

F155

SAAKNOMMER: CC 482/85

PRETORIA  
1987-08-19

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

-----  
KONTRAKTEURS:

LUBBE OPNAMES  
-----

VOLUME 264

(Bladsye 14 151 - 14 244)

THE COURT RESUMES ON 1987-08-19:

POPO SIMON MOLEFE, duly sworn states:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, is it correct that the concept of the peace in the circles of UDF is that there will only be peace in this country after the realisation of the government of the people? Is that correct? -- There will be peace when everybody has got a vote, when apartheid is ended, because apartheid by its very nature has got to be maintained through repression, it has got to be maintained through force. It has got to silence 10 those who speak against it.

And before that there will no peace, is that correct? -- I cannot see how there can be peace when there is apartheid, when the majority of the people have got no vote in this country.

And that is a concept in the UDF, in the national, regional and in the affiliates? -- Well, we have not sat down to discuss that, but individuals have made such a point in their statement. It is not as if we sat down to say, all of us are saying that there can only be peace if 20 there is a government of the people, although of course it might appear in resolutions or in some statements of the UDF.

Yes, and it is also - do you agree that it is generally accepted in the UDF circles and by that I mean again UDF national, regional and the affiliated organisations, the executives in those organisations, that the masses, it is the masses who must eventually engage the Government and eventually secure this socalled peace? -- It is the view of the UDF that the masses of the people of South Africa, the 30 masses/...

masses of South Africa must participate actively in the struggle to end apartheid by taking part, taking decisions in their organisations as well as in the UDF as a front of those organisations.

And in securing this peace? -- The object of the struggle against apartheid is to create conditions for permanent peace.

And in the interim period until such an eventuality, there can be no peace if the Government does not agree to the demands of the UDF? -- There has never been peace since 10 the majority of the people were denied vote, and that situation has never changed, for many, many centuries, and we believe that it is when apartheid is ended, that the people of South Africa will live in harmony, and the history of this country is beset with protests and brutal repression by the police from time to time.

But it is the view of the UDF and it is accepted by the UDF that there will not be peace until the demands of the UDF have been met, demands like releasing of political prisoners, demands like agreeing to the national convention? 20 -- Even if the Government can agree to a national convention if that national convention does not address the fundamental issue of a vote to the majority of the people in the country under a single government, releasing political leaders and holding a convention would be a futile exercise. It will not address the conditions of establishing peace, the whole question of establishing peace in this country. So that it is not simply a question of meeting the demand for a convention and releasing political prisoners. The key issue here is an end to the policies of apartheid and the 30 establishment/...

establishment of a government representative of all the people of South Africa, in a single non-racial democratic country.

But in the circle of the UDF .. -- This we have said, this the international community has said, a lot of other people, the PFP, Bantustan leaders, everybody has said, even people like Dr Dennis Worrall, all of them are saying that apartheid must end so that there must be peace in this country. It is not something that is confined to the UDF. It is something that has been said over and over again, for 10 many, many years.

But my point is that that is an accepted principle, accepted by the UDF also? -- It is a reality that the UDF accept, just as much as other people have accepted that. The UDF is merely echoing what was said by many people and individuals and organisations which came before the UDF.

And that is also propagated by the UDF? -- We have said it publicly.

And I put it to you, Mr Molefe, that it is even stated that not even the weapons of the Government will stop the 20 people of achieving that kind of peace, after the Government has been taken over? -- That may well have been said, and I think I would understand that in the context that you cannot hope to use vast arsenals of arms in order to silence people who are feeling the pain and the suffering and the agony caused by apartheid, that no matter how much of those weapons you use to suppress the voice that cries out for freedom, people will never stop protesting because the policies of apartheid are such that they necessitate that kind of a protest. I would understand it in that context, that you 30 cannot/...

cannot silence people by manufacturing sophisticated weapons That cannot be the solution to the problem. If you want to solve the problems of the country, address the root cause of the problem, the fundamental issue that leads to conflict in the country, and that is the policies of apartheid. End apartheid, give a vote to the people, then you will have peace. You do not need arms to maintain that peace. Through arms you can only subdue people for a moment, but they would continue to speak out, to cry out for freedom.

But Mr Molefe, is it not so that it is accepted by the 10 UDF that in the circles of the UDF and under the leadership of the UDF, if the Government does not agree to the demands of the UDF, then the violence will escalate as a result of the policy and propaganda of the UDF? -- The UDF has never said that, that if the Government does not agree to its demands, violence will increase as a result of its propaganda.

Mr Molefe, will you have a look at EXHIBIT "AJ3". Have you got it in front of you? -- I have got it.

Mr Molefe, that is a statement on the release of Nelson 20 Mandela, and it is signed P Lekota. Is that accused no 20? -- That is him.

This item was found in the UDF offices in Johannesburg. Is this a press statement? -- I believe it was a press statement.

And I put it to you that in this document it is stated clearly by accused no 20 that there will only be peace when the political prisoners were unconditionally released and apartheid dismantled, and this is sent out in a press statement. -- I see that, but it does not support what counsel 30

put/...

put to me, that there will be no peace, violence will escalate as a result of the propaganda of the UDF and the fact that the Government was not meeting the demands of the UDF.

Will you read the first paragraph, Mr Molefe? --

"The Government must realise that so long as Mandela or any other anti-apartheid South Africans remain imprisoned, the scale of conflict in our society must just widen and deepend. For this the blame will be at their door."

10

MR JACOBS: So Mr Molefe, do you agree now - do you change your evidence now that there is a clear indication that violence and conflict will escalate? -- What was put to me, I am not changing it. What was put to me was that the UDF says, unless its demands are met, violence will escalate as a result of the propaganda of the UDF. That was the full statement that was put to me.

Is it a demand of the UDF that the political prisoners must be released? -- That is correct.

And if they are not released, is it then - will you agree, then there will be an escalation of conflict? -- That is so, but my view is that not only if they are released, but their release must be in relation to - must be connected to the question of negotiation with a goal of ending apartheid and extending a vote to the majority of the people who do not have a vote in this country. I do not think the release of Mr Mandela into an apartheid society as it is now, when he is going to be subjected to bannings and detentions in terms of the Security legislation, for protesting against apartheid is going to help. It will not

20  
30

help/ ...

help. It will simply be a movement in circles which would take us back to square one. When the release is connected to the discussions to end apartheid and extend a vote to the majority of the people in the country, to create conditions for lasting peace in this country, where everybody is committed and is loyal to one government in the country and the Government is catering for the interests of all the people, its police forces and the army are defending all the people, then we have peace. But it is no use releasing a man who was jailed for protesting against apartheid, and you continue with the policies that had led to his jailing. 10

COURT: Is it your view and that of the UDF that we are in a state of civil war? -- Well, the UDF - in a sense it may be perceived like that, that the army that is used in the townships, which is supposed to be defending the country but it is suppressing protest in the township, it may be perceived as an army that is actually fighting fellow-citizens in the townships. It may well be that it is regarded as a civil war, but I cannot recall a specific situation where the UDF sat and analysed that and concluded that it was a state of civil war. 20

I foresee that at the end of the case it might be argued that if this country is in a state of civil war or is perceived to be in a state of civil war, the question arises on which side of this conflict the UDF stands. -- The UDF has taken an independent and neutral position, but insofar as the understanding of the cause of the civil war, being the policies of apartheid, the UDF has taken a stand against that apartheid. But the UDF is not involved in that war. 30

Mr/...

MR JACOBS: Mr Molefe, I put it to you, while the Court asked this question on the civil war, it is generally propagated by the UDF to the masses that there is a state of civil war in which they must participate against the Government? -- I do not know about that, but it might well have been said that taking the troops and getting them to invade the Black townships, patrolling the townships, suppressing people, shooting at unarmed people, it may well be that that situation is perceived as a situation of a civil war. The difference is that you have an armed force against 10 unarmed civilians.

ASSESSOR (MR KRUGEL): Mr Molefe, we have had quite a few instances where you have referred to the operations of police and army personnel in the townships as brutal and repressive and so on, but was there not at that time much disorder, disruption, destruction of property and that sort of thing going on that had to be stopped? -- In some instances there might have been, but I have had my own experience where there was no destruction or nothing, and we were just attacked by the police, assaulted and so on. I have seen, 20 I have had that kind of experience myself. And I think where there is destruction, it is the duty of the police to go for the law-breakers, not to harrass every citizen. Some people have got nothing to do with that. They suffer in the course of the execution of duties by the police.

COURT: Let us not just talk in generalities, Mr Molefe. We have had a lot of general statements by you. Do you say that the - let us call it the invasion, that is the word that is used in the UDF literature, the invasion of the armed forces of the Vaal Triangle was totally unwarranted. 30

-- I/...



-- I was not there at that time, but I would believe that the police would have been able to handle that situation.

Well, who is to decide on that? -- It is obviously the Minister, the head of the police, but I believe ..

Well now, are you in a position to say that the - let us call it occupation by the armed forces of the Vaal Triangle was totally unwarranted? -- I have got no first-hand information, but I believe that we have a strong police force to handle the situation in the Vaal Triangle, and from what one has been reading in the reports, that it was not really simply a question of suppressing an uprising. It was a situation where armed forces were going house to house, searching in houses. That is really the work of the police. It is not the work of the army. The army would have to deal with a situation where the other party is using means of - the weapons or instruments that necessitated a power like the army to come in, not where they really have to go house to house to search people who do not have reference books and so on, and look for publications that they think ..

That is a different matter, if they go too far in their occupation. I was asking you about the occupation itself, whether that is unwarranted, the calling in of the army to quell unrest? -- Well, if it has reached the stage where the police are unable to handle it, it may well necessitate that, but ..

Was a stage not reached in the Vaal Triangle where the calling in of the army or armed forces was necessary? -- I do not know. I have got no personal knowledge of that.

Can you then criticise that decision? Can you criticise the/...

the position in respect of each and every other area in the country? -- Insofar as it is linked with the other things that I have said, the other role that they are now playing, searching houses, seizing publications, assaulting individuals who are carrying no weapons and so on, insofar as it comes to that, I think it deserves to be criticised. And also I think, once it extends also beyond - I think when they are coming to a situation, if there is a riot that the police are unable to contain, once that has been suppressed, there is no need for the army to continue operating in the township. And in respect of the question that learned counsel has just asked about brutal action of the police, we have had recently a demonstration by members of the AWB at the Jan Smuts Airport, and there were some - I think members of NUSAS, there were really two groups. One group was .. (INTERVENTION) 10

Just a moment, Mr Molefe. Were you there? -- No, I was not.

On what basis are you making statements like this? -- I am making it on the basis of .. 20

Newspaper reports? -- Yes, what became public knowledge.

It is not public knowledge.

ASSESSOR (MR KRUGEL): Newspaper reports are very dangerous to rely on, very dangerous. -- Alright, I will leave the question.

MR JACOBS: Mr Molefe, on this last answer of yours to the Court, you said you used a general term, the armed forces must not go into the townships. Do you agree that that is not a correct statement because you include the police in the armed forces? -- I was meaning the SADF. 30

No/...

No, but you did not say so. You used general terms?  
-- Yes, but I intended that to be the SADF.

And if you are referring only to the SADF then, can you give one example to the Court where the SADF invaded a Black townships without there being no turmoil or no riots and so on? -- I cannot give a specific example.

So why do you again use a general term and say that the armed forces was invading the townships? -- I was talking in the context of a situation where there had been an unrest like say for instance in 1976 and in 1980.

10

And I put it to you, Mr Molefe, that even where you were not present there, you cannot tell what the situation was and whether it was necessary for the armed forces, in that sense, of the South African Defence Force of going in? -- It is true, I cannot talk of first-hand knowledge. I can only talk of perception and reports that one gets from people who come from the areas.

I put it to you that you are even using propaganda in this court in this respect by just answering in general? -- It is not my intention to use any propaganda. I am dealing with what is perception in the community from which I come.

20

COURT: Could I just pause there, on this question of perception. It is one thing to state as a fact that there is a perception. As I see it, it is a different thing to help create that perception, because once you help create a perception you have to be certain of your facts. Is that not the correct position? -- It may be. M'Lord, I think with regard to a question of the facts, there are really two things here. One fact is whether the army is in fact in the area.

30

That/...

That is a fact. -- The second one is whether in fact the army is going house to house searching people and seizing documents, and whether senior people in the army are also making admissions in that respect. But the second one is whether one would be in a position to determine whether it was necessary, justified to send the army into the township. That one I would have a difficulty in determining that without being subjective, because I am not in the army, I am not part of the police force. I can only surmise on that, but on the two, one can say it is a fact that they 10 are there, it is a fact that they are doing house to house search, and that the communities see that as intimidatory, they fear the presence of armed people in the township.

MR JACOBS: Mr Molefe, can you explain to the Court, is it an invasion of the townships if the armed forces are sent in their place to the townships where there is riots, to keep order, law and order or to assist the police to keep law and order? -- Well, my view is always that the police have the capacity to do that. They have got the Hippo's, they have got all sorts of instruments they can use to 20 suppress that, and also that that should not be seen as the solution. The solution should be sought in the problems that the people are experiencing, and that be addressed, and if an army moves in there, armed with all the Buffels and so on, the perception is that it is an invasion, my perception. I may be wrong, but that is how I view it.

And that is a perception that the UDF is helping to spread under the masses, that the army is invading them, the police force is invading them? -- Well, the UDF is part of the masses. If I as an official of the UDF have that 30 perception/...

perception, I would obviously talk about it publicly, and I believe that other people in the UDF who might have the same perception, might say so. Others might say different things. It is not something that the UDF sat down to decide that it must be propagated.

But it is propagated by the UDF. That is a fact? -- Well, I cannot dispute that. I do not know.

Now, I just want to know something else that came out of your answer. What do you mean by the police has the instruments? -- Well, all sorts of things they use to quell 10  
uprising.

Yes, but can you mention them? To what are you referring? -- They have got teargas, they have got sjamboks, they have got all sorts of things.

So do you see it as the correct procedure for the police then to use that instruments in bringing order where there is riots, there are riots? -- Depending on the situation, yes.

And will you agree that that is even taken out of context and used as propaganda that that is oppression by 20  
the police? -- Well, it depends - I do not know about that. It depends on the circumstances.

ASSESSOR (MR KRUGEL): Mr Molefe, I think it was Mr Mokoena, no 6, who mentioned that the conditions were - the situation was to him peculiar because people did not react normally, they came back, they went on, they would not sort of disperse when confronted by police attempts to quell the situation. Would this not be the abnormal type of situation that would necessitate this type of action? -- Abnormal situation?

Yes, that Mr Mokoena told us about? -- I believe in 30  
that/...

that kind of situation, yes. The police dogs may well have to be used to scare people away also.

But they would not listen; they disperse for a while and then they come back again. Mr Mokoena says he has not seen that before. -- Well, I do not know. I was not there, but I know that teargas, I cannot withstand teargas myself. I know that that thing is so effective that it is difficult to withstand it. But I also know, I have had an experience in the past where, when we had a night vigil, at night, nobody was interfering with the police, nobody was doing 10 nothing, and they just shot teargas into the church, and we had to jump out of that church, breaking the windows, running out because the teargas was too strong inside the church. Now, that is an act of provocation by the police, and it is oppressive, because they knew that people were going to go to a funeral, they were going to catch the buses at the venue and they started attacking for no apparent reason. It was easy for them to arrest - if they wanted to arrest, it was easy for them to arrest everybody in that church 20 hall.

COURT: That is so, and if that what you say is true, it is reprehensible. But can one elevate this to a general mode of conduct by the police and say they always do this and criticise them then on that basis, apart from criticising the specific instance? -- Well, we have got this experience in the townships. It happens many, many times. I testified here about a situation at the Regina Monde where I had to go and talk to the police, and I have got no doubt that had I not done so with others, there could have been a situation where teargas would have had to be used to chase people 30 around/...

around, whereas it was possible for the police to avoid that by just standing far away, but observing that things go normally in that meeting. I have had too many experiences of those.

MR JACOBS: Mr Molefe, is it correct then if I put it to you that also on this general basis, it is then generally stated that the Government will be responsible for the violence in this country? -- On which general basis is learned counsel referring?

On a general basis it is stated, not without any proof 10 of it, and it is used as propaganda? -- No, I have attempted to give specific instances where I can give personal knowledge. I do not take it on the overall, that it is just general. I think there are specific examples that I have alluded to.

And is it generally stated that if the Government does not agree to the demands of the UDF, there will be an escalation of violence and that the Government will be blamed for that? -- In the sense that if the Government does not end apartheid and extend a vote to those who do not have a 20 vote in this country, the violence that manifests itself in attempts to suppress those who protest against apartheid and their reaction to that suppression will continue because when problems are there, people will continue to protest.

And without you even knowing if there is going to be any violence, you are stating this? -- I have lived for 35 years now under apartheid rule, and I have seen at various times protests taking place, genuine protest, and they have had to be suppressed, and there had very often been violence in that suppression, although people had not intended to 30

start/...

start violence. So that all one is saying is that we have got this experience, we have lived in this community, we know that when problems of the people are not addressed, there is inevitably going to be this problem. The Government is going to have to suppress people through force all the time, until such time that it accepts the fact that it has got to address those fundamental problems. It is in that context that one is saying those things. It is not as if one has just dreamt and assumed that something will happen from nowhere.

10

And it is then generally propagated between the masses that it is the Government who is responsible and it is done for a certain purpose. Is it correct? -- I do not understand that certain purpose, but it has been said from time to time that it is the Government that is responsible for the problems. That is said by way of indicating that it is the Government policies of apartheid that cause this dissatisfaction. It is in that context that it is said.

And the purpose being that the masses must understand that they must be hostile to the Government because it is the Government who is the cause of all the trouble, of all the repression, of all the violence? -- It is not the intention, it has never been the intention of the UDF to make the masses - to turn the masses hostile to the Government. We do not gain anything by doing that, but it is rather the intention of the UDF to build strong organisations, to win those over to the side of the UDF. When it speaks, it must be clear that it speaks as a representative of organised people, and it is also important that those people be organised to be part of the UDF so that they do not act spontaneously/...

20  
30



spontaneously, because once people act spontaneously they cannot think out what they want to do, they cannot develop a clear approach. Everyone does what he likes, and this has the effect of resulting in undisciplined type of actions. But if people are in an organisation, that organisation can channel the grievances of the people properly. It can plan how it is going to approach the issue.

Mr Molefe, I put it to you that what is planned in the UDF in this respect, is that the masses must destroy, they must destroy, it is said over and over, they must destroy 10 different things, say for instance Black Local Authorities? -- Well, that might have been said, but in a political sense, in a sense that we must continue to discredit them politically, refuse to be part of that, and that term was not only used by the UDF for the first time now. It has been used many times in non-violent struggles. It does not connote any violence.

Mr Molefe, it is the policy of the UDF that the masses are the makers of history, the masses are the people who must act. Can you give one example where it was said that 20 the masses must do it, and in which way they must do it, and not destroy in the strong word that destroy means, to break something? -- When we speak about the million signature campaign, we spoke about mass action, meaning that ordinary people and activists must participate in the collection of signatures and participate in signing the UDF declaration. When we spoke about the boycott of the elections, of the Black Local Authorities, we spoke about mass action to destroy Black Local Authorities, meaning boycott. When we spoke about the campaign against the tri-cameral elections, 30

we/...

we spoke about mass action, to frustrate the election effort.

ASSESSOR (MR KRUGEL): Do I have the question wrong? Was not the question to the effect that the witness was asked to show an instance where the term "destroy", the destroy call, if I can term it like that, has been explained to the masses to mean a non-violent call? -- Let me take this example.

I am sorry, it had to do with history. I did not quite catch it.

COURT: Let me just put this straight. The question I 10  
think you are answering is, where was it stated, where was the method stated, how the masses make history and you explained in the MSC, we spoke of mass action meaning the signing of the petition. In the boycott of the BLA's we spoke of mass action meaning a boycott, and in the campaign against the tri-cameral parliament or elections we spoke of mass action to frustrate it, meaning what? -- Meaning boycott again of the elections. And I think one instance where I had been directly involved in a meeting like the meeting on the banning of SAO in the Ciskei, I spoke a lot about - I 20  
spoke about the need to destroy apartheid and so on, and then I suggested the method of addressing that problem in that meeting, being publicity around the issue, locally and internationally, manifesting itself in contact with international media and international labour organisations, public meetings by trade unions and the affiliates of the UDF, and support for the families of those who were affected by repression in Ciskei.

MR JACOBS: And can you give an example where it was ever explained to the masses that destroy does not mean violence, 30  
to/...

to destroy, something else than violence? -- In the context of the point I have just made, it is clear that it does not mean violence.

No, not the context. I asked you, where was it explained explicitly that it is not on a violent method, that you must destroy Black Local Authorities? -- At a press conference that the USF held shortly after the NGC in 1985, it was made very clear that we are talking about disciplined non-violent mass action.

COURT: Do we have any written record of that press conference? -- We should be able to get some report. 10

No doubt somebody will delve into this mass of paper to extract it. -- I cannot think of other specific examples, but in the context of the activities of the UDF it was known that we are talking about boycott of the elections. It was known that we are talking about boycott of the businesses, and in fact no 20, my colleague Mr Lekota, I think it was on 18 July 1984 when he was dealing specifically with the situation relation to the burning of the property of councillors in Tomahole, he made that position very 20 clear. He said that we are not going to burn their properties, we are not going to attack them, we will rather boycott their businesses and taxies. That statement was made in a meeting and it was widely reported in the newspapers.

MR JACOBS: Mr Molefe, can you tell us, how do you expect the people, even the peaceful protest marches .. -- May I just say this in addition? I have said that myself in many speeches that I have delivered, and I have got some notes here which have been tendered as an exhibit here, I think it is "AAZ2", which shows clearly that the UDF was not 30 involved/...

involved in acts of violence. Similarly there is a statement that was issued by my colleague Chikane in respect of the schools in Atteridgeville, when other people were planning to beat up the students to go back to school, and he said that the UDF was not going to be involved in violence, we would rather pull out of that kind of situation. That is representative of the clear attitude of the UDF.

Were you present when accused no 21 made that statement?  
-- I was with him. I saw the statement before he presented it to the newspapers.

10

Now, Mr Molefe, how do you expect people, even in a peaceful march, to remain peaceful when they are confronted by the police if the UDF are propagating that the police and the army are the oppressors, that they are invaders, that the Government is the enemy of the people and that the police are the agents of this enemy of the people? -- I think those statements would have been made with regard to specific circumstances which had existed at the time. If one looks at the million signature campaign booklet of the UDF, Volunteers' Handbook, I think it is EXHIBIT "W52" in this case, one sees clearly the attitude of the UDF to the police on that one, and if one also - with regard to the monitoring of the polls at the time of the elections, the UDF had made it very clear, we went out of our way to get the lawyers to advise us as to how those who were monitoring polling booths should conduct themselves, and that set out clearly the attitude of the UDF to the police, in their normal carrying out of duties. So that criticisms would be made from time to time in respect of certain circumstances where the police have behaved in a particular way which proved/...

20

30

proved to be insensitive.

Mr Molefe, you did not answer my question. My question is, how do you expect the people, the masses, even in a peaceful march, to remain peaceful when they are confronted by the police if the UDF is propagating that the police, the army are their oppressors, that they are invaders, that the Government is the enemy of the people and that the police are agents of this enemy of the people? -- I think I have dealt with that question. The UDF has not adopted a deliberate policy to project the police as the enemy of the people per se, but it has criticised that, and I think the manner in which we have dealt with the attitude to the police in the million signature campaign and in many other circumstances like for instance the way it was dealt with at the meeting of the UDF at the Selbourne Hall, one year rally of the UDF when the police were there, that gives the clear attitude of the UDF as to how they should act when the police come, and when the police came again in Cape Town when we had a rally of about 15 000, the police came there. The attitude of the UDF was very clear, that we would not allow the masses to scream at the police or to attack the police. We sent a delegation of lawyers to talk to the police and get clearly what they wanted and resolved the problem. That has been the attitude and it was understood by our members in that context, and I do not want to believe that simply because certain activities of the police were criticised for specific reasons, that that would change the attitude of members of the UDF and the ordinary people towards the police.

That is the attitude in the UDF and you explained what the/...

the attitude of the UDF now is, and the members of the UDF, but you have not yet explained how can you expect the people to know about this? My question was explicitly, how do you expect the people, even in a peaceful march, to remain peaceful? -- Are we talking about any march? I was not involved in that march. All I can say is that we have played our role. We have distributed our Volunteers' Handbook to as many people as we could. We have spoken about these things in our meeting as much as we could. I cannot guarantee that if there is a march and the police come, 10 nothing would happen. But one may also say that if a march is a peaceful one, it means people have decided that they were not going to do anything that would warrant action by the police or they would not provoke the police themselves. So that it is really a hypothetical question that I cannot deal with factually.

And this Volunteers' Handbook of yours, is it not so that it was only a handbook for activists that must go out and mobilise, politicise and organise the people? -- No, the one that was for activists was called the Organiser's 20 Handbook.

And was this book not also - the Volunteers' Handbook issued to the people to assist them so that - I mean the activists, who were going out conducting the million signature campaign or other campaigns so that they would not be arrested by the police? -- It was issued to the ordinary people who were not necessarily activists of the UDF.

COURT: I have a bit of difficulty now at the moment. We have a reference to "AAZ2" and a reference to "W52". I think there is one more reference possibly, but at the 30 moment/...

moment it all hangs in the air. Is nobody going to show me the exhibits so that I can know what we are talking about?

MR JACOBS: I have not seen it. It was mentioned by ..

COURT: Well, if the witness refers to an exhibit you had better look it up. You agree with him or you do not agree with him, but I must know what he is talking about.

WITNESS: "AAZ2" would be the notes on what the UDF - it was some notes that I prepared.

COURT: My learned assessor has got that.

MR BIZOS: If I may be of assistance, M'Lord, we have a marked copy. If Your Lordship looks at the bottom, page 20, the pages are numbered. 10

COURT: Has the witness now got "AAZ2"?

MR BIZOS: Yes, M'Lord, which is a handwritten document. They are notes. The witness has not got it.

COURT: He must get it. He is referring me to a document, so if he needs the document - is there not a spare copy around for the witness?

MR BIZOS: We have one which is marked.

COURT: What is the nature of the markings? 20

MR BIZOS: Practically the whole of it with a yellow - there are no notes on it.

COURT: Hand it to the witness. Are you referring the witness only to one page? You must give him the whole of "AAZ2". Do not be selective, Mr Bizos.

WITNESS: M'Lord, I was really interested in the very one page because it is covered in one page.

COURT: What page is that? -- It is written page 20.

At the bottom of this notebook, in the left-hand corner there are numbers, it seems. It is the 20 in brackets? -- 30

That/...

That is so.

Is this the page? -- That is correct.

Yes, what are you referring to? -- Now, I was referring to the section there under point 2 where I state that the UDF - where I talk about the escalation of violence and conflict, and I say that the UDF de-escalates the violent confrontation. These were really just the points for the speech, to show that the UDF does not intend carrying forward the violent confrontation that is taking place. It sees its role as that of diminishing the violent confrontation taking place in the country. 10

Yes, you refer to this. Counsel can take it up if he wants to. "W52", have you got that? -- I have not got that.

To which page are you referring us? -- I am looking for the page that deals specifically with the police, what should we do when approached by the police.

There is a page which says exactly what your rights are in respect of the police. -- That is correct.

That you have to give your name and address, but you do not have to say anything else. Is that the page? -- That is so. 20

Yes, I saw that page. Have you got it there? Is it numbered? -- It is at page 11, column 1.

The heading is "What if Police Confront us as we Collect"? -- That is correct.

MR JACOBS: Mr Molefe, just on this last issue, this last exhibit that you handed in, you said this is for everybody? -- For volunteers who might not be members of the UDF.

That is for volunteers who actually participate in conducting/... 30



conducting the million signature campaign? -- That is correct.

That is not a booklet that is distributed between the people at large? -- The ordinary people who are not members of the UDF. It was intended also to influence them to participate in the million signature campaign.

But my point is that this booklet was not distributed between the public at large? -- It was distributed broadly.

Now, let us be specific. -- To the public, members of the public. 10

To the public or to activists conducting the campaign? -- Members of the public with a view to influencing them to participate in the campaign. The one that was distributed strictly to activists is the one that is called the Organiser's Handbook.

You see, because on page 4, the introduction, paragraph 2:

"This booklet is to help you to collect signatures in the UDF One Million Signature Campaign."

-- That is correct. 20

So who must go out now to collect signatures? -- The UDF sought to get as many people to participate in the million signature campaign, ordinary members of the public. That is why it had to go at length explaining what the UDF is and all these kind of things.

So tell the Court, how many of these booklets did you print? -- I cannot offhand say now. It is a number of thousands. I cannot say immediately how many.

Can you be more specific? -- No, I cannot remember.

More than one or two thousand? -- I think it should be 30 well/...

well over 10 000.

Over 10 000? -- Yes.

Is there any mention of it in the minutes of meetings?

-- No.

I will come back to this exhibit as well. With the Court's permission, I would like time to go through it. Did you refer to a third document? -- I did not refer to a third document. The last point I referred to - no I do not think I referred to a third document.

Mr Molefe, I would like to put it to you that the destroy used by the UDF means much more than protest, but it means in actual fact, it means violence? -- I deny that. That is not the policy of the UDF.

10

Will you have a look at "A825" page 1? It is Volume 2.

COURT: Where was this document found?

MR JACOBS: In the UDF offices in Johannesburg. This is a SOYCO program of action, Mr Molefe. -- I have got the document.

Is it correct, a SOYCO program of action? -- That is so.

20

And SOYCO is an affiliate of UDF? -- That is correct.

Now, will you have a look at point no 15, that is on the second page at the top? -- I have got the point.

And it reads:

"To route out and destroy all the reactionary and counter-revolutionary elements throughout the country and the world."

Is it correct? -- It is so written.

So it was part of the program of action of this organisation/...

30

organisation affiliated to UDF to route out and destroy, it is going further than just a protest. Do you accept that? -- Once more, knowing that organisation, I understand it to be destroy in the context of the methods of that organisation. However, if one really looks at this point and reads it carefully, one would see that it is rather too ambitious a statement, maybe by someone who had read a book that talks about that thing, because SOYCO is just a small, tiny organisation in Soweto operating in a small part of the country, but it takes upon itself the task of routing the whole world or reactionaries and counter-revolutionaries. I see that as a joke really. Nobody can take that kind of a statement seriously. 10

Do you think that this organisation took it as a vote, as a joke, to put in their program of action to route out and destroy the reactionaries and counter-revolutionaries in the country? -- My view is that I think that someone in that organisation had read a book that impressed him with this statement.

COURT: Is this not Marxist language, to route out and destroy all the reactionary and counter-revolutionary elements throughout the country and the world? -- I do not know. But even if it was that, a small organisation like SOYCO, what can it really do to the world, in real terms. 20

MR JACOBS: But that organisation is part of the UDF and it is doing things under the auspices of the UDF? -- No, no, it does not. It does not do its activities under the auspices of the UDF. Only insofar as UDF campaigns are concerned, but SOYCO remains an independent organisation. It takes its own independent decisions. This program was not discussed/... 30

discussed with the UDF. It was not approved by the UDF.

COURT: Did you attend its launch, SOYCO's launch? -- Yes, I was there. No program was discussed in my presence.

MR JACOBS: Were you present for the whole meeting at the launch? -- No, I was not present for the whole meeting.

And point 14 there:

"To follow all the campaigns and programs of national nature under the auspices of the United Democratic Front and the Release Mandela campaign."

-- I see that.

10

So they did adhere to the auspices and to the leadership of the UDF? -- Insofar as UDF campaigns are concerned. But I cannot really say that they carried out all UDF campaigns.

And they also accept the principle that - in principle that the UDF and themselves as part of the UDF is part of the revolution? -- Where is that principle? I cannot see it.

According to this point 15. If you want to route out and destroy counter-revolutionary elements, then you must 20 be revolutionary? -- I do not - well, if it refers to counter-revolutionary in the sense of those who are opposed to meaningful changes, I would understand it, but if it means something else, then I do not.

COURT: If one refers to counter-revolutionary elements throughout the world, what can one mean? -- Well, I do not know what they had in mind. It may well be those who are opposed to change. I do not know what they had in mind. But the very nature of the UDF, a broad front of several organisations with diverse interests, church groups, dancing 30

associations/...

associations, women's groups, trade unions and so on, one cannot even begin to try to turn the UDF into a kind of a front that is committed to violent revolution. It is simply not possible in the UDF.

I cannot remember properly. Did you present the constitution at this launch? -- That is correct.

Did you read the constitution? -- I did.

But not the program of action? -- No, no.

Is this the constitution you read? -- It is similar to the one I read. I think it is. 10

THE COURT ADJOURNS. THE COURT RESUMES:

POPO SIMON MOLEFE, still under oath:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I put it to you that this idea of revolution and UDF being part of a revolution is not a new thing. It was accepted and the perception of all the organisations in the UDF, at least at the launch? -- That was not accepted.

You see, I would like to refer you to EXHIBIT "V26", page 8 of that. Mr Molefe, have you got page 8? -- I have not got it yet. I have got it. 20

Now, will you read that portion at the bottom beginning at "and going to wait for something to fall from heaven"? You can read it loud please? -- I have not found it yet.

COURT: There is a number on the left-hand side, 250. Have you got that? -- I have got it. I see it says:

"Therefore, Comrades .."

MR JACOBS: Will you read the first paragraph before that, from there please? -- It says - I think I will read two paragraphs before that.

COURT: Let us just get clarity. This is a Mr Naidoo 30  
speaking/...

speaking, it seems.

MR JACOBS: His name appears on page 7, R D Naidoo of Western Area, Natal. -- It says:

"As long as we, the working class, will man the machinery who handled the tools are going to lie low and going to wait for something to fall from heaven, then I am sorry to say, the fascist machinery will come into oppression. They will destroy the entire trade union structure to the machinery that the Government has now created, and we need support from the opportunists in our ranks. Therefore, Comrades, to say now, time has come, the revolution is now beginning under the banner of the United Front." 10

MR JACOBS: Yes, shouting and whistling and clapping, and go on to the next page, page 9? --

"We, the working class, wherever you are, whether you are domestic servants or a mine worker, white-collar worker, must now rally our organisation and march behind the United Democratic Front and work for the system where the exploitation of man by man will be done away with." 20

MR JACOBS: Shouting, whistling and clapping. --

".. and we must relentlessly work until the means of production is in the hands of the working class."

MR JACOBS: And then it is again shouting, whistling, screaming and using the slogan "Amandla Weto". So Mr Molefe, according to this then, the concept of the UDF being a revolution is not something new, and it was even - you can say, it was accepted by acclamation at the launch? -- I would not say what was accepted was the fact that the UDF is/... 30

is a revolutionary organisation. I know this person, R D Naidoo. He is a very amusing person, and when he stands up talking, he talks, shouting at the top of his voice. Very often people are really laughing at him and the way he is presenting his views, rather than what he is saying. And I would not take it that people were more concerned about that word, and besides, this person was really expressing his views during the debate on an issue. I assume that at this stage maybe there was something on trade unions. I am not quite sure. We will have to go back to see precisely 10 what the matter under discussion was. I am not sure what the discussion was.

COURT: What is Western Area and Natal? -- I think it is an area committee in the Natal region.

And Natal, would that mean that he is on the Natal Executive? -- No, he is not on the Natal Executive. My recollection is that he was not on the Natal Executive. Now, all I am saying is that very often when a person is speaking there, expressing his views, people do not take note of, scrutinise every little word that a person is 20 saying, unless if he purports that that is the policy of the UDF. I think this was during really the period of debate, of discussions on the issues upon which the UDF should take resolutions. It was not something that was accepted per se by the UDF.

MR JACOBS: Mr Molefe, there is nothing here indicating the people laughing for a joke? -- I can only say so because I know the person. I myself laugh every time somebody calls R D Naidoo to stand up and talk. I laugh even before he says anything. I know the man. So that I do not think 30 that/...

that ..

So will you say then that this man was not serious on this launch? He was there as a joker? -- Well, he might have been serious, but all I am saying is that this Honourable Court should not draw conclusions from the fact that people were laughing and saying all these things.

And all that he said on top hereof, the top part where he refers to the ANC and SACTU and so on, that is also a laughing matter at that meeting? -- What section is learned counsel referring to?

10

Still on page 8.

COURT: What portion of page 8?

MR JACOBS: The first paragraph where the South African Congress of Trade Unions came out very clearly and the banner of the African National Congress, all were able to give a direct lead and direct lead to the working class and point out - then there is applause - and pointed out to the working class of South Africa that - do not unite now, we will lose our very birthright in this country, and we will even lose our trade union's rights. The Government of this country foresaw - there is rising tension that is coming against the White united front. The White united front - so therefore, they introduce the Wiehahn and Riekert Commission to bring about some laws where the Black trade unions can now organise themselves. What did these - Wiehahn and Riekert mission meant to take the working class, a further division in the ranks of the working class as a result, the militant SACTU was banned, and all of us went to lick our wounds, and we went back and we reassessed our situation and we realised now that our struggle lies,

20

30

everyone/...



everyone of you present here must realise that now our struggle lies in the hands of the working class, and then there is applause. As long as - and then it goes over to the part read by you. So this is also a joke and not something serious said by this man? -- No, I am not saying the man himself is not serious about what he is saying. I am saying what people are laughing at. But also if you look at what he is saying, he is talking about SACTU and the ANC in a historical context, and then when you read the section where he deals with the Wiehahn and Riekert Commissions 10 there, there is a bit of confusion there, because he seems to suggest that SACTU was banned as a result of the recommendations of the Wiehahn and Riekert Commissions, and we know that these commissions were appointed around 1978, 1979, and I do not know if SACTU was ever banned. I know that it was not operating in this country at that time. So that there is really just a mix-up of words here. I do not know what the man is really saying. But all I am saying is that this man was - the UDF is a broad front, they have people who hold diverse ideas, views. He apparently had 20 previously been a member of the trade union and he is viewing the things from his own perspective as a member of a trade union, and he is expressing his wish that trade unions should come under the banner of the United Democratic Front. It may well be that he looks upon change in this country as a revolutionary change from apartheid to a non-racial order as a revolution. But that is not something that the UDF took a decision on.

Mr Molefe, that is always your answer, it has not taken a decision on, but this was accepted by the other 30 delegates/...

delegates favourably? -- Well, at the end of these discussions resolutions were adopted, formulated on the basis of the debates by delegates. I have not seen a single resolution that contains this aspect of this person's speech.

That is not answering my question, Mr Molefe. -- The resolutions reflect what the UDF adopted. The resolutions, the declaration and the working principles. We cannot isolate a phrase in a person's speech, a person who made a comment at the conference, and then we say the UDF adopted that phrase in a speech of a person. 10

Is it correct that at the time of this conference, when it started, it was already decided who will be the people to be elected on the executive of the UDF? -- That is so.

So you knew? -- There had been discussions, yes.

And you already had drawn up the declaration and working principles of the UDF? -- The drafts, we had the drafts.

And you already had certain resolutions drawn up already? -- No, I do not know of any resolutions that existed.

Was it not so that you at this conference read out the resolutions before and then they were amended at the meeting? -- No, those were the resolutions which were drafted in the conference as it was proceeding. 20

When was it proposed as a motion or - to be adopted as a resolution? -- There were discussions on resolutions - on various matters, and a committee was set up with representatives from various regions to reduce those discussions into resolutions, written resolutions. But there were others which people from the floor wrote themselves. So what I was reading there partly was those which were drafted 30

by/...

by the committee that was set up at the conference, comprising delegates from various regions, and they were put to the house for amendment and adoption.

Mr Molefe, at that stage you already knew that you will be elected as the national secretary of UDF? -- I had been approached by regions in that respect.

So did you - you were present there. Did you stand up at that conference and told the delegates that that is incorrect, UDF is not taking up the revolution and carrying it on? -- No, I did not, because I did not understand this 10 to mean that the UDF is a violent organisation, and I did not understand this to be a phrase that could make policy for the UDF. The declaration of the UDF was clear on that and I was satisfied that - and apart from that, I had heard people saying these things in the past many times, people who were involved in non-violent struggle. I never took it to mean violence, especially when it is said by organisations that are lawful or individuals who are involved in lawful organisations.

And it was not stated so by the two persons who were 20 chairpersons at that meeting? -- I cannot remember a specific reprimand.

ASSESSOR (MR KRUGEL): On this particular point, Mr Molefe, I would like to ask you to look at page 9, just after the speech by Mr Naidoo, there was shouting, whistling, screaming and using of the slogan "Amandla, Ngawethu, Amandla, Ngawethu" and then the chairman apparently said the following:

"Thank you, thank you very much, RD. We ask for a further contribution, and I am sure everybody else will be in the shade now."

30

Can/...

Can you interpret that for us please? -- Well, RD is a person who is a person one could - who talks, when he talks he shouts at the top of his voice and he speaks pretty fast. I think the chairman felt that people who were somewhat in a sleepy mood, like they were sleeping and then RD had awakened them up with his arousing speech or something like that. But I believe that is what the chairman really has been saying after almost every speaker, thanking them for their contribution.

COURT: Who was the chairman? -- We had two people chairing 10  
there. One was Trevor Manual, and then the other one was Virgil Bono. I am not certain as to who was chairing at this point in time, who of the two was chairing at this point in time.

MR JACOBS: Mr Molefe, will you go on to another document as well. Will you have a look at "AE8".

COURT: Is there an agreement on this document?

MR BIZOS: It was found in Parys, M'Lord, apparently in the possession of one E Magashule.

MR JACOBS: Mr Molefe, do you know E Magashule? -- I do not 20  
know that person.

Now, this is a document issued - that is a calender issued by FEDTRAW, Federation of Transvaal Women. Is it correct? -- I cannot see where it says it was issued by that organisation.

But on the face of it, it is a publication of FEDTRAW, and there is also the badge FEDTRAW on it, the logo? -- Yes, it has got a picture of a person with a logo there and it is written FEDTRAW on the logo.

Is that the logo of FEDTRAW? -- I think it is. I am 30  
not/...

not sure. I have not scrutinised it.

Now, will you read - the heading of this, just to identify it, "The Unity we need is People's Unity. We need it all, we need it here, we need it now", and then will you read that first paragraph? -- The big letters?

Just underneath that big letter there in a square, there is some typing there, on the front page. -- I must read the faint lettering?

Yes. -- It reads as follows:

"The emancipation of women is not an act of charity. 10  
the result of humanitarian or compassionate attitude,  
The liberation of women is a fundamental necessity of  
the revolution. The guarantee of its continuity and  
the precondition of its victory. The main objective  
of the revolution is to destroy the system of exploit-  
ation and build a new society which releases the poten-  
tiality of human beings, reconciling them with labour  
and with nature. This is the context within which the  
question of women's emancipation arises."

MR JACOBS: Do you agree then that women also adhere and 20  
also agree to the fact that you are in the liberation strug-  
gle, you are busy with a revolution? -- Well, I do not know  
if that is what they accept. There is this quotation.  
They might have taken it somewhere, they might have been  
interested in the fact that women have got to be organised,  
women have got to be part of the struggle. I do not know  
if they were in particular interested in the word "revolut-  
ion" when they took that paragraph.

But this paragraph is propagated on a calender that 30  
was distributed? -- Well, I do not know if this calender  
was/...

was distributed. I do not know. And secondly, one can merely say that from my knowledge of the Federation of South African Women I do not know it to be a violent organisation. It is an organisation that is led by elderly people, some of them in their 80's, Helen Joseph, Mrs Sizulu close to 70 years, and who has got rich experience of - years and years of non-violent struggle behind them. So I do not know. All I can say is that from my knowledge of that organisation it is simply a non-violent organisation.

COURT: On the calender itself, below "March", if you turn 10  
the page, the calender itself, below "March", we find "Sharpeville Massacre", below June we find "Soweto Uprising", below July we find "Tomahole Uprising". Are these phrases normally used for what happened at Tomahole and Soweto and Sharpeville? -- The phrases?

Yes? -- Various phrases are used. I believe these are also used.

MR JACOBS: Under September the same in respect of the Vaal Uprising, September 3 1984. -- I see that. I may just indicate that the events of 16 June 1976, ever since that 20  
time they have always been referred to as uprisings in the Black community. It really became part of the normal language used.

And on this "AEB", on the cover page, this fist that is shown on this with the extended thumb, what do you know about that and what is the meaning of that? -- From the soldier (?) books that I have read, it is a sign that was used many, many years ago, I think it found its origin really on the 1913 Land Act when the land was taken away from the African people and laws were imposed to the effect 30  
that/...

that they could not buy land from people who were not of their colour, I think, they could only exchange the land amongst themselves and so on, and I think in the protests around the issue of the land this slogan developed during that period, I think right through 1936 and so on, and it was used to refer to - as a slogan really that meant, we want our land back, "Magui Africa", and it was used throughout, I think, in the struggles of the 50's, throughout the 50's and so on, and it came up to this time.

Mr Molefe, is this sign not accepted and given by - 10  
was it not accepted after it was given by Mr Mandela, after he was sentenced? -- My recollection is that he was only sentenced in the 60's, and from historical records one still sees pictures of this kind, of people doing this long before they arrested Mr Mandela. So that I do not think it was his sign.

And was this clenched fist with the open thumb not a sign adopted by the ANC? -- It may well be that the ANC might have adopted it as part of the African community that was striving to get its land back. It may well be. I have 20  
got no knowledge of that.

Is it not so that the four fingers means something and the thumb that is standing up means something else? -- I do not know about that. I have not learnt those details.

You have never heard anything about that? -- I saw a transcript somewhere here about one meeting where somebody purports to give an interpretation of that. I saw one of the transcripts, in the "V" series.

To go on with this question of the revolution, I would like to refer you to EXHIBIT "V4" - I made a mistake in my 30  
numbering/...

numbering. I will go to another one and come back again to this.

COURT: You should not do this to us, Mr Jacobs. It is quite an effort to get everything out, write it down and then delete it.

MR JACOBS: I will then to go "V24".

MR BIZOS: Perhaps we could be of assistance whilst Your Lordship has the previous document. I am sure that Our Learned Friend was looking for page 6 on "V4".

COURT: Yes, we have now deleted it. Let us now stick to "V24" for the moment. Yes, Mr Jacobs, which page? 10

MR JACOBS: Page 20. Edele, kan ek net 'n oomblik - hulle gee vir my een waarop ek nou 'n oomblik moet seek na hom, want die een wat ek die goed op uitgemerk het, gee hulle nie my boek aan nie. Ek vra verskoning daarvoor.

HOF: Wat is die bladsy wat u na verwys? Bladsy 20?

MNR JACOBS: Hierdie een is 'n fout mee. Ek het nou twee foute gemaak. Ek is jammer. Dit is eintlik "V25". Bladsy 20 dan.

This is the inauguration of the Soweto Youth Congress. 20  
Mr Molefe, were you present at this meeting, at the inauguration of the Soweto Youth Congress? -- I was present for a portion thereof, yes.

Now, on page 20, the chairman addresses audience. Who was the chairman of this meeting? -- I think the chairman was Kethla Shubane.

And from which organisation is he? -- I think he is a member of AZASO.

And at this meeting, were there any other members of the UDF present? -- Yes, there were at a later stage. Mr 30

Gumede/...



Gumede was there, Dr Motlana was there, I think Miwa Ramgobin came later, and Kethla Mohlaluge was there, and Nkondo I think was also there.

And at that stage, was it already known that they will be members of the executive of UDF National? -- It was not known at that stage.

Was it known to them and to you and the others? -- No, it was not known.

Were any of them then members of the three existing regions of UDF? -- Mr Gumede was a member of the Natal 10 region, I was on the Transvaal region - I was not yet elected. No, the Transvaal region had not yet held elections at that stage. So it was really Mr Gumede. I am not sure if Ramgobin was a member at that stage, and - so really I think the person who was on the UDF was Mr Gumede at that stage, in the sense that he was in the Regional Executive.

Now, the chairman on this page 20 where I referred you to, he referred to Bram Fischer, "a stalwart in our revolution", and that "our", does it include all the people also at that meeting? -- Well, I do not know what this speaker 20 had in mind when he said that. I would understand him to really be saying, by that revolution to be referring to the struggle. I do not know what he had in mind, but surely he had no mandate to speak for everybody who was there. He was expressing his own mind.

At a meeting for the inauguration of a youth organisation? -- That is so.

COURT: Was Bram Fischer a Marxist? -- I do not know.

MR JACOBS: Was he prosecuted and found guilty of any security laws, under the security laws? -- I know he was 30 convicted/...

convicted, but I do not know for what. I think he was sentenced to life imprisonment or something. I am not sure about that.

You do not know for what? -- No, I do not know.

Do you know why he is called then a stalwart of our revolution? -- I do not know what the writer had in mind. It may well be that he is saying that he was opposed to apartheid.

COURT: You mean the speaker, not the writer? -- The speaker.

MR JACOBS: Do you know what he contributed to the struggle? -- No, I do not know. 10

It seems as if you know very little about Mr Fischer? -- Yes.

So you did not understand what he was saying when he said "his contribution to our struggle for liberation still remains"? -- I did not know. I am not even sure if I heard him.

And again on the next page, page 21, there is also in the first paragraph referred to Mr Sisulu, Mr Tambo, Nelson Mandela, Duma Nokwe as stalwarts in our revolution? -- I 20 see that.

Mr Molefe, are they stalwarts in your revolution? -- I am not involved in a revolution. I am involved in a struggle against apartheid. If by revolution the speaker intended to say the struggle against apartheid, they are stalwarts in that.

MR BIZOS: M'Lord, should My Learned Friend not read the whole sentence?

"Stalwarts of our revolution made it possible for us to go into campaigns like the 1952 defiance campaign." 30

It/...

It may throw some light on the meaning of the word "revolution".

MR JACOBS: In fairness, Mr Molefe, please read it in, and further also, "and in many other campaigns". --

".. and many other campaigns have followed in the 50's, and it is of interest to note that the young chaps of those days used to run around organising all those things that are today the giants and the stalwarts for revolution, Oliver Tambo, Walter Sisulu, Nelson Mandela, Duma Nokwe. We should not forget the contributions as well that were made by the young people of those days, friends of the Soviet Union which then was the only worker's country, and in coming back to the Union of South Africa, he said something extremely important about the workers of this country, that the Soviet Union is the heaven of poor people." 10

Audience clap hands, Archie Gumede laughs, shakes hands with Nkondo, Nkondo raises right hand in clenches fist; all that is in brackets.

MR JACOBS: Mr Molefe, will you agree that this is also popularising the ANC between especially the young people at this meeting? -- I do not understand it to be popularising the ANC. I understand it to be an attempt by this person to look back at the history of youth organisations and how those youth organisations produced leaders of a high stature. That is all I understand, because he is really looking at the involvement of young people in the defiance campaigns of the 50's and so on. I believe at that time these people that he is referring to were members of the Youth League. I think the intention was really to indicate to the young people/... 20 30

people that they can also play an important role like the youth of that time.

ASSESSOR (MR KRUGEL): But Mr Molefe, I have a problem with your interpretation here, by reason of the wording, more or less in the middle of the paragraph, also the very portion to which Mr Bizos has referred us, which reads as follows:

".. and many other campaigns that have followed in the 50's, and it is of interest to note that the young chaps of those days used to run around organising all those things, are today the giants and the stalwarts for our revolution.." 10

and then the names are mentioned, Oliver Tambo, Walter Sisulu, Nelson Mandela etcetera. So I have a problem with your interpretation. -- Yes, I seem to see this man to be really simularising the struggle with a revolution, to be using revolution in the place of really the struggle against apartheid. I think it was in that context, and I understand him to be saying that these people even today are still regarded as great leaders, as leaders in the struggle against apartheid. 20

MR JACOBS: I put it to you, Mr Molefe, they were popularised here and held as an example for the people or the youth on this meeting? -- Well, I do not know that. All I can say is that I understand this to be tracing the history of the involvement of the youth and how that youth developed up to the time of the conference of the Soweto Youth Congress, that they started as young people participating as members of the Youth League and they went on and they became great leaders. I think all he is saying is that participation by young people may lead to a situation where, from among/... 30

among them there will emerge great leaders. I do not think it is really tied to the methods that any of those people employed at a particular point in time.

COURT: Duma Nokwe, was he convicted or not? -- I do not think he was ever convicted. I do not know.

Who is he? -- I have read in some documents that he was involved in the 1956 treason trial. He had been, I think, a member of the ANC in the 50's.

MR JACOBS: Is it not so, Mr Molefe, or do you not know or do you know that Mr Nokwe was also charged as a co-  
conspirator in Mandela's trial? -- No, I do not know about that. 10

Or mentioned.

COURT: What is put to the witness?

MR JACOBS: Mentioned as a co-conspirator. -- I do not know about that. I did not have the opportunity to see the indictment, any reports on that.

And do you agree, Mr Molefe, in this speech of this person he linked up the struggle of the ANC and these stalwarts with the struggle of the people at that meeting? -- 20  
Well, he seems to be doing that, except that he does not say that it is the struggle of the ANC, but he seems to be linking the struggle of the 50's - maybe I should allow myself time to read properly this thing. I should not just respond spontaneously without understanding what counsel is putting to me. Reading this paragraph, it seems like really when the speaker here says "our", "our struggle" or "our revolution", he is really using that "our" in the broad sense, to refer to, I think, the oppressed communities rather than to refer to organisations, because as I 30  
understand/...

understand it this person who was chairing this meeting was a very young person, he is a youngster who was not there in the 50's. Possibly by 1952 he was not - in fact he was not yet born in 1952. But he is talking - he is saying here, he mentions the names and then he says:

".. made it possible for us to go into campaigns like the 1952 defiance campaign."

Surely he was not there, he was not part of that campaign. So that I think he is using it really in a broad sense to refer to the oppressed communities. 10

Is it regarded by the UDF that the struggle of the 50's of the ANC is continued by the UDF in the present, today by the UDF? -- Well, the UDF has never sat down to decide and say that it accepts the struggle of the 50's of the ANC as its struggle, but surely the UDF came into existence in the context in which the African people and other communities which do not have a vote in this country, had been striving to get that vote. So that the UDF becomes part of the history of resistance against apartheid. So that in that context it becomes really a continuation of 20 the struggle, the overall struggle for a vote in this country. That would include the activities of all other groupings right from the 18th century, right up to the 18th century, all the vigilants associations which existed in a number of colonies at that time.

I see there on the bottom part of the page, that Mr Archie Gumede is a Release Mandela Committee and he is head of the UDF as well? -- Yes, at the time he was the president of UDF Natal. It refers to UDF Natal as I understand it.

Where does it say UDF Natal? -- I think it is common 30 cause/...

cause that the UDF National was only launched on 20 August. So there was no way in which he could have been the head of the UDF in July, before the UDF was launched nationally.

And is Mr Gumede regarded by the UDF as a person who can lead them on the ideals of the ANC and what happened in the 50's or that he can carry over his experiences to the people in the present? -- The question is not clear to me.

Is Mr Gumede regarded by the UDF and is that one of the reasons why he was chosen because of his experience as a member of the ANC in the 50's, or was he not a member of the ANC? -- He had been a member of the ANC. I think the consideration would have been amongst others - I do not know what the people in Natal had in mind, but I would have supported him because of his proud history of resistance against apartheid and the fact that even when he was almost 70 years old, he was still prepared to continue that fight against apartheid. He had made a tremendous contribution from the history that one could glean. 10

And while we are on this subject, Mr Molefe, will you go to page .. (INTERVENTION) 20

COURT: It says here, he was there right in the front line with the men we have just mentioned now, right at the bottom of page 21. Does that mean then that he was charged? -- No, I think what the speaker is referring to here is that he was involved in those campaigns of the 50's, as a member of the ANC. I do not know - I do not think he was charged. I am not certain about that, but I cannot remember him talking about the fact that he was ever charged.

MR BIZOS: M'Lord, insofar as Your Lordship may be able to take cognisance of the Natal role, he is still a practising attorney/... 30

attorney, M'Lord.

COURT: Is he an attorney in Natal?

MR BIZOS: He was actually sitting behind us a few days ago.

MR JACOBS: Mr Molefe, will you turn to page 6 of this document please? -- I have got page 6.

And there under the heading "Introduction", "Taking Place". -- Under the heading?

"Introduction taking place". -- I see.

Will you read that first paragraph?

10

COURT: You can read it now because you are airborne.

MR JACOBS:

"To my extreme left we have Mr Matthews. Mr Matthews served, I think 12½ years in the island for his contribution to the struggle. Will you stand up please? Matthews stands and raises the right clenched fist while audience clap hands and Curtis Nkondo raises right arm with fingers closed and thumb outstretched.

I must say that knowing him has always been (INAUDIBLE) because he does not spare a punch. Every time he injects you with some sort of enthusiasm."

20

Now, Mr Matthews, who is he? -- I think he is on the executive of the RMC Transvaal.

And I see he also was in the island for 12½ years, it says here, for his contribution to the struggle. Now, do you know to what the speaker is referring here? -- I do not know the circumstances of this case. All I know is that he did a gaol term on Robben Island.

Is that also for political contraventions? -- Yes, for political reasons, as I understand.

30

And/...



And that is also regarded as contributions in the struggle? -- What is regarded as contribution in the struggle?

This is what the person said, the fact that he was sentenced and sent to the island, that was for his contributions in the struggle? -- That is what the speaker is saying. I do not know the precise nature of his contribution at that time.

And then Curtis Nkondo is also introduced here.

"You know Nkondo, a lot of you. He used to be ex- 10  
president of AZAPO (INAUDIBLE) AUDIENCE LAUGHTER (INAUDIBLE) Mr Nkondo will be with us today. He served a banning order of three years.

Mr Nkondo nods his head in agreement.

He has just been released (prison). What we are seeing is an evermore determined (INAUDIBLE) that is banning or order like Mr Matthews (INAUDIBLE) did not break him to take up the reigns of the struggle and show us the winning."

Now, Mr Nkondo - we already had it - is on the executive, 20  
and Mr Archie Gumede comes from Durban.

"He is the chairman/president of UDF of Durban. I am sure we have heard and read about this huge process that is exploding inside the country, the United Democratic Front. This thing is of importance and emerges all over the country and it galvanised people, people of progressive thinking who are aimed at changing the status quo by organisation of the masses and not by speeches. I mean the UDF, its attempt to bring organisation into a broad alliance, a broad alliance that 30

will/...

will sweep the regime out of this .. (AUDIENCE CLAPS HANDS) Archie Gumede stands and Curtis Nkondo raises right hand."

Can we pause there for a minute, Mr Molefe, and this person stated, even before the launch of the UDF, it was anticipated that the UDF will sweep the regime out of - I suppose this country. -- I do not know what he meant by that.

But will you agree, to sweep something out of existence that is stronger than just talking? -- Well, I do not know what it is sweeping it out of. We have not got any existence yet. 10

And then the next one is:

"Next to Mr Gumede we have Dr Motlana. We all know Dr Motlana."

According to this he is the head of the Civic Association and he was very active in the Youth League. Is that correct? Do you know about that? -- Yes, he has told me personally from time to time. I know about that.

Is that the ANC Youth League? -- Yes, he was a member of the ANC Youth League, and I think he was a founder member. 20

And then he says here:

"He played a role in the youth of the mother organisation in the country, and he has valuable experience that he will share this morning."

And then Dr Motlana stands up. Mr Molefe, I put it to you, according to this, that this person states here that the Youth League is a mother organisation in this country and that means that all the other organisations that is taking up the same struggle against apartheid are part of that, and especially the youth organisations, that is an example 30  
for/...

for the youth organisation SOYCO to be formed that day? -- No, I do not understand that. In fact even here, reading directly from what is written here, it does not say that. All it is saying is that Dr Motlana had been active. It says - maybe I should read the whole paragraph. It says:

"Next to Mr Gumede we have Dr Motlana. You all know Dr Motlana. He is the chairman of the SCA (Soweto Civic Association) and he used to be active in the Youth League."

COURT: Very active. I do not know whether your copy has 10  
been corrected. -- Mine is not corrected.

".. very active in the Youth League. He played a role in the youths of the mother organisation in this country and he has further experience that he will share this morning."

ASSESSOR (MR KRUGEL): There is also a correction there, "that he has valuable experience". -- I believe then further should actually be valuable experience.

MR JACOBS: Now, can you tell us, what is a mother organisation in this country? -- In the context in which this speaker 20  
is speaking, I think when he says the mother organisation he is referring to the African National Congress, I think in the sense that it is the oldest organisation in the country. I think it is in that context.

And do you agree that according to this it means that the ANC is still in this country? -- Well, I do not understand it in that sense. I think he means the organisation that emerged in this country, when he says in this country, it simply means that an organisation that was born and nurtured in this country. 30

And/...

And Dan Motsisi, he was the president of the SSRC. What is that, Mr Molefe? -- That was the Soweto Student Representative Council.

And it seems as if he was given eight years and served an effective four years on the island. Is that correct? Do you know why he served a sentence on the island? -- He was, I think, convicted for his part in the - I think the riots in 1977.

COURT: Not 1976? Was it 1977? -- 1977, because I think he became the president of the SSRC in 1977. I am not quite 10  
sure, but I think it had more to do with the events of 1977.

MR JACOBS: And this Dan Motsisi, he also served in the executive of UDF? -- UDF Transvaal, yes. He was elected in 1985.

Is this the same person who worked in your office, in the national office, or not? -- He is not employed by the UDF.

Do you know to which other organisation he belonged? -- He is also a member of the Soweto Youth Congress. 20

Was he elected on that same date? -- I am not sure - I was not there when the elections took place. He may well have been.

COURT: Could I ask you a question on this question of the SSRC. I have always understood an SRC to be an executive body which represents the students' body, but I have also heard evidence in this court that the SRC in fact means an association of students and not necessarily its executive body. What do you understand by an SRC? -- I have got no personal knowledge of an SRC operating inside a school, but 30

I/...

I would understand it in the context in which Your Lordship has set out, where you have the student body coming together and electing an executive that handles their affairs, but in the context of the Soweto Students Representative Council it was much more of an association really of students coming from various schools. It was like an organisation really.

So when one was a member of the Soweto SRC, one was a member of an association? You were not a member of the executive of an association necessarily? -- Yes, because as I understand it, it had representatives from various schools, 10 I think two representatives from all the senior and junior secondary schools, and they could not all be on the executive.

They were all on the SRC but not on the executive of the SRC? -- That is so.

MR JACOBS: Mr Molefe, I would like you to have a look at page 54 of this same document. Now, the seventh page from the top - the seventh line from the top, that is part of .. -- Is it the one that starts with a short sentence and it says "The struggle is not a joke"? 20

No, on page 50 it is Father Simangaliso Mkhathshwa, in his speech he says, and he brings it out clearly to the youth on this meeting:

"The struggle is not a joke; it is not something you do when you happen to find time. Struggle is life, is death. Now you as young people understand that the church has to make an option for the poor .." and then he goes on. I put it to you that what he is bringing out, that it is very important, the struggle, and that there is a possibility of death in the struggle? -- I do 30 not/...

not see where he is alluding to death here. All I see, he says "The struggle is life, the struggle is death". I think that is what he is saying.

So it is not a question only of the struggle that you are engaged in, but it is a struggle against - that is a struggle that has a possibility of both life and death? Is it correct? -- I think that is what he is saying. I am not sure what he had in mind, but I would understand it to be in the context in which I have explained, how people died in the struggle previously. When one looks at where he says a joke, I think all he is saying is that they must be dedicated to their work and they must do it conscientiously, they must not think that when they have got nothing else to do, it is only then that they can be involved in the struggle. 10

Mr Molefe, there is no such explanation here, but what is brought quite prominently clear to the youth is that there is a possibility of life and death in this struggle? -- Yes, but I think none of us is able to say strictly what the writer had in mind. He is the only one who can say so - 20 I mean the speaker.

We are finished with that one. We go to EXHIBIT "V17". -- Maybe before we go to "V7", I would like to draw the attention of the Court to page 22 of this exhibit which is the talk by Mr Gumede, I think. It is at page 22 of the same exhibit. I think he spoke shortly after Dr Motlana. Now, he has got this to say:

"Thank you, Mr Chairman and Comrades. I use that word 'comrades' in a special way, as a companion in suffering, that is a comrade, a companion in joint action. 30

That/...

That is a comrade, a companion in struggle. You may ask how can an old man like me say he is a comrade of young people like you, but what I want you to understand very clearly is that it is not the age of a person that matters so much."

I think I started rather too far. The section I am looking for is the one where he is really saying that people should think with their brains and not with their blood. I think I missed that section.

COURT: In the middle of page 23, the bottom paragraph right 10  
in the middle of it. -- Yes, where he says:

"But I would like to add this to you please: do think with your brains, don't think with your blood. Do not allow yourselves to be provoked into unpremeditated actions at any stage or at any place. You know that people make a habit of provoking other people into situations and in using them to react without proper calculations of the consequences of the action that they are going to take."

Now, M'Lord, I understand this really to be an appeal that 20  
you must not allow yourselves to be involved in actions that will lead to bloodshed, violent actions. I just wanted to draw the attention of the Court to that section.

MR JACOBS: How can you say that on this, Mr Molefe? Because  
if you read the next sentence, it makes it clear:

"What I am saying to you is, I am not saying to you  
you must not act, but I am saying to you, you must  
think before you act."

How can you bring into that anything about not - bloodshed?

-- Well, thinking with blood, I understand it to mean that. 30

Counsel/...

Counsel may not agree with me, but that is how I understand it.

Mr Molefe, is it not so that it is a possibility what he meant here, is that you must not be cross or get hot-headed when you act, but you must think it out before you do it? -- It may well include the fact that you must not be cross, but I understand it to mean that it must not be something that would involve your blood, and to me that can only mean the shedding of blood.

Because he is going on and saying:

10

"I am saying to you, you must look before you leap, you must carefully consider everything before you act."

-- Yes, you must not adopt methods that would get you into trouble.

Yes, I cannot see that, Mr Molefe, where there is no bloodshed referred to in this. -- That is my understanding and I believe that is how those who were present understood it.

Did he explain it to those .. -- When he says, I am not saying you must not act, I think all he is saying is that you can be involved in the activities, but be careful what you do, do not do a thing that will injure you, and one can only think of a violent situation which would injure people.

20

Is it not also possible that what is meant here is that only that you must carefully consider all possibilities and then act? You must have a cool head? -- It may well mean that, but that does not include the element of violence. But also of course, I have the benefit of having been with

30

Mr/...



Mr Gumede of course in the UDF and I know him. He is not a kind of a person who would encourage violence.

MR BIZOS: M'Lord, Mr Gumede in fact says specifically the opposite to what is being suggested, in the middle of page 24:

"And you don't cultivate them by beating them with sticks or stabbing them with knives .."

and he goes on. The whole paragraph makes Mr Gumede's attitude clear, on page 24, "you don't cultivate them".

ASSESSOR (MR KRUGEL): Cultivating comrades?

10

MR BIZOS: Yes.

"It is your duty to cultivate comrades. You take the message to them and you make them grow, and you don't cultivate them by beating them .."

and then he goes on, he says further down:

"By going into violence you are actually destroying yourselves and you are discouraging other people from coming into our organisation."

THE COURT ADJOURNS TO 14h00. THE COURT RESUMES:

POPO SIMON MOLEFE, still under oath:

20

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I would like to put it to you that the audience at that meeting as depicted in EXHIBIT "V25", they had not the experience of you yourself or Mr Archie Gumede, and they were not in the position like you yourself to interpret Mr Gumede's words in quite another context. Is that correct? -- Well, there were many people there who were much more experienced than I was, and I think the language was simple and straightforward, to be understood by any person who knew that those organisations were lawful organisations, and I think that

30

is/...

is all I can say.

Because - Mr Bizos referred us to page 24. Let us go to page 24. I would like to read in the middle, he said in the middle, I do not know where we must start, but I would like to start at 12 lines from the top. Have you got the page? -- I have got page 24.

Have you got the page, Mr Molefe? -- I have got page 24.

Now, I will read:

"All you comrades in the townships suffer under the yoke imposed on them by the minority regime. However, I know and let those who wish to be slaves remain where they are. Don't beat them out of their slavery. When you are free, they are going to be your slaves (AUDIENCE LAUGHS)." 10

Let me just stop there first. Mr Molefe, what Mr Gumede is referring to here is the people that are the so-called puppets, that are in the camp of the Government? -- Well, I think here he is really referring to youngsters who were of the age of those who were forming the organisation, those who did not want to join the organisation that was formed. I understand it in that context. 20

And that they will be the slaves when a new government is formed by the people, then they will be the slaves? -- That is what this comes across as.

COURT: What do you understand by that? -- I understand it to simply mean that there might be those people who choose to remain servants or slaves of others forever, and that even when there is a new South Africa, they would still want to be what they had been before. 30

It/...

It would seem as if in the new South Africa someone will dominate someone else? -- Well, that is what it is coming across as, but I have known Mr Gumede, he is not the kind of a person who can seriously believe in this kind of thing. I think it is really just a way of trying to impress upon those who were still reluctant, who were equivocating in respect of joining the organisation, that it is crucial for them to change, to want to become better human beings than to remain as what may be seen as being a slave.

MR JACOBS: Or change to become partners in UDF? -- I am 10  
not certain if he was talking about partners in the UDF. I think he was talking here with specific reference to the youth organisation that was being launched.

Mr Molefe, is it not there stated that you must cultivate comrades, people to the cause, they must cultivate comrades in the sense of people to the cause of the UDF? -- I cannot see that line.

Let us go on:

"Let's see to it that you do not facilitate the use of violence against yourself." 20

That is quite a difference than violence against the Government. Do you agree to that? -- I do not understand it in that context. I understand it to mean that if you engage in acts of violence, that would facilitate violence against you.

"That is, you do not expose yourself to the system."

-- By engaging in acts that facilitate violence against you, and that can only be acts of violence from their side.

"The system likes you to expose yourself so that it can destroy you and cause others to be afraid of taking 30  
action/...

action you are taking. See to it that you use your brains, don't use your blood. I want to repeat that because I want it to stick in your minds, because very often I have found that people lose the struggle because they have been annoyed by something and they take ill-considered actions at the wrong time and with the wrong method. Now I am here today in connection with the UDF."

So I put it to you, Mr Molefe, you tried to explain - brought this up in court, to say that he did not preach violence, 10 and that is not what Mr Gumede said here. He said nothing about not participating in violence, he did not say anything here in them participating in violence. It only said here that they must be careful. -- If anything, I understand this to mean that those gathered there should not adopt methods that will facilitate violence against them, and in fact he goes on to say that some people some time when annoyed by certain things tend to take ill-considered actions at wrong times and with wrong methods, and I think that one can only think of violent methods in the context 20 of the organisation that we are talking about and the UDF itself. That is the method that one could consider to be a wrong method. And I understood Mr Gumede to be putting that across, and I believe that is how he was understood by other people present there.

Now, Mr Molefe, I want you to go to another exhibit, "V3". This is a transcript of the UDF/AZASO protest meeting in respect of the Students Guild at Ngoya University, Khotso House. Do you agree that this meeting was organised by the UDF? -- Jointly with AZASO, the main control was really in 30 the/...

the hands of AZASO, the program of the meeting was controlled by AZASO. The UDF helped insofar as releasing a public statement, in that regard.

Just have a look at page 10 first, before we go into the meat of it. It is said there, the last paragraph, ABRECSA. What does ABRECHSA stand for? -- I think it is Alliance for Black Reformed Churches of South Africa.

Is that an affiliate of the UDF? -- No, it was not an affiliate.

Now, it says there that ABRECSA thanks the UDF for 10 calling this meeting to expose the feelings of the people. Is that incorrect, Mr Molefe? -- The UDF issued a public statement to the effect that there was going to be this meeting, but the actual program was drawn by AZASO and they were chairing the meeting. They were really in control of the meeting.

Was this incorrect then? -- Well, insofar as - that is how it was publicly reported, it is correct.

That UDF was calling the meeting? Was it publicly called that UDF was calling this meeting? -- That is correct. 20 It was published in the newspapers as that.

As a meeting called by the UDF? -- I think so. It may well have been with AZASO, but I am not sure.

And that was the impression conveyed to anybody who wants to attend this meeting, that it was a UDF meeting? -- I think so.

Who was the chairman of this meeting, do you know? -- The chairman was Bogosi. He is now a medical doctor, he was a student at the time. I think he was in his final year or so.

30

And/...

And Mr Oupa Monareng, was he also assisting as a chairman or not? -- He was not the chairman. I got him there when Bogosi opened the meeting formally, although when one looks at the transcripts here, it does appear like earlier on Oupa Monareng had been talking there. Apparently people had arrived and the AZASO people arrived late, and Oupa Monareng started talking there, but the actual meeting started when Bogosi took over as the chairman.

I see that on page 2 it refers there that Oupa Monareng was a speaker there and he is saying at the end of that paragraph under his name: 10

"A number of speakers will be people from the student organisations, from the political organisations, from the workers' organisations, community organisations and civic organisations."

-- What page are we reading from?

Page 2, the second part of that paragraph under the name of speaker Oupa Monareng. -- I can see the section.

And the next thing he said is:

"So in doing that we shall with honesty and wholeheartedness remember and rededicated, commit ourselves to the struggle towards liberation. So we must keep on reminding all those involved, all those forces of division that the people are not asleep." 20

Now, Mr Molefe, on page 3 the freedom songs, I put it to you, it is not a question of just the people loving singing, but it is sung with a certain aim. -- I disagree with that.

Let us read what is said here:

"Meanwhile waiting, can we have a lively, dynamic and energetic song from one comrade so as to show that the people/... 30

people inside the country, Johannesburg, Durban, Pietermaritzburg, Cape Town are still with the comrades who have fallen, and the international community has the support of the liberation struggle in South Africa. So let us have, comrades, a few of those songs and because there are young dynamic people here who are prepared to relentlessly and gallantly fight for their freedom which belongs to them, which is God (INAUDIBLE) Let us then give us freedom songs so as to rededicate ourselves."

10

So Mr Molefe, it was conveyed to this young audience there that the freedom songs are sung to rededicate all the people present to the freedom struggle? -- Well, that is what Monareng is reported to have said, but that does not mean that he is correct by saying so. Freedom songs are things - are songs that have been sung for many, many years. This much I have said in my evidence in chief, and my attitude has not changed in that respect.

Will you agree that the message that the people received there was that the freedom songs are sung in order to rededicate themselves to the struggle? -- That is what he is saying.

20

That is what the people understand? Why do you not answer me, Mr Molefe? The message that the people received? -- Well, that is what he is saying. I live in that community. I know that those people are people who have been singing songs for many, many years themselves. They know that you do not just sing a song and then because of that you become dedicated to the struggle. I gave an example of when I was singing the song about Prime Minister Strydom, I was/...

30

was singing that song, it was part of - live part of culture. I did not even understand that I was involved in any struggle. We used to sing that song dancing in the street.

Is the difference now not, Mr Molefe, that the young people are taught that they are singing the songs in re-dedication in the freedom struggle? -- I do not think it is correct to say the young people, because this was a lunch hour meeting in town, which was attended by working people. There were youngsters there of course, but there were other working people, and those youngsters are not youngsters who 10 come from a white community that does not know about these songs. They are people who have been part of this history in the Black communities. They have been singing themselves these songs. It is not as if you are coming out with something that people had never heard before, something they do not know, you are educating them. That is why even when one listened to that video, all of them are just singing spontaneously. It shows that they were conversant with that song, they knew it. They were able to follow it.

Now, will you turn to page 5 of this document? -- I 20 have got page 5.

The middle paragraph, I will read that:

"The Government is trying to create these tribal universities in an attempt to divide and rule the oppressed masses of the land, but students were not deterred, even in these tribal institutions, students still formed representative bodies, bodies whose main aim was to unite all the students and to join in the total liberation struggle, but you see the Government continuing in its attempt to divide our people and 30 organising/...



organising groups like Inkatha which are totally reactionary and anti-revolutionary to try and destroy the unity amongst oppressed people."

At this meeting it was again stated, a meeting that was advertised as a UDF meeting, it is again stated about anti-revolutionary organisations like Inkatha. So the contrary is again - Mr Molefe, is it correct that the other organisations which are the organisations which is against Inkatha, are revolutionary? -- One might have interpreted it to mean that, but I would then understand the term to be referring to those organisations that are opposed to apartheid, not in the sense of a violent revolution, because here we are talking about lawful organisations, and I do not accept that the UDF could qualify to be called a violent organisation. And I note also here that the word "destroy" is also used there.

10

Then we go to page 12. -- And it is used in the context of unity amongst the oppressed, destroy the unity amongst the oppressed.

Now, is your contention not, Mr Molefe, that the Government is destroying the unity by violent means, oppression? -- I am not saying that. It is the violent people through its policy of separate development, policy of apartheid which separates people into racial groups, and further into ethnic nations. It is a policy that separates the people.

20

And is it not also said that implementing the policy of the Government, it is going to escalate, that violence is going to escalate? -- In the course of the implementation of the policies, it is true that violence is used to suppress those who speak out against the policies, but the fundamental

30

cause/...

cause of division is the policies of apartheid. It is not the issue of violence. Violence is not fundamental to that division.

Now, on this meeting Mr Frank Chikane was a speaker?  
-- My recollection is that he was there, as a speaker, yes.

It is shown on page 11. He was also introduced to those people present at the meeting, according to page 11, by the master of ceremonies:

"We call on our next speaker which is Reverend Frank Chikane from the United Democratic Front."

10

-- That is so.

Now, on page 12, the second paragraph, I would like to read that to you and then your comment on it please:

"And I want to say, in a struggle for liberation there are only two sides that people can take. One side is that of those who want to maintain the status quo and the other side is those who want to dismantle the status quo, and you can have numerous groups with their various versions, but when you come to the real truth, you only have two groups. Some people may present for some time, but our struggle has to intensified that the people are forced to show their real colours in the struggle of the people."

20

Is that correct, the statement by Mr Chikane? -- Well, that is his perception.

But he is bringing the message as a person - as a message from UDF, Mr Molefe. Is that the perception of UDS? -- Well, I believe that there are - there may be - I believe he is right. There are really two sides, those who want to maintain apartheid and those who want to end apartheid/...

30

apartheid. I think this is all he is saying.

So Mr Molefe, then on this question of a civil war that is running in the country and so on, then there is no such a thing that UDF is neutral, but it is on one of the sides? -- I think when we are dealing with the question of civil war, we are dealing with a particular context, we are not dealing with the general protest and struggle against apartheid. We are dealing with a context in which there has been a problem in a particular area, and the army is sent there. I do not understand it in this context that 10  
counsel is trying to put to me.

So must we understand - I will come back to this war question again later on, but at this stage, must we understand then that the UDF is on the one camp, that is the camp of struggle? -- Those who are opposed to apartheid, yes.

And struggle against the Government? -- Against apartheid, against the policies of the Government.

And on page 14, in this struggle, he states there in the first paragraph, I will read only the last half of that 20  
one. (INTERRUPTION)

We were at page 14 of EXHIBIT "V3". Now, Mr Chikane, still in his speech, he concluded his speech with the following, and I will read this part:

"And therefore we should understand that there cannot be reconciliation in South African as long as apartheid is there, as long as injustices are there. There will be more and more conflict until people face the truth and say, this is an unjust system, let's dismantle it and put a just system, then people shall be reconciled. 30

Thank/...

Thank you."

Now, the first that I want to ask you, Mr Molefe, is that there cannot be reconciliation in South Africa. -- I want to request the permission to link what counsel has read with the last paragraph as appears at page 13 because I think the argument is developed from that point. Reverend Chikane has got this to say:

"I want to come to one point before I sit down, that for us who are in the church, we have got a problem. People talk about the theology of reconciliation, that the church should actually be reconciling people (I think it is worrying factors) in a community, and I want to warn those who simplify the Gospel of Jesus Christ that reconciliation does not mean reconciling sin with justice. There is no possibility. There is no possibility in which you are going to reconcile evil with good, and reconcile evil with good or righteousness. There is no way in which you can reconcile God with a sinner, but God helps a sinner out of his sin to be reconciled with Him." 10 20

Then he goes on to say:

"Therefore we should understand that there cannot be reconciliation in South Africa as long as apartheid is there, as long as injustices are there. There will be more and more conflict until people face the truth and say, this is an unjust system, let us dismantle it and put a just system. The people shall be reconciled. Thank you."

All I understand Reverend Chikane to be saying is that the conflict that is in the country today is caused by the policies/... 30

policies of apartheid, and he sees that as evil, and he sees the good as the direct opposite of apartheid, a society where people live together in harmony in one society as equals, and he says there is no way in which you can reconcile apartheid with a non-racial society. Apartheid must go and a new order must be established and that would end the conflict, because the conflict arises out of the policies of apartheid. That is all I understand him to be saying.

And until that time there will be more conflict? -- Well, that is what he is saying. I understand that to simply say that there will continue to be people who struggle to end apartheid, an attempt from the other side also to suppress those who are struggling against apartheid. 10

And is it not so that it is the people who must dismantle it? It is a call on the people in that meeting, that they are the people who must dismantle it, that is apartheid? -- It would seem, yes, that he is saying until the Government accepts that this system is unjust and it has got to be dismantled. He seems to be referring to the Government. 20

Mr Molefe, the second-last line, it says there:

"This is an unjust system. Let's dismantle it."

I want to put it to you that he is making a call on the people present there that they must participate in the act of dismantling apartheid? -- I think that part of the sentence cannot be taken in isolation. It is really connected with the part that starts with, until people face the truth and say this is an unjust system, let us dismantle it and put a just system, then people shall be reconciled. I think this really includes both parties, those who are 30  
opposed/...

opposed to apartheid and those who are maintaining apartheid or supporting apartheid, but both sides accept that it is an unjust system. But I understand it really to be more on the side of the Government, that until the Government accept that the system is unjust and let us dismantle it.

Mr Molefe, there is no specific reference to the Government as part of the process - to be part in the process of dismantling it in this statement of Mr Chikane? -- Well, the Government is the people, and he may well be referring to the Government by that people.

10

You say the Government is the people? -- That is so, those people who are maintaining apartheid as cabinet ministers and so on are the people. I understand it in that context. I think counsel is free to differ, but that is how I understand it.

Mr Molefe, do you agree that if that was the intention of Mr Chikane, that it would have been easy for him to convey to that gathering there that the Government and other people must start and then dismantle it? That is not said? -- Well, I cannot say which word he would have used. People, especially when they give impromptu speeches, speeches that are not written, they pick on the nearest words that come to their mouth, which in their view are clear enough to be understood.

20

And I put it to you that the people - he is referring to, as we have seen always in the papers of the people, it is always referred to the people and that refers to the Black people and the masses? That is what is meant by this? -- In this context I think it refers to really the Government. It may well include others who are on the other/...

30

other side. I think especially, I think surely Reverend Chikane would not say the oppressed people, until the oppressed people realise that apartheid is unjust. They know that. He knows that very well. I think really in this instance he is referring to the Government, that the Government must - until the Government accept that this system is really unjust.

Mr Molefe, I would like you to have a look at the same exhibit, on page 17, starts the speech of Oupa Monareng, and then it continues on and I would like you to have a look at page 18, and what I am going to read to you is part of the speech of Mr Oupa Monareng. I will start with the second paragraph: 10

"We together with the rest of the entire progressive forces, freedom lovers in our country and the world over, identify the enemy in terms of his violent, brutal and merciless actions. We shall tirelessly fight all symbols and manifestations of oppression and exploitation. In this era of darkness and brutality our revolution (UNINTELLIGIBLE) and comrades are prepared to chase, attack and destroy the enemy from all areas, levels and corners of the world, despite the fact that they are Black, White, yellow or green." 20

Let us stop there first. This "our revolution" is on the other side when the choice was made between the two, one for apartheid and one against apartheid? -- Well, I do not know why he used that word "revolution". If by that he is referring to the struggle against apartheid I would understand it, but I do not share the sentiments as expressed by this speaker here, and this much I have said in my evidence 30

in/...

in chief.

Mr Molefe, but this was a UDF meeting, called and propagated as a UDF meeting? -- Only the press statement, the control of the program and so on was in the hands of AZASO, and I indicated in my evidence in chief that I made a request to the president of AZASO to clarify the position that we were not involved in the struggle that sought a violent struggle against Inkatha, because Oupa Monareng came across here as a person who was inciting people to attack hostel dwellers who were mainly members of Inkatha. 10

Mr Molefe, do you agree that this conveyed a message to the people in this meeting, the people, the audience in this meeting that you all there present were part in a revolution, all those who are opposed to apartheid were part and parcel of a revolution? -- Well, that is what the speaker is saying, but the position of the UDF was well-known to everybody.

COURT: But now, Mr Molefe, you spoke after Mr Monareng spoke, just after he had finished his speech. Why did you not put on record that the UDF has nothing to do with the views expressed by Mr Oupa Monareng? -- I had already discussed the matter with Moseneke who was a speaker. I was really merely reading a message of support at that stage. 20

But nothing prevented you from saying, we distance ourselves from these remarks? -- I was satisfied that it would be covered by him.

MR JACOBS: Mr Molefe, did you stand up and address the meeting and tell them that the message of Mr Monareng is not the message of the UDF? -- Well, he did not put it in that context, but I recall him saying that those people who 30  
did/...



did what they did are our fellow people and we must not fight them, we must win them over to our organisation. And I thought it was clearly set out in that message.

But did you not insist on it that he must stand up and say that UDF is not engaged in a revolution? -- No, I was not really - I understood that revolution to simply mean the struggle. I understood perfectly well that the UDF is not involved in any violence. And besides Monareng was not purporting to be speaking for the UDF either. He was not purporting to present the policy of the UDF.

10

Mr Molefe, in the first instance, would you allow anybody to speak on your meetings who is not of the same opinion than UDF? -- We allowed AZAPO to speak. It is not of the same views of the UDF.

COURT: But SOYCO was an affiliate of the UDF? -- It was.

AZAPO was not? -- It was not, but counsel is asking me if we would allow people who differ with us to speak.

MR JACOBS: Even on the question of fighting the Government will you allow somebody to come and speak on your meetings and say that we must work with the Government? -- Well, we would allow them. We were inviting those who were supporting the constitutional proposals to come to our meetings, but they refused to come, to tell us why we should accept the constitutional proposals, and in fact at the AGM of the SCA we had invited people who were arguing that we should participate in the BLA.

20

And Mr Molefe, if I remember correct it was on one of the meetings, it was - somebody who spoke only with the PFP on the same platform, the UDF was not satisfied with that? -- But I attended a meeting where I spoke and my colleague,

30

no 20/...

no 20, Lekota spoke, we shared a platform with Mr Van Rensburg of the PFP.

But answer my question. Was it decided at one - I think it was NUSAS was blamed and it was discussed and UDF was not satisfied because they used the same platform as the PFP? -- Yes, I recall that problem was raised, I think twice or so. Some regions were complaining that the Natal region had shared a platform, I think with a member of the Nationalist Party or something, on the constitutional proposals. Similarly there was that argument about NUSAS, but that is merely to show that the UDF is not a homogeneous group. You have people with divergent views, but finally it was accepted that sharing platforms with people is a matter of tactics, if you want to put across your views, you have got to allow to be able to speak even in meetings where you disagree with other people. That is why in 1984 Lekota and myself attended that meeting where Mr Van Rensburg was also speaking. It was before the tri-cameral elections. 10

Mr Molefe, on any of your advertised mass meetings, meetings that were arranged by the UDF, did you allow anybody .. -- My recollection is that that meeting was arranged by the UDF, the one I am talking about. 20

A mass meeting for everybody to attend or was it a closed meeting for only certain people? -- It was a mass meeting attended by about 500 people.

And was the press present on this meeting, this specific one? -- Which one?

COURT: The meeting on Ngoya?

MR JACOBS: The meeting under discussion, the one in EXHIBIT "V3". -- Who was present? 30

The/...

The press? -- The newspaper people?

Yes? -- I believe they were.

Which newspapers, do you know? -- I think the City Press was there.

Any others? -- I believe the Sowetan was also there, and the Rand Daily Mail.

Is it not so that it is also policy of the UDF to only allow UDF press at the meetings and not other press, not the SABC or the commercial papers? -- No, that is not so.

Do you know of any such decision by any of the executives of UDF? -- There was a specific decision in respect of the SATV, South African TV, and that had arisen out of the gross distortion of an interview that Mr Archie Gumede, then president of the UDF had had with Mr Cliff Saunders of the SATV. Then the NEC took a decision that we would no longer give interviews to SATV because they distort what we say and they do not report on other things about us, when we give them interviews, they distort that to cause divisions within the UDF. 10

And were the people from the press allowed at every UDF mass meeting in which the UDF organised the meeting? -- That is so. The press was always allowed at our meetings. 20

And SATV was excluded from all your mass meetings? -- No, we excluded it insofar as interviews were concerned, as far as I can recall.

Can you remember at the time of the launch of the UDF, in 1983, whether the press was allowed to remain in that meeting? -- There were various sessions. There were closed sessions and there were open sessions. In the open sessions they were allowed, and the closed sessions, it was only/... 30

only those with whom arrangements had been made to come, like those who were making a video of the proceedings. I believe the community newspapers were also allowed, but all the other newspapers were not allowed for that session.

COURT: Why not? -- Well, normally organisations do that if you are dealing with issues that may be sensitive in that they might cause divisions in the organisations, there might be arguments, the press have got a tendency of projecting that as a split and so on. We anticipated that there might be such like things. I think that was the consideration at the time. And this is really the procedure that had been followed even in the past in organisations to which I had belonged. 10

Could it then be said that the community newspapers stand much nearer to the UDF than does the commercial press? -- At that stage.

MR JACOBS: And later on? -- Well, later on they were no longer affiliates of the UDF. One cannot say whether they remained as such.

ASSESSOR (MR KRUGEL): Were they no longer affiliates? -- 20  
Yes, later on, later on they disaffiliated.

COURT: Well, actually they were made to disaffiliate, in July 1984? -- Around that time, yes.

MR JACOBS: Mr Molefe, I would like to put it to you, I will come back to the question of the press later on, but I would like to put it to you at this stage that the commercial press was only used by the UDF when it serves its purposes, otherwise it was not acceptable at UDF meetings? -- The statement is not true, what counsel is putting to me is not true. 30

And/...

And that it was only the community papers that were allowed at the meetings? -- As far as I can recall, it was only at that time of the launch of the UDF where a certain portion of the proceedings was not covered by the commercial press, but all other meetings of the UDF as far as I am concerned, they were attended by newspapers, they were always there, and they have reported widely on the activities of the UDF, including the Citizen and Afrikaans newspapers.

Do you agree, Mr Molefe, according to this message here, also - and I refer you back now to the speech of Mr Monareng, it is quite clear from this .. (INTERVENTION) 10

COURT: This being? You refer to page 18?

MR JACOBS: Page 18, this statement by Mr Monareng that violence is encouraged here, they must chase, they must attack and they must destroy the enemy, the enemy that was defined by him in the paragraph above that I read to you? -- That is what he says, but I understand this to be referring to Inkatha, and if one looks at the paragraph above that, whilst he is saying all these things that seem to be incitement to violence, the audience was really laughing at him, at what he was saying. It was not taking him seriously 20

So it was again a joke? -- That is how the audience was seeing it, because they knew that the organisations are not violent organisations.

Mr Molefe, do you say that the laughter in paragraph 1 reflects on what he was still going to say? -- No, he had already said something again there. He had already said something again, talking about merciless killings of the five innocent students by the primitive, shortsighted and blockheaded and so on. 30

Would/...

Would you say that the people at that meeting find the killing of people, either by the Government or by anybody else, as a laughable matter? -- No, I think they were laughing at the way he was presenting what he was presenting to them.

COURT: Well, actually they seemed to have been laughing at the word "blockheaded". -- Possibly, it may be.

MR JACOBS: Let us carry on with that:

"It is clear and obvious that they, Sebe's, Gatsha's, Mangope's, Matanzima's and the Tabiales are prepared to replace the actual enemy and subject our people to constant harrassment and cruelty." 10

So it is not Gatsha Buthelezi that is the only target of this person. Do you agree to that? -- Yes, I agree in terms of this paragraph.

So even in that you are wrong, in saying that he was meaning - he was only referring to Inkatha and Buthelezi?

COURT: Can Inkatha be Black, White, yellow or green? -- I understand him here, it cannot, but what I understand here is really that a violent person is an enemy, does not matter what his colour is. I think that is all he is saying. 20

MR JACOBS: And if you refer to the next paragraph:

"Therefore, barring primitive actions leave us youth no options but to challenge of instructing all the progressive youth, students and community organisations to take a drastic action against such Government-created bodies, puppets and stooges, predictably Inkatha and all its members throughout the country."

That indicates something more, Mr Molefe, than just a joke?

-- Well, it is true that he is now seeming to be inciting violence/... 30

violence against Inkatha, and I think he is still talking in the context of Inkatha, although he has brought in Mangope, Matanzima and Tebehali. I share no sentiments of what he is saying, M'Lord. I am not sympathetic towards what he is saying.

But that is a message to the people of that meeting, and then he goes further:

"And let us subject them to constant harrassment and aggressiveness (LAUGHTER AND APPLAUSE). Let's drive them all from our places of operation and residence. 10  
To those who are innocent within the tribal groups we make an urgent and special appeal to all to resign and join our ranks."

Mr Molefe, this clearly is part of the freedom struggle and it is clearly an incitement to violence in this freedom struggle? -- I still contend that this fellow who is speaking here, Monareng, is expressing his emotional attitude. He is not speaking for the UDF. He is not presenting the UDF policy in this regard, and I am satisfied that the people present there did not take him any serious, because this 20  
meeting took place in 1983. I know of no situation where the people in Soweto attacked members of Inkatha in that period, up until the time of my arrest.

Mr Molefe, it seems as if he is speaking for a lot of youth organisations affiliated to the UDF? -- He was not appointed by youth organisations to speak for them either.

How do you know that? -- Well, I know of no meeting that said prior to that to appoint him, because as I understand it, the speakers who were invited were really invited on the morning of that day, on the day of the meeting. 30

You/...

You see, Mr Molefe, I put it to you that you are wrong in that, if you look at the first paragraph:

"The Soweto Youth Congress known as SOYCO, together with the entire youth movement throughout the country, namely CAYCO, PAYCO, AYCO, SAYCO, MAYO, that is the youth movements or congresses throughout the country which have been formed and mushrooming, are endorsing their abhorrence and indignation to the cruel, brutal and merciless killings .."

and then he goes on from there to what we have just read. 10

-- Well, he is claiming that, he is claiming that he is speaking for these organisations, but CAYCO is an organisation that is based in the Western Cape; PAYCO is an organisation based in Port Elizabeth, and then you have got AYCO of course in Alexandria, SAYO was an organisation in Saulsville, Atteridgeville, youth organisation; MAYO is a youth organisation in Mamelodi. As I understand it, this person really just decided on the spot that he would say he is talking to these people. Clearly a meeting that was arranged and the speakers invited on the day of the meeting 20 would not have given this fellow Monareng the time to have consulted with the executive of CAYCO, the executive of PAYCO, the executive of AYCO, the executive of SAYCO, the executive of MAYO, to get a mandate to represent them. He is merely saying it assuming that they might support what he is saying, or for purposes of appearing as a spokesperson of a big constituency.

ASSESSOR (MR KRUGEL): Yes, but now, Mr Molefe, we have seen the videos, not only one but quite a number of them, and the pattern of speech that Mr Monareng follows here, 30

has/...



has also been witnessed in a number of other videos at other places, the same type of thing? -- By him?

Not necessarily by him only. I can appreciate what you are saying, that if arrangements were only made that morning, or on that day, he could not have had time to consult with the executives of all these organisations. It is impossible, but it is not this type of loose speech by people at meetings, people like Mr Monareng, is not that the root of the problem that we have, that you have to testify here and say that you do not share the sentiments of this man who spoke at the meeting called by the UDF? -- 10  
I do not understand the question.

You have testified that you do not share the sentiments of Mr Monareng on two or three occasions already? -- Yes, I have done so.

But now, too many people use the same type of tone, if we can call it that, the same type of tone, the same type of language at meetings? -- I cannot remember any other meeting that I attended and the language similar to this used by Monareng was used. I accept the fact that words 20  
like destroy, enemy are used. That is accepted political language in our communities, and it has been really like that for many, many years. Some of these meetings really, the criticism sometimes tends to be very sharp and very derogatory, and we have come to understand that in our situation. For people who do not live in these communities, it becomes something that is very shocking, although of course I think this one of Monareng, it is overstepping the limit in a way, but the others really, nobody would get shocked, the way they speak, although we would not speak 30  
like/...

like that, all of us.

Yes, but now, if Mr Monareng has overstepped the limits as you say, why is it that nobody has taken him up on it, at this meeting?

COURT: Could you refer to the passage where the chairman or somebody else repudiated him?

MR BIZOS: If I could be of assistance, M'Lord, it is at the bottom of page 25, I must say the middle of the last paragraph, on top of page 26 - I am sorry, 23 and top of 24. 10

COURT: Is this the passage you want to refer to? -- That is so.

MR JACOBS: Which passage? Can we just get clarity on that, Mr Molefe, on which page? -- That is - I think it starts at page 23, where it starts with:

"I must say very clearly today that those men and women who are carrying pangas and kieries and assegai's who walked into the hostels and murdered our people, those men are pure South Africans and those people I say we should not do away with. Those are our people. 20 Those people have been misled by Gatsha and Inkatha for their own purpose. Those people are still our people and our ranks will always be open to them to come and join us in the fight for a true democracy in this country."

Then it goes on and on. I think it also comes across again at the last but one paragraph at page 24:

"And again I want to advise our fellow men and I want to advise our fellow students from University of Ngoya who have very strong feelings against Inkatha, and I 30 want/...

want to say, fellow men, those people who murdered your fellow men are our fellow men, fellow South Africans. If those people knew the truth, only if they knew the truth, those people would have directed their wrath against Buthelezi, and I want to say, and the Azanian Students Organisation says very clearly so today, that let us see it as our duty on our campuses because this man, this man is causing very serious divisions between our people .."

and so on. I think that part covered what I wanted to say. 10  
It is not necessarily as sharp as Monareng has put his speech, but I think it dealt adequately with what he said.

ASSESSOR (MR KRUGEL): Yes, but you know, Mr Molefe, at the  
- in between the top of page 24 and the bottom from which  
you have read now, we also have the following section, this  
will be in the third paragraph on page 24:

"This man (this is now apparently Mr Buthelezi) serves to reproduce an unjust system that we find in this country. This man is part of the system and when we all go out and destroy this system, he shall be part 20  
of the enemy and we shall destroy the system together with him."

It may be Mr Le Grange to whom he is referring. I do not know. -- Well, I understood that really to be referring to the apartheid system, not to human beings really, and I know Moseneke, I would not have understood it to mean that, especially after he has spoken about the attitude that must be taken in respect of members of Inkatha.

MR JACOBS: I put it to you, Mr Molefe, that even in this, 30  
Mr Moseneke is endorsing what Mr Monareng has said, in this  
paragraph/...

paragraph that was just pointed out to you, that even there the people must go out, it is an incitement to the people to go out and destroy the system and destroy this man Buthelezi? -- Well, I understand that to be really destroying him politically in terms of his credibility, and that is the language that has been used, that part of it, at least, is the language that is used normally in meetings.

Where does it say that he must be destroyed politically? -- Well, I live in that community and I say that language has been used for many, many years in that way, in that vein. 10

But Mr Molefe, anybody who is incited here, who hears that there is a revolution and they must attack them at their houses, the word "destroy" used in that context cannot be just an ordinary political meaning that you want to .. -- Well, they were there. They did not go and seek Chief Buthelezi to destroy him, to show that they understood it the way I understand it.

This is an invitation and an incitement to destroy the Government and the puppets as you call them? What do you say to that? -- The word "destroy apartheid" has been used. I have used it myself, but I contend that I did not mean violence and those who use it do not mean violence. I have used it for many, many years now, and I have never engaged in any violence, and I know many people who have used it, Dr Motlana and others, they have never been involved in a violent struggle. I pointed out in my evidence that even those people who had worked within the system, they have used the word "destroy", destroy the basic structures of the system, they have said so. 20 30

Mr/...

Mr Molefe, do you agree that there is nothing in Mr Moseneke's speech to the effect that he explained to the people there that AZASO and UDF is not a part in a revolution? -- We did not deal with a revolution. As I said, I have understood the word "revolution" used by a lawful organisation to be simply referring to the struggle in which they were involved, which is a non-violent struggle, and we have never made an issue out of that word because we knew we were not involved in any violent struggle. I myself would not have objected if I heard somebody saying it, 10 unless that person was linking that word with violence. I remember only on one occasion when Mr P W Botha was linking the UDF with the revolution of the ANC and the South African Communist Party, violent revolution to overthrow the Government. We responded to that. We stated very clearly that the UDF was not involved in any violent revolution.

So must I understand then your evidence to be that you did not ask Mr Moseneke to tell the audience that the UDF is not part of a revolution? -- It is true, my consideration was not the question of a revolution at that stage. I was 20 more concerned with the incitement to violence against members of Inkatha and hostel dwellers. I did not really take much notice of that word revolution. As far as I was concerned, I knew that our organisations were not violent organisations.

So you were only interested in violence to Inkatha? -- Because that is the violence that he was talking about at that time, that is how I understood it.

And did you ask him to say that it is not part of the policy of UDF and AZASO to say that - to chase, attack and 30 destroy/...

destroy the enemy, being Black, White, yellow or green? -- Well, I did not pick up those words, yellow, green and son on. I was satisfied that if I say he must tell the people that our struggle is not intended to be a violent struggle against other people, and that those members of Inkatha are as oppressed as other people, that was enough. I did not pick on specific words like, here he said green, there he said yellow. I cannot recall picking on those little words.

And do you know of many Whites in Inkatha? -- I do not know of Whites in Inkatha. But I know that there were 10 Whites in that meeting.

No, in Inkatha? -- I do not know White members of Inkatha. I do not know.

You see, Mr Molefe, if you will have a look again at page 18 at the last sentence, there he is also excluding and he is saying the same that Mr Moseneke is saying, he excluded certain people:

"To those who are innocent within the tribal groups, we make an urgent and special appeal to all to resign and join our ranks." 20

-- To which section of Moseneke's statement is counsel referring?

I am referring to page 18. -- But to which section of Moseneke's statement is that compared?

Is it correct then that - let us finish with page 18 first. Is it correct then that he is also saying, Mr Monareng is saying that those who are innocent within the tribal groups, we make an urgent and special appeal to all to resign and join our ranks. That includes the people, the Zulu people? -- I think he is appealing to all members 30 of/...

of Inkatha, without tribal distinction.

Now, he is not - is it correct that he is not specifically only referring to Inkatha in his speech on page 18?

-- Are we dealing with the line that counsel has just read?

Is it correct?

COURT: Are you referring to the one line?

MR JACOBS: Now, I am referring to this line and then in conjunction with the whole speech. He is not referring to Inkatha only? -- I think the main focus of this speech is Inkatha.

10

And he is referring to a lot of other homelands? -- And Tobehadi was a town councillor, was the chairman of the Soweto Council in 1983.

And did you ask him to say anything about the other homeland leaders, as part of the enemy? -- No. Well, I know that homeland leaders are regarded as the enemy of those opposed to apartheid. I myself might have used that word in the past, so I could not have asked him to say they are not the enemy. It is accepted political language that is used.

20

And is it correct - Mr Molefe, can you tell us, the organisations CAYCO, PAYCO, AYCO, SAYO and MAYO, are they all affiliated to the UDF? -- That is so.

Now, the fact that he was telling the audience that the young people in that audience and all the people in the audience, that he was speaking for these people, was it not more reason for you as the national secretary of the UDF to stand up when you had the chance, just directly after this man and say, no, but these UDF affiliates is not subscribing to what you are saying? You had the authority to speak on

30

their/...

their behalf, you as the national secretary? -- I did not take much notice of the organisations that he was mentioning. I just took it that he was just making a wild talk, but I was more concerned with the whole question of attacks on members of Inkatha and I think that was dealt with, I was satisfied. I was satisfied with that.

Now, how can you tell this Court then that you were not interested in the other parts of Monareng's statement here, if you say that UDF is non-violent? -- That is the section I picked up, that I got, clearly when he was talking. 10  
So that was the only one I could respond to, as at the time. And once more, Monareng was not speaking for the UDF. He did not even purport that what he was saying is the policy of the UDF. And I believe that he was not even representing the policy of SOYCO as an organisation.

COURT: Can it be that the older people like yourself were afraid to repudiate the youth? -- That was not the reason.

MR BIZOS: M'Lord, I allowed the question to pass twice, from counsel for the State, on top of page 18, that this was a statement made on behalf of SOYCO, CAYCO, PAYCO, 20  
AYCO, SAYO and MAYO. I submit that a proper reading of it is not that he was speaking on behalf of those organisations. What he was really doing is that he was saying that these movements, congresses throughout the country which have been formed and are mushrooming, are endorsing their abhorrence and indignation of the cruel, brutal and merciless killing of the five innocent university students. It is no different, M'Lord, to what one hears from time to time from ministers, from leaders of organisations; the whole of South Africa will condemn this as a dastardly and cowardly 30

act/...



act, the whole of the civilised world will do this, that or the other. It is really an expression of opinion rather than an authority to speak on behalf of those organisations.

COURT: That is the way you interpret it. Counsel for the State interprets it differently. I am not going to decide at this stage. He is entitled to put his version to the witness, you are entitled to put your version in re-examination and at the end of the case we will decide what this paragraph means.

MR BIZOS: As Your Lordship pleases. Of course it was that 10  
borderline situation, that I allowed it on two occasions.

MR JACOBS: Mr Molefe, I would like you now to go to page 27. I see at page 25, there starts the speech of - if I am correct, it is Sipho Gatebe, going on up to page 27 and further. Now, who is Sipho Gatebe? -- I think he was a member of CUSA, one of the unions of CUSA.

And was he there on special invitation as a speaker? -- I cannot remember exactly, but I think he must have been invited.

COURT: Do you remember him speaking? -- I heard him speaking. 20

MR JACOBS: I would like you to go to page 27. -- I have got page 27.

The second paragraph, it starts there:

"I wish to aver, these wanton and brutal murders will still continue and they shall intensify, this being indicative of the fact that the enemy is becoming desperate and is (INAUDIBLE). It is up to us comrades to take up this challenge. The enemy is challenging us. We should therefore mobilise all our liberatory efforts so as to conquer once and for all."

30

Do/...

Do you agree, Mr Molefe, that the message conveyed here by the word "conquer" goes much more further than just speaking and talking? -- I do not see that. This man who is speaking here is a member of a trade union, and I cannot see it going beyond the question of protest and peaceful struggle against apartheid and building unity and solidarity amongst the oppressed communities.

The message to this meeting was that all the people, all the members of the masses must go out and conquer? -- Well, that is what he was saying. 10

That was the message to the people in that meeting, and a meeting organised by the UDF? -- I have responded to the question.

Then we will go to the next exhibit, "V6". That is a meeting, a UDF meeting held at the Burger Centre, Claremont in Cape Town, and this is a transcript of that video in that regard, EXHIBIT "V6". Do you know anything about this meeting? -- I do not know anything about that. I was in detention at this time.

Now, Mr Molefe, according to this - I just want to see 20 who the speaker is, if it is possible. I will clear it up later on. On page 10, I will read to you, the ninth line from the bottom on that page, that paragraph:

"You cannot maintain an unjust system without actually acting against those people. It is impossible. You need a big army to maintain that and the people are saying that what has been said in the Vaal and elsewhere, and I am concluding. They are saying, let us make sure that the army stays with us. Let us make it impossible for them to administer us. Let this message 30 become/...

become clear that even if we die, all of us, we are prepared to die for the sake of just order."

And I put it to you, Mr Molefe, that it is part of the freedom struggle of the UDF that the people must be prepared to die in that struggle, and the Vaal is taken as an example of that? -- Well, I do not know, which speech is this that we are dealing with here? I was not at this meeting and I have not had the opportunity to read this exhibit, even to understand the context in which counsel has read to me, was used.

10

It seems as if it is the speech of Reverend Frank Chikane, Mr Molefe. -- Where is the indication that it is?

On page 1. -- May I be given a bit of chance to read this? I have read page 9 and the section on page 10. I hope that it might enable me to answer the question.

COURT: What is the question?

MR JACOBS: My question was, do you now agree that this freedom struggle, it is part of the freedom struggle that violence be part of it, that the country must be made ungovernable? -- That is not UDF policy.

20

And the people must be prepared to die in this freedom struggle? -- Well, in the context that I have explained it previously, but I must make it clear that the UDF does not organise people in order that they must die in the struggle. In fact the opposite is correct.

Do you agree that this man, Mr Frank Chikane, is an esteemed member of the executive of the UDF? -- He was a member of the Transvaal Executive of the UDF, and when I read what he is saying here, he seems to be expressing his impressions of what is happening there. He is not saying,

30

we/...

we are saying that they must do that.

Mr Molefe, you are always trying to come back to this and saying that each and every speaker is expressing his view. Is it not so that Mr Chikane is a member of the UDF? Is it not true that the UDF arranged this meeting? -- I said right from the beginning that I do not know anything about this meeting. I was arrested by the Security Police, kept in detention in terms of Section 27 at the time. I do not know anything about this meeting. I cannot testify factually in respect of this meeting.

10

And further that he spoke .. -- And the second point I want to make is that although a person may be a member of the UDF, he does not cease to be an individual. It does not follow that everything that he utters is the policy of the UDF. Individuals can be wrong themselves. Ministers have been wrong in the past, uttering certain things and later on retracting that. The whole organisation cannot be tied to the utterances of one individual.

Mr Molefe, I put it to you that he came, he was present on this meeting in Cape Town because he was invited especial- 20 ly from the Transvaal to speak on this meeting in the Cape, to bring a special message from the UDF in Transvaal and this is the message that he brought, to the people on the meeting, the people who heard him? -- I cannot testify on circumstances leading to the arrangement and invitations to this meeting. I do not know anything about it, and I can only give my views from what I read here. That is all, and from my understanding of a person.

It seems as if Mr Boraigue, Andrew Boraigue, he was the master of ceremonies, according to this. Do you know 30

Mr/...

Mr Andrew Boraigue? -- Yes, I know him.

Is he a member of the executive of the UDF? -- He was.

What was he in the executive, and when did he become a member? -- I think he was a member of the first executive of the Western Cape region of the UDF. My recollection is that he - for a time he also sat in the National Executive Committee of the UDF.

And I suppose he was conversant with the policy of the UDF? -- That is correct.

That no member or member organisation must go against the policy of the UDF? -- He as conversant with the policy of the UDF. 10

Is it not only normal to expect, if a man is saying such things, the other member of the UDF, that he will report it back to the UDF and that you will have to expel that man out of the UDF .. -- What are the things that counsel is referring to, which should lead to the expulsion of a person?

You said he is expressing his own meaning on that meeting, and about people .. 20

COURT: His own view.

MR JACOBS: His own view on people being prepared to die and also for the liberation struggle? -- Well, I possibly have said that people should be prepared to die in the struggle to end apartheid, because life under apartheid is a life of perpetual torture and suffering. I might have said that myself in the past. What I am objecting to, what I am denying here is that the UDF was involved in a violent struggle. That is why Reverend Chikane says the people in the Vaal were prepared to die and so on. Now I am saying 30  
that/...

that he seems to be taking a look at the situation in the Vaal, possibly from what he read in the newspapers or what he might have heard from other people, the presence of the army there and so on, and he is saying that these people seem to be saying that they are not prepared to suffer silently under apartheid. I do not know exactly what he had in mind, but I can testify here that I know Reverend Chikane is a committed Christian, a minister of religion, he is not a violent person. He is not committed to a violent struggle.

10

In the same meeting, I put it to you, Mr Molefe, that the message that was conveyed to the people in the Cape was clear, the message:

"Let us make it impossible for them to administer us and let us be prepared to die for the sake of a just order."

-- I think he is not saying so. He is saying, and the people are saying that what is being said in the Vaal, the people are saying that what is being said in the Vaal and elsewhere, and I am concluding, they are saying, let us make sure that the army stays with us, let us make it impossible for them to administer us, let this message become clear that even if we die, all of us, we are prepared to die for the sake of a just order. My impression is that he is saying what he heard from the people in the Vaal and elsewhere. I think this statement is very clear.

20

COURT: This is just a factual account. It is rather an abrupt way of ending a speech. -- I beg Your Lordship's pardon?

Is he not attempting to bring across a message? The message/...

30

message of the people in the Vaal? -- That it may well be. I do not know what he is really trying to say, but what is clear to me is that he is not saying so. He is saying what other people are saying.

MR JACOBS: Mr Molefe, what happened in the Vaal, bloodshed is regarded by the UDF as part of the freedom struggle and as part of the victories of the UDF in the freedom struggle? -- No, that is not so.

It is said so in the documents of the UDF, "C110" for instance? -- That is not an official document of the UDF, 10 and I do not know if it has got any section that says so. Maybe counsel can deal with that section when we reach the document.

COURT: Mr Jacobs, you make it difficult for us if you just mention - refer to documents which are not before the Court, so that we cannot check what you are saying and you are debating in the air with the witness.

MR JACOBS: I will come back to that.

COURT: Then do not just throw it in as an aside.

THE COURT ADJOURNS TO 1987-08-20

20