when they hear somebody singing. It is for the very first time that I see the issue of songs being placed here as a matter that is presented as an offence. Many people would really be surprised about that. (20)

I would like to speak to you about another meeting which took place at Khotso House on 29 October 1983. It was a meeting involving AZASO. Do you recollect that meeting? Do I have the right meeting? It is EXHIBIT V3 I believe.

COURT : The date again?

MR CHASKALSON : The date I have is 29 October.

COURT : I have 3 November 1983.

MR CHASKALSON : Then I must be wrong.

COURT : No, it is printed 29 October, but it was corrected. It was 3 November. (30)

MR CHASKALSON/...

MR CHASKALSON : It relates to the death of students at Ngoya University. Do you remember that meeting? -- That is correct.

Do you know who organised that meeting? -- My recollection is that it was organised jointly by the Transvaal region of the UDF and AZASO.

There seem to have been speakers of a number of different organisations at that meeting. -- That is so.

COURT : Were you there? -- I was there.

MR CHASKALSON : Did you deliver a speech at the meeting? (10)
-- I did not deliver a speech at that meeting. I read a couple of messages.

Do you know who was chairman of the meeting? -- The chairman of the meeting was Bogosi, who is now a medical doctor.

Was he a student at the time? -- That is so.

What was the feeling generated by this incident in which students had died at Ngoya University? -- The matter had caused a lot of anger and sadness. It became necessary to express this feeling publicly. (20)

One of the speakers at this meeting made remarks which could be understood as - let me not lead you on that. Do you remember hearing a speech there which dealt with the attitude of the speaker towards people in the hostels.

COURT : To which speech are you referring to?

MR CHASKALSON : The speech is by somebody I understand is Monareng.

It was the first speaker? -- No, I think it is at page 18. It starts at page 17. Perhaps you could turn to page 17 to 18. Have you got it? -- I have got it. (30)

Was/...

Was Mr Monareng a student? -- No, no, he was not a student.

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

Did you remember discussing his speech with anybody after it had taken place? -- I did.

Whom did you discuss it with? -- I discussed it with Reverend Chikane initially.

And after you spoke to Reverend Chikane, did you speak to anybody else? -- Then we agreed that we should - then I spoke to Tefo Moseneke who was the present of AZASO at that time. (10)

Was he a student? -- He was a student at the time.

What did you say to Mr Moseneke? -- I asked him to make it clear that our involvement in the struggle was not intended, our struggle was not against individuals and our struggle was not against the members of Inkatha and he must correct that situation that was made by Monareng and state clearly that that was not our policy to do that. In his speech Mr Monareng had suggested that the holster dwellers who were mostly members of Inkatha would be attacked, something like that. (20)

Why did you decide to ask Mr Moseneke to do that? Why did you choose him? -- Firstly he was the president of an organisation which was seen to be at the fore front of that issue. Secondly, he is a respected person because of his position in that organisation. He was articulate in our view and I was satisfied that he would put across the position clearly. Secondly because I myself was not a speaker in that meeting.

ASSESSOR (MR KRUGEL) : Which organisation is this now? --
The Azanian Students Organisation. (30)

COURT/...

COURT : What connection was there between Monareng and AZASO? -- He was not a member of AZASO. He was a member of the Soweto Youth Congress and various organisations had been invited to that meeting and he was invited I presume by AZASO as a member of that organisation.

MR CHASKALSON : Was AZASO one of the organisers of that meeting? -- That is so. In fact, the problem was handled by AZASO.

Was Mr Moseneke then really the person in charge of the program of that meeting? -- That is so. (10)

Do you know whether Mr Moseneke did take up that issue? -- Yes, he did.

There are - there has been evidence given by a witness who is known as IC.17 and I would like you to use that way of describing him when you refer to his evidence. It concerned a meeting involving Bishop Tutu, accused no. 20 and yourself and I am going to ask you some questions about that. First of all, were you present at a meeting at which Bishop Tutu, IC.17 and accused no. 20 were present? -- I was.

Where was that? -- It was in Bishop Tutu's office (20) at Khotso House on the 3rd Floor.

Incidentally, while we are talking about floors, on which floor did the UDF have its offices? -- The offices were on the 6th Floor.

Were there any other person present during that meeting besides the ones we have mentioned? -- That is so.

Without mentioning names at the moment, can you just give a description of who those people were? -- It was IC.17's wife, IC.17's daughter and a friend of the family.

Of IC.17's family? -- Yes, in fact a friend of IC.17's (30) daughter/...

daughter.

How did you come to attend that meeting? In what circumstances did you come to attend the meeting? -- On the morning, I think it was on Wednesday or Thursday, but I think particularly it was on Wednesday, I was told by accused no. 20, that is the national publicity secretary ... (Mr Chaskalson intervenes)

Is that Mr Lekota? -- Yes, that he had been called by Bishop Tutu to his office. It was fairly early in the morning, I think about 09h00 or so. He did not know why Bishop (10) Tutu was calling him at that stage, but he went down. I think about three minutes or so later I received a call from Bishop Tutu's secretary who told me that accused no. 20 was calling me and they wanted me to come urgently to Bishop Tutu's office. As I was doing some work, I could not go immediately, I had to finish the work that I was doing. I think I could have spent about two or three minutes after I received that call. I then walked down to Bishop Tutu's office.

When you got there, had the meeting - were the people (20) already talking? -- That is so.

What did you, when you came into the office, who was talking? -- When I got in there it was my colleague Lekota who was talking.

Can you just briefly tell us the effect of what Mr Lekota was saying? -- The substance of what he was saying was that it was not the style or work of the UDF to attack the properties of individuals that it did not agree with. It was not part of the policy of the UDF. He denied that the UDF was involved in the situation at Tumahole. (30)

Did/...

Did you - was anything said to you? -- At that stage he finished talking and I was introduced to the people present. IC.17 and his companions and Bishop Tutu gave a brief introduction to the effect that IC.17 is complaining, was complaining, had come to complain that he believed that the UDF was involved in acts of violence against him, his property.

Did you respond to that in any way? -- I did.

What did you say? -- My response to that was was one denial that the UDF was involved in the unrest in Tumahole. I said it was not involved and I went further to state that (10) it was not UDF policy to engage in acts of violence aimed at destroying the property of those people that it did not agree with. I said that whilst we were fundamentally opposed to the policy of apartheid, it was not our style to attack the properties of those individuals that we did not agree with.

What was IC.17's attitude to that, in response to that? -- I recall him saying, demoning the fact that he had spent many years working - serving his community in various capacities as a school principal - as a school inspector and (20) as a councillor and he said that all his work had been in vein, the community was not thankful to him for what he was doing. He went on to say that he had spent many years building his businesses - building himself up to what he was and he said that his wife almost single-handedly built the businesses which were destroyed on the day of the march in Tumahole. Then he said that he was very angry with the Development Board. He was no longer going to continue to serve as a councillor. He was going to ask them to compensate him for his losses. Once that was done, he was going to (30) resign/...

resign.

Did Bishop Tutu make any comment? -- I recall Bishop Tutu commenting expressing pity, a sense of pity at the fact that a situation had developed where Black people were fighting amongst themselves, because of the government policies.

Did IC.17 ask Bishop Tutu - say anything to Bishop Tutu? -- IC.17 then asked Bishop Tutu if he would issue a press statement calling on the people of Tumahole to refrain from attacking his property and I recall Bishop Tutu responding by saying that he was willing to issue that statement(10) but he did not know, he did not know how much to help, because if people thought the he was responsible increasing the rentals that they were unable to afford, they might still do that, they might still attack him. But he said that he was prepared to issue that statement.

Was anything said about making contact with leadership people in Tumahole? -- That was not mentioned.

Are you able to recollect anything else which may be relevant arising out of that meeting? Are you able to tell us the gist of it? -- Yes. On Friday of that week I (20) received a telephone call from IC.17 informing me that he had resigned and then he wanted the UDF to issue a statement on his behalf. My response to that was that the UDF did not think that it was a matter that had to be handled by it and that I would rather make available to him the telephone numbers of various newspapers which he could contact and talk to and I indeed gave him those numbers.

COURT : The numbers given were of the press? -- That is correct.

Which papers? -- I might not recollect all of them, (30)

but/...

but I think I must - I gave him the telephone number of the City Press, the Sowetan and The Star. There might have been others. I cannot recollect.

MR CHASKALSON : There has been evidence given concerning an incident where you were stopped at a roadblock at the Barrage. It was either evidence or an allegation, but was there an occasion on which you were stopped at a roadblock at the Barrage? -- That is so.

Do you remember whether it was during the day or the night? -- It was at night. (10)

Do you remember where you were travelling from and where you were going to? -- I was on my way from Kimberley to Johannesburg.

COURT : When was it? -- It was on 10 July. It was some time in July. I accept the date suggested by the State that it was on the 10th.

1984? -- That is so.

MR CHASKALSON : And you say you accept the date given by the State? -- I accept it as correct, because I remember the following day I had to go somewhere. (20)

You say you were on your way from Kimberley and why had you gone to Kimberley? -- The UDF was organising a big anti-election rally in Kimberley which was due on 28 July and the National office was financing that rally. That is, the National office was going to pay for the material produced to advertise the rally and so on. So, I had to go there to make sure that all the logistical arrangements relating to the venue, the publicity for that rally, were being organised properly and we were also planning to get members of the affiliates from the Transvaal, especially from the TIC and(30)
the/...

the Anti-TC, to go down to Kimberley to help in the distribution of pamphlets and the whole process of talking to people on a door to door basis to persuade them to attend the meeting.

COURT : It was to be on which date? -- On 28 July. I had gone down to go and assess the situation and the amount of manpower needed from the Transvaal to go and do that work.

MR CHASKALSON : Did you have any documents with you in the car? -- I had several documents with me.

What sort of documents were they? -- Usual UDF pamphlets, publications, my own diaries. I had business cards from various diplomats and important personalities. (10)

After having been stopped at the roadblock, what happened? -- I was left to proceed on my business to Johannesburg.

How long were you at the roadblock? -- It was a fairly long time, I think it could have been for about two hours or so. May I return to the answer I gave. I could have spent about two hours with the police, but I had waited much more than that, because when I was stopped at the roadblock I was not stopped by the security police, I was (20) stopped by the uniform branch and they had to call the security police. I think from Kroonstad or so. So, that added to the time. I spent more than two hours.

When the security came, did they make - did they take away the documents or what happened? -- They did not take my documents away. They just took notes of what they were interested in the documents which I had with me. Took addresses of people and so on.

There has been evidence given concerning the launch of the Mamelodi Parents Association at the YMCA at Mamelodi. (30)

Were/...

Were you present at that meeting? -- I was.

What was the purpose of the meetings, with the parents association? Or what was the purpose of establishing the parents association? Why was it constituted? -- I think there are really two things there concerned. It was the issue of education and the issue of how to address that education. The issue of education and the launching of that parents association, I am sorry.

Can you just tell us, who was the - was such an association formed on that day? -- It was. (10)

Was somebody appointed as a chairman? -- That is so.

Did you speak at that meeting? -- I did not speak.

Did anybody speak about the UDF at the meeting? -- Yes.

Who was that? -- That was accused no. 20.

Can you tell us just very briefly, I just want to know the gist of what he would have said at the meeting? -- He talked broadly about the history and nature of the UDF and responded to allegations which were current at that stage that the UDF was responsible for school boycotts and then he said that the UDF was not responsible for school boycotts(20) and that the UDF was committed to efforts to normalising the school situation.

COURT : When was this meeting? -- My recollection is that it was in February 1985.

ASSESSOR (MR KRUGEL) : Is there a date?

MR CHASKALSON : The date I have is actually a somewhat different date. I do not know whether it is a date of the evidence. I think Captain Loots gave evidence about it. If I can put what I think the date may have been. Was it 27 - did Captain Loots say 27 January 1985? -- I think that(30)

is/...

is the correct date.

Would you quarrel with Captain Loots if that happens to be the evidence? -- No, in fact I think that is what was put on behalf of the accused.

Do you know whether the Mamelodi Parents Association or I will not ask you that question. I want to turn to another event which has been referred to. It concerns your having been arrested at Cookhouse at a roadblock. The date given was 19 April 1984. Do you recollect having been stopped at a roadblock in April 1984? -- I do. (10)

Approximately where was this roadblock? -- It was approximately 40 kilometres from Cookhouse to Port Elizabeth.

Were you travelling towards Port Elizabeth? -- That is correct.

And you had passed the Cookhouse turn-off? -- That is correct.

Why were you going to Port Elizabeth? -- I was supposed to deliver UDF T-shirts and publications in PE, million signature publications amongst other things. I cannot remember what other business I did during that period. (20)

What policemen stopped you at the roadblock? -- I was stopped by the uniform branch of the SAP.

Did any other policemen arrive on the scene later? -- They asked me to wait there and they contacted the security police to come. After some time the security police arrived. They asked me to accompany them to Cookhouse police station.

And did you do that? -- I did so.

What happened at the Cookhouse police station? -- At the Cookhouse police station photocopies of the documents I had which were placed before this Court as the AAZ I (30)

think/...

think, the exhibit we are looking at now, that series, were found in my possession - they were photocopying it and I was given back the originals, but there were other documents that I gave to the police which I did not need.

After that, were you then released from the Cookhouse police station and did you go on your way? -- That is so.

I want to deal with 16 June 1984. There was some evidence given concerning a commemoration meeting organised by AYCO. and COSAS I believe, according to the evidence on that day. I want to ask you ... (Court intervenes) (10)

COURT : Where was it held?

MR CHASKALSON : That particular one was at Alexandra Township. I think we know that June, the 16th is a day on which commemoration meetings are held in various parts of the country? -- That is correct.

Had you intended to be present at a particular commemoration meeting that day? -- It was not part of my program for that day.

But were you going to go to a meeting in any event? -- That is so. (20)

Where did you go? -- I was going - I went to Soweto to the Regina Mundi June, 16 commemoration.

And when you got there, did you have any discussions with the police? -- I did.

Without going into any detail, what took up your time at Regina Mundi largely while you were at Regina Mundi? What happened there that occupied your time? -- When I arrived at Regina Mundi there were a lot of police outside the venue of the meeting with police dogs and there were hippo's there, several hippo's near the venue of the meeting/... (30)

meeting and this large group of police moved towards the entrance to the yard - the premise of the meeting, the venue for the meeting. Because of the presence of these dogs there were a lot of people gathering outside and they were afraid to pass the police to move towards the venue of the meeting. I together with others realised - with my colleague no. 20 - that if the police were going to stand where they were standing at that time, there was likely to be confrontation between them and those people who wanted to attend the meeting, because they were almost blocking the way of the(10) people to the entrance, the way to the entrance of the venue for the meeting. So, we had to go and persuade them to please move a bit further backward so that people could freely pass and go to the meeting, so that we could also avoid unnecessary incidents. I did then execute that task with no. 20 together with two priests, Father Sebidi and Father Tlhagale. I think Mr Chikane was also present at that time.

Incidentally, do you know who had organised the meeting at Soweto - Regina Mundi is in Soweto? -- That is so. (20)

Whose - under whose auspices was the Regina Mundi meeting held? -- That meeting was organised under the auspices of the Ministers United for Christian Co-Responsibility. MUCOR.

Why had the ministers organised that meeting? Was there any particular reason? -- There were problems in Soweto between the affiliates of the UDF and AZAPO. Both the UDF and AZAPO wanted to hold the meeting at the same venue and none of them was prepared to compromise on that issue. There had been discussions over a period I think of two weeks or so aimed at resolving the impasse, but no (30) agreement/...

agreement was reached. For that reason therefore the ministers had to intervene as a neutral group and they took over the question of organising the meeting and they decided that they were going to draft the program and they would invite speakers from different organisations.

Did you in fact attend the meeting at Regina Mundi? --
I did not attend.

What happened that made you not attend? -- Whilst I was there I was informed by Reverend Chikane that the UDF was supposed to have sent someone to speak at the meeting in (10) Alexandra. Had been asked to send someone to speak at a meeting in Alexandra and that had not been done and he asked me if I could go and address that meeting. I agreed to do so.

And did you then set off for Alexandra? -- That is so.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, you told us that you had received a request to take the slot for the UDF speaker at Alexandra. Did you then go to Alexandra? (20)
-- That is so.

Approximately when did you arrive at Alexandra? -- At about 15h00.

Had the meeting already started? -- That is so.

Did you in fact speak at that meeting? -- I did.

Have you idea of how long it had been going on before you came or do you not know? -- It had been going - my impression is - the time I spent there would have been about 10% or 15% of the time of the meeting. I could not say how long it had been on, because I do not know if it started at (30)

the/...

the scheduled time or on what time it was intended to start.

So, it was in progress when you arrived? -- That is so.

Did you speak at the meeting? -- I did.

It has been said that you spoke about the UDF million signature campaign. Can you comment on that? -- That is correct. I spoke about the million signature campaign.

Can you recollect other matters which you raised? I do not want you to give us a summary of your speech, but do you remember what the other matters were which you would have dealt with in the speech? -- I was really talking about, (10) speaking about the UDF million signature campaign in the context of the commemoration of June, 16. I made a brief call, I said that it was a very important day to our people,. really explaining why it was important and said that the best tribute that we could pay to those who had died, was by participating in that million signature campaign, signing it and supporting the anti-election campaign that was due.

It has been said that you spoke about the history of the ANC. Can you comment on that? -- That is not true.

While you were there, did any women speak about (20) guerrillas? -- No.

While you were there, was there a placard with an AK47 displayed? -- There was no such a placard.

While you were there, did you - was an ANC flag raised? -- There was not.

There has also been evidence that you spoke at the annual congress of AZASO which is said to have taken place on 6 July 1984. Do you recollect whether or not you spoke at the July 1984 congress of AZASO? -- I did.

How did it come about that you spoke there? -- I had (30) been/...

been - I was invited to speak on the UDF's perspectives for the future.

And did you in fact speak? -- That is so.

Do you remember whether that conference session - do you remember what session of the conference you spoke at? Were there other people speaking in the same session that you spoke at or were you the only speaker on that particular slot in the conference? -- I am not quite sure what the position was. My impression is that the conference had been going on for some days. There had been several speakers (10) invited to that conference, but on that day, when I spoke, I did not see any other speaker there.

How long were you at that conference? -- I think for the duration of my speech, save for greeting a few individuals. I did not really stay. It could have been about not more than thirty minutes.

Do you remember where the conference was held? -- It was held at the Glen Thomas Hall. It is a residence for the students who are studying at the Wits University. It is situated within the premises of the Baragwanath Hospi- (20) tal.

Are you able to recollect the theme of your speech? I do not want the details. I do not think we have had any evidence of the details, but just, what was the theme of your speech? -- My speech attempted to look briefly at the period, the ground that the UDF had traversed up to that point and what it considered to be the challenges I had. It encompassed briefly the debates which were taking place within the UDF at that time on the future of the UDF. All the debates as to whether the UDF should transform into a political party(30) and/...

and so on. I also did indicate that in the period after the elections, the limited objectives upon which the UDF was founded might have to broaden to deal with other issues that it had not been able to deal with prior to those elections.

There has also been evidence concerning the launch of the Soweto Youth Congress. I think the witness who has dealt with this is IC.12. Did you attend the launch of the Soweto Youth Congress? -- I did.

Had you any other business to deal with on that day?(10)
-- That is so.

What was the other business you had to deal with? -- During that weekend there was a regional meeting of UDF, different regions, Natal, Western Cape and Transvaal were meeting that weekend to discuss the possibility of launching the UDF National.

COURT : What was the date this weekend? -- It was the weekend of - Friday was, I think 29 up to 31 July. Let us start from the 30th. 30 to 31 July.

MR CHASKALSON : So, 30 and 31 July was that the meeting (20) about which you had already given evidence where representatives of the Transvaal, Natal and Western Cape regions got together to discuss the launch of the UDF on a national basis?
-- That is so.

And I think you have already told us that you left that meeting to attend the SOYCO launch? -- That is correct.

Did any people who had been at the UDF meeting accompany you to the SOYCO launch? -- They did not accompany me. They came slightly later after I had left.

Some of the others came long later? -- Yes. (30)

Did/...

Did you have anything to do with organising the SOYCO launch? -- No, I was not involved in organising it.

What was the purpose for your coming there? What were you invited to do there? -- I was invited to read the draft constitution.

And when you arrived there, had the meeting already started, was it on the go or were people waiting for you? What was the position? -- It had started when I arrived.

Approximately when did you get there? -- It was shortly before lunch if my memory serves me well. (10)

Did you in fact read out the constitution? -- That I did.

The tape of this meeting which I think is EXHIBIT V28 - it would not be necessary to put it before Your Lordship - nothing on the transcript of the tape records your having read out the constitution. Are you able to comment on that? -- Yes, I am. I think the simplest response to that is that it simply means that what appears on the tape is not the complete record of what transpired there. It means there are certain things which are not on the tape.

So, you say you in fact read out the tape - read out (20) the constitution and for how long were you at that meeting? -- I did not say much longer, because I had to go back again to the meeting in Johannesburg. I left some time after lunch.

There has been evidence given by a witness referred to as IC.6 who said that certain persons who were officials of the United Democratic Front had visited Lesotho and had received crash courses from the ANC. I would like to ask you some questions about that. First of all, do you have any knowledge of such incidents ever having taken place? (30)

Not/...

-- Not at all.

If they did take place, would those persons have been acting on behalf of the UDF in receiving such training? -- No, they would not.

Would they have had any mandate from the UDF to obtain such training? -- They would have had no mandate. The UDF never issued such a mandate.

There is also a reference to in the evidence of the witness IC.6 to having seen or he gave evidence to the effect that Mr Kgwetha of SAAWU was seen at ANC houses in Lesotho. (10) Do you know Mr Kgwetha? -- I do.

What is his position in SAAWU? -- He was the president of SAAWU.

And would it have been part of the UDF - would the UDF have had - ever given Mr Kgwetha any instructions to go to ANC houses in Lesotho? -- No and that is not UDF policy. The UDF could not have asked him to that kind of thing.

Do you yourself know whether Mr Kgwetha was ever there? -- I do not know.

There has been some evidence concerning the East London (20) Youth Congress and allegations that some of its members received instructions from the ANC. Do you know anything about that yourself? -- I do not know.

As far as the East London Congress is concerned, are you aware of any problems involving the East London Congress? -- Yes, I recall the evidence that was given by IC.6 in that connection with regard to the East London Congress. During the period alleged by the witness, that organisation was not an affiliate of the UDF. There had been problems earlier on and by June 1984 that organisation had disaffiliated (30)

from/...

from the UDF and by 1985 at least by March 1985 that organisation had not yet come back into the UDF and I do not know if it ever came back.

If the people who were members of the ~~East London Youth Congress~~ were seen in ~~ANC houses~~ or in any event were seen to have some contact with the ANC, would there have been, would the UDF have any purpose in requiring them to do that? -- No.

Would they have had any mandate, to your knowledge, from the UDF to do that? -- They would not have had that (10) mandate.

There has been evidence concerning the presence of a certain Dennis Neir I think at the conference of the International Labour Organisation in Zambia. Do you know who ~~Mr Dennis Neir~~ is? -- I know him.

Do you know whether or not he ever went to Zambia? -- I do not know.

If he did go to Zambia, would he have gone there for the UDF? -- No.

Would he have had any mandate from the UDF to go to (20) Zambia? -- He would not have had that mandate.

There has also been evidence of the fact that Bishop ~~Tutu was in~~ Lusaka and had a meeting with the ANC in Lusaka. Did you know anything about that? -- ~~The UDF was not - I was not informed of any specific meeting that Bishop Tutu attended in Lusaka.~~ However, I need to indicate that whenever he met the ANC he always released press statements to say that "I met the ANC" or "I met Oliver Thambo in London" and so on. It was something that was publicly known. I do not know of a situation where he attended a secret meeting. (30)

If/...

If Bishop Tutu had a meeting with the ANC on any occasion, would the UDF have asked him to do that? -- No.

Would he have made any reports to you or to - do you know of any reports ever made by Bishop Tutu to the UDF concerning his meetings with the ANC? -- No.

If he had such meetings, would they have been on behalf of the UDF? -- They would not be on behalf of the UDF. If I may just comment briefly. Bishop Tutu is a patron of the UDF. He is not part of the policy making structures of the UDF. So, that whilst we have great respect for him, he (10) cannot - what he says does not represent the UDF. He can only speak for the UDF if he has got a mandate to speak for the UDF.

There are allegations in the indictment concerning a number of workshops. My Lord, the allegations are from paragraphs 20 to 29. The first one which is dealt with in paragraph 20 concerns a media workshop which is alleged to have been held on 21 and 22 January 1984. Were you present at that workshop? -- I was not.

Did you participate in making arrangements for the (20) workshop? -- I did not.

Of your own knowledge, are you able to say what occurred at that workshop? -- No.

Paragraph 21, there are allegations concerning the Freedom Charter workshop. I think you have already told us what you know about that. -- That is so.

Was that a UDF workshop? -- It was not.

I am not sure whether I asked you, but were you personally present at that workshop? -- I was not present.

Apart from the reports which you have received, do (30)

you/...

you have any personal knowledge of what occurred at that workshop? -- I have got no knowledge.

Paragraph 22, there is reference to a civic - a workshop involving civics I think at Daleside. Were you present at that workshop? -- I was not.

Did you take part in the planning of that workshop? -- I did not.

Apart from reports which may have been made to you, do you have any personal knowledge of what took place at the workshop? -- I have got no knowledge. (10)

In paragraph 23 there is a reference to a workshop undertaken by FEDSAW. What is FEDSAW?-- It is Federation of South African Women.

Do you know whether that was - did you take - did you attend that workshop? -- I did not.

Did you take part in any of the arrangements for the workshop? -- No.

As far as you know, did the UDF itself have anything to do with that workshop? -- No.

Paragraph 24 deals with a workshop on conscription (20) alleged to have taken place on 15 July 1984. Did you attend that workshop? -- No.

Did you take part in the planning of the workshop? -- No.

Do you have any personal knowledge of what may or may not have been said at that workshop? -- I do not.

Paragraph 25 - the reason I do not have a date is because in the indictment the allegation is that the State does not know the date of the workshop. It is alleged to be a workshop of the Western Cape Regional Council dealing with training of activists. Were you present at any such workshop? -- I was (30)
not/...

not.

Would you have taken part personally in the planning of such a workshop? -- No.

Do you personally have any knowledge of such a workshop? -- I have got no personal knowledge.

In paragraph 26 it is alleged that on 21 October there was a training course presented by the Northern Cape Regional Council at Kimberley. -- I missed the date?

21 October 1984. Did you attend that workshop? -- I was in jail, in detention. (10)

Did you take part in the planning of such a workshop? -- I did not.

Do you have any personal knowledge of what might of might not have been said at the workshop? -- I do not have.

Paragraph 27 deals with the workshop alleged to have taken place on 4 November 1984. It is described as a training course by activists on 4 November 1984 at Johannesburg. Were you still in detention? -- That is so.

Did you have any part in the planning of that workshop? -- No. (20)

Do you know anything about it? -- I do not know.

Paragraph 28 deals with the training course which is alleged having been held at Dube on 18 November 1984. Were you still in detention? -- That is so.

Would you have had any part in the planning of that workshop? -- No.

Do you know anything about it of your own knowledge? -- I do not.

Paragraph 29 of the indictment deals with a training course which is alleged to have been given on 22 December (30)

1984/...

1984 at Kagiso. Were you still in detention? -- No, no, I was a free man at that stage.

Did you attend the Kagiso workshop? -- I did not.

Did you take any part in the planning of the Kagiso workshop? -- I did not.

Of your own knowledge, do you know anything about what may or may not have been said there? -- I have got no knowledge.

I think you told us that you were the co-secretary of the Transvaal region of the UDF? -- That is so. (10)

Are you able to recollect approximately when you took up that position? -- My recollection is that I was elected on 6 August 1983.

And you were elected as the national secretary at the launch which was held on 20 August? -- Yes.

Did you continue to hold office as co-secretary of the Transvaal after your new appointment? -- I ceased to hold office of Transvaal secretary on my election into the NEC.

So, you were really secretary for a couple of weeks? -- That is so. (20)

You also mentioned to us that you were elected to the Committee of Ten of the Soweto Civic Association? -- That is correct.

And I think you told us that - was that in December 1982? -- That is so.

Were you able to devote much time to the affairs of the Soweto Civic Association? -- After I was elected national general secretary of the UDF, it became almost impossible for me to do anything in the Soweto Civic Association. My time was devoted to the activities of the national UDF. (30)

In/...

In fact there was a talk within the Committee of Ten of the possibility of relieving me of my participation in that committee. I could not attend meetings of the Committee of Ten.

For how long were you elected to the offices of member of the Committee of Ten? -- I was elected in 1982. I ceased to be a member in 1984. I think when they held the last conference. I do not know whether it was October or November 1984. I was in detention when the conference was held.

ASSESSOR (MR KRUGEL) : Is that now the Committee of Ten?(10)
-- That is so.

MR CHASKALSON : I would like to deal now with the relationship between the UDF and certain media groups. We know from admissions that have been made that there were certain media groups which affiliated to some of the regions of the UDF. Were you aware of that? -- I was aware.

In relation to what may have been published by these newspapers, are you able to tell us the relationship between the individual newspapers at the UDF. I want to deal with it on a general basis for the moment. -- The UDF had not(20) no control over those newspapers. It was not part of the editorial committees of those newspapers. They remained essentially an independent project with their own editorial policies.

COURT : To which newspapers are you referring? -- I assume counsel is referring to newspapers like the Saspo National, The Eye, Speak, Grassroots.

MR CHASKALSON : In accordance with the principle of the autonomy of the affiliates, would the UDF have been entitled to tell these newspapers what to publish and what not to (30)
publish/...

publish? -- That would be contrary to the policy. However, the UDF could negotiate and ask them to publish a particular statement of the UDF. I think really more or less the whole procedure would be more or less the same as the procedure followed with the commercial press. It would be a subject of negotiation.

You mean the same way as you can issue a press statement to the commercial press, you could issue it to an affiliate? -- That is so.

And you could place feature articles in affiliates' (10) magazines if you wanted to? -- That is so. We would ask them for instance when they UDF were - when the UDF wanted to focus on the say may be the elections for the tri-cameral parliament, the UDF could go and ask if they would be willing to write - to give focus to that issue.

Did these newspapers remain affiliates of the UDF? -- My recollection is that they remained up to - they ceased to be in June or July 1984.

We have an admission in regard to that. So, we need not trouble you with the date. (20)

COURT : Why did they cease to be affiliates? -- There was a feeling from both sides, from the side of the newspapers that they wanted to be broad enough to cover issues that did not concern the UDF only and if they were associating too closely with the UDF they might find it difficult to get news from other organisations which were not part of the UDF and that would work against their own interest. They chose that they wanted to be outside the UDF. And similarly, from the side of the UDF a feeling was that it was perhaps not proper to have small groupings like newspapers or service (30) organisations/...

organisations as affiliates.

MR CHASKALSON : Did the - there is a publication known as UDF News. What is that? -- That is sort of a newspaper of the United Democratic Front.

Who is responsible for the publication of that particular newspaper? Perhaps you could tell us. You say it is a newspaper of the United Democratic Front. Who is responsible for having it published? -- I am not sure if I understand the question. Whether there is a specific person responsible for publicity or whether the UDF pays for the production (10) of ... (Court intervenes)

COURT : Well, does it contain the official views of the UDF? -- There are instances where it contains the official views of the UDF when there is a statement from UDF National, but on issues that relate to the happenings generally in regions or at local level, those are not UDF views. The committee, the media committee that collects the news, gets news from any quarter that has got news that could be reported. From time to time when the national executive issues its own statement, it is discussed at the NEC and it is sent to all (20) the regions of the UDF.

Let me put it in this way. Is the editorial policy controlled by the UDF? -- The UDF has got no control over the editorial policy.

Why is it called UDF News then? -- Well, in the sense that it is a UDF publication. From time to time it is the UDF that pays for it and at the head of that is the national publicity secretary. In fact, he is not a media committee - I am not sure whether it is called the editorial board.

MR CHASKALSON : Is there a media committee? You mentioned (30) the/...

the media committee. -- Yes.

Perhaps we should get more details from - you say accused no. 20 will be able to deal specifically with the details? -- He will be able to deal specifically with the details.

COURT : Let us just get clarity now. At the head of the UDF News is the publicity secretary of the UDF? -- That is correct.

MR CHASKALSON : I would like to have placed in front of you EXHIBIT AL103. Is that a poster saying "Do not vote in (10) apartheid elections." Is that the one that you have in front of you? -- That is correct.

Do you know this poster? -- I do.

What was it prepared for? -- This poster was prepared for the campaign to boycott the elections for the tri-cameral parliament, the elections for the Coloured and Indian members which were due to take place in August 1984.

There has been some evidence that it was used - that this was a pamphlet which was displayed in 1983 in November at the time of the elections for the Black Local Authorities. Can you comment on that? -- At that time this poster was not there. It simply did not exist at that stage.

COURT : Who is J. de Vries? -- J. de Vries was the regional publicity - Jonas de Vries, he was the publicity secretary of the Western Cape region of the UDF.

MR CHASKALSON : It is recorded in one of the minutes that a decision was taken at the National Executive Council that the minutes of the NEC should be made available to regional councils and that regional councils should exchange minutes of meetings with each other and presumably with the NEC as (30)

well/...

well. Can you recollect such a decision having been taken?

-- I do.

Can you tell us how it worked out in practice as far as you personally were concerned? -- That decision was not accepted by the regions. It never materialised.

When you say it was not accepted by the regions, what do you mean? -- When the NEC discusses a matter, it has got to send it back to the regions to discuss it. The regions in question felt that there was no need for them to send their minutes to other regions as those minutes contained (10) matters of a regional nature. And they were giving reports to the NEC when it was necessary.

I would like to raise with you the issue which does appear in the minutes which concerns a debate within the UDF concerning the nature of a front. Was this a subject which was debated within the UDF National Executive Committee? -- That is so.

Can you remember whether persons were asked to - who was the first person who was asked to go into this matter on behalf of the ... (Court intervenes) (20)

COURT : Do we have a reference to the minutes?

MR CHASKALSON : It is referred to in the - I have notes that it is referred to in EXHIBIT D1 at page 2 in paragraph 5 - there are several. E1 at page 2 paragraph 5.1.3; in G1 at page 2 paragraph 4.3 and then in H1 at page 2 paragraph 4.1.3, but I was hoping it would not be necessary to go in detail through all the minutes.

COURT : I do not want you to go through it, only what the reference is.

MR CHASKALSON : Who was the first person who was asked (30)

to/...

to go into this on behalf of the National Executive Committee? -- It was Eunice Mohammed who was the Natal UDF regional secretary.

Did he ever make a report on the subject to the UDF?

-- He did.

Was his report adopted by the UDF? -- It was not adopted.

Following that, were there further discussions? -- There had been discussions cropping up from time to time.

Was somebody else then requested to undertake an investigation on behalf of the UDF? -- That is so. (10)

Who was that? -- It was Steve Twhete who was then the president of the border region of the UDF.

Did Mr Twhete - a document has been produced in evidence which is EXHIBIT C4. I wonder if that document could be placed in front of you. Is that a paper dealing with a united front by Mr Twhete? Is it a document headed "The United Democratic Front in the struggle for national democracy"? -- That is so.

And does it deal if you look at paragraph 2 you will see it deals with the question "The front"? -- I do see it. (20)

Paragraph 3 says or deals with the subject of democracy within the front? -- I have that.

Paragraph 4 deals with the transformation of the UDF and paragraph 5 the UDF and the Freedom Charter. Were you present at a meeting at which this exhibit was discussed? -- I was not.

Do you know whether it was discussed by the National Executive Committee? -- I have been informed that it was rejected by the National Executive Committee.

Where were you when this paper was discussed? -- I (30)

was/...

was in detention.

To your knowledge, did this paper ever become policy of the United Democratic Front? -- It never became policy to my personal knowledge.

I would like EXHIBIT F to be placed in front of you. Would you please turn to paragraph 5.8. This is the minutes of a meeting of the National Executive of the UDF held on 21 and 22 January 1984. -- That is so.

Paragraph 5.8 under the heading "Constitution" records this "The treasury department was asked to draft a con- (10) stitution for presentation at the following NEC meeting. It was stated that a new constitution must not depart from the spirit of the working principles." Can you explain that to His Lordship, what this was about? -- There had previously been problems in respect of what the UDF could or could not do. One of these problems related to legal proceedings when the UDF had to make an application to the Court. The constitution was not providing for that. The working principles did not provide for that and from time to time a resolution had to be circulated and be signed (20) by national executive members and that was a tedious process. A lot of time was lost in that process. So, one of the things - it was on that basis amongst others that the suggestion was made that the constitution be amended, but there had also been a request from the national treasurer who felt that the constitution did not deal enough with the functions of the treasurers. They wanted it to be tightened up a bit, to be more explicit on their functions. So, I think it was in that context that the issue of amendment to the constitution was raised. (30)

Could/...

Could you then please look at EXHIBIT G1. Paragraph 4.1 under the heading "Constitution. It is recorded it was agreed that a copy of the draft constitution in the hands of the treasury be made available to all NEC members for perusal as from 1 June 1984." Do you know whether a draft constitution was prepared? -- It was.

And was that to which this item refers? -- That is correct.

Could you then please refer to EXHIBIT H1. Paragraph 16 under the heading "Constitution. The legal opinion (10) indicates that the draft constitution departed from the original spirit of a front. That the Western Cape region must circulate proposals in this respect for all regions." Are you able to tell us what the problem was there? -- I would try and give the essence.

I do not want the detail, what was meant by "departed from the original spirit of a front"? -- The draft constitution was formulated such that it gave too much control to the National Executive of the UDF on other structures and that would have been contrary to the spirit of the (20) autonomy of affiliates and regional formations of the UDF. That is one of the things that I remember as I stand here.

It says "The Western Cape was now mandated to circulate proposals." Is that referred to in EXHIBIT H? -- That is correct, it is referred to here.

Do you know whether any communication subsequently took place with the regions in regard to this issue? -- It did.

What happened? Perhaps - I found the document I was looking for. If EXHIBIT A could be placed in front of you. (30)

Do/...

Do you have A1(iii)? There is a circular to all regions?

Is that dated 1 October 1984? -- That is so.

It is a circular which goes out - it bears your signature, does it? -- It does.

It is directed to all regions headed "Amendments to working principles. Comrade secretary. At the NEC meeting held in Pretoria on 21, 22 January 1984 a number of weaknesses in the working principles (appendix A) were pointed out. Comrade Cassim Saloojee was mandated to prepare a draft amendment (appendix B) which was circulated in June. Subse-(10) quently an attorney in the Western Cape was approached and his feeling was that the draft constitution (appendix B) was too detailed and that elementary amendments to working principle as as per appendix C would be adequate. This matter should be finalised at the next NEC. I realise that discussions on matters like constitution amendments are normally cumbersome but possibly some shorter methods could be arrived at." The annexed to this is Appendix A and Appendix B and then there is also a reason which is not clear in my bundle. After Appendix B there is a document (20) headed draft constitution which appears as a separate document. What I would like to ask you, if you could go back to your circular. Your circular says that Appendix A would be the working principles. Would you look in the Appendix A in the bundle before you. That seems to be the working principles which have previously been identified. -- That is correct.

Then Appendix B is referred to as a draft amendment. It is headed constitution. "The name of the organisation shall be the United Democratic Front." Are you able to (30) say/...

say whether or not the document in your bundle under the title Appendix B is the document which is annexed to the circular which was sent to the regions? Would that have been the amended constitution which was to be sent to the regions? -- That is so.

Then there is a document in my bundle which comes between - would you then go to a document which has a heading "Appendix C." Do you have that? -- I have.

It says "Memorandum. Constitution of the United Democratic Front" and then is set out the document which follows. (10) Do you know whether or not that was a document which was sent under cover of your letter as Appendix C? -- That is correct.

Then there is another document which is included in the same bundle called "Draft constitution." In my papers it is between Appendix B and Appendix C and is headed "Draft Constitution. The name of the organisation shall be the United Democratif Front Transvaal region (UDF)." Do you have that? -- I do.

Do you know - would that have been circulated, it is (20) not referred to under the circular to all regions. I just want to know whether you are able to tell us whether or not it was sent to all regions with these documents or whether it should not be in the bundle under this place? -- It was not part of the package.

Was a new set of working principles ultimately adopted at the National Executive Committee meeting or at a National General Council in April 1985? -- That is so.

Your Lordship will find that - it is part of EXHIBIT C102. I think you told us that you were arrested - how (30)

soon/...

soon after the holding of that General Council meeting were you arrested? -- Two weeks later.

So for practical purposes while you were discharging your functions as national secretary, the provisions of the working principles reflected in EXHIBIT A which have been the constitutional document of the United Democratic Front? -- That is so.

K821 You were asked yesterday about documents when you mentioned bogus circulars. I would like to put a document in front of you. There is some handwriting at the top. (10) I want you to tell me whose handwriting that is? -- It is my handwriting.

I would then My Lord like to hand in this document as an exhibit.

COURT : It will be DA28. It is headed "Documents adopted by the central committee of the South African Communist Party September 1983."

MR CHASKALSON : What is that note that you have made? How does it read? -- It is "Fake pamphlet distributed in Johannesburg" and then it gives the date on which it is distributed. I think it was 28 January 1984. (20)

Was this in fact - the pamphlet bears a logo of the United Democratic Front. -- That is so.

Was it in fact a pamphlet issued by the United Democratic Front? -- It was not. That is why I have those notes there.

Was this a matter of some concern to the United Democratic Front? -- May counsel repeat the question?

Did you not hear me? Was it a matter of any concern?

COURT : This document is not complete. It consists of two pages or more. (30)

MR CHASKALSON/...

MR CHASKALSON : Do you know whether there is any other page - do you have any other page attached to that document? -- My recollection is that it was printed on both sides or it had two pages, but it was quite longer than this.

Do you know where the original is now? You personally, do you know where it is? -- I am not sure, but I gave some originals to the newspaper people.

COURT : Where does this come from?

MR CHASKALSON : I am informed that it was obtained from a journalist who had only this copy in his possession. (10)

COURT : Well, could we have the copy that he has in his possession to see whether it has got two sides or one?

MR CHASKALSON : We will make further enquiries.

COURT : We cannot go on on this basis. I will not accept it at this stage. You can hand it in later. This is half a document.

MR CHASKALSON : We will come back to it after we had made some enquiries about it.

COURT : In the meantime we will delete it as an exhibit.

MR CHASKALSON : Without putting in the exhibit, did it come (20) to your attention - you mentioned the pamphlets. Perhaps you could tell us what was happening? Were there pamphlets which were issued under the logo of UDF which were in fact not UF pamphlets? -- That is so.

Did the UDF make any statements about this? -- That is correct.

What did the UDF do when it came to its notice that there were fake pamphlets? -- It responded immediately by denying that it was its pamphlet and it also sought legal opinion on these matters but there was also one occasion where (30)

the/...

the regions of the UDF and all their affiliates were asked to respond to the fake pamphlets by publishing their own pamphlets stating the position of the UDF in respect of the allegations which were made in the pamphlets, in the fake pamphlets.

Did these pamphlets which were being issued resemble the UDF pamphlets? -- That is so.

Would an ordinary person in the street who did not know or could an ordinary person in the street who did not know the truth be brought under the belief that they had been (10) issued by the UDF? -- That is so.

Looking at some notes of questions which were asked you yesterday, it is not clear to me whether I asked you or not whether you yourself had any knowledge that a march was scheduled for 3 September in the Vaal Triangle? -- I did not have knowledge. I got to know the following day.

As far as you know, was the UDF consulted in any way in connection with the arrangements for or the holding of this march on 3 September? -- I know of no such consultation. (20)

When the case started there were 22 accused persons. Are you able to tell us how many of those persons you knew before the case started? How many of the people whom you have been with for the last two and a half years did you actually know before this case started? -- I need a bit clarity, which this now means having seen before or I had been introduced to them and that I had been meeting regularly with them or something like that.

Perhaps you should tell us whether you had been introduced to them before or how well you knew each of them? (30)

I/...

-- I knew - I think I should start from the end of the row.

COURT : Are you going to start at 22 or at 1? -- May be I should start with the immediately close to me people who were my colleagues in the UDF. It is common cause that I knew them.

That is now no. 22, no. 20 - no, no. 21.

MR CHASKALSON : Perhaps you should mention names. -- I knew Mr Lekota, Mr Chikane.

Did you know Mr Ratsomo at all?

COURT : Just give us the numbers. (10)

MR CHASKALSON : Mr Ratsomo who is accused no. 22? -- Yes, I did come to know him.

Where did you meet him? -- I met him for the first time on 18 September 1983.

Was then when you were at the Vaal? -- That is correct.

Would you just go down the row and say whom you had met, giving their name and their number and how you - when you had met them. -- Then I had known Mr Manthata, accused no. 16.

COURT : Are you jumping now the rest? No. 17? -- I do not (20) know him.

Are you just giving the people you knew? -- Yes.

Yes. no. 16. -- No. 16. I had known him for a fairly long time.. He was the secretary of the SCA. Then I met - I knew no. 3.

MR CHASKALSON : Had he been a priest in Soweto at some stage? -- That is so.

Yes? -- That is all as far as I can remember.

COURT : And those that were discharged?

ASSESSOR (MR KRUGEL) : Mr More, Mr Vilakazi, Mr Malindi? (30)

I/...

-- I had known Mr Vilakazi.

That was no. 18, was it? -- No. 18. I used to see him in town. He was working for SACHED.

MR CHASKALSON : South African Council for Higher Education?

-- That is correct.

Was it in that connection that you had met him? -- That is so.

My Lord, I think that we have covered all that we intend to cover. It is 12h55 and perhaps we should just check that there are not one or two things which we would like to put. (10) There is one matter that I would like to raise with you. I do not think there will be any further questions to put to Mr Molefe. If there should be one or two minor questions, would Your Lordship have any objection to those being put by someone other than me on Monday?

COURT : No difficulty.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 10 AUGUST 1987.