

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

ASS

SAAKNOMMER: CC 482/85

PRETORIA
1987-08-10

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:

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COURT RESUMES ON 10 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

MR BIZOS : All the accused are before Your Lordship this morning. However, Mr Matlole, accused no. 17, as Your Lordship knows is under the care of medical practitioners in Johannesburg at the hospital and he has to report tomorrow for a routine check-up. Would Your Lordship grant him leave of absence for tomorrow.

COURT : Yes, permission is granted.

MR BIZOS : Your Lordship will recall that My Learned (10) Friend, Mr Chaskalson, indicated to Your Lordship that there may be one or two questions that we may want to ask. There is one topic which we had not yet asked any questions on and with Your Lordship's leave I would like to continue with that.

COURT : Certainly.

FURTHER EXAMINATION BY MR BIZOS ; Mr Molefe, there is an allegation that AZAPO was in conspiracy with the UDF and the other organisations to overthrow the State by violence and do a number of other unlawful things. You are aware of that allegation? -- That is so. (20)

What do you say to that allegation? -- The allegation is without truth.

You personally, when involved with the formation of the UDF, what was your state of mind in relation to the participation of AZAPO in the UDF? -- Well, from the outset really, when we set up the United Democratic Front, we sought to bring into its ranks as many organisations as possible and AZAPO was one such organisation that the UDF sought to pull into its own ranks. To that extent there had been a number of discussions with AZAPO but those discussions yielded (30)

no/...

no results in the sense of bringing them into the ranks of the UDF.

I want to deal with the relationship between the UDF and AZAPO at the level which you operated as the general secretary of the UDF during 1984. Did AZAPO have its national conference in January 1984? -- That is so, about that time.

Was the UDF invited to attend the conference on any basis, whether as observers or participants? -- I recollecting is that the UDF per se as a front was not invited to that conference. However, invitations were extended to its affiliates.(10)

Do you know where this conference was? -- My recollection was that it was somewhere in Lenasia.

Did you yourself attend that conference? -- I did not attend.

Do you know from reports received in the ordinary course of your duties whether any of the UDF affiliates attended the conference? -- I did receive a report to the effect that members of the Transvaal Indian Congress attended that conference. I cannot remember of other affiliates were present, but I recall specifically that the Transvaal Indian Congress(20) delegates did attend that conference.

Did they stay until the end of the conference? -- They did not stay until the end of the conference. At that conference the leaders of AZAPO in their speeches ... (Court intervenes)

COURT : If you were not there, how far can you go giving us this information? -- Well, I am basing it on the reports that I got and what became public knowledge subsequent to that.

How public is the public knowledge, Mr Bizos?

MR BIZOS : There was newspaper publicity about it and I (30)
would/...

would submit with respect that once the State alleges a conspiracy, what happened at the conference and was reported to the general secretary is admissible, although hearsay, to negative the allegation of a conspiracy.

COURT : If in the normal course of duties it was reported?

MR BIZOS : Yes, this is what the evidence of the witness has been, that I specifically led him on that whether in his capacity as secretary he - any report was made to him about what happened at that conference.

COURT : Very well. (10)

MR BIZOS : You were about to say that the leaders of AZAPO at the conference in their speeches did what? -- They launched blistering attacks on the United Democratic Front calling it all sorts of names. One of the names which I had heard for the first time was that the UDF was a labelled a potpourri of organisations, just a mixture of organisations, just like a pot mixed where someone mixed all sorts of vegetables, meat and everything in one pot. That is how it was described by the general secretary of AZAPO. He was reported to have said that. (20)

You have already told us that there was publicity of these speeches and what they said about the UDF. -- That is correct.

The commemoration service of the people - I beg your pardon. Before I go to March. Did the delegates of the affiliates that you know to have been present stay on as a result of the speech? -- They walked out of the conference as a result of these attacks.

Coming to March, the commemoration service of those who died in Sharpeville on 21 March 1960 ... (Court (30)

intervenes/...

intervenes)

COURT : This was now in 1980?

MR BIZOS : 4. We are dealing with 1984. Was there any attempt by the UDF to have a joint commemoration service for the people who died at Sharpeville? -- There was no attempt from the side of the UDF. An invitation letter was received by the UDF from AZAPO to the effect that they were inviting the UDF and to participate in the Sharpeville commemorative services that they had organised in the Transvaal and in the light thereof of what had happened, in the light of the (10) past experiences, one being the experience in Lenasia and other public attacks that AZAPO had been launching against the UDF, when the matter was placed before the National Secretariate of the UDF it was rejected out of hand by the delegates from Transvaal and the secretariate felt that if Transvaal UDF was not prepared to accept the matter, it could not do anything about it but to refer it back to the Transvaal for further discussions and the Transvaal rejected that invitation.

What was the relationship in June 1984, the commemmo-(20) ration service of 16 June of the people who died in Soweto on 16 June 1976? -- The relationship had not been improved between AZAPO and the UDF at that stage. There had been those attacks and so on. By June both organisations wanted to hold commemoration services at the Regina Mundi, but not jointly. Each one of them would go to the venue. None of them wanted to co-operate with each other on holding that commemoration together. A situation had developed where it was difficult to go ahead with that service because it was clear that confrontation was likely to take place. (30)

As/...

As a result of that, myself and Frank Chikane asked the organisation of priests, Ministers United or Christian Co-Responsibility to intervene and the ministers then decided to take over the service, but they took it over on the basis that they would - the whole thing would be under their control, they would have the lactitude to invite whoever they wanted to invite to participate at that meeting. They contended that on an issue such as the commemmoration of June, 16, the day that was very important to the Black community, the Black community could not afford bickering amongst themselves. (10)

The allegation in the indictment as amplified by the Further Particulars is that there was this conspiracy presumably secret agreement between the UDF, AZAPO and other organisations to commit the unlawful acts that are set out in the indictment and they say that it was at high level in the further particulars. You were the general secretary of the UDF during 1983 and 1984, a portion of 1985, do you know of any such secret agreement or any understanding between the UDF and AZAPO? -- No secret agreement took place between AZAPO and the UDF and the policy of the UDF at all material(20) times has always been to advance its goals through a method of - a non-violent method. It has never thought to bring about change through violent means. For that reason the allegation is false.

We are indebted to Your Lordship for the opportunity to put these questions. We have no further questions of the witness.

CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, just on this last point. Did the UDF and AZAPO have discussions on working together on certain matters? -- There have been (30) discussions/...

discussions between the UDF and AZAPO.

Not about AZAPO joining the UDF, but working together on certain matters? -- There was an occasion when I personally invited the secretary of AZAPO to a memorial meeting. That was in 1983.

No, not to a meeting, but did you have discussions on working together on certain matters? -- Yes, I did receive a report of that.

Did you participate in discussions of working together with AZAPO on certain matters? -- I personally did not. (10)

Do you know of any agreement to work together on certain matters? -- I know it was reported in one of the minutes of Transvaal UDF that such an agreement was reached.

Can you tell the Court what agreement was reached between UDF and AZAPO on working together? -- As I understood it, it was left vaguely as it is in the minutes. There were no specific issues which were identified where AZAPO and the UDF would work together. It was left hanging as that. As I understood it, it was a matter that would be determined from time to time when the situation arose. There was (20) nothing specifically reported as to what issues really were to be taken up.

I suppose when they reached an agreement to work together on certain issues, it must have been reported to the NEC or the REC?

COURT : Do not refer to a NEC and a REC. The National Executive Committee or the N-E-C or the R-E-C.

MR JACOBS : To the N-E-C or the R-E-C or the UDF in general?

DISCUSSION REGARDING A COMPLAINT BY THE ACCUSED OF NOT BEING ABLE TO HEAR MR JACOBS. (30)

MR JACOBS/...

MR JACOBS : You say there was only a vague agreement to work together with AZAPO? -- That is how it was reported and how I saw it in the minutes. I do not know if anything more than that in terms of identifying the areas of co-operation was agreed upon. If I may comment on that point that I have just made. This kind of agreement must be understood against the spectrum of the problems that had been existing between AZAPO and the UDF. When the delegation that had gone to see AZAPO, reported what transpired at that meeting, they told a story of how they were ridiculed by members of AZAPO at (10) the office of AZAPO where senior members of the National Executive sat in another room peeping through the door from time to time laughing at our people who were talking to AZAPO and they were saying that they were not prepared to work with the UDF if it had organisations such as the Black Sash, NUSAS and so on. So that when finally it was reported that AZAPO was prepared to co-operate with the UDF provided that that did not conflict with the principles of AZAPO, it was understood by the UDF to be merely really political posturing in the sense that the principles of AZAPO essentially (20) meant that there should be no participation of Whites and the UDF could not compromise on that principle, because it forms part of its foundation or its vision of a new South Africa. It was really reported as vague as I have presented it to this Court. I am not in a position to say anything more than that, in respect of that report.

Who were the representatives of UDF who met AZAPO representatives? -- My recollection is that one of the people was their national treasurer Mr Cassim Saloojee. The other one was Eric Molobi. I am not certain if accused no. 21 (30) was/...

was also part of that delegation.

How many times did they meet the delegation from AZAPO?
-- I know of two instances. One was earlier the year during 1983, another one towards the end of the year 1983.

But the Black Sash was never a part of the UDF? It was never an affiliate of the UDF? -- In Natal it was. In the Transvaal it was sitting as an observer.

And who were the people from AZAPO that met the UDF delegation? -- I am informed that Keshwa Mthembu was present there. I am further informed that a certain Variawa. (10)

COURT : A certain? -- I do not know his first name.

So, it is not a certain Variawa, it is an uncertain Variawa? -- I think Your Lordship is correct.

And anybody else? -- I am not sure about the other people present. I was not there myself.

MR JACOBS : Were you present at the meeting where they reported back to the council, general council or NEC or the REC? Where did they report back? -- Before I answer this question, may I recur to the first answer again. That I understood that question to refer specifically to the (20) last meeting. I do not know what happened at the first meeting, who represented AZAPO at the first meeting. When I mentioned those names it was with specific regard to the meeting towards the end of 1983.

To which committee did they report back? To the NEC or REC? -- At this stage I am not sure if it was reported to the NEC as well, but I believe it was, but certainly it was reported to the Transvaal REC.

Were you present at the two meetings where that was reported? -- I am not certain if I was present, but as the (30)

secretary/...

secretary I was given a report apart from the formal meetings of those committees.

What did they report back? That there will be co-operation between the two organisations at certain levels or that there will be no co-operation? -- They reported that there was an agreement that there would be co-operation on certain areas, provided that that did not conflict with the principles of AZAPO.

And also it does not conflict with the principles of UDF as well I suppose? -- Well, I cannot recall anything (10) mentioned about the principles of the UDF. The UDF has always operated on the basis that organisations would be independent within their own umbrella. Perhaps of course insofar as its overall approach to the new constitution and the Koornhof bills are concerned, that would be the position, but I cannot remember that specifically mentioned.

And I suppose it was very important to know on what levels they will be working together, to identify the levels where they will be working together? -- For the NEC it has never really been that serious an issue. The NEC had (20) always thought to ensure that there is no unnecessary conflict between the UDF and other organisations, but the matter was really left to the Transvaal to handle and the way in which the matter was reported, it was understood simply as a way in which AZAPO was not prepared to co-operate with the UDF. It did not want to say so openly, but it put obstacles and undefined statements like, if it does not conflict with our principles.

The initiative went out from the UDF to get the assistance of AZAPO. I suppose it was important for the UDF to get (30)

the/...

the assistance of AZAPO on certain levels? -- To get the co-operation of AZAPO? It was important, but the UDF would not impose its will on organisations. Similarly, this has been the case with trade unions. Some of them had said we are prepared to support you, but there was no clarity as to what area they would support the UDF. Those matters that normally are left loosely and when the situation arose it is hoped that they could then be defined more clearly, they could be narrowed down to specifics.

But this was not left loosely. They sent out a delegation (10) specially to contact AZAPO and discuss with them levels of working together? -- That delegation as I understand it was not sent to define the levels of working together. It was sent to persuade AZAPO to co-operate with the UDF as to what specific levels that co-operation would express itself in. That would be a matter that would be worked out in the course of time. The UDF had not sat down to say we want them to do this, that, that. It was really understood in general terms that it would be part of the campaign against the new constitutional so on, but those specifics were arrived at. (20)

At least there is one level where they can work together and that is against the constitution? -- Yes, that is the specific issue that the UDF was really about amongst others.

So, did you agree with AZAPO to work together on the issue of the new constitution? -- No.

I suppose before you met the delegation from AZAPO you sent out letters to ask them to meet your people and to have discussions with you? -- I believe Transvaal office sent a letter, yes.

And the National office? -- No, the National office (30)

did/...

did not.

Was it not a matter for the National office to meet the National office of AZAPO to work together? -- That has not been the attitude of the UDF from the outset. The attitude of the UDF from the outset was that AZAPO did not exist in a number of regions. Therefore it was not necessary for the UDF to elavate the problem of AZAPO to national level. I remember specifically that at one of the NEC meetings, if my recollection is okay, it would have been at the first NEC meeting as set out in EXHIBIT G1 where the matter was (10) specifically referred to the Transvaal region to handle. It has always been handled by, the discussions between them have been handled by the Transvaal office.

We will come back to this. I will have the documents and then we can go further on it. Tell me, is it correct that the UDF is depicted under different names, inter alia as a democratic movement. Is it correct? -- Well, some people might have said that in their statement, but that has not been the name of the UDF. Generally, the organisations that are opposed to apartheid are regarded as the democratic(20) movement, those that are striving for democracy.

And the UDF propagated the UDF as a democratic movement inter alia yourself? -- Well, I might have mentioned that. I might have said so.

And it is an important part of the propaganda of the UDF so that the people must understand the UDF as a democratic movement? -- I know of no situation where the UDF sat down to say we must now propagate this, this is our propaganda and so on, it is a democratic movement. It is something that is generally understood that those organisations that are (30) democratic/...

democratic in character and pursue the goal of democracy, are regarded as the democratic movements.

And it is generally propagated as such? -- Well, the word generally is too broad. Some people would mention that. Others might not say so. So, that it would appear from time to time when other people are talking.

And is it also propagated as a liberation movement or a movement for national liberation or a broad national liberation movement? -- That is so.

So, that is also propagated and it is important for (10) the people to understand that it is a liberation movement then? -- I think the position is - I think I made a mistake there. The position is, the UDF regards itself as part of the struggle for liberation. It has - there might have been speakers who had referred to it as the liberation movement, but there are documents also of the UDF which state very clearly that it does not regard itself as a liberation movement. It is merely a loose front that is bringing together organisations. I think to the extent that it refers to the process of struggle towards change. In that context of (20) the abstract process of struggle towards change. It may well be that it is seen as part of the liberation movement and some people might say it is a liberation movement, but the UDF per se is a front, a loose front of organisations that does not seek to replace any of those organisations.

What do you mean by some people? I just want to get clarity on your answer. -- Well, members of the UDF, may be officials of the UDF or members of affiliates of the UDF. I cannot think of a specific person now.

And it is also propagated as a people's movement. (30)

Is/...

Is that correct? -- Yes, it is a front of the people, people's front.

And a people's movement? -- Some people might have said so.

Can you be more specific, the some people again are the people in the UDF? -- Well, in the UDF there might be some people who said so.

And if you say people in the UDF, to which people are you referring? Members of the affiliates or do you mean the leadership of the UDF? -- It might have come from both sides. (10)

You say it might have come from both sides. Is it not a fact that it came from both sides? -- Well, these little things are not the issue that the UDF has ever really sat down to concern itself with. There are terms which have been used for many, many years and I cannot today attempt to remember specifically that somebody at this point in time said the UDF is a liberation movement or the UDF is a people's movement. These are things that are thrown around. They are just part of the political language that is used in any organisation. (20)

And it is important for the people to understand it as such? -- Well, it is part of the history of the people.

And it is important for them to understand it as such? -- I have just said that the UDF has not sat down to look at these little things and talk about it. So, I cannot sit here and say it was considered to be important for people to accept it as such, but the point is that it is part of language. It is strewn around. That is how people understand it.

Do you agree that it is also depicted as a democratic movement to freedom? -- I believe it could have been said. (30)

And/...

And the UDF is also depicted as our movement for liberation from racism, oppression and exploitation? -- I would not preclude the possibility that that was mentioned in a UDF document or in some speeches somewhere.

And also that the people in the UDF are activists of a people's front? -- Yes.

That it is being depicted as a progressive movement? -- That is so.

I would like you to have a look at EXHIBIT C3. It seems to be a letter from the UDF dated 13 September 1984 and (10) written and signed by yourself, Popo Molefe, General Secretary? -- That is so.

That is a letter written to Steve, the president of the UDF Kingwilliamstown. -- That is correct.

Who is Steve? What is his surname? -- Steve Twete. His surname is Twete.

I want to read to you "Since its formation on 20 August 1983 throughout its national and regional formations the United Democratic Front has been grappling with the problem of developing a common understanding of front politics, (20) as well as a common approach at the level of tactics and strategy. Today, over twelve months later, this seemingly mammostaffed(?) remains unfulfilled. Experience of the past eight months at the national conference indicate very clearly the seriousness of this problem and the urgent need to resolve it. Besides, it does appear like the resolution of this problem hold for us best prospect of building the front into a powerful democratic movement with a well defined direction and program. The opposite can only spell doom for the young democratic movement." So, it is important to depict, as (30) you/...

you said self in your letter here best prospects of building the front into a powerful democratic movement. You used the words yourself? -- Yes, I have.

So, it is not only some people who might have done it. You yourself did it as well? -- That is so.

While we are at this point now, the next exhibit, EXHIBIT C4, is that the letter - the answer you received from Steve Twete?

COURT : Well, this is not an answer to a letter. It is a report. (10)

MR JACOBS : A report then.

COURT : The paper or whatever you want to call it.

MR JACOBS : The paper you asked him to work out. Is that the paper here? -- As I understand it, this is the paper.

So, in his answer in C4 at line 14 he also refers to the democratic movement of South Africa. That is on page 1 rule 14 - line 14. "Fortunately, for the democratic movement in South Africa there is nothing new in the allegations which are intended to drive us to the VTP stand where we should watch the march past of our forces of reaction." (20) That sentence.

COURT : What is a VTP stand? -- I cannot read it.

It looks like a V. What would it stand for? -- I do not understand. I cannot make out now what it stands for.

MR JACOBS : If it is VTP, we will get the original, we can see better on that one, but if it is VTP, what is VTP standing for? -- I am not certain as I stand here now.

Also EXHIBIT C7 in the same volume. The heading of that EXHIBIT C7 "The youth in the democratic movement." There the UDF is also referred to as a democratic movement. -- Firstly, (30) whose/...

whose paper is this? -

Well, it is a paper written by Lucille Meyer. Do you know her?

COURT : Do we know it was written by her? It was found in her possession.

MR JACOBS : Found in the possession of Lucille Meyer?

COURT : Do you know Lucille Meyer? -- I do.

Who is she? -- She was in the border region executive of the UDF and at the last NGC of the UDF she was elected onto the National Executive Committee of the UDF. (10)

MR JACOBS : So, also here it is referred to as a democratic movement. Is that correct?

ASSESSOR (MR KRUGEL) : Do you know this handwriting? -- I do not know it.

MR JACOBS : Have you read through this before today? -- I might have read through it, but I am not sure.

Will you accept that this paper, let us call it a paper, is referring to the UDF and strategies of the UDF? -- I would have to read if I were to arrive at that conclusion. I am not sure. (20)

I will give you a chance during the tea break if you want to read through it. I put it to you that that is a paper on the UDF and its plans of organising the youth to take part in the activities of UDF and the freedom struggle. Will you accept it like that? -- All I can say is that it is simply not the policy document of the UDF. It may be somebody who is a member of the UDF who might have written it, but I simply do not know, because I was not there when the paper was read. I hardly know where it was presented and whether it was presented in the form in which it has been placed (30)

before/...

before this Court.

But it is a paper written by a member of the UDF for purposes of the UDF? -- I have got no evidence that it was written by a member of the UDF.

Will you have a look at EXHIBIT C14. Will you accept that this is a document depicting the strategies and activities of the UDF? -- Which specific section is the learned counsel referring to?

The whole document? -- Well, it is difficult to say the whole document depicts the policies, the strategies (10) of the UDF.

If you will have a look at page 2 for instance the unity of the front, it is referring to unity of UDF, which tactics would best serve to enhance the democratic movement, which tactic would best disorganise the State operational objectives and this was also a document found in the offices of the UDF.

COURT : This document was found with Professor Mohammed. Well, I am corrected. Also in the UDF offices. -- I recognise this document as an input that was presented at the (20) PE conference of the UDF in 1983.

MR JACOBS : That input depicts the perception of the people in the UDF? What they understand of the struggle and so on? -- It really contains the ideas of an individual as to how he thinks the UDF should approach the issues. I think at that point in time the central issue was the pending referendum for the Coloured and Indian South Africans.

COURT : Who presented this document? -- It was presented by Eric Molobi.

MR JACOBS : And Eric Molobi, what position does he hold? (30)

He/...

-- He was the treasurer of UDF Transvaal at that time.

COURT : And where was it presented? -- At the conference of the UDF in Port Elizabeth.

MR JACOBS : At that conference he also depicted the UDF as a democratic movement. Look for instance at paragraph 2 "Picks the reins of a struggle endowed with a rich historical experience. A synoptic look at our history will reveal that our people through various campaigns have always engaged the enemy on many occasions. --May I be given the opportunity to read this whole section? I think, sometimes it is difficult(10) to take a word or two out of context and try go give a meaning to is.

COURT : Yes, certainly. -- (Witness reads paragraph)

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I believe, yes, he is referring to the UDF as a democratic movement, but I need to state here that I do not believe that he means the UDF exclusively. I think he refers to all legal organisations, lawful organisations that are opposed to apartheid and seek to establish a more just and equitable order on a democratic basis.

MR JACOBS : What other legal organisations are you refer-(20) ring to? -- At that time there was for instance the trade union movement that is regarded as part of the democratic movement. There was the South African Council of Churches which was regarded as part of the democratic movement. There was the Catholic Bishops' Conference. There were other organisations which were really not part of the UDF at that stage.

And all these other organisations, did they support the UDF that you mentioned now? -- May counsel explain exactly what he means? They have at one occasion or another sent(30)

a/...

a word of support and so on. But one would not imagine that they would support everything that the UDF was doing. Some of them might have had nothing to do with the UDF. Say for instance for an organisation like SAYCOS. It was not part of the UDF. It had been operating independently, although at some stage the UDF sought to establish some co-operation with it.

Did you succeed? -- At the time of my arrest it had not achieved that in practice.

Will you have a look at EXHIBIT C17 the second docu- (10) ment. There are two documents. The first part is a letter from United Democratic Front Border and the second document is - the heading is - for instance on page 1 the last paragraph "To enumerate a few of the obstacles placed in the way of the democratic movement, this area the following are worth noting." That is a United Democratic Front document from the border region. Is that correct? The heading is also United Democratic Front border regional, annual secretarial report. -- At the face value, yes.

What do you mean on face value? It is either a (20) United Democratic Front document or not? -- I have never seen the document before, but what is written here, obviously presents it as a UDF document. I cannot say with certainty that that is a UDF document.

COURT : Is there any reason for you to doubt that this is the annual secretarial report of the border region and if so, what is the reason? -- Well, I simply do not know. There have been many documents which are purported to have been UDF documents which turned out not to be UDF documents. All I am saying is that I personally had not seen this document (30)

before/...

before.

MR JACOBS : Did you not receive it at the UDF offices? --
I have not seen it before.

Because it was sent under this letter in front, EXHIBIT C17 the first document and it was sent to the Secretary, United Democratic Front, P.O. Box 10366, Johannesburg. It was also found in the UDF offices. -- The date on this document is 30 November 1984, a date on which I was in detention. I do not dispute the fact that it could have been sent to the office of the UDF. What I am saying is that I did not see (10) it before my arrest in this case, or on my release from detention and before my second arrest to stand trial on this matter.

COURT : Seeing that there is a covering letter sending this document to the offices of the UDF Johannesburg, it is your postbox number, is it not? 10366? -- That is correct.

And seeing that it purports to be the annual secretarial report and seeing that you were in detention, is there any reason for you to doubt that this is in fact the annual secretarial report of border region, in view of the fact that (20) it was found in your offices? -- All indications point to the fact that it might be the secretarial report. Indications point to that effect. I cannot dispute that.

MR JACOBS : When were you released? -- I was released on 10 December.

But this was - if you have a look at the first document of EXHIBIT C17 it was dated 30 November 1984. -- That is so.

And how long does it take for post from the border to reach you in Johannesburg? -- I would presume say about four days or so. I am not sure. About three days. (30)

So/...

So, when you were released, did you not find the reports and all the other documents just came in the last few days and did you not go through them and check them? -- Well, at that stage I might have gone through some documents, but at that stage there were really a lot of things happening at that same time and it was just before Christmas and it is possible that it could have been there. I did not see it.

And was this not important to you as the national secretary for the next meeting of the National Executive Committee of UDF to report back to the NEC about what was transpiring(10) in the regions and especially in the border region? -- Well, any knowledge, any information that was of important nature that required any report to the NEC would have been done. I would have reported about it, although of course when the NEC of the UDF met from time to time these reports were placed before the NEC. Regions reported directly there themselves. So, that it could have happened. If I had gone through it and there was something that necessitated, that was important for me to place before the NEC, I would have done so, but all I am saying is that I have not seen the (20) document. That is all I am saying.

I am putting to you that you must have seen this document because it was received in your offices only a few days prior or more or less prior to your release and it was addressed to you and it was necessary to report to the NEC about everything that happened in the regions, especially that annual report at the regions? -- Well, my point is that it did not come to my attention.

COURT : When was the next meeting of the NEC after this letter? -- That I knew of? (30)

That/...

That you attended? -- I did not attend any other NEC meeting.

After 30 November 1984 none? -- Yes, the last meeting of the NEC I attended was on 21 and 22 July 1984.

MR JACOBS : What meetings did you attend after your release? Executive or any UDF meetings, not mass meetings, but committee meetings? -- I think I attended the national secretariate - one national secretariate meeting and I have attended one or two Transvaal Executive Committee meetings.

If you attended a Transvaal Executive Meeting, did you (10) also hand in a report there of the happenings at other meetings, the meetings of other regions and the reports you received about that? -- If there was something specifically relevant to the Transvaal region, or something that the NEC felt the Transvaal region must pay attention to, I would report to them, but I was not under any obligation to report to the Transvaal UDF.

Do you agree also in this report on page 1 the last paragraph, that also refers to the democratic movement as UDF? -- Are we dealing with the second document? (20)

COURT : The second document of C17 and counsel is referring you to the last paragraph on page 1.

MR JACOBS : "To enumerate a few of the obstacles placed in the way of the democratic movement in the area, the following are worth noting." -- Yes, it is referred to in this document.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I would like to refer you again to EXHIBIT C7 on page 2 paragraph 2. (30)

COURT/...

COURT : Are we looking at C7 or C17?

MR JACOBS : C7. We have finished with C17. -- What page are we dealing with?

Page 2. The heading of that paragraph "Youth and Class." What is said here is "Much has been said and done to demonstrate the fact the youth constitute a very important section of the liberation movement" here it is liberation movement "without the involvement of the youth in the struggle. Nothing can really be achieved. They represent continuity in a protracted confrontation with the forces of reaction and in (10) recent times they have proved beyond doubt their preparedness to bring the dawn of the people South Africa nearer every hour." Do you agree that within the UDF the movement is also referred to as a liberation movement? -- I believe that that term has been used.

It is not a question of belief. Is it used in the UDF? -- Well, I have used it before.

And generally used in UDF? -- It is used. I do not know of generally, but it is used by a number of people from time to time. (20)

C10.

COURT : Just for practical purposes and for the record will you repeat the heading of these papers when you mention the numbers so that we know C10 is a document headed "In search of your national unity."

MR JACOBS : And then there stands "Libon Mabaso, a quest for true self determination." If you have a look at page 5 the last line "This paper was a joint effort by Libon Mabaso, Tom Manthata and Lebimang Sebedi." I can see that.

And the Tom Manthata referred to here is accused no. 16? (30)

He/...

-- He is Thomas Manthata.

So, accused no. 16 and Libon Mabaso, is he from AZAPO?--
That is correct.

And Sebedi? -- Sebedi was a member of the Committee of
Ten at some stage. He is an educationist.

Is he also a member of AZAPO? -- I do not know if he
is a member of AZAPO.

COURT : Is he in the AZAPO fold or in the UDF fold? -- I do
not know. He was - as I understood it, he was part of the
national forum effort. He has not been part of the UDF. (10)

And accused no. 16, where does he fall into the spectrum?
-- In the Black Consciousness.

In the Black Consciousness, no. 16? -- That is so.

MR JACOBS : Will you agree that in the Black Consciousness
fold they also refer to the broad of a liberation movement?
-- Before I answer that question, I think I should qualify
the answer I gave in respect of accused no. 16. When I say
that he is in the Black Consciousness, I mean that he is an
adherent of Black Consciousness philosophy, but I do not
know if he is a member of AZAPO. (20)

Will you have a look at page 5 of this document and
the first paragraph - I will read the second sentence. "At
best this forum sheet rise with renewed determination and
dedication to foster Black solidarity, group coalition and
unity within the liberation movement." Do you agree that
they also adhere to the liberation movement?

COURT : Do they use the term liberation movement for them-
selves?

MR JACOBS : For themselves as well. -- They do so. They call
themselves the liberation movement. (30)

C18/...

C18. The heading of this document C18 is "Some notes on the call for a national convention." It starts with the introduction "The UDF and its affiliates have just scored a huge victory." Would you agree that this document also depicts the policies of .. (Court intervenes)

COURT : Just a moment. We cannot just refer to documents in vacuo. Can you not put to the witness what this document is and then draw your conclusions from it?

MR JACOBS : I put it to you that this document refers to the stand of the UDF on the national convention. (10)

COURT : But what is the document? Where was it found? Was it a UDF document or is it an article by a journalist about the UDF on the National Convention? I want to know where this thing is going.

MR JACOBS : This document was found with Lucille Meyer again and this is a document depicting UDF strategy on the national convention? -- For me to determine whether the document talks about the UDF strategy on the question of the national convention, I will have to read the whole document, but what I can say immediately here is that I do not know this to be (20) a UDF document. I do not know it to be a policy document of the UDF. I had never seen it before. Before this trial. So, I cannot accept what is put to me unless I have read throughout this document.

Have a look at page 1 then ... (Court intervenes)

COURT : Well, if the witness wants an opportunity to look through the document, he needs an opportunity to look through the document. -- (Witness reads through document)

Mr Jacobs, we cannot waste this sort of time in this court. We have wasted enough time already. Next time (30)

you/...

you come across a document which the witness says he has not seen before this trial, I suggest you give him the number on a piece of paper and he can read it in his own good time and you can ask him the next day about the lot. We cannot go on this way.

MR JACOBS : As the Court pleases. -- This document is fairly long. I am afraid that I would be wasting the time of the Court, but from what I have read so far, my response is one that the document obviously refers to the call for a national convention, which call the UDF has made itself, but there (10) are organisations which made the same call of course. It also contains some of the conditions that the UDF preferred to had had adopted, but it certainly also contains some of the things which are not in line with the attitude of the UDF to the issue of the national convention. So, that one cannot simply take this document and say it represents UDF policy. Firstly, it is not a UDF document. Secondly, certain of its contents are inconsistent with the approach of the UDF to the issue of the national convention, but as I have stated, I have not read the whole document. (20)

So, we will leave it until you had a chance of reading through it. Will you make a note of this number and then we will come back to it. As far as you have read it, is it about the activities of the UDF? And the strategy of the ... (Court intervenes)

COURT : You can ask him that question tomorrow.

MR JACOBS : I would like you to have a look at the next document. It is EXHIBIT C41(v). That is a letter or a memorandum headed "To all secretaries from head office, dated 13 February 1985. Subject: International Youth (30) Year"/...

Year". This is a circular or a memorandum signed by you.

COURT : Let us just get on record then that the date is 12 February 1985.

MR JACOBS : 13 February. "To all secretaries from head office, date 13 February 1985." It is under the letterhead of UDF National and as you said it was signed by you yourself. -- That is correct.

Here you refer in the last paragraph to UDF as the broad movement "But important is the fact that we have already started buildig the UDF as a vehicle to advance our struggle.(10) The youth organisations in their campaigns, especially the IYY." That stands for International Youth Year. Is that correct? -- I am not aware what paragraph we are reading.

The last paragraph on page 1 of C41(v), that you as the national secretary of the UDF referred to the UDF as a broad movement. -- That is so.

And IYY, that stands fro International Youth Year? -- That is correct.

I would like you to have a look at EXHIBIT A1 next and I would you to have a look at page 46, the typed page num-(20) bering. On the top of the page there stands Allan Boesak and a photograph of Allan Boesak. Is it correct? -- That is so.

And this is a speech delivered by him at the launch of the UDF? -- That is correct.

That is on 20 August 1983? -- That is so.

Will you have a look at the first paragraph at the end. The sentences starts "Indeed I believe we are standing at the birth of what could become the greatest and most significant's people movement in more than one quarter of a century." -- I see that.

(30)

Mr Boesak/...

Mr Boesak is a patron of the UDF? -- That is so.

And it is here referred to the UDF as a people's movement?
-- In this context, yest.

And in EXHIBIT C79, the heading of this document is "To UDF National head office from UDF Western Cape region. Publicity and Media." The other heading is "UDF Video Project." This was found at the Transvaal Indian Congress's offices in Johannesburg, but it is a UDF document. Do you accept that? -- At face value it was issued by the UDF Cape Western region. (10)

Will you have a look at page 2 paragraph 4. "UDF is laying the basis for a fully fledged people's movement to emerge. Popular struggles taking shape invariably situated within the broad UDF context. Vaal Triangle and other examples of popular mass struggle." So, also between the leadership of UDF it is also referred to as a people's movement? -- Well, there are leaders of the UDF who say so, but I think it must be clear that I am not saying that this document was produced by any leader of the UDF. I do not know this document. (20)

Well, if it is from the Western Cape region, who will send out the papers under the name of the UDF Western Cape region? -- One would expect that it would have come from the regional executive, may be the regional secretaries, but also says "publicity and media". I do not know who was sitting in that publicity and media. As I say I do not know the document.

But if it says it was from UDF Western Cape region, then it must be from the executives? -- I made the point very clear that one cannot simply look at a document and (30)

say/...

say because this document says it comes from this organisation, it therefore comes from that. There have been documents issued in the name of the UDF which were found to be false documents which the UDF did not know about. Similarly with AZAPO. There had been documents which claim to have been by us, which later were found out not to be a AZAPO document. It is true at the face value when a person looks at this, a person might conclude that it comes from the UDF Western Cape region and therefore that the leadership or whoever is responsible in the relevant position would have(10) issued the document, but I cannot take a definite position here and say it indeed it came from the UDF Western Cape region.

Will you say that this document is a false document?

-- I simply do not know. I do not know the document. I saw it for the first time in this case as an exhibit.

Paragraph 4. Is it a correct statement here of the policy of the UDF? -- Once more I think it is difficult for me to just take this sentence in isolation. I have to understand in what context this was said. (20)

COURT : It is not a long document. Read through it. --
(Witness reads through document) May I have the question repeated?

Yes, the question was, paragraph 4 on page 2, is that a correct statement of the policy of the UDF? -- I have a difficulty with that kind of a question. Firstly, the document is not a UDF policy document and as I read this point here, it really refers to two different things. At one level it talks about the perception of the writer of this document as to what the UDF is, where he says that the UDF is laying(30)
the/...

the basis for a fully fledged movement to emerge. I have got no qualms with that. But I have obviously difficulty, I have difficulties with popular struggles taking shape invariably situated with the broad UDF context. When struggles take place, there are a lot of difficulties that you cannot attempt to say that all those struggles fall within the UDF. It also refers to the example of the Vaal Triangle here as a popular mass struggle and I see it referring to it as a separate issue. It does not say that it is a UDF struggle or whatever. I have a difficulty in(10) joining all these things together and saying this is a UDF policy.

MR JACOBS : Do you agree it is according to UDF policy to refer to the UDF as the people's movement in the first line? -- Well, I do not know if there is a specific policy in that regard, but we do refer to it. We have got no qualms with that in the UDF.

Do you regard it as a people's movement in the UDF? -- Yes, in a sense it is.

I do not know what do you mean by in a sense? -- What(20) I mean is that when we talk about a people's movement, we are really talking about either a broad umbrella organisation to which a lot of organisations come together and these organisations which represent popular interests or aspirations of the people, organisations formed by the people, controlled by the people themselves, but it may also of course refer to a number of tendencies which have emerged, a number of philosophies to which different organisations subscribe to. All of them opposed to the policies of apartheid and these might be separate. For instance, we (30) have/...

have just referred to AZAPO calling itself the liberation movement. It would call itself a people's movement. Similarly, the national forum would say that. So, would the National Non-European Unity Movement. So would an organisation that the other time I could not remember what the acronym was for. the African People's Democratic Union of South Africa. APDUSA. All those groupings there, each of them would call itself a movement, a people's movement. In some instances they would refer to all those organisations, all those tendencies combined, they would refer to that as a liberation(10) movement or a people's movement. So, this is really a terminology that is used generally in these organisations. It has been there for many years in these communities. I believe if we were to get documents produced by various tendencies we would no doubt find some of these statements.

But the question is not about the other organisations now. The question is about the UDF itself. Does UDF itself regard and propagate itself as a people's movement? -- That is so.

ASSESSOR (MR KRUGEL) : While we are on the question of (20) acronyms. Do you know what CVRA stands for? It is on the second page of this document? -- I do not know. I might have seen it before, but it never occurred to me what exactly it was. I do not know. I assume it is a video project or something.

MR JACOBS : I just want to make it clear. What is your objection to the part in this paragraph "The Vaal Triangle and other examples of popular mass struggle"? -- My objection was that it was suggested to me that that is UDF policy, but as I understand it here, somebody is thinking of making(30) a video/...

a video, making a film and this person says "I feel that the video film must include the UDF - let me just for purposes of clarity" - must project the UDF as laying the basis for a fully fledged people's movement which is in the process of development. He says he thinks that that film must project the UDF as that and then he says that film must take popular struggles taking place in the country. An attempt to switch weight those struggles within the UDF as a broad front, to show how those struggles in the context of the UDF can be made, how the struggles could be made part of the (10) UDF struggle, I think, or showing the similarities or relationship or the link between those struggles and the UDF and then he says that that video must also project the popular struggles in the Vaal as an example. That is how I see it. I cannot say this is a UDF policy.

Is it not propagated and does the UDF not work towards the achievement of a popular mass struggle? -- I am not sure if I understand the question. Popular mass struggle?

Yes. -- The achievement of popular mass struggle?

Yes. -- Well, the UDF would like to, the struggle (20) against apartheid to be a popular one that involves the people.

A popular mass struggle? -- Yes, well, we have got no qualms about that.

So, that is part of the policy of UDF to achieve a popular mass struggle? Is it correct? -- Yes.

So, would you agree that the struggle which ensued in the Vaal Triangle was as a result of organising by the UDF and the VCA and other organisations in the Vaal? -- I disagree with that proposition.

Did you in the UDF have nothing to do with the struggle (30)
in/...

in the Vaal? -- Well, I think we need to be quite specific. The UDF obviously had affiliates in the Vaal Triangle, where a number of organisations were involved too and each time those organisations would take independent decisions on what they want to do, but obviously what we could say is that it is the interest of the UDF that the majority of the people in the country, anywhere, in any part of the country, even in the White areas, must be seen to be participating in the struggle in demonstration of the opposition to the apartheid policy, but it does not follow that anything that takes place is (10) as a result of the initiatives of the UDF.

Would you agree that the struggle in the Vaal was a violent struggle and that unrest was at the order of the day? -- Well, a struggle is a broad term. There was certainly violence in the Vaal Triangle, but whether that was part of the struggle as conducted by organisations in the Vaal, I have got no evidence to that effect.

But do you agree it was violent and unrest occurred during that period? -- I agree that unrest did occur during that period. (20)

And do you agree with this statement that unrest and violence is a fine example of mass popular struggle? -- I do not agree with that. I do not see anything yet that says that violence is part of popular struggle.

What do you say then to the UDF Western Cape depicting it here as an example of popular mass struggle? -- I think it is popular in the sense that as I understand it, the feeling against the rent increase at that stage was wide spread and the protest was wide spread, but whether the violence was organised and it involved all the people (30)

who/...

who were unhappy with the rent is another story. I think there is a difference between a situation where a football match is organised at Ellis Park stadium and it demonstrates there is popular support for that, can 20 individuals at that stadium decide to start assaulting other people and damaging property. I cannot say that that whole event where you say it was an important event, you mean that that violence was important. I think the region of the UDF understands clearly the policy of the UDF. There is no way in which he can say violence is a popular thing. (10)

It seems that the other people in the UDF differ from you personally, because they depicted what happened in the Vaal as an example of the mass popular struggle? -- But a number of things happened in the Vaal. What specifically are they referring to as that? Are they referring to violence by ten, twenty people or are they referring to that 35,000 or so registered tenants who protested against the rent increase? Or what are they referring to.

The violence and deaths were committed by the masses in the Vaal? That is part of the mass struggle? -- I do (20) not know if death and violence was committed by the masses. I do not know that. As I understand it, the UDF itself has always perceived that to have been the acts of unruly elements in their public statements that it had made and in the documents of the UDF Transvaal that I saw which covered that period. So, that certainly that is not the perception of the UDF.

Can you tell the Court what in the Vaal Triangle can be an example of mass popular struggle then? What was referred to in this document? -- I cannot say what in exact (30) terms/...

terms what was meant by the writer. Firstly, I do not know who the writer is. I have never spoken to the writer. I was not there when he wrote this document. I do not know from what position he was looking at that. I can merely surmise on what I think so that I have a difficulty in answering that question.

But you will agree that is an official document of the UDF? -- I have said so. I have said I cannot accept that it is an official document of the UDF. I do not know it. It was never adopted by the UDF as far as I know. (10)

I would like you to have a look at EXHIBIT C15. The heading of the document is "Discussion paper on matters raised by UDF Executives." The first heading is "Role and function of area committee for the next fourteen months." Do you know who wrote this paper or who compiled it? -- I had not seen it before, I do not know.

Do you accept it as a UDF document? It was found by Professor Mohammed of the UDF? -- May counsel repeat the question, please?

It was found with Professor I. Mohammed. Do you (20) agree? -- I do not dispute that.

And do you agree it is a paper - it is a UDF paper in answer to the discussion paper on matters raised by the UDF Executive? -- Well, the paper says so, but I do not know if it refers to matters which were raised by the UDF Executive and I do not even know which executive this paper is referring to. It might well be referring to one regional executive, may be in the Western Cape may be in the border region. May be in the Eastern Cape or in the Transvaal. I do not know.

Who decides on area committees? Whose brainchild (30)

was/...

was this? The forming of area committees? -- I think the idea initially came from the region of the Western Cape of the UDF and it gradually was adopted by a number of regions, but not all the regions of course. It is true that Transvaal was one of the regions which had adopted the idea of area committees. So was the Natal region.

Did the National Executive of UDF adopt the idea and the principle of area committees? -- I am not certain as I stand here, but I think it is very likely that it did.

Is it not a very important policy, matter to adopt area(10) committees and re-organise some of the activities of people attending the national executive committee meetings and so on? -- Well, I do not say it is an important policy matter. It is really a matter that relates to how to facilitate the process of organisation and it is determined on the basis of local conditions. It is not something that one would have expected every single region of the UDF to follow. For example I know that in the border region there was no talk of area committees. They spoke about units for instance and that is a concept that was developed by themselves and (20) the NEC could not tell them to abandon that approach.

Were there area committees represented on the National Council? -- There were not.

Not at all? -- No.

Never? -- They were not represented.

Will you have a look at paragraph 6 of this document. You agree this is a UDF document, whether it is national or whether it is regional? -- It may be, I am not sure.

Paragraph 6, there they refer to a democratic movement towards freedom in South Africa. The last line of that (30) paragraph/...

paragraph 6. -- Before I come back to that question, may I state clearly that this document is certainly not a UDF National document. The NEC does not know this document.

Can you say that it is not a document from the regional - from a region? -- I cannot dispute that.

Will you have a look at the last document. It seems that this was all part of the bunch of documents found together. This written part, do you remember this other part? -- The handwritten part?

Yes? -- I do not know it. (10)

Because I see Popo for UDF in this community council pamphlet, paragraph 2. Can you remember whether this document was discussed ... (Court intervenes)

COURT : You say Popo. It is paper I think.

MR JACOBS : It can also be Popo. It is handwritten. Perhaps he can help us.

COURT : If you want it to be, it can be Popo. But it seems to me to be paper. -- I honestly do not know what these notes are about. I do not know what this is.

MR JACOBS : Were you present at any meeting when this paper (20) was discussed? -- I cannot recall.

Will you have a look at EXHIBIT C19, the heading is "National Convention." Do you know this document? -- I am not sure if I have seen it, but it is certainly not a UDF document.

It was found in the offices of UDF Johannesburg. Have you seen it there? -- I am not sure if I have seen it.

When you say it is not a UDF document, why do you say that? -- I know that the UDF did not ask anybody to produce this document. (30)

Are/...

Are you sure it is not a document in favour of the UDF? Would you have a look at the last page on the questions, the third question "How do we defend the national convention's demand from attacks by anti-UDF tendencies"? -- It may well be. From that it appears that it is a paper written by someone who is supportive of the UDF.

And the document the UDF regards so important that they kept a copy thereof in their offices? -- Well, I do not say what the learned counsel is saying, but any document can be dropped at the office of the UDF. Obviously, any(10) subject that relates to the issue of the National Convention would be of interest to the UDF but as I say, I cannot recall whether I saw this document. I would not agree with the proposition that it was there because the UDF attached very, very special significance to it. But I do say that any document that has something to say on the issue of the National Convention, even if it was to be a document that says National Convention is just a thing of the past, it would be of interest to the UDF if it showed that document. The UDF would have, I would have - I personally would have(20) liked to read that document to understand the arguments advanced.

I put it to you, this document, on the face of it, is in favour of the UDF and it is a UDF document? -- I do not accept the proposition. There are very many people who have written things favourable to the UDF who had nothing to do with the UDF, who were not members of the UDF. People who had not even attended UDF general council's meetings or NEC. Very often journalists write very good things about the UDF. Are we then to conclude that because a journalist(30) has/...

has written something good about the UDF therefore the article that that person has written is a UDF article?

And I put it to you in this document they also refer to the UDF as a democratic movement. You can have a look at page 2. There are different pages, the third line from the top. There is a democratic movement and the next line, first line next paragraph first point that the democratic movement makes. -- Yes, I see that. I have got no qualms with that.

Since the documents have been handed over to the (10) defence, have you read through the documents? -- I have read through the documents. I have tried as much as I could to read from each document.

Did you check through them to see if you can identify them? -- Well, there are those that I could identify and there were those that I could not identify.

And this document, have you read through it, can you remember it? -- I might have read it. I think I have read through it, but a long time ago.

Will you have a look at page 2 in the middle of the (20) page beyond, the paragraph beginning with "Beyond this to ensure that the National Convention is genuinely sovereign and democratic, there are five pre-conditions that have to be met." Will you agree that this is in line with the policy of the UDF if you read then read through the pre-conditions? -- (Witness reads through pre-conditions) I have read them.

Is that in line with the UDF policy? -- Well, these are the conditions that the UDF had raised but insofar as the writer of this document suggests that the National Convention is impossible, if all those conditions, if any (30)

of/...

of those conditions is not met, it is incorrect.

Are you sure about that? -- Yes, I am sure.

Did the UDF not stipulate minimum demands a national convention before they are willing to talk to the government?

-- It did in a particular context. Reading from this, it simply means that all these things should happen and before they happen no national convention can take place. I disagree with that. That much I have said in my evidence-in-chief.

I will come back to that and I will show you that the UDF stipulated minimum demands before they are willing to(10) talk on a national convention. What do you say to that? -- I agree it did that, but those demands must be understood to be in context. There are those demands which are clearly non-negotiable. For instance before the UDF goes to participate in a national convention, not just talking, but before it participates in a national convention, because I think there is a difference between talking to the government and taking part in a national convention. The key conditions which the UDF would not participate if they are not met which we believe are related directly to the issue of the National(20) Convention, are the relief of political prisoners, the unbanning of the banned or organisations and banned individuals and the recalling from exile of those who are in exile. Those are issues which are directly related to the question of the National Convention. Any other matter is a matter that is negotiable. A simple statement declaring intention on the part of the government to do certain things in respect of other conditions, would be enough to the UDF.

Is that your own feeling that you are stating now or is that the policy of the UDF? -- That is how it was understood

(30)

in/...

in the UDF.

Was that the policy of the UDF? -- That is so.

The next paragraph "Before concluding I think that one final point is important. That is that the democratic movement stresses that only when our liberation struggle seriously threatens the apartheid regime, will it be prepared to set into motion the convocation of a national convention. This means that the liberation struggle has to be strongly intensified before a national convention can become a reality."

Is that in line with the UDF policy? -- That is not a (10)
condition of the UDF. The UDF has never discussed that.

That is not UDF policy. If tomorrow the government was to say we are prepared to call for a national convention, let us talk. The UDF would gladly become part of that provided the three conditions that I have stated were met. It does not matter to the UDF whether the struggle has reached whatever level. I do not know precisely what level the writer of this article had in mind, but if the government was to say we are prepared to talk tomorrow, we are prepared to release Nelson Mandela and others, to allow those in exile to (20)
participate, allow those organisations which were banned, to operate lawfully and propagate their views and let the majority of the people decide who their leaders are, which organisations they want to support, the UDF would gladly accept that call.

I put it to you that in this last paragraph the democratic movement that stresses is the UDF? -- That is not so. That is not the policy of the UDF.

Then I put it to you that another name that is used by the leadership in the UDF is the word "our movement". (30)

I/...

I do not think you will disagree with that. Is that correct?

-- Well, it is possible that it was used.

Just look at C21.

ASSESSOR (MR KRUGEL) : The very last page of C19 the very last paragraph "The long the paper looked in, the more detail at national convention and also at the whole question of constituents assembly is available on request. The paper is plus-minus fifteen pages long." Do you know what paper is being referred to here? -- I do not know.

C18, the previous one I think. -- If I may just make (10) a comment also. This document does not even say where that paper is available.

Yes, it does not say. That is why I ask you. C18 apparently is not the paper that is being referred to. -- It says how many pages?

Thirteen pages and not fifteen pages.

MR JACOBS : EXHIBIT C21. It seems as if this is a speech by Professor Mohammed. It was found by Professor Mohammed - at Professor I. Mohammed in Johannesburg. -- I cannot see where it says it is a speech by Professor Mohammed. (20)

I said it is probably a speech by him. Will you agree to that or not? -- Well, I cannot agree. I cannot agree, nor can I dispute it.

Do you know his handwriting? Can you confirm that this is his handwriting? -- I do not know his handwriting.

It is the same as EXHIBIT 22. It was written by Professor Mohammed and the other following on that? Do you agree it is the same person who wrote example EXHIBIT C22 and C21? -- Well, it looks like the same person.

On the top the first paragraph it refers to "our (30)

movement/...

movement". -- I see that.

Will you have a look at C25. That is a document with the heading "Constitution and its implication" and I put it to you this was found at the place of Professor Mohammed Johannesburg. You will accept it? -- I cannot dispute it.

This I will put to you, according to the last page, was a speech to be given by Professor I.J. Mohammed, talk to be given at AZASO conference opening session Orlando East on 4 July 1984. -- I can see that.

Did you attend that conference of AZASO? -- I did (10) attend the AZASO conference on the 6th, but not at the place referred to here. At a different place.

K824 Did you attend the conference where Professor Mohammed gave his speech? -- No, no, I went only on the 6th for a very short while.

And in this speech of his on this occasion he referred to the UDF on page 1, the first paragraph - I will read "We salute you for the struggle you have waged that all our youth Black and White can take their place in the ranks of the free youth of the world, but we particularly salute you (20) ..." -- I am sorry, I am not following learned counsel.

COURT : The middle of the first paragraph of C25. -- Yes, found it.

MR JACOBS : I will read again."We salute you for the struggle you have waged that all our youth Black and White can take their place in the ranks of the free youth of the world, but we particularly salute you for the proud tradition of struggle you have brought to our movement for liberation from racism, oppression and exploitation." Do you agree that by the leadership in the UDF it is also propagated that yours(30)

is/...

is a movement for liberation from racism, oppression and exploitation? -- I accept that.

MR BIZOS : The first sentence gives the capacity in which the speaker spoke. The witness has not had an opportunity of looking at the whole document and that was not read out to him, but it may throw some light on the capacity was - if it was Professor Mohammed that he spoke of.

MR JACOBS : You have heard what Mr Bizos said. Do you want to comment on that? -- Yes, from what appears here he was speaking as a representative of the Anti-PC, that is the (10) organisation of which he is the chairman.

Let us just get clarity on it then. The Anti-PC, was it part of the UDF as an affiliate? -- That is so.

And Professor Mohammed, what was he in the UDF itself, in national and regional? -- He was not a member of the national executive. He was a member of the Transvaal regional executive.

Was he never a member of the National executive? -- He might have attended some meetings of the National executive but to my knowledge he has never been a member of the National (20) Executive. Perhaps in the period when a lot of people were in detention, he might have sat on the National Executive but he was never elected to the National Executive of the UDF.

Can you tell the Court whether he attended National Executive meetings where you attended yourself? -- I do not know of any National Executive meeting that Professor Mohammed attended at which I was present, but I recall that he was present at one of the national secretariate meetings of the UDF. (30)

And/...

And if I put it to you that he attended a lot of National Executive meetings, what would you say? -- Well, I have a difficulty to accept that . A lot of National Executive Committee meetings? I dispute that.

Or some of them. -- I think if it is taken in the context of a number of meetings that the National Executive of the UDF held.

Can you remember whether he was co-opted on the National Executive of UDF? -- I cannot remember him being co-opted, but I would not dispute the fact that during the detention of (10) a lot of officials of the UDF in 1984, he could have been asked to represent the Transvaal on the NEC. I would not dispute that. That might have happened.

What position did he have on the Transvaal Executive of UDF? -- I believe he was one of the vice-presidents.

I would like to ask you at this stage, while we are at this, do you know whether Professor Mohammed was used by the UDF Executive, either in the National Executive or in the Transvaal for different tasks to be carried out on behalf of the UDF? -- I cannot recall a single incident where the (20) NEC gave him a specific task that had to do with the UDF National, but I would not dispute the fact that the Transvaal regional executive could have given him certain tasks.

Do you know whether he was a popular speaker at meetings held by UDF and affiliates of UDF? -- Well, he certainly addressed certain UDF meetings.

Was he a popular person to speak to them - on that meetings? -- Well, he spoke at several meetings. I am not sure what the word popular refers to. Whether he spoke more than other people, everyone else or what he really ... (Court (30)

intervenes/...

intervenes)

COURT : Or whether he spoke well? -- Or whether he spoke well.

MR JACOBS : Do you know whether he was told by the - to go and speak at certain meetings or do you not know? Ordered or not ordered? Requested by the REC or even NEC to go and speak at meetings on behalf of UDF? -- I know he was asked to speak at a meeting in 1983, but I think that was the decision of UDF Transvaal And I know that he had to address the meeting in Kimberley. I am not sure if that was the decision of the NEC of the Transvaal. (10)

Would you agree that where he says here that "our movement for liberation from racism, oppression and exploitation", he is referring to the UDF? -- Well, I am not sure. I do not know.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

K825 POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I would like to refer you to EXHIBIT S11 on page 1. That is Minutes of the Meeting of the Regional Executive of the UDF Transvaal(20) held on 4 October 1984. Will you look under the heading "Appointments" on page 2. "Professor Mohammed has been appointed to serve in the NEC with Reverend Chikane." have you got it? -- That is so.

Professor Mohammed was appointed to the NEC of UDF National. Will you agree to that? -- Yes, in this context.

COURT : How do you mean in the context? Was he not a permanent member of the NEC as from this date? -- No, he was not.

What was he then? --This is the period when I was in detention myself. A lot of senior officials of the UDF were (30)

in/...

in detention. I was not present at this meeting, but as I understand it, certain people were appointed by regions to serve in the NEC because the NEC members were in detention. So, really it was an ad hoc appointment.

Was he sort of a caretaker? -- One could say so.

MR JACOBS : Can you tell me how many delegates from a region is entitled to serve on the NEC or UDF? -- My recollection is that there were six. Two secretaries ... (Mr Jacobs intervenes)

No, but representatives except for those that were made(10) provision for ... (Court intervenes)

COURT : Just to get clarity. Two secretaries and four others.

MR JACOBS : And do you agree there is nothing in this appointment to say that it is only a temporary appointment? Is it correct? -- That is so.

So how come that you say he is only a sort of a caretaker?-- Well, this is the report I got when I came out of detention, that regions had appointed people to serve on the NEC, because the permanent members who had been elected to serve on the NEC had been in detention. (20)

Who were the members that were in detention during that period when he was appointed? -- From the Transvaal region Aubrey Mokoena was in detention.

Was he a representative of the Transvaal region on the NEC of UDF? -- That is correct. Dr Saloojee was also in detention at that time. Dr Rachid Saloojee.

Who else? -- As I recall it those were the members of the Transvaal Executive - Transvaal UDF who were sitting on the NEC who were detained at that point in time.

Who were the other members of the Transvaal region on(30)
the/...

the NEC? -- The other one was Reverend Hans Hlaalethwa.

COURT : He was not detained? -- He was not in detention at the time and then there was a George du Plessis.

He was also not detained? -- Yes. Then we had the two secretaries, Mohammed Vali and Moses Chikane.

MR JACOBS : And Mr Frank Chikane? -- He was not.

M. Chikane? -- That is Moses.

COURT : Moses Chikane is accused no. 21. Is that correct? -- That is correct.

MR JACOBS : And Reverend Frank Chikane? Was he represen-(10) ting the Transvaal region on the National Executive of UDF? -- I assume that we are dealing with the situation as it was before the detentions that took place in 1984. I thought we were dealing with who were the Transvaal representatives on the NEC at that time. And then why Reverend Frank Chikane and Ismail Mohammed were appointed later. I had already indicated that two of the Transvaal members on the NEC were in detention. Thus Dr Ismail Mohammed and Reverend Chikane were appointed to replace them during - to fill in the gap that existed. (20)

The other person that was in detention, you say it was Saloojee. What is his name? -- Dr Rachid Saloojee. He is normally referred to as Ram.

Do you know who is Mr C. Saloojee? -- Mr C. Saloojee is Cassim Saloojee. He was the national treasurer of the UDF.

So, when Professor Mohammed was appointed to the National Executive, did he participate in all the activities of the National Executive of UDF? Or was he entitled to participate in all the activities? -- He would have participated (30)

in/...

in the decision making of the NEC. As it were, I have never sat with him in the meetings of the National Executive.

And according to EXHIBIT J1 he did a seat on the National Executive of UDF? You will have to look at EXHIBIT J1. That is the Minutes of the National Executive Committee meeting held in Johannesburg on 10 and 11 November 1984. That is a UDF document. Is that correct? -- That is so.

According to the list of persons present in the first line, the fourth name is that of Professor Mohammed? -- I see that. (10)

Would you agree with my when I say that Professor Mohammed was used by the UDF in the Transvaal for different purposes? You will agree to that? And he was a highly esteemed member of the National Executive? -- I did not understand? Highly?

Esteemed member of the Transvaal region of UDF? -- I do not know what is used to determine that, highly esteemed?

He was used by the Transvaal Executive on different occasions to carry out tasks for the UDF or the Transvaal region of the UDF? -- That is so, he was, as a member of the Transvaal Executive. (20)

I would like you to have a look at EXHIBIT S3. That is the minutes of a meeting held, minutes of the Regional Executive Committee of the Transvaal UDF, meeting held on 3 January 1984. Do you agree to that? -- This is how it is written, but I must just indicate here that I was present at this meeting and my recollection is that in fact that meeting was held on 3 January 1985, not 1984.

So, the date here is incorrect? -- That is so.

According to these minutes, this meeting attended by you, the minutes on page 3 under general paragraph 10 "General" (3) paragraph/...

paragraph 10.3 "It was decided that I. Mohammed, M. Chikane and J. Joffe co-ordinate the treason trial support committee."

-- That is so minuted.

So, he was used by the Transvaal region for that purpose as well? -- As far as the minutes indicate.

No, you were present at this meeting? -- No, no for a particular period, up to a certain point. I did not sit up to that item. I had sat in this meeting when item no. 4 "Matters arising out of the minutes" was discussed. Thereafter I left the meeting. It was at the time when (10) Mr Kennedy, Senator Kennedy was coming to South Africa, had been invited by Bishop Tutu, Dr Boesak and I think Dr Beyers Naudé and others. I had to go and meet Senator Kennedy as Senator Kennedy's aid as well as Dr Boesak that night. Myself and accused no. 20 as well as Mrs Sisulu had to leave after this item was discussed. So, that I was not there when the rest of the items were discussed. That is from 5 onwards.

Will you have a look at EXHIBIT S10. That is also the minutes of a UDF Regional Executive Meeting held on (20) Thursday, 11 September 1984. -- That is so.

Will you have a look at page 2 paragraph 4. Have you got it? -- I have got it.

There it is stated that Professor Mohammed and Frank Chikane were asked by the executive to see the national treasurer about this matter. This is about the Joffe matter. -- I can see that.

Do you agree that he was also used. Professor Mohammed, in this regard? -- I agree that he was asked to perform the task as set out in the minute. (30)

And/...

And will you have a look at EXHIBIT S12 page 1 paragraph ... (Court intervenes)

COURT : These are the minutes of the National Executive of 22 October 1984. -- Mine has got no date. The only section I am able to read here is from A. Present.

You have not got a top section saying "The General Executive of the UDF meeting"? -- No, no, I have got the A. Present. That section is not there. It is "Present" and then "1" and it gives the executives' names.

Very well, above that stands the following "The (10) Regional Executive of the UDF meeting held on 1984/10/22." That is all. What is the question?

MR JACOBS : According to paragraph 1 page 1, "Minutes. The minutes of the last meeting were read and adopted with amendments and additions. 1.1 The names of the financial committee are as follows: Professor Mohammed, Lloyd Vogelman and Patrick Lephunya. These names were not included in the last minutes. 1.2 That this committee needs the approval of the general council meeting. 1.3 That the secretaries and the National Treasurer should participate (20) in the committee and that this committee has the powers to co-opt." Do you agree, according to these minutes Professor Mohammed was also used in this committee depicted here? -- Well, the minutes say that the committee was to be approved by the general council. I think we need to go to that general council and establish whether in fact it was approved.

But the regional executive at this point is Professor Mohammed for this purpose? -- He proposed that he served in this committee. That was a recommendation as I see it.

And then S18 , these are the minutes of the Regional (30) Executive/...

Executive meeting held on 17 January 1985. Have you got it?

-- I have got it.

On page 1 paragraph 3.2 "The REC resolved that weekly reports be submitted by the festival committee. The Fund Rally Security Firm not to be used. REC members be involved in negotiations which involve major decisions and expenses. Cassim Saloojee be present at all negotiations. Vali, Moss, Crisch and Professor Mohammed meet the head office to discuss the loan required. All relevant information about the festival be submitted to head office." So, again the (10) regional executive of UDF Transvaal used Professor in this regard. Is it correct? -- That is correct. I have a difficulty with this "use". I think if we say he was given certain tasks. Yours might imply that he was being manipulated. I think it is proper to say that they gave him certain tasks or asked him to perform certain functions.

He was also asked in paragraph 5.1 - another task. "A letter from Moss inviting the front to send delegates to a meeting to be held on 9 February 1985 was read. It was decided that Cassim Saloojee, I. Mohammed and two (20) members of the media committee represent UDF Transvaal." -- I can see that.

Will you agree with me that Professor Mohammed was regarded by the region of the UDF Transvaal in such high esteem that he was appointed to the National Executive council either on a temporary basis or permanently and also used for differend tasks by him? -- Firstly I agree that he was given certain functions by the Transvaal UDF. Whether he performed them, I do not know. If he performed all of them. Secondly on the question that he was appointed to the NEC, I would (30)

not/...

not agree that it was necessary because he was held at a high esteem. I think circumstances had arisen which necessitated that certain people be appointed to serve in the NEC and this being the fact that certain people who had been elected to the NEC were in detention and I must state that when those people were elected to serve on the NEC, they were so elected at the time that Professor Mohammed was a member of the Transvaal region of the UDF, but he was not appointed, so I think to attempt to elevate him to a level which is above others, it becomes difficult for me to (10) comprehend because he would have been the first consideration when the idea of appointing people to the NEC was discussed for the first time.

COURT : You may still be a very good football player though you play in the second team? -- Well, I do not think so. If you are playing World Cup or for National Cup, you will obviously need your best players to be on the team. You would not take them and put them on the reserve side or second division. No doubt at this stage when he was appointed possibly he was amongst the fairly senior people who (20) the REC might have thought could serve on the NEC.

MR JACOBS : You would agree that they would not send somebody that is not regarded by them as a good person for the post? -- That is so. That happens with every organisation. Any society, anything. In fact, you do not appoint a person whom you have doubts about, whose ability to perform certain functions you have serious doubts about.

Will you have a look then at EXHIBIT C106. Have you got it in front of you? -- I have got it.

There is no heading. This document starts with (30)

"Comrades/...

"Comrades, I greet you on the occasion of the first NGC since the launching of the UDF in August 1983." Do you know this document? -- I have not seen it before, before this case.

COURT : Have you heard the speech before? -- I have not heard the speech.

MR JACOBS : This document was found in the UDF offices in Johannesburg. Have you seen it there? -- I have not seen it:

Do you know whose handwriting this is on the second(10) part of this document? It starts with a typed version and carries on with a written portion? -- I do not know the handwriting. I have had the opportunity to look at this document. It has got more than one handwriting in fact as I can see here.

This document is referring to the UDF and the activities, policies and strategy of the UDF. You have read through it, you said.

COURT : Which portion do you say have different handwriting on it? -- I think if one looks at page 3 up to page 5 it seems like it is one handwriting, but then there is the last about (20) three or four lines written in bigger letters. It does not seem to be the same person who wrote that. Page 6 seems to be the same as pages 3 to 5. Then page 7 looks the same. Then there are notes at page 8 at the end of page 8, handwritten. It does not seem like the same handwriting that appears for instance at page 7 and then what appears on page 10, 11, 12 and 13 seems to be another different handwriting altogether.

MR JACOBS : Are any of these handwritings your own? -- (30)

None/...

None of them is mine.

This document, on the first page the last paragraph "We have important decisions to make this weekend. It is the task of every single comrade present at this NGC to ensure that we emerge as one united family in the interest of our people's struggle. Remember we meet not in our individual capacities but of activists of the people's front. Let us resolve our difference in a commonly spirit." Would you agree that this seems to be a speech delivered or to be delivered or delivered at the National General Council (10) meeting? -- It seems so.

Which meeting was it? Can you remember? According to what the contents of the document are?

COURT : When was your first NGC? -- The first NGC was held in April 1985.

MR JACOBS : And did you attend that first NGC? -- I attended a portion thereof.

And this speech, was it delivered there?-- Not in my presence.

COURT : Was this not the key note speech or were you not (20) there when the key note speech was delivered? -- I was not there. I cannot say that this was presented in the form in which it is because I was not there.

MR JACOBS : Do you agree that in this speech the person who delivered the speech referred to the UDF as activists of a people's front? -- Which specific portion?

The last paragraph that I read to you, page 1 the last portion? -- Well, if we assume that it was delivered at the NGC of the UDF. The speaker seems to be referring to those present as activists of the front. (30)

And/...

And also he refers to the people's struggle? -- That is so.

What do you understand by people's struggle? -- I understand that to refer to the struggle to change the conditions of the lives of the people, those people who are deprived, the struggle that is representing the popular aspirations of the people. It may well be a struggle that is supported by people from different racial groups in the country. It may also be really a localised form of struggle. It depends in the context in which the person who is using it has (10) in mind at that point in time.

Can it also mean that there is a struggle in which the people participate themselves, the masses? -- I do not know of a struggle that does not - in which people do not participate.

And that the main portion of it must be from the masses? The masses must be active in the struggle and they must themselves participate in the struggle? -- I do not know what the speaker here refers to, but I would say when I talk about that, I would actually be meaning that the ordinary (20) people, the masses, must participate on matters that affect them. It then means that they should participate in the struggle.

This document, I put to you, is setting out the strategies and the planning of the UDF itself and it was conveyed at this meeting, at this National General Council meeting. -- As I understand it, this is an input by a person who thinks that things should go according to the way he sees them. I do not accept that it sets out the strategy and what have you of the UDF. These are merely ideas of a person and he (30)

is/...

is articulating them in a particular way.

I put it to you that this is not only an input, but this is a speech according to the start of this "Comrades, I greet you on the occasion of the first NGC since the launching of the UDF in August 1983"? -- I have got no problem with that proposition.

COURT : At this launch, who gave the key note speech? At the NGC, I am sorry, not the launch? -- That was Kenneth Ndlovu.

Is he on the National Executive Council? -- Later he (10) became a member. He was not at that stage.

Did you ever read his speech? -- Well, I was not there. when the speech was delivered.

Are the speeches not published later on? -- It was not published. Unfortunately he was a listed person at the time. So, I believe in terms of the law it would not be published.

MR JACOBS : And I put it to you it was this key note speech delivered at this occasion of the National General Council meeting? -- I cannot dispute that.

Can you explain to us what are activists of the people's (20) front? -- I do not know specifically what the speakers had in mind, but if I were to use that concept, I would actually be referring to those people, those members of the affiliates of the UDF and those members of the executive who are actively participating, who are taking a keen interest in the activities of the UDF as a front.

Would you regard them as the people that went out to organise the masses, organise the people to participation in the front and in the freedom struggle? -- Well, they would participate in the process of organising the people as (30)

part/...

part of the goals of the organisation and the goals of or as part of the strategy or a method of achieving the goals of the organisations of the UDF. Earlier on I said that if I had used the word activists of the people's front, I would be referring to the activists of the UDF. I do not want that to be understood to be exclusively a term that could be used by the UDF. Other people perhaps could have decided to use it somewhere else to refer to their own activists who had nothing to do with the UDF.

COURT : An activist is not necessarily a person who is (10) active in the affairs of an organisation. Is an activist not something more than a person who takes an active interest in his own organisation? -- I understand it to be a person who takes a keen interest in the activities of an organisation. If for instance we say that the UDF must organise a mass rally, then those people who will always be willing to help to ensure that that goal is realised and who would satisfy their time for pleasure and so on, to help in organising that rally, I would regard them as activists. When we have UDF pamphlets to be distributed, people who would (20) be willing to distribute these pamphlets, who would take a keen interest to do so, I would regard them as activists.

The secretary of a sport club who organises a tournament, is that an activist? -- That is so. I would regard that as an activist in the context of the activities of that organisation.

MR JACOBS : All these names that you have mentioned now, democratic movement, broad liberation - national liberation movement and all the others that we went through, with all the documents now, that all boils down to be the UDF's (30)

and/...

and it is depicted in all these different names by the UDF. Is that correct? -- I would not say that boils down to the UDF. I made an example that various tendencies, various groups, some of them has got nothing to do with the UDF. They talk about a democratic movement and they are bitterly opposed to the UDF. One cannot say that if a person says that, that the democratic movement is exclusively the UDF. It is something that extends much more beyond the UDF, but I do not preclude the fact that the UDF itself is referred to as the democratic movement some time, but the concept (10) cannot be confined to the UDF. The AZAPO would be seen as part of the democratic movement. The National Forum Committee would be seen as that. The APDUSA would be seen as part of that. The trade union FOSATU would have been seen as that. Food and Canning Workers Union would have been seen as that. Those people are not part of the UDF.

But within the UDF itself, they refer to them under these different names. So, in the UDF itself they regarded them as a liberation movement, total liberation people's movement and all that and that is part of UDF. Not exclusively UDF but it is also within UDF regarded as what UDF is standing for. -- I do not understand the question. What the UDF stands for? (20)

It is a movement, it is a liberation movement, it is a front, it is a people's movement, it is depicted between the people, the masses as such a movement by the people in the UDF themselves? -- It is part of the liberation movement. It is referred to as a people's movement. The UDF has made it clear that it does not regard itself as the liberation movement, because so many organisations including Inkatha (30) for/...

for instance, have called themselves the liberation movement. AZAPO has said so that we are the only liberation movement in this country. In line with the objective of putting together all sorts of organisations subscribing to different tendencies, which tendencies themselves - which tendencies regard themselves as a liberation movement, the UDF has made it clear that it does not want to see itself as a liberation movement, less those groupings see it as attempting to take their place or competing with them.

You must admit that according to these documents (10) the UDF described itself as a liberation movement? -- The policy documents of the UDF set out that position very clearly and it says that it does not. Speeches of individuals may say that and some writings of individuals might say that.

And do you agree that the individuals that said that are part of the leadership of UDF, you yourself uses the word democratic movement, liberation movement? -- I have, but I made it very clear that with regard to that word liberation movement, the UDF has been particularly very (20) explicit. I do not worry about democratic movements and so on that has been mentioned, but again it is not a matter that is exclusively of the UDF.

We will come to that later, because all these names that you used, you people in the UDF, the leadership in the UDF used, that is also used by the ANC? -- Well, I cannot dispute that. Many others besides the ANC have also used that. Inkatha also has used that. AZAPO has used that. APDUSA has used that. The Cape Action League would use that. Various civic organisations would use that. (30)

Individuals/...

Individuals who are not part of the UDF say these things.
So the Labour Party for instance.

I put it to you that as part of the liberation movement the UDF is engaged in a liberation struggle. Would you concede to that? -- Well, there is no doubt about it. The UDF is involved in the struggle to free the people from apartheid. To end apartheid and that is regarded as a liberation struggle.

And also in regard to the liberation struggle, you (10) use different names to indicate the struggle and it is propagated under the people as a fight for freedom for instance? Do you agree to that? --Yes, that is so.

And also propagated as a freedom struggle? -- I have a difficulty with this propagate again. The terms are used in speeches sometimes. People use all sorts of things and that is not limited to the UDF. Members of parliament use that word fight. People serving in the homelands use that word fight. So does the Labour Party. So do the Trade Unions on the facts of law about the word fight and so on.

In the UDF itself it is referred to as a fight for (20) freedom? -- That is so. I believe it must have been used somewhere in the documents.

And it is a freedom struggle also? -- That is so.

That is also depicted as a march for freedom? -- Well, people use different ways. It might be said so. I myself might have said so in the past. I am not particularly sure about that.

It is also depicted in the circles of UDF leadership as a struggle of the people? -- Yes.

And it is also depicted and propagated as a struggle (30)

for/...

for national liberation? -- That is so.

Also depicted and propagated as a struggle with a goal of liberation? -- That is so.

And it is also depicted and propagated as a struggle against apartheid, racism and injustice? -- That is mentioned from time to time.

It is also propagated and depicted as a struggle for liberation of a struggle for total liberation of South African people? -- Well, people might have mentioned that in some documents or in their speeches. (10)

A national struggle for total liberation? -- I say some people might have said so in the past. I am not sure. I myself might have said so. I do not know.

It is also referred to as a liberation struggle and it is also depicted and propagated as a national democratic struggle. Is it correct? -- That is so.

Or a popular mass struggle? -- Well, that terminology is used from time to time by different persons.

It is depicted as the people's war? -- Certainly not in the UDF. (20)

By affiliates of the UDF? -- I do not know.

Is the affiliates not part of the UDF? -- The affiliates are part of the UDF but they retain their own autonomy. The UDF does not control - have control on their policy decisions and what they say to the public and so on. I simply do not know but I can assure this Court that the UDF has never used the words people's war, because the UDF is not involved in any people's war.

The UDF consists only of organisations affiliated to it? That is the UDF in actual fact? -- Yes, but you cannot go (30).

and/...

and take the Soweto Civic Association and say the Soweto Civic Association is the UDF. It is only when they come together and act together as an umbrella organisation and take decisions in the name of the UDF, that they become the UDF. If the Soweto Civic Association sits in Soweto there, holds its own meeting and decides that from today we are going to say that we are involved in a people's war, that cannot be elevated to the policy position of the UDF. An immediate example is this one. When the Labour Party at the beginning of 1983 in January decided that it was going to participate (10) in the tri-cameral parliament, it could not have been concluded that it is the South African Black Alliance that took that decision. The Alliance continued to operate there as an Alliance. The Labour Party went on and participated in the tri-cameral parliament.

It is also depicted and propagated as a struggle for Democratic People South Africa? -- Those are terms that are likely to have been used and some people might have said that.

Before you go to the documents, can you tell the Court (20) did you expel any organisation out of UDF because of them not adhering to the policy of the UDF? Say for instance for propagating a people's war? -- I know of no organisation that propagated a people's war and I know of no organisation that was expelled from the UDF. As I understand here I cannot remember.

Would you say organising the people to violence was against policy of the UDF? -- Certainly, if an organisation explicitly organises people to engage in acts of violence, that would be against the policy of the UDF. (30)

COURT/...

COURT : Well, if it preaches violence, no mind organises. If it preached violence, would that be against the policy of the UDF? -- Yes, if he promotes violence, that would be against the policy of the UDF.

MR JACOBS : Did the UDF take steps against any such organisation to expel them out of UDF because they did go against the policy of the UDF? -- I know of no organisation that preached violence that was an affiliate of the UDF. As such no organisation was expelled.

I just want to get clarity from you. I want to go (10) out of my order now, but I want you to have a look at EXHIBIT C132. Have you got that document? -- That is so.

This is the Northern Transvaal - that is the UDF Northern Transvaal, is it not? -- May I just quickly look through the document.

The heading starts "Northern Transvaal program of action." -- I have not come across the name UDF yet. (Witness goes through document) I notice that there are in fact two documents here. One is headed "Memorandum on the change in political complexion of the Northern Transvaal." That is (20) the second document, what appears to me to be the second document.

And the second document? -- Yes, in the second document I see the word UDF - the name UDF somewhere on page ...
(Mr Jacobs intervenes)

It starts on page 4 and it is headed "Memorandum on the change in political complexion of the Northern Transvaal Region." That is a UDF document? -- That is not a UDF document.

What document is this? Can you tell us? -- I do not (30)
know/...

know. It appears like it was issued .. (Witness pauses)

Let us start at the beginning of this document. The first paragraph "The formation of the United Democratic Front and the various campaigns undertook to make a significant advance of planting seeds of organisation in the Northern Transvaal region. The Northern Transvaal committee of the UDF is having a visible muscle. MYCO, COSAS, AZASO, SAYCO, SAAWU, PAYCO and MAVAYCO form the backbone of the committee more than any other period. Organisations are mushrooming at the rate unparalleled by the epoch of the(10) history of the struggle." Have you read through the document before? -- I think I have gone through it once. But that is many months ago.

Is this not a form written to the UDF National, a document written to the UDF National to get a regional status in the Northern Transvaal? -- I cannot remember if it is addressed to the UDF National. I cannot remember seeing that, but in any event, I had never seen the documents before I was arrested in this case, but with regard to the question that was raised earlier on, I think I need to (20) respond to that question, whether this is a UDF document or not. For a document to be regarded as a UDF document, it has got to be adopted by the NEC of the UDF. It has got to be sanctioned by the NEC of the UDF. It has got to be or it has got to be adopted by the NGC of the UDF. If for instance the Western Cape UDF region would produce a document on a specific issue, even if that document was accepted by the Executive of that region, and the regional council there, it could not become a UDF document. For it to become a UDF document it has got to be accepted by the(30)

NEC/...

NEC which takes its decision in consultations with all the regions of the UDF, to make that a policy of the UDF. I think the whole issue must be understood in the context of the regional autonomy of the regions of the UDF and its affiliates. It may well be that it represents the views of that region of the UDF. It may well be that it is popularly accepted in that region, but it does not become a UDF document until such a time that the NEC accepts it.

Is it not so that the regions of the UDF must carry out the policy of the UDF? -- Not must .. (Mr Jacobs inter-venes) (10)

And they cannot go against policy decisions? -- Well, they can go against the policy decisions if they are not - as far as they are concerned, it does not suit their conditions.

We will check on this very fully, when we come to the autonomy and I put it to you that you are wrong, that they must adhere to the policy of the UDF? -- Well, I disagree with that approach of must.

The last paragraph on page 3 of this document. I just want to refer you to that. "Activists must be interested in developments. Not only in Uitenhage and Sebokeng but from the Cape to the Mediterranean. The establishment of a region in the Northern Transvaal would make possible to co-ordinate our activities and efforts with those of the Southern region, thus enabling the struggle to set a new pace and revolutionary favour allowing permanent communication and contact thus over stretching the enemy's resources beyond its limits and nobody, not even the imperialists would save apartheid from its death pangs. The struggle - (30) people's/...

people's war is invincible victory or death." I suppose when they - if they sent this to the National Executive to apply for status of a region or a sub-region in the Northern Transvaal, you would have seen this document. Is that correct? -- It does not follow.

If they send documents to you and they motivate their case for a region in the Northern Transvaal, who would receive that? -- If the document was sent to me in my capacity as the general secretary and whoever received it brought it to my attention and I was present at the time when it (10) was brought to my attention, I would have seen it.

What did the UDF do in order to establish a presence of the UDF in the Northern Transvaal? -- Well, that was by and large really the responsibility of the Transvaal region of the UDF. I attended one mass rally in the Northern Transvaal.

That is not my question. I asked you what did the UDF specifically do to establish either a branch or a sub-branch of the UDF in the Northern Transvaal? -- I was not directly involved in that. I am thus not in a position to give an accurate account in that regard. (20)

Is it part of your duty as the general secretary to investigate the possibility of extending UDF to other parties and to other places? -- Where there was no UDF altogether in that province, it would perhaps be my responsibility, but when you have the UDF already existing in the Transvaal, it would have been the task of the UDF in the Transvaal to attend to other parts of the Transvaal.

Did the UDF National Executive do anything to establish presence of the UDF in the Northern Transvaal? -- My recollection is that UDF National financed or funded one rally (30) organised/...

organised in the Northern Transvaal. That was one way of giving publicity to the UDF in that region, but the mechanics of how that rally was going to be organised, was really the responsibility of the Transvaal. The National office was merely making a certain amount of money available which UDF Transvaal had asked for for that purpose. I cannot remember anything beyond that that involved the National office of the UDF.

Do you know of anything done by the UDF to reject the application or to reject the Northern Transvaal as (10) a possible region of the UDF because of them not being in line with the policy of the UDF? -- First of all, let us deal with whether these documents were received by the UDF and when. There is no date here that indicates when these documents were sent and to whom they were sent. I cannot see anything here.

MR BIZOS : I submit that the witness is entitled to be told where this document was found. It is covered by admissions, but - by the evidence and it is also in the admissions.

Am I permitted to say where they were found? (20)

COURT : Yes.

MR BIZOS : In a motor-car by a police officer who searched the motor-car somewhere in the Northern Transvaal.

ASSESSOR (MR KRUGEL) : In Koster.

MR BIZOS : I did not remember that. I am indebted to the learned assessor. Two or three questions have been put on the assumption that they were received by the UDF.

COURT : May I raise this matter. If you look at the first document C132 there seems to be a program of action probably of the Northern Transvaal region or of a grouping of (30) organisations/...

organisations in the Northern Transvaal. If you look at the last paragraph of that document, of the first document, the last note, it says "Reports of conferences held in Northern Transvaal on 5/2/84 and 3/3/84 were submitted to both the NEC and the REC Transvaal." Were these conferences of the region or is this information incorrect? -- I do not know of any conference at this stage of the region. As I understood it by August, in August 1984 my impression was that there existed only a committee that organised a rally in the Northern Transvaal. I do not know of any region of (10) the Northern Transvaal existing at that stage and in fact I did not receive any report from them.

MR JACOBS : You said there was only one rally which you attended in Northern Transvaal? -- That is correct.

Who paid for that rally? -- The NEC paid for the advertisement of that rally.

What was the purpose of the rally? -- I think the rally was intended to publicise the UDF campaign against the new constitutional proposals and the UDF General to popularise the UDF there, but it would of course focus on the condi-(20) tions in the rural area as I understood it.

It would focus on popularising the UDF in that area? -- Yes.

And you said you attended that rally? -- That is correct.

Did you speak on that rally? -- I did.

Did you meet the people in the Northern Transvaal in charge of say the UDF interests there? -- Not in a formal set-up. I saw some people there.

The rally, was it conducted under the name UDF National of under the name of one or other organisation, a sub- (30) division/...

division of UDF in Northern Transvaal? -- I think it was typed UDF Northern Transvaal Rally or something like that. But I think it was organised under the auspices of the committee that was called the Northern Transvaal Rally Committee. I am not quite sure of the details, but I think it was Northern Transvaal Rally Committee.

This Northern Transvaal, are you only referring to the rally committee or does it refer to the region Northern Transvaal? -- Well, as I say, I indicated that my understanding was that at that stage there was no region of the (10) UDF. There were certain individuals who were interested in the UDF work who were in that rally committee.

Were there any committees set up to establish the Northern Transvaal region of the UDF? -- I think there was later on. I am not quite conversant with the details.

Do you know the members of that committee? -- Yes, I know that Joyce Mabhudafhasi was one of them. I think Frans Mohlala. I believe Louis Mguni was also one. Those are the names that I can remember.

To which organisations did they belong? -- I am not (20) sure. I think Joyce belonged to a women's organisation. I am not sure which one is that.

Do you know whether these organisations were affiliated to UDF? -- Firstly I said I do not know, I cannot remember which organisations, I do not know.

Who set up the rally committee? Do you know? -- I do not know the details.

Do you know whether there was a UDF organiser working in the Northern Transvaal? -- I am not sure whether there was any full time UDF organiser. (30)

Do/...

Do you know whether accused no. 21 was working in the Northern Transvaal? -- I know that he was supposed to help in the Northern Transvaal.

Doing what? -- To assist and ensure that that rally took place.

Only the rally? -- Well, possibly also to get them to work towards the formation of a UDF region or UDF structure.

And any money to be used for the setting up of a structure, that was to be supplied by the National Executive? of the UDF. Is that correct? -- No, that is not correct.(10)

Did you vote any money except for the rally, for the purpose of setting up a UDF Northern Transvaal? -- I am not sure. I can only remember that related to the rally. I cannot remember any other money. There might well have been, but I cannot remember.

Do you know whether a Northern Transvaal region was eventually set up? -- At the time, I knew that there were a number of organisations - I do not know if it was eventually set up. I am not sure if it was. I knew that later on there were reports that there were organisations which were(20) interested in the UDF.

If not a region, what else could have been set up in Northern Transvaal? -- Well, it might have been an interim committee or some area committee or something.

If a region was set up in Northern Transvaal, is it not so that they must take a seat in the National Executive? They must have - I suppose it is six representatives on the National Executive of the UDF? -- Yes, if they were to set up a region and that region was independent, they would qualify to apply for membership of the National Executive.(30)

Were/...

Were there any such representatives at the National General Council meeting in April 1985? -- Yes, I saw some people from the Northern Transvaal there.

COURT : At which meeting was it? -- The National General Council meeting.

The date is? -- In April 1985.

MR JACOBS : Were they there as representatives of the Northern Transvaal region? -- Well, I was not involved in the credentials committee. I do not know. There might well have been those who were representatives and those(10) who might have been observers. I do not know.

But surely as the general secretary you must have known something about this? -- My recollection is that the Northern Transvaal did not come there as an independent region. I think they were simply treated as part of the Transvaal region. It is for that region that I did not know if those individuals that I saw there were really delegates or observers. My recollection is that they had regional status at that stage.

Do you know whether there were any affiliated organi-(20) sations from the Northern Transvaal? -- Yes.

In Pietersburg, were there any affiliated organisations? -- I know that there was AZASO in Pietersburg.

AZASO. Is that all? -- Possibly COSAS too and SAAWU.

Do you anything about the Mankweng Youth Congress? -- I have heard about it.

Were they affiliated to the UDF? -- I am not sure if they were at that stage.

At what stage are you referring to now? -- The period - to the period before my arrest. I do not know. (30)

This/...

This rally, was it not part of the steps taken to set up UDF - a UDF structure in Northern Transvaal? -- I did not know the details in that respect. All I can say is that it was part of the plan to popularise the UDF. Obviously, arising out of that, there could have been individuals who set the UDF up. It may well have been part of that. I do not know.

If you were asked as a speaker or sent down, as it were, were you sent down there as a speaker? -- That is so. I was asked by the Transvaal region to speak there. (10)

So, surely, they must have told you if you go down that this is part of a speech, this rally is a step towards the setting up of a UDF structure in the Northern Transvaal? -- Well, I was not interested in those details at that time. I knew that the rally was taking place in the context in which the UDF was building up its campaign against the then coming elections for the tri-cameral parliament which were due in August 1984. I understood it to be part of the publicity drive in an attempt to reach out to the people. I was simply interested in speaking to the people about (20) the UDF.

Correct me if I am wrong, but the impression I gained from the documents of UDF is that it was an important happening to set up a region of the UDF in South Africa. -- Yes, where there were no regions of the UDF, it was important for the UDF to attempt to try to set up those regions.

I do not understand where there is no region. It is important also here in Pietersburg? -- I do not understand the last statement.

So, it is important to set it up wherever they want (30)

to/...

to set it up, whether in the Transvaal or whether in the Cape also, because it was very important to set up a region in the border or Northern Cape, although there is a Western Cape region of the UDF. I do not understand your answer by saying if there is a branch of the UDF in a province it is not such a concerning matter? -- No, all I am saying is that it was part of the program of the UDF to set up regions countrywide, where it was possible to do so. The UDF started with three regions only, Natal, the Western Cape and the Transvaal. After the launch and arising out of consultations that took place, a region was formed in the Eastern Cape. Another region was formed in the border. There was one on the way in the Northern Cape. So, really I have got no qualms about that. We wanted to set up regions. We wanted UDF to be as broad as possible, to cover every part of South Africa, if possible.

I am not asking you whether you have qualms or no qualms, but the point is, the UDF National Executive according to my view and according to the documents were very interested in setting up a region in the border, setting up a region (20) in the Northern Cape at Kimberley and all that places and you cannot tell the Court what happened if they are interested in setting up a region in the Northern Transvaal. I cannot understand that. Can you explain it to the Court. -- No, I said there were people who were interested in setting up the region of the Northern Transvaal, but that task was not a task of the National office of the UDF. The matter was handled by the Transvaal region of the UDF. The National office was not directly involved. It was involved insofar as it was asked to finance certain projects like the rally (30)

I/...

I referred to. This is what I can remember.

It is the second time now you refer to certain projects. The rally is one project that the National office financed. What other projects are you referring to? -- I cannot remember any other.

So, why did you use the word "certain" projects then? -- Well, I know for example that the Transvaal wanted the National office to employ a rural organiser for them, pay a rural organiser who would be doing the work of organisation in the Transvaal. That did not materialise to my (10) knowledge. I know that the Transvaal UDF wanted the National office to pay the co-ordinator of the Million signature campaign in the Transvaal. The NEC did not accept that.

Is that also part of the projects in the Northern Transvaal? -- In the Transvaal. That would obviously encompassed collecting signatures in the Northern Transvaal as well.

I would like you to have a look at EXHIBIT A1 page 5. That is part of the declaration of the UDF. Is that correct? -- That is correct. (20)

And in the middle there I have numbered my paragraphs, you can count it from the top, the seventh one "We commit ourselves". "We commit ourselves in uniting all the people wherever they may be in the cities and the countryside, the factories and mine schools, colleges and universities, houses, at sports field, churches, mosques and temples to fight for our freedom." Is that correct? -- That is what is reflected here.

And that is part of the freedom struggle? -- What does the comment refer to? (30)

I/...

I beg your pardon? -- This is the method, the strategy that the UDF would follow to mount an effective opposition to the constitutional proposals and the Koornhof bills. It would unite all those people as referred to and to fight for their freedom. That must be understood in the context of the policy of the UDF that has been made very clear. A policy of non-violence, lawful activities. That might simply mean to strive for their freedom. Within the context of non-violent means. That is the policy of the UDF. .

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Every time I ask you something about the fight, you (10) elaborate on the policy, what the policy is. I put it to you now that the policy of the UDF is not non-violence, but it is violence? -- That is not so. I reject that proposition. COURT : Could you show us in the declaration and the resolutions where violence or non-violence is dealt with? -- Well, the introduction of this EXHIBIT A1 refers specifically to the calling of the release of political prisoners, the unbanning of organisations and the return of all exiles before a democratic constitution could be drawn up. And the methods that the UDF set out here are all clearly non-violent methods. (20) There have been several public statements which were made to indicate clearly the policy of the UDF.

You are not answering my question. My question is, where in A1 is violence or non-violence dealt with? -- It may not be referred to specifically here as non-violence, but ..

(Court intervenes)

Well, where is it stated that our program of action is the following, we are going to attain it by peaceful means. Where is that statement? -- Well, it may not be stated specifically here. I need perhaps to have time to look for (30)

that/...

that.

Will you during the adjournment? -- Yes. When you look at this consulting our people regularly and representing our views and aspirations, educating them about the dangers of - about the coming danger, the need for unity and so on, that is not something that refers to any violent methods. We would not go into the house and talk to people about violence and hope to exist to surviving an organisation. We set out to form a non-violent organisation. That is how it was understood. Many parties are set up here. Some (10) do not even pronounce that they are non-violent or not. It is understood that they are legal organisations that intend to operate legally and they set out the methods that the - the tactics that would be using. So that although it may not be referred to here as explicitly a non-violent organisation, that is how it was understood from the outset. If we had wanted to take up arms, we would have gone to join the ANC or the PAC to do that. There would not have been any need to form an organisation like the UDF. Its very nature also, its composition, the inclusion of church, (20) religious organisations, social groups, potpouri's and so on indicates very clearly that it is not a violent organisation.

MR JACOBS : I put it to you on this last answer by you if there was violence, you would have gone out of the country. There was a need for an organisation within the country to organise the masses, to get them to be part of a revolution against the State? -- I reject that proposition.

Can you tell us then why not, in this was it spelt out clearly that we will fight for our freedom, but we are (30)

not/...

not going to resort to violence? -- I remember perfectly well that a call was made there in the amendment of the resolutions that the UDF must call for a national convention where all the people of South Africa would sit down to resolve the problems of the country and the message that appears in this thing, in this very A1 from Arch-bishop Hurley sets out clearly the perception of the people of what the UDF was.

I did not ask you about the perception and what somebody else said. Why was it not specifically enclosed in this (10) declaration of the UDF? The UDF said great store to this declaration. Is it not so? -- Well, we had never been - the question of violence had never been an issue. We had never been in a situation where, at that stage we were not in a situation where we were challenged as to whether we were non-violent or violent. All the affiliates of the UDF myself included and everybody, understood that the UDF was founded on a non-violent position. It had a short term program of opposing the new constitutional proposals and the Koornhof bills and when the issue was debated in that (20) conference there, a suggestion was made that the UDF should have a wider ranging program and long term goals that extend far beyond the constitutional proposals and that that should be included in the working principles. It was rejected. It was stated very clearly that the UDF came into existence for the specific goal of - for this specific reason of opposing the constitutional proposals and the Koornhof bills and that if at any other stage there was a need for it to continue beyond that, that would be a matter that would be considered by the affiliates, but as (30) it/...

it was conceived at that point in time, it was intended to address the issue of the constitutional proposals and the Koornhof bills. The other matters that arose, arose also because they were directly linked to the key - the two key issues mentioned by me, the constitutional proposals and the Koornhof bills. When for instance we formed AZAPO in 1978 we saw no need to include in the constitution of that organisation that we are non-violent. Simply because it was understood that we were a non-violent organisation. When we formed the Soweto Civic Organisation we saw no need to (10) write into the constitution that we were a non-violent organisation, because it was clearly understood that we were a non-violent organisation.

Will you have a look at page 31 of that same document, EXHIBIT A1. It is part of one of the resolutions taken at the launch of the UDF. "Detentions, political prisoners and exiles." Then on the next page, page 31 there it is referred to "The struggle as a freedom struggle." "The repeal of all security legislation relating to the detention, banning and banishing of people engaged in the freedom struggle." -- (20) Yes, I see it.

And will you have a look at EXHIBIT C22 ... -- What is the question with regard to this point?

In paragraph 4 I refer you to "people engaged in the freedom struggle." -- Yes, I can see that.

Will you have a look at EXHIBIT C22. That is a document with the heading "The crisis and our tasks." That is a speech delivered by Professor Mohammed at the UDF's People Rally, Nurbool Islam Hall and Pateder Theatre Johannesburg 13/10/83. Were you present at that UDF People's Rally? -- (30)

I/...

I was present at one of the venues.

Were you present when Professor Mohammed delivered his speech? -- I know he spoke there.

And I put it to you if you have a look at page 1 paragraph 2, he also on that meeting depicted and propagated your struggle as a freedom struggle. Paragraph 2 "The day signals another step forward in our valiant struggle for freedom and democracy." -- I can see the section.

And it is generally - I am just talking an example (10) to show you -accepted that the UDF is engaged in a freedom struggle. -- That is so.

And it is generally propagating to the people that you UDF is engaged in the freedom struggle? -- Well, that is not a secret agenda.

According to the previous exhibit I referred to, this struggle is on parse with that of the ANC?

COURT : Which previous exhibit?

MR JACOBS : Paragraph 4 on page 31 "The repeal of all security legislation relating to the detention ..." (Court(20) intervenes)

COURT : I am sorry, I have lost you. What are you referring to?

MR JACOBS : At page 31 paragraph 4 and "The repeal of all security legislation relating to the detention, banning and banishment of people engaged in the freedom struggle." That is the same struggle referred to there as the struggle referred to for instance conducted by the UDF. That is why you also adopted a specific resolution about this.

MR BIZOS : Is the part about the ANC being dropped? (30)

There/...

There was a question which contained the ANC and then it purported to be repeated and then the ANC was dropped and the UDF was used. Was the first one a mistake? We must have some clarity.

COURT : The question is not clear.

MR JACOBS : I put it to you that the freedom struggle that UDF is engaged in is the same struggle as the freedom struggle of the ANC and that is why you adopted a resolution specifically referring to the freedom struggle of the people in banning or banishment or people engaged previously in (10) the freedom struggle as depicted in paragraph 31. -- Where does the ANC come in here? I cannot understand that.

The fact that you refer to security legislation relating to detention, banning or banishment of people engaged in the freedom struggle." That refers to the people of the ANC. -- Well, that was not what was in the minds of the delegates when we spoke about the banned people. It was a general statement referring to people who were banned at that time. One of the people who were banished was Mrs Mandela. There were other people who were banned like Dr Naudé. Beyers (20) Naudé. There were people banned like Mrs Florence Mkhize. It had also taken into account other people who had been banned like Tiza Mabizuko and so on. I cannot understand how counsel arrives at the conclusion that this refers to the ANC. It might well be that some of those people have been active in the past as members of the ANC as senior citizens of the country and who had been grown-ups at the time when the ANC was operating lawfully.

But this resolution is specifically referring to political prisoners and exiles. Do you know of any other (30) than/...

than the ANC being ... -- There are many who were in exile who are not members of the ANC but are members of the Pan Africanist Congress, they are members of the Black Consciousness Movement of Azania and many other people in exile. Some of them had been actively involved with the sports organisations. They felt that they could no longer stomach apartheid and they left. So, that we are talking here of all the people in exile. Some of them are simply people who got nothing to do with politics even when they are in exile. They were simply harrassed and they left and they(10) are not involved in any activities. So, there is really no basis to assume that when we are talking about people in exile we are talking about the - we are talking about all South Africans. Some of them have left the country because they were - may be they were forced to serve in the army to go to the borders in Namibia and they felt that the war taking place in Namibia is unjust. Many young White people leave the country for that reason. All of them we would like them to come back. They simply were forced into that situation, because they do not believe (20) that they are required to die for - it is worth doing.

Do you say that this resolution refers to people not wanting to serve in the army? -- No, it did certainly include members of the ANC. It would include them, all of them. All of those people, but it was not mentioned specifically because there was the ANC. It was mentioned because there were South Africans who were in exile, not because of their choice, of their choosing, but because of the policies that are ruling this country, the policies of the government.

And they are also political exiles because they are (30)
contravening/...

contravening the laws of this country and they are engaged and they were engaged in a freedom struggle in this country.

-- They are political exiles because they were involved in the struggle against apartheid and some of them were pressured by the security police to leave. Whether they had at that stage contravened the law, is another issue. I do not know, because many times I have personally been a victim of the laws of this country, but it is for the very first time today that I have been brought to stand trial. (10)

And it is also so that some of the political - all the political prisoners, they are political prisoners in the sense that they were sentenced because of participating in the freedom struggle against the government? -- In the struggle against apartheid, yes.

In the second document EXHIBIT A1 page 32. The last paragraph on page 32 "We will not be deterred by these actions of the State to stop our march to freedom." So the freedom struggle is also known as our march to freedom. -- That is so. (20)

Or depicted as such and the freedom struggle is also depicted as the struggle of the people. You will find it on page 37 of A1. Will you have a look at the first column. Page 37 is part of the speech by Frank Chikane, the opening address to the National conference. -- That is so.

And then at page 37 the first paragraph in the first column, the sentence starting "The idea of the front therefore was a new concept in the struggle of the people for the last 20 years." Is it correct then that it is depicted as the struggle of the people? That is a perception in (30)

the/...

the UDF. -- What is depicted as the struggle of the people?

The freedom struggle? That UDF are engaged in. -- Yes.

COURT : Why is 20 years taken? I thought it was since 1912?

-- This was 1983. He says the last 20 years about. I think he is looking at the period after the banning of the ANC.

All he is saying is that once the ANC was banned as an unlawful organisation, that - I think what he means is that they had not been as big a movement as the ANC might have been.

That is what I think. I have not given thought to this matter. (10)

When was the ANC banned? Can you remember? -- I understand it happened in 1960.

MR JACOBS : This reference to the 20 years, does it not refer back to the start of Mkhonto we Sizwe? -- No, it does not.

I do not understand in that context. I understand it to refer to popular lawful struggles of the people. Reverend Chikane, I do not think he would have any interest in addressing a public gathering, a UDF gathering about the struggle of MK. He is not a member of Mkhonto.

That is what you think now? -- Yes.

Is it a fact or what you think? -- No, that is what (20) I think. I base this on my knowledge of the matter. I obviously cannot read too much meaning in what he said.

Will you have a look at page 40 the same document. Samson Ndou's speech there in the middle of the page with the heading "Samson Ndou." -- I can see it.

Who is Samson Ndou? -- At this stage he was the president of the General and Allied Workers Union.

Was he chosen as part of the UDF? -- That trade union is an affiliate of the UDF.

Was he chosen on the executive of the UDF in any way? -- (30)

Yes/...

Yes, later on in 1985.

As what? -- I think as the Transvaal vice-president.
Transvaal UDF vice-president.

Did he deliver a speech on the rally of the launch of the UDF? -- Yes, he did.

And he refers to this at this meeting to the people "I greet you in the name of the struggle for national liberation and social justice." That is also how the freedom struggle of the UDF is propagated under the masses?-- Well, this man, when he spoke there, he was not an official of (10) the UDF. He was a member of an affiliate and he became a substitute to Tozamile Gwetha who had been asked to speak. His speech was just something which was decided on when he got on the spot. It cannot be said there that everything he said represented the UDF. But in any event, I have got no problem with the word struggle for social justice and I would not be surprised if it appears in UDF documents.

Which you say that Mr Samson Ndou had a part in the forming of the UDF, did he vote on that? Did he form part of the delegates? -- I am not certain if he was - yes, he (20) was.

And it is also referred to the struggle for national liberation in the letter that Steve Twete wrote at your request, C4. It is a memo or what you want to call it. It is the first paragraph, I will read out the head of it "The United Democratic Front in the struggle for national democracy, Steve Twete. Introductory remarks." Then the first paragraph "From the outset I want to discuss some silly notions in the heads of leading members of the ruling clique and their henchman on the nature and role of the (30)

United/...

United Democratic Front in the struggle for national liberation." You have already told the Court he is the president of the border region of the UDF in Kingwilliamstown? -- That is so.

And he is also a member of the National Executive of the UDF? -- That is correct.

Do you know wher Mr Twete is now? Whether he is still in the country? -- He has left the country and I have read in the newspapers that he has since joined the ANC.

Was he a previous member of the ANC before? -- As I (10) understand it, he had been a member of the ANC before he went to jail.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 11 AUGUST 1987.