

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

F/SS

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-13

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

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ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

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(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 257

(Bladsye 13803 - 13858)

COURT RESUMES ON 13 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, it is accepted and stated in the UDF that it is the masses who must free this country. Is that correct? -- That is correct. I want to revert to what was put to me yesterday, because that question was not clear and I wonder whether counsel has withdrawn that question. He was putting something to me based on EXHIBIT A1.

COURT : Well, if the question was not clear, I am sure I (10) cannot ask you to repeat it. So, I do not know what you are referring to. -- I just want to make sure that it is not later understood as if I accepted what counsel put to me.

Well, in what area do you think there will be a misunderstanding? Because EXHIBIT A1 is a very big document? -- The counsel was putting something to me I think the last paragraph or the fourth paragraph at page 2 of A1.

Was it before we adjourned? -- Just before we adjourned.

I did not write down any answer to that question. So, you can take it that that last minute before we adjourned is (20) not on record. -- I think I made a mistake when I said Tshepo Sebusi. There are two Tshepo's. Another is Sebusi and the other one is Potolo. I said that the Tshepo was Sebusi. I think in fact it was Potolo. He was the son to Father Potolo.

Is there a Tshepo Sebusi? -- Yes, there is another one called Tshepo Sebusi.

He has got nothing to do with that meeting? -- No.

MR JACOBS : Is it accepted and stated in the UDF that it is the task of the UDF to lead and guide the masses in the (30) struggle/...

struggle? -- That is correct.

It is also accepted and stated that it is not the activists in the leadership of UDF who will bring about the changes envisaged? -- That is correct.

And it was even planned before the launch of the UDF how to achieve the assistance of the masses. Is that correct? -- Planned before the launch?

Yes, planned before the launch? -- Well, I am not sure about that. The whole question of participation of the masses in the organisation, in the context in which I have (10) explained it, is a matter that dates far beyond the formation of the UDF. It has been an issue before the UDF. Organisations have always sought to get the ordinary people to participate in the decision making. When I dealt with my position as the chairman of AZAPO, I indicated that we sought to extend throughout Soweto to reach out to every person. The intention was to get everybody to participate in AZAPO. So, I do not know if there was a specific plan in that respect before the conference. I cannot recall.

Yes, but I put it to you, it was planned in the UDF (20) how to get assistance of the masses in the freedom struggle? It was part of UDF planning or the planning before the launch of UDF? -- Whose planning? Planning of people interested in forming the UDF or those regions of the UDF which existed at the time or which one of those regions? The question is too broad. I do not understand it.

Let me put it to you this way. Will you have a look at the exhibit, then we will come to that paragraph that you referred to a few minutes ago. EXHIBIT A1 page 2 paragraph 4. Will you read it or must I read it?-- I can (30)

read/...

read it. "The UDF launch was the culmination of seven months in depth discussion between organisations as to the purposes and aims of UDF campaign."

Of the UDF campaign. That UDF campaign, can you tell the Court what is this specific UDF campaign? -- Well, the UDF campaign was against the opposition to the constitutional proposals and the Koornhof bills.

Will you then go to the next page ... -- As at this point in time. That was the position.

Will you go to the next page, that is page 3. -- Before(10) I look at page 3, what is being put to me in respect of this paragraph?

Yes, I am going to elaborate on that now. Will you read the fourth paragraph again. -- "Other local campaigns involve organisations against removals ..." (Mr Jacobs intervenes)

Not this one, page 3 the fourth one. -- I am sorry. "Thus for example, campaigns have already been planned against the community councils and Black Local Authorities in all Afrikan townships. These institutions are a particular example of the way in which the Nationalist government's (20) new deal will adversely affect the majority of South Africans."

Let us pause for a minute there. Will you agree then that plans had already been made before the launch on at least the two campaigns, the Community Council and the Black Local Authorities campaigns? -- That is so, but not exclusively by the UDF. In my evidence-in-chief I indicated that when the UDF came into existence, there had been organisations that had already taken a position vis-a-vis the Black Local Authorities and the Koornhof bills. I had indicated that at the level of the Soweto Civic Association, a (30) decision/...

decision to boycott the elections in terms of that act, was taken at the December conference of the Soweto Civic Association. At the beginning of January 1983, at the beginning of 1983 round January, February, the Mohlakeng Civic Association in Randfontein had already taken a decision to boycott the elections in terms of the BLA and they had sought co-operation from the Soweto Civic Association at that level. A number of other organisations had already taken decisions independently of the UDF. At that stage there was no UDF. There had been the Anti-Community Council's Committee (10) that existed before the formation of the United Democratic Front. I understand this paragraph to be in that context. It does not mean that there were certain people who had planned for everybody before the launch of the UDF took place. It merely refers to local organisations in their own communities addressing the issues.

COURT : Can it not also refer to regions of the UDF which existed before the launch? -- That would refer to that, because the UDF stretches back to I think March 1983? -- No, no, in the real sense May 1983. That would include that.(20) But that would also include organisations that were outside the UDF which had already started doing that. We had - the National Forum was already in existence at that time. The DBAC was already in existence at that time. It had started opposing the Koornhof bills from 1982.

MR JACOBS : But do you agree that this refers to campaigns planned by people in the UDF? -- I do not know if it refers specifically to the UDF. It might well be that it refers to those organisations that had now become part of the UDF.

Will you read paragraph 2 on the same page with this (30)

one/...

one please. -- "The main focus of the UDF campaign, however, would be at local and regional levels. Organisations affiliated to the UDF will run campaigns on certain aspects of the new constitution that affect their membership in a direct way."

Is this fourth paragraph not part of the second one and that more particulars are given in the fourth paragraph of the campaigns? -- I cannot - I have a difficulty in accepting that this paragraph here simply means that all the campaigns that were taking place were campaigns of affiliates of the UDF exclusively and that it means that the plans of those (10) campaigns took place after the formation of the UDF. I cannot accept - nothing tells me that here.

Did you see anything about the campaigns planned by the UDF to be exclusively UDF campaigns in these portions that you have read and will you tell the Court then why you used the word "exclusively"? -- Well, I am told here that we went to launch the UDF we had already planned what campaigns the UDF was going to take up. It was pre-planned. That is what is put to me and I am disputing that and I give facts to support my argument that it was not a pre-plan of the UDF. (20) There had been organisations that had already taken those decisions. Other organisations came to the national launch of the UDF. We had no knowledge of what they had been doing before that.

COURT : I think for clarity sake when we refer to launch we must either refer to the national launch or the provincial launch, because launch may mean May 1983 or it may mean August, 20 1983. Mr Jacobs, when you talk of launch, do you speak of the national launch?

MR JACOBS : The national launch. I put it to you that (30)

this/...

this is a document of the UDF? -- I accept that.

And what is stated here in this document is making known the plans of the UDF? -- That is not so. It includes the plans of the UDF. It also refers to what was happening before the UDF was launched. I believe if I could go back and look at some sections of this document I may well find that it refers to things that took place before the formation of the UDF.

Will you read the next paragraph then, paragraph 5? -- I still want to respond fully to what has been put to me, (10) but I would like to go through one or two pages quickly.

COURT: Well, let us just get clarity. What is the question you are now going to respond to because it may be that that question was not asked. -- Counsel is putting to me that because this is an official document of the UDF, it therefore means that when the word "planned" is mentioned here, it means it was what the UDF itself planned. I am disputing that. I am saying that that encompasses what happened quite independently of the UDF.

Yes, very well. Would you not get the answer in the (20) next paragraph? -- I am not sure.

Well, have a look at it. -- I was not anticipating this kind of a question. Yes, I think indeed the next paragraph does answer that in the sense that it talks about local campaigns involving organisations against removals in the Northern Cape. We know that this is an old campaign. It is not long before the UDF was formed. The campaign against the incorporation into Lamontville it had really nothing to do with - it became part of the UDF only when those organisations came to join the UDF. The whole issue of Kaialitsha is a very (30)

old/...

old thing. It had been there before the UDF was launched. So, that these are the things that took place long before the UDF came into existence.

MR JACOBS : I put it to you that the local campaigns mentioned in the next paragraph that you referred to now was taken up by the UDF? -- Well, when it came into existence those issues, those organisations which were taking up those issues continued to go on taking up the issues, but I set out clearly in my evidence-in-chief what the UDF campaigns were and if we want further clarity, I would refer learned counsel to EXHIBIT (10) C102 the secretarial report to the NGC of the UDF in 1985. It sets out clearly what the campaigns are and what limited activities are. So that the UDF did not take up the things as campaigns. It might have spoken about them, it might have referred to them in documents like this and in speeches by some officials of the UDF, but it certainly did not take these things as campaigns.

Can we get clarity on what is national campaigns and what is local campaigns? -- A local campaign would be an issue that is - a campaign that is developed by local organisations independently of the UDF, determining ... (Mr Jacobs intervenes)

Can I just interrupt so that there can be clarity. When you say organisations, just make a distinction between affiliated organisations or others, otherwise it is not clear? -- It may be affiliated organisations. It may not be affiliated organisations. I think what we want to define here is what a local campaign is. As I understand it, a local campaign is a campaign that is developed by local organisations. They might be affiliates of the UDF. They may/...

may not be affiliates of the UDF. They might be - it might be a campaign that involves affiliates of the UDF and other organisations in that locality which have got nothing to do with the UDF. It is co-ordinated by those local organisations. It has got pre-determined goals. That is what a local campaign would be and a national campaign would be the one initiated by the UDF, co-ordinated by the UDF, the goals of that campaign defined by the UDF national.

Just name the national campaigns clearly for us? -- The campaign against the Coloured Management elections, the (20) campaign against the Black Local Authorities, the campaign against the tri-cameral elections and the million signature campaign.

Do you then say there were only four campaigns undertaken by UDF? -- Yes, as I understand campaigns.

Is it your evidence then that UDF did not take up a campaign about removals? -- That is my evidence. It had expressed the intention to take up that campaign and in my evidence-in-chief I indicated that right up to the time of my arrest such a campaign had not yet started, in a real (20) sense.

Is it your evidence also that the UDF did not take up the campaign on low wages? -- I did also indicate in my evidence-in-chief that there would have been limited activities relating to removals, manifesting themselves in say visits by officials of the UDF to areas affected by removals, invitation to organisations participating in the removals area, to give more information about that. The actual campaigns had not yet started.

While you mentioned removals, did UDF assist in (30)
supplying/...

supplying information on that local campaign? -- I do not know of a situation where the UDF assisted in providing information, but I know of a situation where the UDF was provided with information.

No, but the UDF itself? -- I am not certain about that. UDF national did not do that as far as I am concerned.

Do you know whether UDF national then did anything in assisting regions in regard to the removals in any way? -- I cannot recall any assistance. There was a discussion, that we would consider employing people to do work in (10) the areas affected by the removals, but it did not take place.

Do you know of any commissions or committees being established under the auspices of UDF either national or regional in regard to removals? -- There was a suggestion that committees should be formed to look into the matter. The possibility exists that there might have been a committee set up in the Western Cape to look into the matter. I am not quite sure of whether that committee did come into existence but I know that in a number of regions that did not happen. At national level we did not have such a committee. (20)

On low wages, do you know whether UDF National assisted any local campaigns on low wages and economical matters? -- UDF National?

Yes? -- I do not know of any. I know of discussions around the issue.

Only discussions? -- Yes.

Of no assistance in pamphlets or any other written material, information on that? -- If I may ask, is it suggested that the UDF printed pamphlets and gave it to some people who were conducting that campaign - I do not understand (30)

the/...

the question.

Yes.

COURT : Are you saying that it was mentioned in UDF publications or are you saying that UDF printed publications for distribution on the subject by the local organisations? --

MR JACOBS : I am asking him if UDF printed, UDF through its media, committee printed any information or supplied any - gave any information, did they print any pamphlets in assistance to organisations which took up this local campaign? -- I do not know of such. I cannot recall that happening. (10) But I do not preclude the fact that there could have been reference to low wages and so on in UDF documents.

Do you know whether UDF National encouraged the organisations to take up that campaign? -- On low wages? I think it was proposed at possibly the last NGC.

And on high rents, did the UDF through its media committee supply the organisations with information or pamphlets or other printed matter in boosting this campaign? -- Once again, I think I would appeal for clarity on the question, whether it is said that it printed that in his documents or are we (20) saying that they printed them for the affiliates?

Let us take both of them. Did it print in its documents, UDF, anything about that? -- That the rents are high?

Yes? -- Rentals are high? I think it did.

Will you regard that as propaganda? -- I would not regard that as propaganda. It is just clearly a report on that fact. If it was analysing it and presenting the views of the UDF it might well be regarded as propaganda, but if it was simply saying that rent has been increased and in fact it was increased on X day, that I would not regard as propaganda. (30)

Did/...

Did it supply any information to other organisations through its media? -- What information?

Any information on high rents? -- Printed for the organisations?

Yes, printed for the organisations? -- I know of no situation where the UDF National printed anything for the affiliates. I cannot recall any such situation.

And on the next one inadequate public transport, did the UDF National in any way assist the organisations taking up this as a campaign? -- I cannot recall UDF National taking(10) up the issue of transport, but in any event I would not preclude the fact that it could have been -- I think it would have been referred to in may be secretarial reports and so on.

What referred to? Let us get clarity on that. It could have been referred to. What do you mean by that? -- Well, mention that we have got a problem with high transport fares. We have got a problem of high rentals. We have got a problem of recreational facilities. In that context, that these things have got to be addressed. We got to have these things resolved. In that context I think it would have been addres-(20) sed.

Did the UDF conduct a campaign around education? -- The UDF per se did not conduct a campaign against or around education, but there were affiliates of the UDF who had initiated what they called the education charter campaign and the UDF pledged its support to that campaign. That campaign was initiated if my recollection - if I recall well, by organisations like COSAS, AZASO, NUSAS and the National Union of South Africa, which is an organisation of teachers.

Did the UDF accept this as a campaign of the UDF (30)

after/...

after it was launched at the national launch? -- At the national launch?

Yes, did they take it up, accept it? -- The UDF did not take up the education campaign.

Since the national launch, did it ever take up this as a campaign of the UDF? -- It has supported it. It has not taken it up as a campaign of the UDF. It has called upon its affiliates and regions to support that campaign.

Will you read the next paragraph, please? -- What is the next paragraph? Is it the paragraph after the one I (10) read in response to the question raised by counsel?

Yes, "Part of these local campaigns"? -- "Part of these local campaigns have already included solidarity meetings with the people of Mdantsane in East London, as well as with the South African Allied Workers Union in their fight against Ciskei government terror. Speakers at these meetings pointed out that the homelands were regarded as the constitutional solution for most South Africans by the Nationalist Government and that the UDF's rejection of these homelands goes hand in hand with the campaign against the new constitution." (20)

Can you explain to us what is this part of these local campaigns have already included solidarity meetings"? Does it mean - do you not agree that according to this, this was taken up by UDF and it refers here to the planning before, that part of the planning was to see these people? -- What are we talking about?

This "part of these local campaigns have already included solidarity meetings." So, partly something was done already? -- Yes, in respect of the Ciskei repression, the UDF did (30)

take/...

take up the issue insofar as publicising that thing and demonstrating a protest in that respect. The UDF were involved in that. I had indicated that I was part of another committee that worked on the issue.

According to the part that you were part of, was after the national launch of the UDF. Is that not so? -- That is correct.

But this refers to what was done before the launch. Is it correct? -- What was done before the launch? No, it does not. I do not see it that way. You see, although the (10) declaration was adopted at the national launch, this booklet was not adopted by the national launching conference. Resolutions were adopted - the declaration was adopted, all these documents and the key documents of the UDF were adopted and then there were the speeches of people who spoke at the rally. After that had happened, the region of the UDF in the Western Cape was asked to produce a booklet containing the happenings of the time, on the conference and the rally. Then an introduction was given dealing with things that had happened since the launch, but this booklet was produced (20) towards the end of the year, I think in November or so. It was the end of October/November or so. So, that one cannot take this book and say because it deals with the national launch, everything that it refers to here must be something that happened before that day of the launch.

Will you have a look at EXHIBIT C1. -- This is once more the document that I said I did not know.

I put it to you it was found in the offices of the UDF and I put it to you that it is accepted and stated that the masses are the makers of history and it is the masses who (30)

must/...

must bring about the freedom you sought? -- What paragraph are we looking at?

Will you have a look at EXHIBIT C document 2, the printed one page 1 paragraph 3.1. Will you read it, please? -- "Firstly, is it true the actions and work of the few, like ourselves, or the many, the masses" I think if I read it like that, nobody will understand in what context it is read. May be I should read first ... (Mr Jacobs intervenes)

Will you read it first and then you can tell us what you think? -- I think I should start at the two lines before (10) 2.1 "Our objectives." It reads as follows "In attempting to discuss the role and future of the UDF, it is important to recall some of the fundamentals that guide us in our work." And it says "Objectives. Is to dismantle apartheid and replace it with a more just and more democratic system (as in the Freedom Charter for those of us who subscribe to it.)"

That is a fundamental of the UDF. -- "Often in the day to day heat of the struggle we forget that our enemy is the apartheid system, not those whose views differ with ours. The next question on which we require clarity is the question (20 of how this change will come about. Firstly, is it through the actions and work of the few like ourselves or the many, the masses?" So, really this part is linked to how change will come about.

Go on? -- I have come to that point. I think now I understand the context in which it was used.

Read paragraph 3.1 please? -- I have read it. It is the one that says is it through the actions and work of the few like ourselves or the many, the masses.

And our view? -- "Our view. The masses are the makers (30)

of/...

of history. It is they who must become the active participants in the struggle. Without this there cannot be any successful victory."

Yes, go on.

COURT : Mr Jacobs, why does the witness have to read pages and pages? Can you not say do you agree, this is the position taken by the UDF or that is not the position taken by the UDF? If he agrees, end of story. If he does not agree, point to a document.

MR JACOBS : So, this is an accepted fact - put it like (10) this - and one of the fundamentals that guide the UDF, that the masses are the makers of the history and they are the people who must bring about the change? -- The view expressed here was consonant to the views of the UDF. I am not saying the document is a UDF policy document, but what it is saying is what the UDF would say.

But this is what is said in UDF? -- That is correct.

It is also accepted and stated that the NEC, the National Executive of the UDF will decide on policy and decisions to be carried out by the organisations. Is it correct, as is (20) stated in A1? -- May I have a look at the section that counsel is referring to?

A1 page 10.

COURT : Let us just put the thing straight on record. It is paragraph 9.3 of the Working Principles of the UDF. -- What was put to me? Something was mentioned about affiliates here?

The question was that the UDF accepts that the NEC will decide on the policy to be carried out by the organisations. -- This is not what is written into this paragraph. (30)

MR JACOBS/...

MR JACOBS : Who decides on policy? -- The NGC - The National General Council is the highest policy making body and in the intervening period when the NGC is not meeting, the NEC is entrusted with the task of dealing with policy matters. It makes policy subject to a process of consultations with the regions of the UDF and affiliates of the UDF which would be participating as part of the regions of the UDF and then it gets feedbacks from the regions of the UDF and then it arrives at a symphysis of the views of all the regions and only then does the issue become a policy of the UDF. (10)

COURT : You are telling us what happens in practice. According to the working principles, is the position not such that in the intervening period, between NGC's, the NEC determines the policy? -- That is so.

And they way you do it, that is method? -- That is so.

MR JACOBS : And is it correct that the decision must be carried out then according to 9.4 by the secretariate of the UDF? -- That is correct.

And is it accepted and stated that the regions are part of the UDF? -- That is correct. (20)

That means they are part of the NGC as stated here in paragraph 2 on page 8, the composition? -- That is correct.

Does it mean - what does this mean? -- Well, what it means is that when we talk of the UDF - about the UDF, we are really talking about the coming together of the regional formations of the UDF which themselves are composed of affiliates. When we are talking about the UDF, we are talking about them.

And is it correct that they are part of the decision making, the are representatives on the NEC, on the National(30)

Executive/...

Executive? -- That is correct.

And they are part of the policy making between National General Council meetings? -- That is correct. Those representatives, the six that I have mentioned when I was asked the question the other day who sit on the NEC are part of that. However, when they go back to their regions, whatever they have decided at the NEC has got to be subjected to scrutiny and further discussions by the regions and affiliates.

I put it to you that that is not completely correct. They must carry out decisions taken by the National Execu-(10) tive? -- That is not true. It is not must. It has got to go through the process of discussion and they might reject it, they might not implement it. I gave an example of the Kennedy visit, what problems we had about that. If it was a question of must, we would not have had those problems. I think the UDF must not be elevated to a political party. I do not want to go into the details. I have dealt with that in my evidence-in-chief. It is a loose front.

Will you agree that there is a clear distinction between the regions and affiliated organisations? -- Yes, there is(20) a distinction if you take an individual affiliate out of the general, the region of the UDF, but the region itself comprises of affiliates. The distinction is only insofar as that affiliate is doing its own activities at a local level, but once they are coming under the umbrella of the UDF and you talk about a decision of a region of the UDF or a decision of UDF, you are really talking about a decision taken by the affiliates, because you have got no UDF if you have got no affiliates.

There is no provision here for the regions being part(30)

of/...

of the UDF about this autonomy and that they can do certain things, the recognition of autonomy? -- I do not understand the question.

There is no specific provision for the National Executive and their autonomy because they are part of the UDF National Executive?

COURT : Vis-a-vis the affiliates or the regions?

MR JACOBS : The regions. The regions are part of the National Executive and therefore there is no provision for their autonomy as in the case of affiliated organisations? -- (10) That is not so. Perhaps we should have a look at page 9 item 6 on the rights of members.

COURT : That is paragraph 6 of the Working Principles? -- That is correct, 6.1. It says "All regional formations and member organisations shall have complete independence within the umbrella of the United Democratic Front, provided that actions and policies of members are not inconsistent with the policy of the UDF" There is that provision.

MR JACOBS : Yes, but there is a specific provision and also a very important proviso. Do you agree to that? They can (20) do on other things but as long as it is on policy matters and the working principles and policy, provided that the actions and policies of members are not inconsistent with the policy of the UDF. That is an important proviso. Is that correct? -- That is correct.

As far as ... -- May I comment on that point?

COURT : Yes? -- The foundation of the UDF is opposition to the constitutional proposals and the Koornhof bills and the policy of the UDF is a non-violent one. So, that when we really are talking about within the - if it is not (30) consistent/...

consistent with the policy of the UDF, first we mean it does not depart from the non-violence policy of the UDF, secondly that it does not tend to promote the constitutional proposals and the Koornhof bills which the UDF is opposed to. They can do what they want to do, as long as it does not depart from those key elements of the UDF.

Apart from what you say, does this paragraph not mean that they have to be consistent, that is now the regions and the member organisations, have to act and adhere to a policy which is consistent with the policy of the UDF (10) and the policy of the UDF is that which is determined to be her policy from time to time by the NGC and in the interim by the NEC? -- I agree. I accept that.

MR JACOBS : And is it also so as far as the affiliates are concerned, if there are inconsistencies, then it is the national executive and the regions who will decide on what is an inconsistency with the policy of the UDF? -- And the regional councils, yes.

And I put it to you it is also accepted that the qualification for membership of the UDF is another safeguard to(20) ensure that the affiliates will carry out the decisions and policy and leadership of the UDF? -- May the question be repeated? I do not follow.

I put it to you that it is accepted that the qualifications for membership is another safeguard to ensure that the affiliates will carry out the decisions and policy and leadership of the UDF? -- It is too complicated for me. I do not understand. Carry out the leadership and policy? I do not understand.

To carry out the decisions, the policy under the leadership
(30)
of/...

leadership of the UDF?

Yes? -- Where is that provision? I really do not understand the question.

Paragraph 5.2 page 8. That is a pre-condition for membership of the UDF? -- May I read what is written in this paragraph. May be we can then deal with what it means. It reads as follows "All organisations which are prepared to commit themselves to the declaration policy and to the program of action, will be illegible to make an application for affiliation through the regional council. If I am required(10) to interpret that, to explain what that meant, at the time of the launch, the UDF adopted a declaration policy which is I think appearing at page 4 and 5 of this exhibit and it adopted guidelines to the program of action which I have been shown - part of these I was shown as appearing in I think it is EXHIBIT V1 but it is also EXHIBIT AL3 in this case. That is what is referred to here, that those organisations which accept the declaration of the UDF and the program of action may apply for affiliation through the regions. I would like to leave my comment at that point. (20)

ASSESSOR (MR KRUGEL) : Would there be a difference in this if we have on the one side a declaration policy, that is the policy contained in the declaration and on the other hand the declared policy of the UDF? Policy as declared from time to time. Would you draw a difference there? Would a member, would an affiliate not for instance if he - well, he has a right of withdrawal, he has a right to withdraw and we have the section 5.1 which deals with the review of policies by the National Executive Committee in consultation with regions in the interim period? -- That is correct. (30)

So/...

So, would not this concept of an organisation abiding by the policy, who commit themselves to the declaration policy, also necessarily mean that they must commit themselves to the declared policy of the UDF? -- Yes, from time to time obviously the new issues arise and then decisions are taken - policy decisions are taken on those issues. It must be a policy that is acceptable to the affiliates. It is understood that affiliates who affiliate will be accepting that policy. Although that cannot be seen in isolation from the foundation document which is the declaration of the UDF. (10)

MR JACOBS : Do you agree that there are pre-conditions before an organisation can become a member of the UDF?

COURT : Why do we have this long winded approach to this whole question. Is the position not this that one subscribes as an affiliate to the declaration, in the declaration certain principles are set out and certain undertakings are given as to what we will do and what we say that can be read in the declaration and an affiliate who joins the UDF, undertakes what is undertaken in the declaration. -- That is correct.

MR JACOBS : Do you agree then that that is, although you(20) say that affiliates are autonomous, that that is a qualified autonomy? -- Yes, it is qualified, as set out in the working - at page 9 EXHIBIT A1, Working Principles item 6.1.

And also qualified by item 5.2. Is that correct? -- What is correct? What is the question?

And it is also qualified by the - the autonomy is also qualified you said by paragraph 6.1, but also by 5.2. Qualified by 5.2. They must also commit them to the program of action of the UDF? -- I think 5.2 is dealing with the what we may call may be pre-conditions, what one must satisfy (30)

to/...

to become a member, and then 6.1 is dealing with the extent to which an organisation - is dealing with the autonomy of organisations and regions within the UDF.

But they must - the organisations to become a member must also adhere to the program of action of UDF? They commit themselves to that? -- That is correct, the guidelines as adopted at the national launch. Of course from time to time there might be new programs that are developed and it is expected that affiliates, those who want to become affiliates of the UDF would be party to that.

10

Do you agree, Mr Molefe, that it is accepted and stated in the UDF that the Government will not hand over the Government to the masses? That is a fundamental in the freedom struggle? -- I do not know about that. I cannot recall any such thing. May counsel refer me to the UDF document?

Would you have a look at "A1" page 4? We have already had that yesterday, but just to refresh your memory I put it to you that that is a clear acceptance of the position. -- I reject that proposition.

Actually page 5, that you know that "apartheid" will continue? -- I reject the interpretation of counsel to the effect that that means - that has got to do with the handing over of power. It was not in that context. I have set out my explanation yesterday.

20

q Will you have a look at page 40 of the same document, and I put it to you that it is accepted and clearly stated that people by their own actions will ..

COURT: Are you referring to page 40? Which column and which article?

MR JACOBS: Articles of George Supersat, second column.

30

What/...

COURT: What are you referring to there?

MR JACOBS: I put it to you then that it is clearly stated and accepted that the people will bring about the change in South Africa. -- Whereabouts? The people will bring about change?

COURT: I thought that you and the witness were ad idem on that already. Are we now back again to square one?

MR JACOBS: I want to put this to him in order to show him that it is not by the actions of the Government, and that is a belief in UDF that not by the actions of the Government, 10
by the actions of the people themselves, that change will come about. -- If it is put in that context, I reject it. It is a two-way process. All we are saying here when we talk about the masses having to participate in the process of change, we mean that they must build strong organisations, they must be seen to be, if a campaign is mounted against the elections, for instance of the Black Local Authorities, or against the tri-cameral parliament, mass participation must manifest itself in the spreading of the message of boycott, in the stay-away from the elections by the actual 20
withdrawal of vote or refusing to vote in those elections. Now, this is intended as a signal to the Government that is in power that it must now set in process, begin initiatives that will set in process the necessary changes or begin to investigate seriously what changes will satisfy the people. So that this is really a two-way process. It is not a question where we are saying, we will bring about change and nothing else, no one will be a participant in that process of change. It is intended to build pressure enough to show the Government that what it believed was its support 30
for/...

for apartheid, it is not so. It would have to bring about change. We have indicated that if a national convention has got to come about, the Government has got to be the key participant in that convention, it has got to call that convention. So that when we talk about the masses, the people who must bring about or be agent, that must bring about change, it is in that context.

ASSESSOR (MR KRUGEL): Mr Molefe, could we just go back to - I am afraid it is a few days ago. Could you just please reiterate your standpoint on this phase, where the Govern- 10
ment calls now the national convention, in my own mind at the moment I have it that that national convention will be one where the Government will not have an army any more and no police force? -- M'Lord, I have indicated that those were matters subject to negotiations, and I had indicated that a flexible attitude is adopted when people go to a national convention, and I had given that in the course of the debate, certain conditions are accepted; others are not accepted, and it does not follow, and I made this point, that we were under no illusion that when we call for a 20
national convention, every single condition as set out would be satisfied, and that if certain conditions are not satisfied, a national convention would not take place. But I said that there are obviously those conditions which directly relate to the question of the national convention, and those are enumerated as the release of political prisoners, the return of the exiles, the unbanning of the banned organisations, to allow all those people to propagate their views openly, and allow the people to choose freely who are their leaders. Those are directly - those key conditions 30
are/...

are directly related to the question of the national convention.

MR JACOBS: Mr Molefe, will you turn to page 38 of the same document, EXHIBIT "A1"? That is a speech by Francis Baard. Can you tell the Court who is Francis Baard? -- She is one of the patrons of the UDF.

And she opened, if I understand her speech correctly, she was asked to open the rally? -- That is correct.

Now will you have a look at the first paragraph of her speech at the rally, and the second part of it, which starts: 10

"That means South Africa is our motherland and South Africa is going to be free, even if the Government does not want it."

Will you agree, that is quite contrary to what you told the Court just now? Do you agree, this is contrary to what you said? -- That is not contrary to what I am saying.

Even if the Government does not want it, there will be change? -- Yes, that is not contrary. All she is saying is that the Government may not be happy with what we are saying, the nature of change that we want, but we will go on building 20
pressure on that Government, that finally it will have to accept that that change will have to come. It has happened many times. The Government had said, we will never do this, but in the end they had done that, they had changed certain things.

Do you agree .. -- As I understand it even now, it was the policy of the Government that Black people would not own the land, would not have freehold rights in the urban areas, but now they have changed in the 80's, and I would say proudly that it is due to the credit of those of us and 30
those/...

those of our organisations which spoke out loudly against such policies. We have pressured the Government to move on those issues. I understand it in that context.

I put it to you what is clearly put here, that freedom will come around without the Government conceding to it? -- Well, I do not accept that. It is a dream. I do not know of any such thing.

Can we have a look at EXHIBIT "AL30"? Just to identify this, this is a United Democratic Front, the heading is "United Democratic Front, Eastern Cape", the UDF logo on top, "Million Signature Campaign", and it is a briefing for field workers. Do you accept this as a UDF publication? -- Unfortunately this is one of the documents I have not read myself, but I have not seen it before. Is this "AL30"? I have not seen it before. It is a fairly long document. It has got the UDF logo in front and it says "United Democratic Front Eastern Cape", but I have not seen it before, and unfortunately I have not even had the opportunity to read it. 10

COURT: Where was this document found, Mr Jacobs? 20

MR JACOBS: It was found with Roland White. Is he an executive member of the UDF region Eastern Cape? -- He was.

COURT: What are you intending to refer to?

MR JACOBS: Page 8.

COURT: The pages are not numbered, I think. Will you quickly number the pages, the front page.

MR JACOBS: The one with the logo is page 1.

COURT: Introduction is 1, House Visit is 3, the next one is 4, If the Person is Supportive is 5. You are now ready for the House Visit is 6, Why the Government introduced its 30

New/...

New Deal Now is 7, United Democratic Front is 8 - Puppets replace Leaders is 8, United Democratic Front is 9, UDF Believes In is 10. How far do you want to go, Mr Jacobs?

MNR JACOBS: I am going to page 8 and page 10, if it is necessary.

COURT: You refer the witness to page 8?

MR JACOBS: Yes. Dit is paragraaf 4.

The fourth paragraph. Will you read it?

COURT: What is the point you are going to take, Mr Jacobs?

MR JACOBS: I am going to put it to you that this document of the UDF also brings out the contrary to what you told the Court here, that it is accepted in UDF that the Government will not give up and hand over power to the people. -- Are we looking at page 8 paragraph 4? Maybe I am looking at a different one. 10

All these factors, that is the paragraph. Would you read it out please? --

"All these factors and an increased amount of disunity among the White Government put South Africa in a crisis. It had to respond. It would never be prepared to give up apartheid and give us the genuine change we are demanding. It came up with its new deal, another fraud. The Government hopes that the new deal will win over the Coloureds and Indian people (through its new constitution) and a section of the African community (through the Koornhof bills). It hopes that the new deal would improve its image in the eyes of the world." 20

MR JACOBS: Do you agree that this paragraph now read by you, it is contrary that the belief must exist and it is 30

accepted/...

accepted in UDF that the Government will not give up apartheid and hand over the power to the people? -- Although I have not read the previous paragraphs, that is not how I understand it. All he is saying, all the writer is saying is that certain things have happened, a crisis had developed in the ranks of the Government, and the Government had to respond to that crisis, and it responded by starting on a process of reform, the new deal. Now, he is saying had those things not happened, the Government would not have changed, it would never be prepared to change. That is how I understand it, otherwise I would have to go and read all the paragraphs that come before that. 10

You will agree that the language is quite clear that the Government will never be prepared to give up apartheid and give you the change "we are demanding"? -- It cannot be taken in isolation. It talks about all these factors and an increased amount of disunity amongst the White Government, put South Africa in a crisis. It had to respond, it would never be prepared to give up apartheid and give us the genuine change we are demanding. I think that the response that it is making, it is because of what had happened. I do not know what the speaker was referring to, but I do not understand it to mean that the Government would never - he would not have used the word "would", he would have said "will never change". 20

I put it to you that he did use the word "never", the word "never" is used in this paragraph? -- Yes, but what I am saying is that, if this speaker was saying it will never change and putting it straight like that, period, he would not have used the word "would". He would have said "the 30

Government/...

Government will never change", despite the fact that it is making these reforms, it will never change. He would have said so. So I think, I do not accept the proposition. I would have to read the previous paragraphs.

THE COURT ADJOURNS. THE COURT RESUMES:

POPO SIMON MOLEFE, still under oath:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I would like to refer you also to EXHIBIT "C103". This is a document that was found in the offices of the UDF and it is according to this document the Police of the Congress of South African Students. That is COSAS, is that correct? -- That is correct, but which offices of the UDF? The national office, the office of the UDF in the Eastern Cape or what? I am not sure. 10

In Johannesburg, the national office, I put it to you it is the national office Johannesburg. -- I do not know. I have not seen that document before. I cannot dispute what counsel is putting to me.

COSAS is an affiliate of the UDF? -- That is correct.

Now, would you have a look at the paragraph with the heading "Dialogue", and I put it to you that it is accepted by COSAS that no dialogue can bring about change in South Africa. -- Is that interpretation based on what appears on this document? 20

That COSAS reject any dialogue with the Government or Government-created bodies or institutions.

COURT: The question by the witness is, do you base this on something else or do you base it on the paragraph "Dialogue" in this exhibit?

MR JACOBS: I base it on the paragraph "Dialogue". -- I would/... 30

would like to read the paragraph, if Your Lordship allows it.

"We maintain that a genuine and meaningful change will be brought about by the will and power of the people. We reject any direct or indirect dialogue with the Government-created bodies or institutions."

Now, M'Lord, having read this paragraph, I do not understand it in the way in which counsel understands it. I understand it to mean that COSAS was not prepared to talk to those bodies which are created by the Government. I think 10 they had in mind things like the Black Local Authorities, possibly the tri-cameral parliament or the Coloured Management Committees. That is if this document was produced during that period. It may well be that it was a document that was produced by COSAS shortly after its formation or on its foundation in 1979 or possibly 1980, maybe 1981. We do not know when the document was produced. But the sentence qualifies what they are saying. It says Government-created bodies, and I think it is only COSAS that can tell us what they intended Government-created bodies to be. 20

It is not inconsistent then with the policy of the UDF, this document being at the offices of the UDF. Is it correct?

COURT: What is the question? Is the fact that it is at the offices not inconsistent with the policy of the UDF, or is the contents of the document not inconsistent with the policy of the UDF?

MR JACOBS: I put it that the contents of this document is not inconsistent with the policy of the UDF.

COURT: Are you asking him about the whole document or just 30
this/...

this paragraph?

MR JACOBS: I refer to this paragraph. -- Yes, the UDF believes that change should come through proper structures, not those puppet structures in the form in which they were at the time of the formation of the UDF in 1983 and up to the time of my arrest.

And this means any Government-created bodies or institutions. Does it also mean delegates appointed by the Government to have discussions with UDF on any issue? -- It does not mean that. I have dealt with our conception of the issue of the national convention and how the Government would participate there. I have dealt with my attitude for instance to the courts as independent institutions. They might have been set up by the Government, but they are operating not as part of the Government. So that I think if I were to give my interpretation of this, I would have in mind things like the Indian chamber, the Coloured chamber, the House of Representatives, the House of Delegates, and the Black Local Authorities structures, the homeland system. Those are inconsistent with the UDF's view of a non-racial democratic South Africa under a single government.

Mr Molefe, do I understand your evidence correctly that, is it the view and the policy of the UDF to only have dialogue with the Government about a national convention, no other issue? -- There are a number of issues that the UDF could talk to the Government about, and if one looks at the minutes of the UDF from time to time, the secretariat was recommending that there should be a meeting with the Prime Minister. The NEC was recommending that to regions also. Now, that clearly gives the attitude of the UDF to the/...

the question of talking to the Government. It is incorrect to suggest that if one does not want the tri-cameral parliament, then one does not want to talk to the Government. Bishop Tutu is diametrically opposed to the policies of the Government, but he has always led delegations to talk to the Government, but he would not go into the Black Local Authorities, he would not go into the Bantustan structures, but yet he talks to the Government.

COURT: Is Bishop Tutu a policy maker of the UDF? -- No, he is not. 10

On what basis do you bring him into the case then? -- No, I am merely bringing him in in the sense that counsel is attempting to conclude that because the UDF does not want to participate in these structures, it would only talk to the Government on the basis of a national convention and nothing else. I am merely bringing it in as an example of somebody who is taking a position that is similar to that of the UDF.

MR JACOBS: And on the question of the national convention, will the UDF only talk to the Government or will it talk to other bodies of the Government? -- On the issue of the national convention, the UDF as party to that will talk to the people who are sent there as participants by their constituencies to take part in that convention, the Government included, whatever. 20

Will you have a look at EXHIBIT "C37"? This is a document headed "UDF and the New South African Constitution" and it was found with Prof Ismail Mahomed. -- My comment is that this is not a UDF police document. I have never seen this document until I stood trial here, until I came into this/... 30

this case and saw it as an exhibit in this case.

Mr Molefe, can I understand you clearly now: is it all the documents that you have not seen, they are not policy documents? -- All the documents that I have not seen and I know of no adoption by the UDF of such documents.

But it is generally .. -- They are not UDF policy documents. They might contain certain elements of UDF policy but they are not - they might contain certain aspects which are consonant with the policy of the UDF, but that does not make the document a UDF policy document. 10

But I put it to you that according to this document and in this document - let us first get it like this: this document handles with UDF and the South African constitution? -- That is correct. I see that.

And I put it to you that what is expressed here in this document is the views and observations of UDF? -- Well, I do not know. I have to study the whole document.

And I put it to you further that it is accepted and stated in this document that dialogue on the constitution is out of the question, that there is no - let me put it like this, that there is no possibility of dialogue with the Government about the new constitution. Will you have a look for this instance at page 2 under the heading "UDF Referendum", the third paragraph. Will you read that paragraph? -- Maybe I should read this whole paragraph into the record. Is it the last part of item 2 or the whole of item 2? 20

The last part, the third paragraph of item 2. -- I propose that we read the whole thing so that it be in context with the argument that the person is representing. 30

"If/...

"If the referendum is called by the UDF, there are still dangers there. It will be a bad tactic for the UDF to use a racist referendum to solve this situation, irrespective of who calls for it. An ethnic referendum is racist and is bad tactics. As for using it to demonstrate mobilisation skills to the Africans (NEC) it is a bad argument and it is also tinged with racism. The struggle is not a forum where races or even tribes are engaged in demonstration of skills. The end goal of the struggle is liberation, not conviction. This goal is for strategies and tactics to be employed by the people. Above all, if the UDF calls for a referendum of whatever kind, this would imply the acceptance of the illusion that our problems can still be solved by constitutional means involving 'responsible internal leaders'. To accept this we believe would be a grave mistake. If other people think constitutional solutions are still possible, we need to be told openly and in a hurry."

MR JACOBS: So I put it to you that it is .. -- I want to read on, the last paragraph on page 3, with Your Lordship's permission.

"To sum up, we stand for a total non-participation in any referendum. This is based on our experience and contact. We also believe that it is the best non-confusing tactic that readily would gain the support of many people. If other regions have tactics that work for them, let them not be misled to think that they can work on a national basis."

MR JACOBS: Now, Mr Molefe, I put it to you that it is stated/...

stated and accepted as a fundamental principle that there can be no change according to the UDF in constitutional ways.

COURT: Stated by whom?

MR JACOBS: Stated in documents of the UDF.

COURT: Well, in this particular document which we do not know what status is to be allotted to it. Mr Jacobs, we do not know where one fits this document into the picture. At face value it seems to be an argument put up for the non-participation in any referendum. What is the question? 10

MR JACOBS: My question is - let us get it first: I would like to put it to you, Mr Molefe, and you can correct me on this or not, that this document is a report or a statement at the Port Elizabeth Conference, a report of the conference. Do you agree with that, if you have a look at the first paragraph? -- It purports to be that, M'Lord, but I was at that conference. This document was never read there, neither was it given to anybody, anyone of us in the National Executive of the UDF.

And I put it to you that this is a report of what happened there and it was decided on that that .. 20

MR BIZOS: M'Lord, the first sentence negatives the suggestion.

COURT: It is clearly not a report of what happened there. The NEC took up a certain position as is demonstrated at page 2 paragraph 2 under the heading "UDF Referendum", second paragraph: "Demonstrate mobilisation skills to the Africans", NEC. The writer of this document says that is a bad argument on the part of the NEC. This means therefore that this is not an NEC paper, it is somebody else's paper. 30

Now/...

Now what is the purpose of this cross-examination?

MR JACOBS: As the Court pleases.

Mr Molefe, I would like you to have a look at EXHIBIT "AM51". Can I leave it for a minute? I will come back to this one later. Mr Molefe, the freedom struggle, is it an accepted - it is accepted, I put it to you, it is accepted and stated that the kind of government that UDF is working towards is a government of the people. They are differently denominated. One of them is a government of the people. Is that correct? -- And what is the other one? 10

Do you agree to that one? -- Yes, the UDF believes that the people of South Africa must have a vote in the government of the country.

And they also accept it and call it that the people shall govern and they want a South Africa based on the Freedom Charter? -- Not the UDF, the UDF has not adopted the Freedom Charter.

Tell me, Mr Molefe .. -- Individuals who belong to organisations that have adopted the Freedom Charter, or individuals who themselves subscribe to the Freedom Charter might have said that, but that is not the UDF position. 20

Mr Molefe, can you tell the Court, does the UDF reject the Freedom Charter? -- The UDF does not reject the Freedom Charter. It recognises the fact that it is a significant document with popular support and embodying the broad aspirations of the people of South Africa, but the UDF would not accept the Freedom Charter as its document, for a number of reasons, that the UDF seeks to unite a diverse range of organisations, some of which are not subscribers to the Freedom Charter and some of which are opposed to the Freedom Charter/... 30

Charter, and those which are part of the UDF, there are those within the UDF who are not subscribers to the Freedom Charter, and any attempt to adopt the Freedom Charter would have led to disaffiliation by some of those organisations, and this has made it difficult for the UDF to win other organisations which were not interested in the Freedom Charter.

So the main reason is to get the other organisations into the UDF? Is that the main reason, organisations that do not subscribe to the Freedom Charter? -- The main reason 10
for what?

For not adopting the Freedom Charter? -- Well, I saw it as - those were the fundamental reasons.

COURT: What were the objections against the adoption of the Freedom Charter, on the part of some of your affiliates? -- I have not had the opportunity to discuss the Freedom Charter broadly with all the affiliates, but I know that for instance the Council of Unions of South Africa is a Black Consciousness orientated union, and it would not want to accept a document that would turn it into a non-racial 20
organisation. Some of the objections that people raise is that the Freedom Charter talks about national groups. They believe that it is entrenching the present situation as created by the policies of apartheid, of defining people as to the ethnic groups to which they belong or racial groups to which they belong. Those were some of the objections.

MR JACOBS: It is also accepted and stated in documents of the UDF that there must be an establishment of people's power. -- That may be so. If I may comment, in the context of getting people to have a vote, extending a vote to people. 30

Once/...

Once one has a vote, one has got power; once the people, the majority of people have a vote, then they have power. Power is no longer in the hands of a White minority in the country, that everyone can exercise it.

COURT: I got the impression from the documentation that when the UDF uses "the people", it actually refers to the "oppressed" and not the "oppressors". Is that right - both in inverted commas? -- Well, it refers to the oppressed and those who are not oppressed but who love democracy and are opposed to the apartheid policy. It really refers to the people outside the Government, and that would be Black and White. 10

MR JACOBS: Do I understand it correctly, Mr Molefe, that the overwhelming number of organisations in the UDF subscribe to the Freedom Charter? -- There are quite a lot, but I have not sat down to count. I do not know if they are in the majority. It is a substantial number. It may well be 50%, it may be more than that. I do not know.

Now, in the event of the Government agreeing to a national convention, do you think that there will be arguments about it between the different organisations about what kind of government is to be brought about, according to the Freedom Charter or not? -- There would obviously be those arguments. 20

And trouble, do you foresee trouble on that? -- What trouble?

Some organisations and some of the Blacks not subscribing to the Freedom Charter? -- Well, I do not know what people would be accepting there. An organisation that subscribes to the Freedom Charter might say, I think that 30

we/...

we must be allowed to have freedom of our cultural development, we must continue to speak the language that we speak, they must not impose a foreign language on us. If we want to study in our own mother tongue, we want to continue doing that. We may have an official language, but do not force us to leave that, to do something else. We want to pray in our mosques, in our community. They might say that. Somebody else might say something else. Somebody might say, I want to be allowed, although the Group Areas Act might be removed, but I think that despite the fact that there are people in Lower Houghton, I would like to live there also. It is a negotiation. People come with all sorts of ideas, but in the final analysis there must be an acceptance of those which are fundamental to the whole question of the solution to the problem. There would be a debate. It is a matter of debate. 10

You see, Mr Molefe, I put it to you that this call, this general call for a government according to the Freedom Charter and the call for a government, that the people shall govern, a government for people's power, they all boil down to one thing and that this freedom struggle is not a struggle for civil rights, but it is a struggle for taking over power in South Africa? -- Firstly I think I need to deal with the points made step by step. One, I have made it clear that it is not the policy of the UDF to seek a government based on the Freedom Charter. The UDF cannot say so because the Freedom Charter is not a UDF document. Individuals might say so. With regard to the question of people's power, it must be understood in the context in which I have explained it, the context of people having/... 20 30

having a vote, a vote be given to everybody, to vote for a government that must come into power, because then the citizens of the country, Black and White, will be exercising the power of vote, to elect those that they want to elect into power, or they themselves getting elected into power. And finally, given that approach, there is no question of the hand-over of power. If the hand-over of power is understood in the context that the minority that has been exercising power to the exclusion of the rest of the people, is no longer exercising it as a minority but the people now are ruling the country. If it is understood in the context that it is seized from a minority but into the whole people of the country, with that minority becoming an integral part of the people, yes, it would be a hand-over of power from a minority to the majority of South African citizens, not a hand-over of power by the Government to the UDF or some affiliates of the UDF. 10

Would you agree that the struggle for national liberation means the same, that it is a take-over of power? -- If that relates to the definitions that I have given, I have got no problem, but if it is something else, I reject the proposition. 20

I would like you to have a look at EXHIBIT "AAD5". Mr Molefe, you yesterday ..

COURT: What is the admission as far as this document is concerned?

MR JACOBS: It was found in the UDF offices, Pretoria.

MR BIZOS: We do not see that in our admission document, M'Lord.

COURT: It is there. My assessor picked it up somewhere. 30

It/...

MR BIZOS: It may be in a supplement that we have not yet looked at, M'Lord.

WITNESS: M'Lord, I think this document appears also as "C1", part of it. Part of this document appears also as "C1".

ASSESSOR (MR KRUGEL): Was there an office in Pretoria, a UDF office in Pretoria? -- No, the UDF did not have an office in Pretoria. I think we made the wrong admission. I had seen the SAWO office in Pretoria and so on, in some of the things we were required to make admissions of. The UDF did not have an office in Pretoria. 10

Was there an area committee in Pretoria? An area committee of UDF? -- I am not certain. It might have been in existence, maybe at the beginning of 1985 or maybe towards the end of 1984. I am not sure. I do not know.

Was there any area committee in the Northern Transvaal? -- I think there was.

Do you know where? -- I do not know exactly.

Was there an area committee in Pietersburg? -- I do not know if it was based in Pietersburg. 20

MR JACOBS: Now, yesterday you told the Court that there was a shift from protest to challenge as an accepted principle in UDF. Is that so? -- I did so. I believe I explained that it was merely a change of tactics.

And will you have a look at this EXHIBIT "AAD5", the last paragraph 2, "Fundamental Challenge". Read it to the Court please? -- Before I even deal with - respond to what I am asked to do, I want to place on record that this is not a UDF policy document. I had never seen it before my arrest. 30

Officially/...

COURT: Officially you cannot place anything on record, only your counsel can. You can just state it.

The last paragraph on page 1?

MR JACOBS: Page 1, marked 2, "Fundamental Challenge". --

"We are talking about a challenge to the whole system of oppression and exploitation, not a piece-meal challenge. We are not attempting to reform unreformable structures, but are fighting for complete social transformation. The people of South Africa have never governed the country. We are fighting to realise this most basic right, the right to self-determination. Therefore ours is not a civil rights struggle. It is a struggle for national liberation." 10

MR JACOBS: So is it a correct statement then that the freedom struggle is a struggle for national liberation which means a struggle not for civil rights but taking over of power? -- That is correct. If I may comment on my understanding of that and how we understand it, the UDF. A civil right struggle in the context of the situation in South Africa would mean striving for inclusion in the present structures of apartheid. It would not be a struggle at the rights that fundamentally change the oppressive conditions of the Black people, such as limiting them to 13% of the land, such as giving them an inferior system of education upon which they have got no power to decide. So that it is fundamental in the sense that it would mean apartheid must go. It would mean not only a section of the society should perpetually make laws for the country, but that all the people must participate in that. They must control their own lives through a vote that they exercise. In that context 20 30

it/...

it becomes fundamental change and it is not a struggle for civil rights.

COURT: What do you understand by the words "a civil rights struggle"? -- I would understand it to be a struggle where we are merely saying that we want to use the same bus that White people are using, we want to travel in the same Blue Train that White people are travelling in when they go to Cape Town, we want to sit in the same parks, we want to go to cinemas together, we want to swim together on the beach with White people, we want to have trade unions, we want to have offices in town, but all those things being unrelated to the question of vote. I am dealing with that concept in the context of the situation in South Africa, where the majority of the people do not have a vote. 10

ASSESSOR (MR KRUGEL): Would a civil rights struggle not also include the struggle to get the vote? -- I do not understand it in that context. To get a vote, if it is a struggle to get a vote in the structures as they exist within the apartheid system, which should not be in issue really because there is already a vote in terms of the laws of segregation, separate development and so on. I do not understand it in that sense in the context of our situation. 20

MR JACOBS: Would you also have a look at EXHIBIT "G5"? Mr Molefe, this is a report on the UDF National Executive Meeting held on 1 and 2 June 1984 in Cape Town. -- That is so. I can see that.

You attended that meeting? -- That is correct, I did. This document was not compiled by me as the secretary. "G1" is the minute of that meeting compiled by me.

Who compiled this document? -- I am not certain. 30

Maybe/...

Maybe if we could find out where the document was found, it might give us an idea. I do not know.

In fact there is some handwriting, on the last page, on page 6. Do you recognise that handwriting? -- I do not know the handwriting.

This document was found with Mr A Hendriks in Eastern Cape in the offices of SAWU East London, and the offices of SAWU East London. Now, will you have a look at page 3 of that document under the heading "Nkomati"? -- I have read the section. 10

And do you agree also - let us get it first like this. Mr Molefe, whose duty was it to write this letter? -- It was - my recollection is that the national publicity secretary, who is our PRO and sort of dealing with matters relating to the outside world by and large. He was the one who was supposed to write the letter.

Who was that? -- Accused no 20, Mr Lekota.

Do you know whether he wrote the letter? -- I am not certain if I have seen the letter.

And according to this, it is again stressed that yours is not a civil rights campaign? -- Yes, I see that. But I think that campaign was intended to be struggle. 20

And Mr Molefe, in the light of what you have told the Court previously, a civil rights - if it is not the civil rights, then it is for taking over power? -- For real power, for a vote; it is a struggle for a vote.

To take over real power in the country? -- A vote, if that is what it means, yes. If it means something else, no.

If it means the taking over of power in the country? 30

-- What/...

-- What does counsel have in mind, M'Lord, by this taking over of power?

That is what I ask you? -- I have given my understanding of that and the understanding of the UDF of that.

Will you have a look at EXHIBIT "C102"? Mr Molefe, this document we have already referred to. It was found in your possession? -- That is correct.

Is it correct that you compiled a secretarial report in this document, if I understood your evidence correctly yesterday? -- Yes, that would be at page - I did it jointly with Mr Lekota, accused no 20. That would be at page - if I count from the cover, it would be page 9. I think it is numbered page 1 to 12. That is what was compiled by me jointly with no 20. 10

COURT: It is a statement of the UDF National General Council? Is that the part? -- No, the secretarial report. "C1" is a booklet containing a number of documents.

MR JACOBS: Can you just tell the Court so that we get clarity on that, who compiled the rest of "C102"? After the meeting? -- You mean putting together these things into a booklet? 20

Yes? -- This was - I believe it was done by the then acting administrative secretary, Cheryl Carolas. She was at the office at that time. I was not there.

And did you have the control of the compilation of this whole document? -- Well, I knew that it was being compiled.

But did you control it? Did you assist her? -- No, I was not there. I did not assist her.

Now, will you have a look at page 10 of the secretarial report/... 30

report now, the typed no 10? I have marked my pages from the first page and then it is page 17.

COURT: We will stick to the numbering of the secretarial report, it is page 10 of the secretarial report. -- Would that then be page 3 of the secretarial report?

In this court it remains page 10 of the secretarial report. -- I see.

MR JACOBS: Paragraph 8.1, the last part of it - it is not necessary to read through it, the rest of it. Can we start there: 10

"We must win more and more organisations into our front."

-- 8.1?

Yes, the second paragraph under 8.1 and the last part of it? -- Yes, I see that, I see the section.

Can you read it please? --

"We must win more and more organisations into our front. Outside the UDF there are hundreds of organisations which form part of the people's camp and it is essential that we provide a space for them to contribute effectively to the people's struggle for power. We must develop an active program to meet these priorities." 20

MR JACOBS: Mr Molefe, you had part in compiling this report as you stated now? -- That is correct.

And here in your report you yourself state that it is a struggle for power? -- That is correct, in the context in which I have explained what we meant.

And would you agree that there is no explanation here whatsoever of in what context, if there is any other context, 30
within/...

within what context you are meaning? -- It is true that this is not explained, but an organisation develops its own concepts, and those concepts are understood by that organisation and its members.

COURT: Let us get clarity, Mr Molefe. I asked you about the meaning of the words "the people" when UDF documentation uses it. Here it seems to me that there is on the one hand the people and on the other hand the enemy? -- That is correct.

Now, who is then the enemy? -- The enemy refers to the Government in this context. 10

Only the 23 people being the cabinet ministers? -- Well, that would include those who support them, who further the policies of apartheid, like the Bantustans, the Black Local Authorities.

That would then mean the majority of the White electorate? -- No, M'Lord.

Because they voted the Government into power? -- Those people are the ordinary people who do not know a thing. It is the Government that is formulating policies and it is presenting those policies to the people. It is just inconsistent with the policies of the UDF. The UDF is a non-racial organisation. It has got White members. It cannot regard White people as the enemy. 20

Does your interpretation entail then that on the one hand there is the Government, that is merely the Cabinet, and on the other hand all the people of South Africa? -- That is correct.

Is that the way you want us to interpret this? -- The Government and the structures that it sets up to further apartheid/... 30

apartheid like the Black Local Authorities.

But a structure consists of people? -- That is correct.

I want to know who is the enemy, not the structure. It is people against whom? -- Well, those inside those structures who are formulating policies, who are implementing the policies that are formulated at Cabinet level.

Who formulates the policies? Is it not the electorate who votes for the policies? -- They do not formulate the policy. The Government formulates the policy there, and it sells it to the electorate. The UDF has made it clear that it is not opposed to the White people. It is opposed to the policies of apartheid. 10

Let us just - you have said that over and over again. Let us stick to the wording of this paragraph. That is all that I am concerned with. It deals with the people's struggle for power? -- That is correct.

Now, can it conceivably include White people? -- That is so.

In the South African context? -- That is so. We had NUSAS, we had the Black Sash, we had JODAC, we had UDF Area Committees in the Western Cape in places like Claremont. 20

But those Whites .. -- All those are White people.

Those White people had power in the sense in which you have explained it, that is the vote? -- But now in the context of a new South Africa, the power, the kind of power that would make laws that are better than what the Government is making.

Each and every of those members of NUSAS, the White members of NUSAS had that power which you envisage, that is one vote, the same as every other White man has, one vote; 30
that/...

that is all the power there is? -- They had a vote that was misused and they rejected that kind of - the exercise of that power in apartheid. They wanted a power much better than that one offered by apartheid. That would be a vote in a non-racial South Africa.

MR JACOBS: I cannot understand what you mean by a power better than what they had? -- What I mean is that they are unable to change the Government policies with that kind of vote that they had. So they needed to organise much more than that, to build those organisations that would strive for a vote that would enable all the people to participate in order to be able to change things. In other words they have sided with those who do not have a vote, in order to create conditions where that vote could be extended to all people and could be exercised in the manner that would change the policies.

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So do I understand then that every time, whether it is a Black government or not, then anybody that is not satisfied with what the Government does must go on and agitate again for a new kind of power? -- If that government is undemocratic, it is a government of a minority, an authoritarian government, yes, they must organise.

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Now, in your definition, is a person who cannot change the Government by his vote, in this Government, a person in NUSAS, he says the Government is undemocratic because he cannot change it by his single vote, then the Government will be again undemocratic and he is not satisfied with the next one? -- No, it is undemocratic because it excludes the majority of the people. You have about - how many people vote now in this country and how many people do we have in

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this/...

this country? You have just a minute section of the South African society that is participating, and the Government has made laws which it is stringently enforcing. It is not allowing other ideas to reach up to the people to change, to exercise a vote in a manner that would enable them to establish a better government where all of them will participate. It is undemocratic insofar as it excludes the majority. If we had a vote, all of us, and ten people were not happy with the vote exercised, it would be unacceptable for them to say that the government is undemocratic because it does not listen to ten people. But how do you justify the fact that a government can just easily exclude about 80% of the population in the structures that make laws in the country. 10

Mr Molefe, will you have a look at the statement of the UDF National General Council, that is page - just two pages before the secretarial report, where it starts. I see I have not got numbers on mine. Have you got the statement of the UDF National General Council? -- That is so, I have got it. 20

Now, will you have a look at the third paragraph of that and will you read it out please? --

"The scrapping of all tri-cameral parliaments and other puppet bodies created under the Black Local Authorities Act and other instruments of racist .."

MR JACOBS: No, we are not at the same pages. -- Are you looking at page 2 of the statement?

Two pages before where the secretarial report starts.

COURT: But now, just give it a name. It is a statement of the UDF National General Council. 30

I/...

MR JACOBS: I have read it out, Sir, with respect. -- The first page thereof?

Have you got it now, the statement - the document, the part of the document with the heading "Statement of the UDF National General Council"? -- I see that.

Have you got it? -- I do.

Now, the third paragraph from the top of that statement of the UDF National General Council. -- It reads as follows:

"There is still time for the racist minority regime to consult with the authentic leaders of the people with the sole objective of making the necessary arrangement for the speedy and effective dismantling of apartheid state and the transfer of power to the people."

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COURT: Just pause there. Who are the authentic leaders of the people? -- Well, generally people like Nelson Mandela are regarded as the authentic leaders.

And who else? -- Those leaders who represent democratic organisations, and I believe of course ..

Like - what do you call a democratic organisation? -- Organisations that are popularly supported. I think the other criterion would be ..

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Just a minute. I want to know what you mean by popular support. The PFP? -- Yes, in the constituencies where it is operating, they are leaders, in the constituency in which they are operating, they get the popular support, they are authentic leaders.

The National Party? -- It would be in the constituencies that ..

Why should the racist minority regime consult with the National Party? -- Well, in general terms that would be the

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case/...

case, but in this context ..

Yes, I am asking you only about the context. What is the authentic leaders of the people? -- May I have a second look at the paragraph, just to read it in context, or respond in context? In this context it does not include the National Party. It includes those who are excluded from Parliament in this instance. All it is really saying is that the test for representativity should not be the BLA's and the fact that people are leaders of Bantustans, but the test to be applied should be that one determined by the choice of the people in a situation where people are freely expressing their wishes. 10

Reverting then to my previous question: the people in the phrase authentic leaders of the people is "the oppressed"? -- I think in this context it would refer to that, but plus those who have rejected participation in the present parliament, who are in organisations that form part of the UDF. That would include NUSAS, the Black Sash and JORDAC.

Then if "the people" is read in that sense in the phrase "authentic leaders of the people", then one can read it in the same sense in the last part of that paragraph, "power to the people"? What do you say to that interpretation? -- I want to revert to the first point I made. I am saying here, the authentic leaders here would be those that the Government is not recognising, who the Government is excluding in its processes of deciding the future. Now, the people would refer to the majority arising out of those communities excluded, but it would also include those who have refused to be part of the present apartheid system, 20 30

like/...

like NUSAS, JORDAC and so on. They would participate also in the whole exercise of demonstrating their support, showing who are really regarded as the leaders by the majority of the people. They would be part of that. The last part that Your Lordship referred me to, was it on the same page?

I was merely saying that where "the people" is used, as the last two words in that paragraph with which we are dealing, it could conceivably mean the same as "the people" where it is first used in that paragraph together with "authentic leaders"? -- No, I understand it in the context that I have given, given that the UDF is a non-racial organisation. That is its foundation principle. 10

MR JACOBS: Do you agree, Mr Molefe, that it is accepted and stated quite clearly by the National Executive of the UDF Council that it the sole objective is to hand over power to the people? There is not any other dialogue or anything else, but the sole - the main objective of this is - the sole objective is the transfer of power to the people? -- No, but the statement says "consult". So there would obviously be talks. 20

Consult with only one purpose and that is the transfer of power to the people? -- The transfer of power to the people in the context in which I have put it.

Now, Mr Molefe, I see nothing of context in this - or any explanation what is meant by this, the sole objective, transferring power to the people, that there is no explanation whatsoever? -- That is correct. Organisations develop their own - let us take the Nationalist Party when it talks about democracy. What would the Nationalist Party be referring to when they talk about democracy? When the Nationalist Party/... 30

Party talks about democracy, it means White people's vote and taking decisions, and it means Black people voting in the Black Local Authorities structures, and so on. It does not talk about democracy where the people of South Africa participate in one government and they are taking decisions. But if I come and look at the word "democracy" I might understand it differently, and the Nationalist Party says, no, what we mean about democracy is this, you cannot argue that because you have not written that in your statement, that is not democracy. We hear every day and every day the Prime Minister and leaders of this country, cabinet ministers talking about democracy, but we know that it is not democracy the way we understand it. Now, I can only give the explanations here, the way it was understood by the UDF, and that understood also in terms of the nature of a front that the UDF was. We are not using White people who are in the UDF for certain sinister goals. We are committed to the goal of non-racialism, the principle of non-racialism, and you see people as equal, and when we talk about the people, we talk about all those who constitute the society. 10 20

COURT: Why do you call the Government's - or power "imperialist powers"? That is now the second-last paragraph? -- They are called like that because these are powers who had dominated other countries, for instance if you talk of Britain, we know that Britain had dominated many parts of the country, taking control of many parts of the country, and in fact it was referred to as such even by the Nationalist Party many years ago. Similarly with ..

What about the United States? -- The United States also/... 30

also, it is known to have been imposing its designs in a number of places, the Middle East for instance, Southern America and so on.

Does it include the Soviet Union? Do these imperialist powers include the Soviet Union? -- Well, in this context it did not include the Soviet Union because ..

Did it ever in any of your documents include the Soviet Union? -- I am not sure, but the point is that if - we have very little information about any situation where the Soviet Union colonised a country. If we knew about that, we would include that. I cannot recall - I can talk of how Britain colonised us and denied us a vote in this country. I can talk about how the Americans are dominating other countries through their multi-national companies and draining the resources of those countries. 10

ASSESSOR (MR KRUGEL): Will Hungary and Afghanistan and those types of countries - you do not know very much about? -- I beg your pardon?

Afghanistan, Hungary, you do not mention them? -- I have got no information about that. I read a bit about it when I was at school. I cannot comment on that, but certainly where they attempt to impose their will on the people, try to turn the people of the land into little images of Americans and Britain, I would object to that. If they do that, I would reject it. Any attempt to influence development into any country, by the Soviet Union, the British and so on, once that comes to my attention, I would object to that. 20

Mr Molefe, apparently you are busy with the same subject still. The question was whether the Soviet Union would be 30

termed/...

termed an imperial power in your view, an imperialist power?
-- If it attempted to control other countries, I think it
would be.

Must we not mention the examples of Afghanistan, Hungary
- well, there are other countries too? -- They are dominat-
ing those countries, then they would become imperial powers,
they would become an imperial power.

THE COURT IS ADJOURNED TO 14h00