

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

Ass:

Ass

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-21

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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THE COURT RESUMES ON 1987-08-21:

POPO SIMON MOLEFE, duly sworn states:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I would like to deal with EXHIBIT "V17" today, page 31. This is a NIC meeting held at Ladysmith and organised by the NIC Regional Committee, and the transcript of that meeting. Now, on page 22 at this meeting where Mr Miwa Ramgobin was addressing the meeting, and he is the national treasurer of the United Democratic Front? -- That is correct.

Now, on page 31 there is part of his meeting still 10 going on, and I would like to read to you there, in the first paragraph, the last part of it:

"And these are his words, said Mr Botha, we are tired of conflict in South Africa and that South Africa should not be turned into a battlefield."

And then he said:

"We, the Natal Indian Congress, Ladies and Gentlemen, declared and if, Mr Botha, you are not here today to listen, we hope you have some means of listening to us. When we say to you and your government that we, 20 the oppressed people of South Africa are tired of apartheid (APPLAUSE) which is the basis of all conflict. That, Mr Botha, we are tired of telling you and your allies whether they are here or in the Western world that apartheid is the cause of all conflict."

And then he goes on at the bottom:

"That, Mr Botha, no number of public relations, visits abroad, no number of Komati accord can resolve the problem that we face in this country, that until you have had the sense and humility to say that we have 30 been/...

been wronged thus far, we will not and never be able to solve the problems of this country, that your government in its lawlessness has negated all the moral principles as Mr Baba has already said, and that until you realise this, we will never, never and never stop to engage apartheid in battle."

Now, Mr Molefe, I put it to you that Mr Ramgobin is putting an ultimatum to the Government here. Do you agree to that? -- I do not agree.

That if the Government does not repent and admit that apartheid must go, then they will always, and as he put it here, never, never, never stop to engage apartheid in a battle? -- That is what he is saying, but what I understand is simply this, that there is no use, you, Mr Botha, going to tell the Prime Minister or President of Portugal that you do not want conflict in the country, whilst you pursue the policies of apartheid and the policies of apartheid being the source of that conflict. All he is saying is that if you want peace, that peace must be sought and found inside South Africa and it must be - the basis of peace must be the end to the policies of apartheid, and a creation of a just order in the place of apartheid. I understand it simply to be saying that justice is a prerequisite to peace. 10 20

And the alternative to that is that if the Government does not agree to the demands of UDF, of a people's government, that is implied in his words, then they will always engage the Government in battle. That is also stated here, is that correct? -- That the opposition to apartheid will continue as long as apartheid is not ended, there will always be resistance to those policies. 30

And/...

And do you agree that he does not use the word "resistance" but he uses the word strong - in very strong language of battle? -- He is using that in the context of the methods of the UDF, as I understand it.

MR BIZOS: M'Lord, I am sorry to interrupt, but where the words in the second-last paragraph on page 31:

"That, Mr Botha, we are tired of telling you that yes, we are engaged in battle, the battle is between apartheid and human dignity."

Those words were left out when the passage was read. I am 10
sure that it was not deliberate, but I submit that if we are going to read the passage, we should not leave an important sentence out.

MR JACOBS: My question still stands, Mr Molefe. What is your answer to that? -- I reject any suggestion that this means violence.

And it goes on and he makes it more clear on the next page, in the middle of the first paragraph:

"That our choice today is between abject submission to the power of the State, spiritual degradation, the 20
denial of truth and our moral prosecution for reasons that we consider base and vulgar, or opposition to the constitution with all the consequences thereof or therein, no matter what the price, no matter what the sacrifice."

So Mr Molefe, I put it to you that the battle and the opposition from - the part of opposition to apartheid on the part of the opposition to apartheid is going to be violent because no sacrifice and no price is mentioned here. -- I do not understand what counsel is putting to me. May counsel 30
please/...

please repeat?

I put it to you that the freedom struggle and the battle to which is referred here will be a violent battle in which sacrifices, no matter what the price and no matter what the sacrifice, that they will continue with it? -- I do not accept that proposition. I think the last part of the statement indicates very clearly the context in which he is talking here. He is calling on the people - may I read the line?

"It is on that basis, Ladies and Gentlemen, that the Natal Indian Congress has called and will call over and over again until August 28 upon you and the rest of you who are outside, not to vote."

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I understand everything that is being said here to be in the context of the anti-election campaign that was due in August of 1984.

Mr Molefe, I put it to you, it goes further than only the .. -- And in respect of the question of sacrifices and so on, it is a known fact that those who have stuck out their necks to speak out against apartheid have very often landed up in gaols or under banning orders. This has been the reality of our lives in our communities. Mr Ramgobin himself, he has never been a violent man. He served, I think, about 17 years of banning order. So he is talking really from personal experience.

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Mr Molefe, what price will the ordinary person in the street pay if he is not voting and what sacrifice will he be making if he is not voting? -- Ordinary people have been harrassed. Anybody who has spoken against apartheid has been harrassed. It may well be that even those ordinary

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people/...

people could be harrassed. When we collected the signatures in 1984, people who had signed the million signature forms of the UDF were harrassed in their homes. We even had to threaten legal proceedings against the police to stop that and to get our forms back, and these things were happening to the ordinary people, not the leaders of the UDF.

So this is a call for people not to vote? This is not a call for people to collect million signatures? -- I am using this as an illustration to show the circumstances in which ordinary people are also harrassed.

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Do you agree that the example given by you refers to people going out to collect votes and so on? -- No, I am not talking ..

Signatures, I beg your pardon? -- No, that is not the position. I am talking about people who had appended their names on the signature forms, who themselves were not collecting signatures. In any event, even if it were people who collected signatures, it is not unlawful to do that. Nobody has got any reason to harrass a person who is articulating his own position on a matter which is the subject of debate nationally, where everybody has got his own right to express opinion on the matter.

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And I put it to you that this sacrifices and prices that the people had to pay does not refer to people not voting. That is only part of it. -- I do not accept that proposition.

Then I would like you in the same meeting to go to page 42. -- M'Lord, maybe even before we go to that, I think again the context in which the speaker is speaking here is set out clearly in paragraph 1 at page 30. It is clear/...

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clear that here he is talking in the context of the vote against the coming election.

Mr Molefe, you have read through this. I made this document available to you last night, is that correct? -- That is so.

This is not only a speech in the context of the election but it is also in the context of the whole freedom struggle? -- In the sense that opposition to those elections is essentially opposition to apartheid, but the primary focus of the meeting and the issue of elections, people are called upon - the meeting was called there to persuade people not to vote. 10

And I put it to you further that what Mr Ramgobin is saying in this meeting is in connection with the freedom struggle because the battle is not going to be - the State is not only going to be engaged in battle just for the 28th when the election was, but it was after that as well? -- It may well be, but what I am saying is that the primary reason for that meeting was the issue of the elections, to persuade people not to participate in the election, and inevitably when people deal with that subject they would have to look into the whole history of - broadly into the history of the apartheid system. They would deal with all problems that relate to that, as a way of indicating to those who are called upon to vote as to why the UDF, the NIC and other people were opposed to the new constitution and calling upon them not to vote. 20

ASSESSOR (MR KRUGEL): Mr Molefe, regarding this explanation that you are giving, I was not so much worried about the portion that was put to you this morning by Mr Jacobs. On 30 reading/...

reading through, on page 29, it is also Mr Ramgobin still, I did mark this portion which is not in line with your explanation; it appears not to be in line with your explanation. -- I have not found the place.

On page 29 right at the bottom he is talking about happenings apparently at Anglo American, at the Tongaat group, at Barlow Rand and the Rembrandt group. Why are these people pushing for these socalled reforms? He puts the question, and then the last paragraph on page 29:

"They were pushing in this, on the one hand, there were members of the advisory council of the Defence Force, on the basis of economics on the other hand. What were their role or roles? Their roles were the Government and the army was to contain the possibility of (and then we cannot hear what he was saying) of the year 2000, in that if we as Blacks without political rights can hold the country to ransom, it is therefore in their interest, once having divided the African sector, to contain the Indian and the Coloured and to draw them into their laager."

He has in mind at least the possibility of Blacks without political rights holding the country as such to ransom? -- Well, he seems to be saying so. What I understand by this is that he seems to be saying that the development, industrial development is such that South Africa is developing industrially and concomitantly there is developing the strong labour force comprising mainly the Black people, and he seems to be saying that even if apartheid was to continue that labour force would grow to a point where it would then make the kind of demands that would force the Government to

change/...

change. In a sense they might use their labour force. It is not quite clear, but that is how I seem to understand it, ransom in the sense that they could then say, look, we are producing the wealth of this country, we want a fair share both in the wealth of the country and we also want a vote, and if you do not give us those things, we withdraw our labour. I think that is what he had in mind. And that does not really include any question of violence.

MR JACOBS: Mr Molefe, before I go to the next page, I just want to know from you, you mentioned harrassment of people who signed the million signature campaign form? -- That is correct.

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Have you personally investigated those socalled harrassment incidents? -- I did, and I was involved in that matter.

Did you personally go to the people? -- Yes, I know the people who were involved.

Where did you investigate? -- In Soweto, and I took them even to the advocates to be interviewed.

And why do you say they were harrassed? -- They were called to police stations to account why they signed the million signature forms, and they were told not to do it in future.

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COURT: Do you regard the investigation by the police and the taking of statements as harrassment? -- Where people are told not to sign, and where people are beaten, those who are collecting signatures are beaten by the police, beaten up, then that is harrassment. If it is just an ordinary investigation where the police do not understand what is happening, they are interested in knowing, that is not harrassment, but where they are told that that should

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not/...

not happen, they should not get involved, that amounts to harrassment.

MR JACOBS: When you took this to the lawyer, were any charges laid against the police? -- No charges, but I think, if I am required I can follow up the matter to show how far it went in respect of the confiscation of documents and harrassment of those people. It was in the hands of the police.

COURT: When you speak of harrassment and no charges were laid, why were no charges laid? -- What happened, it was really a broad thing. It involved the confiscation of those documents. It involved harrassment. The lawyers wrote to say that they would proceed with the legal action if document were not sent back and the police did not stop, and immediately the documents were sent back and that thing stopped, there was no reason to proceed, because that would have involved unnecessary expenses. 10

Mr Molefe, you said people were assaulted. Were charges laid on that? -- In respect of those, I am not certain about that. 20

COURT: Did your lawyers not advise you that they should lay charges? -- I think when I was talking with the lawyers it did not include specific acts of assaults. I think those acts of assault, we were not able to trace who was doing it.

So you did not tell your lawyes about the acts of assault? -- I think on that - I am not sure on that one in particular, the specific question of assault.

That is a very serious matter if the police go around and beat people up. The first thing you do is tell your lawyer/... 30

lawyer so that they can take the necessary steps? -- Very often how we deal with this matter is, when we are able to establish exactly who and how to trace the person.

Well, at least you know a person who is assaulted, the first thing you do is, you go to your lawyer, he makes a statement and the Commissioner of Police is informed. Was this not done? -- No, I cannot remember - specifically with regard to this question of assault, I am not sure if I was personally involved in the investigation, but those who were threatened not to collect signatures, I was involved and I took them to the lawyers. I cannot remember if anyone of them had been assaulted at that stage.

MR JACOBS: Let us go to page 42, Mr Molefe. That is a speech of your colleague, accused no 20, and his speech starts on page 33 and then he goes on, and we go to page 42 and this is what I want to read to you, that he was saying, I will start in the middle of that first paragraph, or the third of that first paragraph. -- Is that page 42?

Page 42:

"That is what we want. The crucial question why this answer must be given, is because the Nats are conscious today because it is the high moon for them. The afternoon of their government has already come. Their days are really numbered. I am not talking like a prophet (LAUGHTER) because I am not a prophet, but I am talking out of reality. We are looking at the reality in front of us. These men (INAUDIBLE) Today these men have to defend the border from the Atlantic to the Indian Ocean. Today they are faced with the rising tide of resistance. This afternoon Welkom was on fire;

schools/...

schools have closed down; shops are burning. Our people are saying, we will not take this. This morning they announced in Middelburg that the whole Community Council resigned because the people said, 'You are introducing rents which are unacceptable to us'. That is the rising tide of resistance of the people. It is the organisation that is resistance of our people which must bring them down."

Now, Mr Molefe, as far as this goes, do you agree that accused no 20 is referring to resistance, that is a word that we always hear in the documents and even from you in this court, that the people must resist the State, is it correct? -- Resist the policies of apartheid. 10

And I put it to you that he is giving a clear indication of the definition of resistance as seen by you people here, that it includes violence? -- I do not understand it that way. If I may be allowed to respond to the question. I understand this simply to mean that the continuation of policies of apartheid, enforcement of the policies of apartheid leads to the kind of things that he has referred to here, that people who resist, some of them will resist in an unlawful way, the way he talks about the burning of shops and so on. I think all he is saying that he is cautioning for the need for the speedy ending of the policies of apartheid, a proper resolution to the problems of the country, and I think - maybe I will return to that, because I think he deals fully with the policy of the UDF, the approach of the UDF, I think from page 44 onwards. I will come back to it later. Maybe I should listen to counsel to put what he wants to put. 20

Mr Molefe, in the first instance he says that resistance to/... 30

to the Government is raging from the Atlantic to the Indian Ocean. Is it correct? -- He is saying that.

And he is also indicating and gives examples of this resistance raging from the Indian Ocean to the Atlantic Ocean as being, Welkom being on fire, schools closed and schools burning, community councils resigned. That is examples of the resistance? -- Well, he is saying that these things are happening because of the policies of apartheid.

Where did he say that, in this paragraph here? -- 10
Well, I think we cannot read that paragraph in isolation. We must take the whole speech and understand what the man - what is the real message that he wants to put across to the people.

But do you agree that he gives clear examples of what resistance include? -- Yes, he is giving that example.

And that was at the present moment when he gave that speech? -- As I understand it, all he is saying is that that is the resistance that is taking place and destruction is taking place, and the sooner apartheid ends the better. 20
We must not forget that this man who is giving this speech is the same man who on 18 July 1984 warned the public not to burn the property of councillors. This is the same man, and he is giving this speech just a few days ..

COURT: Have we got that speech? -- I have testified about that, but I think we should be able to get the report.

MR BIZOS: M'Lord, there is a newspaper cutting. We will either put it through the witness or through accused no 20, but it is a matter on record.

MR JACOBS: Mr Molefe, and further, it goes further - on 30
your/...

your answer - and contrary to the Government not agreeing, then it means that this resistance, kind of resistance will go on? -- No doubt, if the policies of apartheid persist, if injustices persist, one cannot hope that you can silence people. They will speak out against injustices. You are remove injustices, then you have peace.

I suppose the burning of Welkom and schools and shops, that is an example of speaking out? -- No, that is not an example of speaking out. All I am saying is that we, those of us who say people must not do those things, can shout 10 until our voices become hoarse, but as long as the injustices continue, we will continuously have these sporadic acts of violence, people stoning cars, people stoning - burning houses of councillors and so on. You would still have those things. We would have all these things. Sometimes they would attack people who have got nothing to do with the conditions of life, because there is a lot of frustration, there is no way of expressing that - channeling out that frustration, the grievances are not addressed. It is not only in South Africa. That is a fact, wherever 20 there are injustices, unless those injustices are addressed you have these problems. We are not - the UDF is not organising the burning of shops and the closing down of schools and so on. All I understand this speaker to be saying is that he is raising these things to show the urgency of addressing these problems so that the grievances of the people - so that you do not have the burning of shops and so on taking place.

Mr Molefe, but is it not so that you in the UDF is organising the people, mobilising the people and politicising 30 the/...

the people to take part in resistance? -- Controlled, disciplined, peaceful resistance.

And I put it to you that this version of your colleague, accused no 20, is contradicting you because he said in this that the days of the Government are numbered, and I put it to you further, it is this kind of resistance that must bring down the Government, as is said here, which must bring them down? -- I would understand this to mean that we have reached a stage where the policies of apartheid are increasingly losing support, and the Government cannot hope 10 to remain in power through maintenance of the policies, whilst it pursues the policies of apartheid, that an increasing number of people is moving away from the policies of apartheid.

Mr Molefe, is it correct that you in the UDF realise that if the Government is not prepared to agree to a national convention, and if the UDF keeps up organising, mobilising and politicising the people to take active action, that it must lead to some violence? -- We do not look at it that way. We have not seen it that way. 20

Have you never said so? Have you never seen it that way? -- We have never said that the people that we are organising will go on violence. All we are saying is that you cannot - you cannot perpetually deny people a vote in the country of their birth. You cannot forever suppress people through force, when they speak out against their policies. You cannot forever deny them a share in the wealth that they have built with their own sweat and labour. If you do that, inevitably you would have a situation where an increasing number will lose hope in the methods of 30 peaceful/...

peaceful struggle. They will go and join those who have taken up arms. That is the reality of our situation. We do not see ourselves working for that. We see ourselves playing the role of persuading the Government to move away from those policies. And I think that point really is made in this speech, somewhere in this speech. I do not know if I could refer to those aspects of this speech which shows that he is not promoting violence.

COURT: Yes, it is put to you he promotes violence. If you can point to the opposite, you are entitled to do that. -- 10 .

At page 45, the second paragraph there, he says:

"We are saying in the United Democratic Front, if this new constitution is allowed to go on, we are allowing them then to create a worse situation. We are allowing them actually to deepen the amount of racial and violent conflict that is in the country. That is why we are taking the risk of mobilising the people, of calling upon them not to go and vote. We know we could be detained for this. We know we can go to gaol. We will lose our jobs, our families will be left starving and 20 so on, but it is a bit that we can do."

Now, these two paragraphs make it very clear that the UDF's commitment is to a struggle that would avoid the increase in a violent conflict, and there are several other parts, if Your Lordship would be patient with me. He goes on again, the paragraph that follows:

"We can still say that if this government is stopped, if it is stopped now, if they are going to stop now, together with Matanzima and so on and Buthelezi and so on, if you stop those rascals, our country, many lives 30

of/...

of the people of our country can be saved. That is why we are taking this risk. We are asking you to join up, to join the pilgrimage. Refuse with your vote, but join us as well. Mobilise more and more people to say with us, apartheid is unacceptable. Let the world know that these men are taking on programs which are unacceptable to the people of our country. That is the nature of our contribution that can be made, because otherwise if that does not happen, the scale of dissatisfaction must lead to a deepening amount of armed conflict. The country is already at war today." 10

And then he says Durban is burning, Bloemfontein is burning, Johannesburg is burning.

"Today we are uncertain whether we will come out alive." I think he is saying if we go into something, whether we will come out alive. It is not clear.

"We do not want that situation to deepen. That is why we are saying, this constitution must be stopped and it must be stopped now."

Now, all that - and then he gives us an alternative on page 46, a call for a national convention, and then he says: 20

"We have confidence in the people of South Africa, Black and White. We are saying that this Government must forget about its new constitution .. (etcetera). It must call a national convention in which South Africans, all of them, including the Afrikaners, indeed including the Afrikaners. Our point is that even though Afrikaners may have been foreigners in terms of arriving here, but together with all and everybody they have also made a contribution side by side with us/... 30

us, we made a contribution, we mined our country, we built the roads, we built the buildings, whatever else we can think of. This country we have shaped to what it is today. It was a combined effort of the people of South Africa."

Then he goes on and on, but I think that it suffices to show the spirit in which the speaker was addressing himself to that meeting. It is clearly a spirit of reconciliation. It is not a spirit of a man who is promoting violence. M'Lord, if I may again move on to page 47, I am just going to read - I think the last two or three sentences of that big paragraph that follows the one line up on that page. He says:

"Now we do not want to see fighting, you see. Fighting is not a pleasant thing. No one goes into a fight and comes out without scars. We want to stop this constitution thing here. The system must be stopped. The Nats must be stopped. They must be stopped now."

Now, I think the position is put adequately, very clearly here on the issue of violence. So that I think whatever paragraph that counsel picks up here, it must not be seen in isolation. It must be seen within the context of the broad approach, the broad position of the UDF that accused no 20 was putting in this meeting.

MR BIZOS: May I be permitted to draw Your Lordship's attention to the passage at the bottom of page 46, the last sentence?

COURT: Mr Bizos, you can do that in re-examination also, because the witness is now explaining his position. Do not help him along. He does it quite adequately.

I/...

WITNESS: I see that, but I think the point I have made is sufficient. M'Lord, maybe I should indicate that really in part some of these things are also in response to the question that Your Lordship raised, asking me to point out sections where we say we are not violent. Later on if I have to respond further to that question, I may not have to refer to this section in detail.

COURT: Yes, you need not come back to what you have dealt with. I make notes of that. Could we just pause at the bottom of page 46. Does that sentence used by accused no 10
20 not indicate that when the word "revolution" is used, it means bloodshed? -- I think he has qualified it here by including bloodshed.

No, it is not a question of include.

"They will not choose revolution. They will not choose bloodshed. They will sit down and work out those things." So when he talks of revolution he speaks of bloodshed? -- I think in this context he speaks of that. Although I must also add that I believe that he added the next part of the sentence to qualify the revolution that he has used. 20

No, but if revolution in the normal political language means something peaceful, then he could not have said they will not choose revolution, because then they will choose revolution; that is in fact what they want. If it is a peaceful change, so by saying they will not choose revolution means they do not want violence. It cannot mean anything else in this context, as I see it. -- That is how it comes across, but I think it should also be understood in the context of the developments of the time. I think if this speech was made at the time when cabinet ministers, I think 30

even/...

even the Prime Minister had made a statement in parliament to the effect that the UDF, those who were opposed to the new constitution were part of a violent revolution against the Republic. But in any event, I am just speaking from memory of the events of that time. I think he is in a position to state clearly why he said that.

MR JACOBS: Mr Molefe, I will come back to what you have read. Just to finish off the other part, can you explain this phrase on page 42:

"It is the organisation that is resistance of our people which must bring them down." 10

-- I think all he is saying is that through organisation and resistance apartheid will come to an end.

No, it is not come to an end. That is quite a different word from bringing them down? -- Well, I understand it to mean that.

And the message here to the people is clear that through organisation and resistance of all the people, must bring them down? -- I understand that bringing down to mean pressure them to end apartheid, to change. 20

There is nothing said here about pressure being put on the Government. Is that correct? -- Both myself and counsel are trying to interpret this section, the way we understand it. I believe I am entitled to my interpretation.

I am asking you a simple question. There is nothing said here of pressuring them. -- May I ask learned counsel what he is putting to me? What he said is written here. What is counsel putting to me now in respect of that?

What I am putting to you, you can in this part that I have pointed out to you or else in the statement, you cannot point/... 30

point out where it is said that the way to bring them down is by way of pressuring? -- Maybe we should leave out the bringing out. Counsel was reading that to me, he was putting something to me. What is it that counsel was putting to me, apart from my response to that? Because now counsel is arguing the correctness of what I am saying.

I am asking you just a simple point. Can you point out where it is said by accused no 20 that bringing them down means - that it means - or he is referring to or he is saying to the people that they must only put pressure on the Government? -- Well, I understand that section to mean that. 10

And the them that must be brought down, is that the Government? -- I believe he means the Government moving from the policies of apartheid.

And is it then correct that it is the UDF, under the leadership of the UDF that the people are organised to resistance to bring the Government down as it is said here? -- To end apartheid. I have explained my understanding of that. We want a government of all the people of South Africa, and to have that government of the people of South Africa, there is no way in which you can have a government of the White people only. It is a logical consequence that if apartheid is ended, then in its place must be an order that is acceptable to all the people of South Africa, representative of all those people. 20

I will repeat my question.

COURT: Mr Jacobs, I told you the other day that we do not make any headway if you argue with the witness about the meaning of words. Put your interpretation to him, he can 30

give us his and at the end of the case we will decide who is right. But it is no good arguing about it. It is not his speech. If he gave this speech, it is a different matter. You can argue as long as you like about it, but this was not his speech. You are arguing about an interpretation of somebody else's speech, and whether he gives interpretation A and whether you give interpretation B, none of these interpretations will be binding on us. We will decide for ourselves what these words mean. So in fact you are wasting a lot of time.

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MR JACOBS: I am sorry if that is the case, Sir, but the question that I want - it is only - if it is allowed, is it under the leadership of UDF.

COURT: You put to the witness that, I say this is what this means. If he agrees, very well. If he disagrees he will give his reasons, and that will be the end of the thing. At the end of the case we will decide who is right.

MR JACOBS: As the Court pleases.

Mr Molefe, in regard to page 46 to which you referred, that passage read by you, I put it to you, and I would like to read the first part of that passage read by you because you only started "Now we do not want to see fighting". If you start a little higher up:

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"In 1961 a young Mandela, Sisulu and others had no choice. As Mandela tells the story from the confines of Robben Island he says it was a political decision, but we had tried everything, we had used our lawyers, our priests, teachers, everybody. We could not move them. Now they were closing the final thing that remained for us. They closed even the organisation of

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the/...

the people. We have to respond, we choose to fight." And then he goes on. I put it to you that even in the UDF you made the same choice? -- That is not so. That is covered by the passage, the section immediately that follows the section that counsel has read. I have got no further comment.

And it is stated in the second passage referred to you by, and I put this passage as well:

"And therefore in terms of that (referring to the choice) we are asking you, we in the United Democratic Front have made a clear break with apartheid. We have made it quite clear. There is no point of compromise between us and apartheid."

And I put it to you what he is conveying to the people on that meeting is that even the UDF has come to the point where they have made a clear choice. -- I accept that the UDF made a clear choice, but I reject the fact that the UDF has made a choice of violence, and that is set out clearly at the point I drew the attention of the Court to, and it is further explained where he says:

"The success of our position and effort lies also in the combination of ours and yours. We are saying, withhold your vote on the 22nd, withhold your vote, on the 22nd, withhold it."

MR JACOBS: And I put to you further, when you made a clear choice, and what was stated on page 46 is that if the Government does not agree to meet your demands, then there will be bloodshed and this strife will go on? -- The UDF has not chosen a violent policy. I do not accept the proposition.

And I put it to you that the UDF is going on organising the/...

the people, mobilising and politicising them in order to go on to put pressure on the Government and by violent means to get the Government to agree? -- I disagree.

And I put it to you, Mr Molefe, that the reason why you say that if the Government will agree to a national convention, that means in actual fact that the Government is then handing over the power to you people, then there is no need for strife, I agree. -- I think that is not so. I think the speech of no 20 sets out how he sees participation in that national convention, where he talks about the Afri- 10 kaners, the fact that they belong here, they must be there.

And I put it to you that if the Government is not agreeing, then it must - that the Government does not agree, up to the time of this speech and up to today, and therefore this violence that occurred in the country was as a result of the organisation of UDF? -- I do not accept the proposition.

Mr Molefe, can we go to EXHIBIT "V18A". This is a transcript of the UDF one year rally held at Selbourne Hall, Johannesburg on 19 August 1984. This rally was or- 20 ganised by the UDF? -- That is correct.

Now, on page 10 there is a speech of Mr Simangaliso Mkhathshwa. -- I have found it.

Was he an invited speaker to that meeting? -- I believe he was. I cannot remember now. I was not present at that meeting. I believe he was.

Who is Father - it seems as if it is a father - Simangaliso Mkhathshwa? -- He is a patron of the United Democratic Front.

COURT: Why was he chosen as a patron? What is his 30 background/...

background? -- He is the general secretary of the Southern African Catholic Bishops Conference, and he is known to have been an outspoken person in respect of the policies of apartheid.

MR JACOBS: Mr Molefe, I put it to you that he was speaking as and putting over the views of the UDF to the audience of that meeting? -- It may well be. I was not there.

I put it to you, the last sentence on page 10 .. -- Save to say that a patron is not a policy-maker of the UDF.

No, he is not a policy-maker, but he is putting out 10 and he was conveying the standpoint of the UDF to the people at the meeting. Now, the last sentence:

"But I think it is important for us to realise, Comrades and Patriots, that when the UDF declared war against the new constitution, it was declaring war against apartheid."

That puts it correct, is it correct, Mr Molefe? -- What is counsel putting, that it is correctly transcribed?

No, what he is stating there, he is putting over the standpoint of the UDF to the audience? -- Yes, I understand 20 this to simply mean the UDF declared opposition to the new constitution, and that opposition to the new constitution was essentially opposition to the policies of apartheid. And I understand it to be in the context of the peaceful methods of the UDF.

And I put it to you, that was not what is meant here by him, but he is conveying a strong impression to the people on that meeting, of violence? -- There is no violence in that statement. We have very often heard people talking about declaring war against TB, declaring war against a 30 disease/...

disease or something. Very often people talk about that.

Mr Molefe, another point, on page 14 Mr Cassim Solijee stated a contradictory version to yours, and I would like you to comment on it, on the rally of songs and dances at meetings of the UDF. -- Before I comment on that, I think the third paragraph at page 11, Father Simangaliso Mkhathshwa appears to be a person who does not approve of killing. He is complaining here of somebody who was shot and he says nobody has got the right to shoot and kill an innocent person.

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ASSESSOR (MR KRUGEL): Do you know who this Mr Hendrik Nkuna was? -- I do not know. I think at page 12 also he deals with the - he talks about the border and so on. The UDF has been accused of collaboration in or being an extension of the ANC or carrying out the work of the ANC. Now, Father Mkahtshwa makes the position clear once more here. He says at page 12, the paragraph immediately after "Audience: No, no, no", towards the end of that paragraph, he is talking about:

"Many countries around the world, especially those with which we have close contact for a long time, I think some of them are taking a position which does not encourage us very much. So what I am saying therefore, Comrades, is that the challenge, the full wrath of the challenge is upon us. There is no point in looking across the borders. Let us look at ourselves, let us stand together, united to consolidate the gains that the UDF has already made. Let us go back right down to the grassroots as you have heard the comrades who spoke before me, speaking on behalf and in the

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name/...

name of the people that very often we over .."

I think there was an interruption then. But all he is saying is that we as the UDF, we ourselves can bring about change on our own, all we need is unity. We cannot look towards the borders, and very often when people talk about that, they are really saying that you cannot expect change to come from outside, to come from the ANC or the PAC or the Mozambiquan Government, Zimbabwean Government and so on. We must - we ourselves must work for that change. I understand it to be perfectly within the methods of the UDF, to be saying that we cannot hope those who are outside the country to free us. 10

COURT: That is not a reference to other countries. It does not refer to organisations. It refers to Nkomati accord which was with a country, and it specifically refers to frontline states and other countries. It does not refer to the ANC or PAC necessarily. -- Yes, it does not say that, although we know that the Nkomati accord had connections with the ANC, the MMR, the PAC, those who have taken up arms. 20

MR JACOBS: Mr Molefe, just on your answer, you referred the Court to this. I can see nothing here bringing out that he is a very peaceful man or not, but I cannot say why you must refer to this passage to say that he is such a peaceful man. -- I have given my interpretation on that.

On page 14, Mr Molefe, the paragraph beginning with Cassim Solijee:

"Thank you. Songs and dances have inspired us throughout the generations in our struggle and since we are celebrating the UDF anniversary we are going to have a group/... 30

group who will do gumboot dances, if you would come up please. Can you just clear the stage a little?"

So I put it to you that Mr Cassim Solijee is stating a contradictory version than yours that the people are just singing for the mere joy of singing, but that you are singing these songs as an inspiration throughout the generations in our struggle? -- He is saying that, but if he by saying that, he means that by merely singing a song, you will be involved in the struggle or you will be inspired to do something else apart from just singing, I disagree with 10 him.

COURT: But he is the chairman? -- He is the chairman of that meeting, yes. Mr Salijee also - mainly the songs are just sung in the African communities. He does not come from there, and I do not know how much he knows about this singing. All I can say is that he seems to be saying that singing will put us in a mood of celebration really.

MR JACOBS: You see, on page 28 again Mr Cassim Solijee says:

"Comrades, we are now going to ask Jessica Sherman to 20 sing songs about our struggle."

So the songs are really linked up with the struggle? -- It is true that the songs ..

Inspiring the people in the struggle? -- It is true that some of the songs are about the struggle.

I put it to you, it is more than just for the real joy of singing, but it is for inspiring the people to participate in the struggle? -- I do not believe that songs turn a person to be involved in the struggle. I understand it to really be something that talks about what is happening or 30 what/...

what happened.

And again on page 41 Mr Cassim Solijee is saying this:

"Comrades, before we go on to a next item on our agenda, we would like to appeal to the comrades at the back to sing us a song at this stage. We have heard many speeches and I think it is time that we hear the songs of freedom."

So again there is another connotation to the singing of songs, so that they must sing about the freedom, and associate themselves with the idea of freedom? -- I do not dispute the fact that they are singing about freedom. I think the fact that those people have come together at that meeting, which at the heart of it, which is opposition to the new constitution, no doubt that those people are people who are opposed to apartheid, and those are people who are committed to the struggle for freedom. 10

And it is really that the people must associate them with the struggle, associate and the songs about the ANC is sung because the people must associate them with the ANC? -- I do not understand it that way. 20

And the songs about violence so that people must associate them with violence? -- I have dealt extensively with the question of songs in my evidence in chief and I am satisfied that songs are not the things to be taken literally to mean that people are going to engage in acts of violence, and I think Mr Solijee had reason to ask people to sing at that meeting. As I understand it, it was a very long and tiring event for the whole day. One could not have people sitting in a meeting from the morning to the evening and listening to six or so speakers. They needed to dance around/... 30

around sometimes, to sing, to have a way of self-expression also, relieving themselves of the pressure, of tiredness, dance a little bit, have a laughter there and there. These things happen in meetings.

Can you tell the Court, why is it always that freedom songs are sung and not the ordinary other songs, folk songs? -- They sing folk songs as well. I think even in this specific meeting, I recall seeing here a group of people from Northern Transvaal singing there, carrying sticks.

COURT: Were they the Kholetsa Cultural Group? -- I do not know what they are called. Maybe I should look through this thing. I was not there personally, but they were singing there, dressed in all sorts of colours, very beautiful colours, carrying axes and sticks, dancing around on the stage.

MR JACOBS: Mr Molefe, will you have a look again at page 48? There is another reference to songs, on page 48, speaker A:

"There is a new song that was released in Roodepoort by our comrades. I feel happy about it, I feel happy about it. I say thanks to our comrades who released this song in Roodepoort. If you do follow what I am saying, you will say 'Amandla' (speaker smiles)."

-- It seems they did not understand because they are not saying "Amandla". It seems that they did not understand what he was saying.

Mr Molefe, do you know what happened in Roodepoort? -- I do not know.

And do you know - I put it to you that this is also - do you know of any new freedom song starting after this,

about/...

about Roodepoort? Have you heard it on any of your meetings?

-- No, I have never heard a song about Roodepoort.

Mr Molefe, do you know that on 16 August 1984 there was an explosion in the City Centre building of Roodepoort? The 2 South African Police District Headquarters were located in the building, and the explosion was caused by two limpet mines of Russian manufacture? -- I do not know those details, but now on reflection I can recall that we were asked to make an admission on something like that, some time in the early days of this trial. 10

COURT: This must then be a reference, because this is on 19 August, this meeting, to what happened on 16 August? -- I do not know. So many things happen in Roodepoort. There is ..

There is a song festival. I know about that one. What else happened in Roodepoort? -- There is a place where people hold conferences there, they hold all sorts of activities. He might well have been referring to any one of those activities. I do not know what he was referring to. There is a conference centre at Wilgespruit and St Ansgars 20 in Roodepoort.

THE COURT ADJOURNS. THE COURT RESUMES:

POPO SIMON MOLEFE, still under oath:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, can we carry on and go to page 25 of the same exhibit, that is EXHIBIT "V18A". That is - we are now dealing with a speech delivered by Dorothy Nyembe, it starts on page 20, in a Bantu language.

COURT: Who is Dorothy Nyembe? I have forgotten. Could you just inform me? -- She was a patron of the UDF. 30

Do/...

MR JACOBS: Do you know if she has any ANC background, Mr Molefe? -- I believe she had been a member of the ANC before it was banned.

Now, on page 25, the top, I will start reading from the third line:

"I am referring this today to you, White, Indian, Coloured and Black women. You must unite, especially the enlightened ones because you can see that Botha's regime is leading us to disastrous situation. If we are united we will conquer Botha, the monster. It is just a matter of time and we will kick it outside (LOUD APPLAUSE BY THE AUDIENCE)."

Mr Molefe, I put it to you that in this phrase and in the way it was phrased, it is quite clear that the so-called freedom struggle is not a peaceful struggle but a violent struggle? -- I disagree with counsel. I think the following paragraph seems to project Dorothy Nyembe as a person who is highly influenced by the Christian teachings. I have not had the opportunity to read this whole transcript. I was asked to read it, but I could not. I was tired last night.

And I put it to you that the message to the audience at this rally is to the effect that the Government and with it the President must be conquered and kicked out, and that is expressing more than just protest and things like that, peaceful things like that. -- I disagree that this person means that the UDF is involved in a violent struggle.

Will you go to page 26, and I would like to read there from the top of page 26, that is still the same speaker:

"Our children, the students and other organisations are/...

are busy with the campaign of fighting this corruption of the new socalled constitution. Our children are standing on their feet, they say we cannot leave our brothers to suffer and perish in an endless pit. I am standing by with Youth League. I want them to show the way. Our ministers in the UDF will pray and we will kick the devil in the name of God, not by praying only but by pushing forward with the struggle. I have seen the women in their campaign. Let us go and fetch Mandela and his followers and Oliver Tambo, let them 10
come home to take over. The time is now theirs."

I put it to you, in this it is indicated by her that there is a connection with the ANC Youth League and who must show the way in the freedom struggle? -- I do not see anything on the ANC Youth League here.

Do you know .. -- I see, "I am standing by with Youth League". I do not know what youth league she is referring to. To me it does not - all I can say is that what comes out clearly is that she regards Mandela and Mr Tambo as leaders. 20

And what is more, I put it to you that in this freedom struggle it is said here that there is an association in this way that they must come back to take over the government in this country? -- I do not know in what context she is expressing that, but I believe it is in the context of a national convention, where they too are supposed to participate in the negotiations leading to the establishment of a new constitution, a new South Africa.

COURT: Where "we'll kick the devil in the name of God"? --
It is very difficult to .. 30

I/...

I appreciate your difficulty explaining someone else's language. -- Yes, and you know, she was speaking Zulu, I think. Somebody was interpreting.

MR JACOBS: I put it to you that this also support the previous statement by her of the violent nature of this socalled freedom struggle? -- I disagree.

I put it to you further, in her reference to the ministers of the UDF in this, that she is associating also the UDF with the ANC? -- I disagree. I do not accept that. She might well have had that in mind, but that does not present the correct position of UDF. Our position is known very clearly in respect to the relationship with the ANC. 10

I put it to you that although this was a UDF organised meeting, nobody at that meeting tried to bring the audience to the correct conclusions, to the correct proposition and the correct facts on this? -- Correct facts about what? I do not understand what counsel is putting to me.

That the UDF is not associated with the ANC and that they are not going to kick out the devil. -- Which specific paragraph or line is counsel referring to which says the UDF is part of the ANC or the UDF and the ANC are one thing? 20

I said in this paragraph .. -- I do not see it.

I will leave that. Now, will you go to page 31, at page 29 the next speaker is introduced as Comrade Albertina Sisulu, and this is part of her speech that we are going to deal with now. Mr Molefe, do you know if Mrs Sisulu was a member of the ANC? -- I believe she was. She was a member of the ANC prior to its banning in 1960.

Now, on page 31 I would like to start with, the fourth paragraph from the bottom. 30

"Does/...

"Does it want our children to join apartheid? That has destroyed the image of this country. We know that. Thank you .. (UNINTELLIGIBLE) .. is frightened because it knows that if the people are united, nothing will stop them marching to freedom. It is doing this too to entrench apartheid. It is doing this to have a number in parliament that will stand for apartheid. Are we going to say yes to apartheid? (AUDIENCE: No.) Are we going to allow our children to join apartheid? (AUDIENCE: No.) Are we going to allow our children to be called up for the army, to fight against their brothers and sisters? (AUDIENCE: No.) You say no. I am with you. (AUDIENCE: No.) No amount of intimidation, gaol, banishment, house arrest will stop the people from marching to freedom (AUDIENCE CLAP). What is this new constitution? Of course it is there to divide us. It is there to take our children from us. We are not going to allow that. The Government must know from today that this democratic front - that it is so afraid of - it is really the snake that is going to kill him."

Now, Mr Molefe, just pause there. I put it to you that what is conveyed by Mrs Sisulu here is not a peaceful way of getting rid of the Government but in a violent manner? -- I do not accept that. I think at page 33 she makes it very clear there, at page 33 she talks about - she says here at page 33: - I think maybe we should start at page 32, the last paragraph, the last two lines. It says:

"Where are we, for all. What is happening now? The Government wants our children to fight each other. We as/...

as mothers of this country must stand up and say no to that. We are not going to allow our children to be fighting each other. Why should we? If the Government of this country wants peace, it must release our leaders, all our exiled leaders and our children. It must have conference with our leaders, discuss matters that are confronting this country. We as the people of South Africa are not going to rest. The struggle continues until we get our freedom."

Now, all I understand here is that she is really saying 10
that the resolution to the problems of this country will come about through negotiations, through a conference called by the Government with the respected leaders, and that would include those in gaol and those in exile. A person who is committed to violence would not even talk about a conference of leaders. He would say, let us fight until we overthrow them and we take over power.

I put it to you, Mr Molefe, that in this passage read by you it is brought out again that there will be a fight in this country and that the children joining the side of 20
the Government by conscription, it is referring here to conscription, will be asked to fight in this country and that the people they will have to fight in that regard will be the people on the other side in the freedom struggle? -- I think she is really concerned about the lives of all the children, saying some children are going to leave the country to take up arms, other children are conscripted to fight those who are taking up arms. These children are fighting each other. They are all our children; they are all South Africans, but they are fighting to kill each other. We do 30
not/...

not want that kind of situation. The Government must change so that our children would stop fighting each other.

And I put it to you further that she is also making it quite clear that you in the UDF is not prepared to act against the ANC terrorists? -- To act against?

Yes. -- I have dealt with my attitude in respect of that, in my evidence in chief, and the UDF was not set up to fight the ANC. The UDF was set up to oppose the new constitution and to end the violence, suggest a matter of ending the violence because we believe that the root cause 10 of that violence are the policies of apartheid, and we believe that once apartheid is removed, there will be peace.

And I put it further to you that what she is conveying to the people in this passage that has been read is that if the Government does not agree to your demands, then there will be an escalation of violence under the leadership of the UDF and there is a clear invitation to the people that they must kill the Government? -- Where is the section that counsel is referring to? What page?

Where she refers to under the democratic - today that 20 the democratic front will kill the Government and that is if the Government - and I put that to you in the line of your whole principle. -- I have got no section, I am missing the section.

COURT: The top of page 32, third line. -- No, I do not understand the sentence in the manner in which counsel understands it, and it seems here that what Mrs Sisulu was trying to put across was that the Government is so afraid of the UDF as if it is afraid of a snake that would kill one. I understand it to be like that, because then who is 30 that/...

that snake? If counsel is saying she means the UDF will kill the Government, is counsel suggesting that Mrs Sisulu says the UDF is a snake and it is going to kill the Government?

MR JACOBS: That is part of it. -- I do not understand it in that context. I think what she is really trying to put across here is that the Government is so afraid of the UDF that it is as if it is talking about a snake that could kill one, could kill someone.

And the second part of it, that the UDF is going to carry on, if the Government is not prepared, there is a warning or an ultimatum in that, if the Government is not prepared to adhere to the demands of the UDF, then the struggle will go on and the Government will be destroyed?-- Where is that section? I do not see that section. I do not see the section with the Government being destroyed here. 10

Yes, that is my interpretation that I put about the whole section that I put to you. -- I disagree with counsel. I simply understand this to mean that, unless apartheid ends, the oppressed community, the UDF included, will continue to strive for change until that change comes. 20

And I put it to you that also what she is conveying is that all the affiliates and all the people in the UDF have got one common purpose and that is on page 33:

"All the affiliates of the UDF must know that they have got work to do, to come together and work for the freedom of the people in this country."

So the common purpose in all the affiliates, all the people in the UDF is to destroy this country and to put up - if the/... 30

the Government is not willing to agree to a national convention, to destroy the Government and put up a government of the people? -- I disagree with the proposition, if it suggests that the UDF sought to use violent methods. If that destroy means withdrawing support for apartheid policies and winning those within the Government sectors to move away from apartheid, and finally to establish a government based on the will of all the people of South Africa, it is intended to mean that, I have got no problem with it, and I would understand it in that context. If I may just make 10 one comment, at page 34 again. Counsel has been putting to me that the UDF has been associated with the ANC and nobody is saying anything about it. I think from page - towards the end of page 33 in Mrs Sisulu's speech, she has got this to say, I think the first three lines from the bottom:

"Yes, so they say that the United Democratic Front is the front of the ANC. We are used to such tactics. We are not children. The day before yesterday it was the Communist Party, but if you are fighting for your rights, you are a Communist. Yesterday it was ANC. 20 If you are fighting for your rights it is because you belong to the ANC. Today it is the UDF. Why doesn't the Government know that the people are no more going to be deceived that whenever there is an organisation that is fighting for the rights of the oppressed people of this country it must be termed Communist, ANC, UDF etc? We are not fools. It is because we are resisting against unjust laws. It is because we are resisting to get our freedom, our birthright in this country. Why should we be termed? Why should we be named? Why 30 should/...

should we be given names? Why should we be? It is because the Government is frightened. All we can say now is that we are here to stay and we shall fight until we get our freedom."

Although this is not made explicit by Mrs Sisulu, but I understand this to be a denial and an objection to the fact that the Government says the UDF is a front for the ANC, and she is saying, the Government is saying this simply because we are opposed to its policies, the unjust laws.

You do agree, Mr Molefe, there is nothing in this passage read by you which says that the UDF - is said by Mrs Sisulu that the UDF is disassociating itself from the ANC, in this passage? -- Well, it comes across clearly, when she complains about being named a front for the ANC, and she says we are not children, and every time when we do something the Government calls us Communist or it calls us the ANC, if it is someone else who is not in the UDF, the Government would say, you are the UDF and so on. 10

And do you agree, she also comes up for the ANC and the Communist Party as well on that basis, when they are fighting for the rights of the opposed people in this country, it must be termed Communist, ANC, UDF? -- Well, what I am saying is that this passage is a denial, reflects a denial by Mrs Sisulu that the UDF is a front for the ANC or Communist Party. 20

Then I would like you to go to page 36. -- M'Lord, maybe I should in the same vein deal immediately with what Reverend Chikane has got to say on this issue of the ANC, if Your Lordship permits.

COURT: Actually we were not on the ANC, were we? You were not/... 30

not referred to the passage on the ANC. At the moment counsel is dealing with something else. Your counsel can in re-examination take you on this, unless you are tackled on the question of the ANC. We cannot run too wide in this case.

MR JACOBS: Just to get it in perspective, on page 35 at the bottom Mr Cassim Solijee said:

"Comrades, it would be appropriate at this stage to ask Aubrey Mokoena of the Release Mandela Committee to read out his message of support for the UDF .."

and then he calls Aubrey. So it is Mr Aubrey Mokoena reading out the message of support for the UDF. Now, on page 36, I would like to read this: 10

"The UDF for the last 12 months has accumulated major gains and great victories which are indispensable to the people's struggle against all forms of exploitation and injustices. We are here gathered today to take stock of these victories and further sharpen our strategies in preparation to change and to engage the State. At this time we are convinced that the racist Government will not give in until we mobilise all forces to strike weakening blows to South Africa and its international allies. We further have no doubt that the tri-cameral system is a fraud and also an attempt to shift the balance of forces which are heavily weighted against the minority regime. Thus today the RMC calls on all people in South Africa from all corners of the country, in the churches, mosques, taxies, trains, buses, workers, peasants, professional people, students etc to unite and erode apartheid with all the manifestations from our society. Mandela, Sisulu, 20 30

Goldberg/...

Goldberg and others will be released by us and victory is certain."

That is the message there. Mr Molefe, I put it to you that this message also clearly indicated that the State must be engaged and there must be weakening blows struck against the State, and I mean State in this to mean the Government, and that that is also an indication of the violent nature of the freedom struggle and not only mere peaceful means? -- I disagree. I simply understand that to mean that the elections that are coming, we must demonstrate our strength by winning more and more people over to the side of the UDF, and influencing them not to vote on the 22 and 28 August. This meeting was taking place in the context in which a campaign was unfolding calling on the people to boycott the elections. I can only understand it in that context. 10

And I put it further to you that in this message of the RMC there is no reference at all to any elections and I put it to you that the message that the people at the meeting received, that this has nothing to do with any election coming up or not. -- Everybody understood the context in which that meeting was taking place, and the purpose of the UDF. There is really nothing that tells us of violence in this paragraph. 20

I will leave it at that.

ASSESSOR (MR KRUGEL): What would you say, Mr Molefe, is meant here by the phrase that the racist Government will not give in until we mobilise all our forces to strike weakening blows to South Africa and its international allies? -- I would understand that to mean winning more organisations, building/... 30

building strongest unity.

I am particularly interested in the phrase "weakening blows to South Africa". -- That relates - I would understand it to relate to the new constitution, the Government believed that the constitution had support, it was strong insofar as that issue was concerned. The weakening blows would have meant for instance persuading those who wanted to stand as candidates not to stand, persuading people not to vote for them.

Yes, but the term used here, South Africa, implies the whole country of South Africa? -- I do not understand it in that context. I believe he refers to the Government, and the international allies I believe would have referred to the governments which had supported the new constitution at that time. This would have been Britain and the US in particular. Those are the ones that come to mind. 10

MR JACOBS: And again on page 39, Mr Molefe, there is a resolution, ten lines from the top:

".. made a resolution and put it very clearly that in actual fact when you accept this constitution you are declaring war against the oppressed majority. You are actually saying we are getting co-opted into the system and are going to fight for apartheid." 20

COURT: At what page are you now?

MR JACOBS: Page 39.

"And you are going to be trained to go into the army, be conscripted to fight against the majority and therefore the lines will be clearly drawn as to who is the enemy of the people and who is not the enemy of the people." 30

Mr/...

Mr Molefe, I put it to you, this was what Reverend Frank Chikane - he started on page 38 and he was part of that meeting and his speech is quite clear, and the implications of what he is saying here is quite clear, that if people - let me put it, Black people go into the army, they will be part of the establishment of the Government, they will be the enemy of the people as a whole and they will be fighting against the people as a whole, and not only children going over the border, and it is quite clearly an indication that they will be declaring war to the rest of the people? -- He 10 says to fight the majority of the people. What I understand this to mean really that what he is saying is not different from what was said by people who have accepted the new constitution. He is really saying that he would not support conscription because those who are conscripted would really be fighting fellow-South Africans in an unjust war. I think this is what seems to be said here, and he seems to have been reading, I think a resolution of civic associations which is a message, I think, to the Indian and Coloured communities. I do not understand him to mean to be promoting 20 any violence. I think he is really giving further reasons why people should refuse to accept the new constitution because they are going to be conscripted into an apartheid army, they are going to be defending apartheid against fellow-South Africans who are opposed to apartheid.

Mr Molefe, I want to put it to you, if you just look at the line on top of that:

"And I want to conclude by saying that in actual fact a meeting was held of civic associations in Soweto and these civic associations made a resolution..." 30

and/...

and then the resolution follows. What I would like to put to you, Mr Molefe, that although civic associations took a resolution, he is not reading a message here but he was bringing the same resolution himself and stating that as a fact to the people on that meeting? -- I do not know about this resolution. I have seen a document in this case which is an exhibit, which purports to be a statement by the civic association, and I cannot remember the contents thereof off-hand, but I certainly cannot remember anything violent mentioned in that document, and I do not understand this to 10 be promotion of violence.

Will you agree, Mr Molefe, and do you accept that if the people are going to be conscripted into the army, being trained there, that they will then be engaged in a war against the rest of the people, Black people in South Africa? -- Well, I would not say against - they would be involved in war against the Black - the rest of the Black people in South Africa. All I can say is that it is improper to intensify the armed machinery as an attempt to militarise the society in an attempt to solve the political problems. 20 All I can say is that a political problem must be solved politically, so that we should really address ourselves to the fundamental cause of the problem. So that you do not have a situation where on one hand you have people who continue taking up violent methods, and others engaging in the army that seeks to suppress those who are taking up violence, and all of them are South African. It is a situation - the war becomes an immoral one and those of us who understand that the problems are caused by apartheid, find it difficult to support an army whose primary objective is 30 to/...

to maintain apartheid. We are prepared to defend our country against its enemies, but we are not prepared to fight in an army if the object is to suppress those who speak out against apartheid, those who do not have a vote, and those who may have a vote but speak out against the policies. I think it is unjust, it is unfair, and many people have said that. It is simply not correct. Let us all share in what our country can offer. Let us all defend our country's citizens. We all love this country. We are the citizens of this country. We have got no other land. We have nowhere else to go to. The only place we have is this one, and all of us have got to build it, have got to defend it. Let us not defend it for the interest of one group, but all the people of the country. 10

Mr Molefe, on page 42 then, there is the words "Amandla" (UNINTELLIGIBLE) "Awethu" (UNKNOWN SPEAKER) "Iswe", "Ilethu".

"Comrades and fellow countrymen, I greet you in the name of the revolution of South Africa. This is the voice of a fellow-comrade, Benedict Martens Dikobe."

Mr Molefe, who is Benedict Martens Dikobe? -- I do not know. 20

I put it to you that here again, on this meeting it is clearly conveyed and understood that all the people in the UDF and its affiliates are engaged in a revolution in South Africa? -- I do not know on whose behalf this person is speaking. This seems to be a poet, he seems to be reciting a poem.

COURT: Dikobe may well be a poet, it seems, but then in the context, is the word "revolution" not violent when the first line of the poem is "We sing death to your oppressor 30

man/...

man"? -- I do not know. I have not had the opportunity to read this poem really. I do not know. But one would really say these poets have got a way of saying these things. Maybe if one reads the whole poem, I would have an understanding of what he is trying to say.

Well, we have the answer to the question who is Benedict Dikobe Martens on the next page, page 43. -- It seems like - I do not know, maybe this person was reading that book.

Well, let us say that the meeting was told that Benedict Dikobe Martens was a man who was responsible for a bomb 10 blast and for recruiting youth to join the ANC in Lesotho and sentenced to ten years? -- That is what appears.

And this is the gentleman whose poem is read, and this is the gentleman whose poem starts with "Death to your oppressors". Do you say this is not an incitement to violence? -- I do not know, because when one reads this whole poem here, there are other things that one cannot really understand like "May peace dog with an angel if an eagle in its stomach" and so on, "peaceful deaths", "we sing death". I do not know, M'Lord, I really do not know. 20 I have a difficulty in understanding poems. But if one takes the whole question of "singing death" and trying to take that literally, one wonders whether one can sing and death will come as a result of singing.

MR JACOBS: Mr Molefe, will you also go to page 45? At the bottom there, the speaker B Mokotsi, from there:

"What are you all prepared to do? We are prepared to oppose the existing system of government. We are prepared to oppose the existing system of government" and then the next person, person from the audience, "Amandla", 30 and/...

and then he goes on:

"Black, green, gold, colours fly high."

Let us pause there for a moment. The black, green gold colours fly high, is that referring to the colours of the ANC? -- The ANC uses those colours, but the organisation that this man who is talking here, this poet who is reciting here belongs to, also uses the same colours.

COURT: To which organisation does he belong? -- The Alexander Youth Congress.

MR JACOBS: Then the same poet - I am not going to read 10
through the whole poem, but on page 47, in the same poem:

"There is a bomb blast in Pretoria, there is a bomb
blast in Bloemfontein, there is a bomb blast in Belfast."

Do you know, Mr Molefe, anything about bomb blasts at these places and who were responsible? -- I do not know, in the past one has read about bomb blasts, but I do not know what - I cannot remember any bomb blast at that time.

I put it to you, in this poem it is also - violence is propagated and violence is popularised in this poem on the UDF meeting? -- This poem we have dealt with somewhere else 20
in one of the transcripts, and my response still holds that I do not see that as promoting violence and I do not think it should be taken literally. It has got hope, love, hope, peace, hope, freedom, hope is justice, hope is peace, hope is love, hope is freedom, all those things, and this person after saying all the things that he is saying, and he says he hates what is happening, and he does not seem to be saying - to be taking any sides. He is merely talking about what he believes is happening, a policeman has killed four heavily armed terrorists, the truth is yet to come, 30

and/...

and so on, and so on. I can only say that I do not understand it to be an incitement to violence. Poets write about all sorts of things, which are happening around them, and I do not think that when they write, they write with the intention of promoting violence.

Mr Molefe, is it correct, in all the meetings of the UDF it is always - in all the meetings, most of the meetings on the videos it is always the ANC leaders, ANC terrorist leaders, Tambo, that is popularised by the people there, shouting slogans or shouting the names of Tambo, chanting 10 them over and over and over? -- All sorts of songs are sung, and I have made the position clear that the communities, the oppressed communities do not regard Mr Tambo and Mr Mandela as terrorists. I myself do not regard them as terrorists.

And do you popularise them also under the people as their leader? -- I do not popularise them. These are popular leaders in those communities. If the occasion arose for me to talk about Mr Mandela, call for his release, I would do so, but I do not set out to do what counsel calls popularis- 20 ing, but people sing about these - Nelson Mandela, Oliver Tambo, they sing about Bishop Tutu, they sing about all sorts of people at all sorts of meetings, and I would not say that what we have here in the videos gives a full picture of what happens in meetings. There have been literally hundreds of meetings which have not been made part of this case here. So that I think if one had been observing each one of those meetings, you would have many names, much more than what we have here. I however do not dispute that people sing about those that counsel has referred to. 30

And/...

And the shouting of the name of Tambo over and over and over, I see just for example on page 3 here we have got it:

"Crowd of people dancing on stage chanting 'Tambo' twenty time."

-- What is the page that we are looking at?

Page 3 of this document. -- It may be that they were singing about him. That only goes to show the perception in that community, that he is regarded as a leader.

I put it to you, that is popularising Mr Tambo as a leader? -- All I can say is that the UDF does not plan to popularise Mr Tambo. It may be that when people talk about him, somebody who might not have known for reasons that I cannot give, which I do not understand, might know about him, but I think all one can say is that people talk about the people they regard as their leaders, they talk about them in the townships. They have been singing about them at all meetings, before the UDF was born, at meetings that I was present, and we have never seen that as anything strange. We have never seen it as promotion of violence or anything. 10 20

Mr Molefe, but the UDF approve of the popularising of the leaders on their meetings? -- The UDF does not plan that, but the UDF would not have the nerve to tell the community to say that Mr Tambo is not their leader. We would not be able to tell our people to say that Mr Mandela is not their leader. These are people who are regarded as leaders of great stature in our community. I have moved around in that community and see little children playing what is called hop-scotch, it is a game which we used to play/... 30

play when I was still a child. It is a game where one has got to jump with legs astride and then you close them, astride and so on. I have listened to little kids of 12, 14 years in the township playing that game. We in the past used to say "In, out, in, out", we used to say "In, in" when you have not made a mistake, and when you make a mistake we say "Out". Now, the children have developed a new language, they are no longer using that "In" and "Out". When they play that, for they use the word Tambo or Mr Mandela. They say, "Tambo, Mandela, Tambo, Mandela", when 10 they are out, they use the name of leaders of homelands, they say "Mopedi" or "Mpepu" or something to show that you have done a wrong thing. Now, these are the things that happen in the communities, little kids play about this. This shows the perception in the communities from which we come. I would not be able to tell - in fact I would be wrong to tell the children that Mr Tambo is a terrorist. I myself am not convinced that he is a terrorist. If all the people of South Africa were given a vote in this country and somebody tries to bring change through violent means, I 20 would call that person a terrorist, and I would be free to do so. I would not find a difficulty to do so, because all the people have got a vote, and then he is trying to impose - they are trying to impose their will on the majority of the people who have a vote.

COURT: Let me just get clarity on your concept of terrorist. Is a Palestinian who has not got a vote in what was Palestine and is now Israel, not a terrorist when he plants a bomb in an aeroplane, because he has not got a vote in Israel? -- Everybody is voting in Israel, I believe. If he leaves 30 that/...

vote and he decides to go and put up a bomb, that person is a terrorist. A similar situation would be like that one of - I think it is the Red Brigade in Italy. Everybody has got a vote.

Is your definition of terrorist not that of a person who plants for example a bomb and injures innocent people? That is not your definition of terrorist? -- He may be defined as such.

But is it of any consequence whether that person who plants a bomb has a vote or has not got a vote? It may be his reason for planting the bomb, but does it change him from a terrorist to something else? -- He may be regarded - his methods may be terroristic methods, but when you take the whole organisation, for insatnce, let us take the organisation like the ANC, it has been an organisation that has been pursuing non-violence for close on to 50 years, and it is closed down. Some individuals in that organisation decides to pursue the methods that they are pursuing, and as we understand it, people like Mr Mandela took a clear decision that they were not going to injure people in the methods that they were going to use. They were going to go for buildings which were seen as symbols of apartheid and they would do that when there was nobody there, they would avoid the loss of life as much as they could. Now, I would not call those people terrorists.

Let us now get back to the present. You started off by reference to Mr Tambo. Are you saying that the people that belong to Mkonto we Sizwe and who plant bomos in the middle of streets of our cities and who kill innocent people are/...

are not terrorists? -- If the intention is to kill innocent people ..

They must know that they kill innocent people, everybody knows that. Are you saying they are not terrorists? -- If they do that with the intention of killing innocent people, I would regard them as terrorists.

But Mr Molefe, why hedge? Everybody who plants a bomb in the middle of the street of a city knows that innocent people will or may get hurt? -- Yes, if they plant a bomb in the middle of a street, I would regard them as terrorists 10
That is a terroristic activity.

If those people belong to Mkonto, if that is so, can there not be said to be a connection between the leaders of the ANC, present leaders of the ANC, inter alia Mr Tambo and those people, or is there no connection between the ANC and Mkonto? -- There is connection, as I understand it, but as I undersatnd it, from what has been made public from time to time, that organisation does not pursue a policy of indiscriminate killing of people. So that if a member of Mkonto or the ANC has planted a bomb in the centre of the 20
street and kills a person, I cannot blame Mr Tambo for that. Similarly if a policeman misuses his powers, I cannot say that what he is doing is what is being done by Mr Le Grange who is the Minister.

We had evidence in this court that it was now the policy of the ANC, the indiscriminate killing. -- Well, if the ANC is involved in the indiscriminate killing of the people of South Africa, everybody, it is not a movement that is fighting for liberation. It is now killing people indiscriminately, and in that context one would call it a 30
terrorist/...

terrorist organisation. But if one takes from the understanding of what he has read about, what Mr Mandela had said even in his evidence, the picture would be different.

MR JACOBS: Mr Molefe, what is your definition of innocent people? -- All people who are not involved in any war, who are not fighting anybody, who are not doing anything, you are just killing them.

Now, is fighting the crux of your definition now? Can you be more explicit? I do not understand. -- If for instance the South African Defence Force is fighting other people who are armed, these are two parties that are involved in a war. Although it is tragic when anybody dies, but it is understandable that those are people that are fighting, but if when I walk in Pretoria, or my wife or my child or any other person is just walking here, a member of the ANC or a member of the Defence Force just puts a bomb there that would kill me, that is killing an innocent civilian, or killing people who are sitting in this courtroom. 10

So members of the Defence Force, and what about the police? What do you say? Are they innocent people as well or not? -- Well, in a situation of war where they are fighting, both parties are carrying out a war. It is tragic of any one of them dies in that process, but it is understandable that those are the people that are involved in a war. I would not understand that to be a situation of innocent civilians. 20

So policemen will not beat innocent people. Mr Molefe, I would like to put to you in this regard that it is an important factor in the freedom struggle to get the people to associate themselves with the ANC leaders. That is why 30

the/...

the name of the leaders like Mr Tambo and Mandela is called so often. -- That is not so. The UDF has never taken a decision to promote that, but we regard them as leaders. But we have never developed a program where in our meetings people must sing about them. They have been singing about them long before the UDF was formed. We simply cannot stop them from singing about them.

Now, Mr Molefe, will you agree that the Pretoria bomb, as it is usually referred to, the one in the street, killed innocent people in the street? -- Yes, I agree to that. 10

And the ANC accepted responsibility for planting that bomb there? -- I do not know. It might have. It may well be that they have.

Now, after the Pretoria bomb, did you try to dissuade the people to popularise and call the name of Mr Tambo at any of your meetings? -- I have not done so, because I do not believe that doing so will solve the problem of violence I still believe that at the base of that problem is the policies of apartheid, and I believe that once it has gone, those who have - who are doing all these things will have 20 no excuse to continue to do so.

COURT: Did you at any of your meetings speak out clearly against the use of bombs in our streets? You spoke out very clearly against the Defence Force, but did you at any stage speak out very clearly against the use of indiscriminate terror in the streets? -- I cannot remember personally speaking at the time when there was that, but ..

Did anybody, apart from yourself? -- I recall no 20 saying it at a number of meetings.

Which meetings? In any of the meetings that are before 30

Court in the form of an exhibit? -- It may well be. I am not sure about the exhibits here, but I have heard him in the past.

MR JACOBS: But Mr Molefe, the UDF still carry on allowing people on the UDF meetings like this one, in EXHIBIT "18A" to sing about bomb blasts in Pretoria and popularise it? -- I do not understand that to be popularising. I have dealt with that poem.

But the UDF never tell the people, that is terroristic activities, we are not associating ourselves with that, rather stop singing these songs or rather stop doing this? -- The poet himself is saying he hates that, he hates what is happening. I did not understand it to be promoting that.

COURT: But that is not entirely correct what you are saying. If you look at page 47 it is said there:

"It is now time to eat Bazooka."

Just below the reference to the bomb blast in Pretoria. -- Well, he is saying that, but prior to that, he is talking about hating what is happening. It may well be that it is far beyond that section. But I would not understand it to mean that the UDF is saying it is promoting violence. The UDF is a non-violent organisation.

MR JACOBS: Mr Molefe, that was not my question. My question was, why did the UDF not stop this when they realised that is popularising terroristic activities. That was my question. -- I believe the UDF did not understand it in that context, and also normally when poets are reciting their poems, people do not normally sit to listen to every word in that poem, but as I understand it now, this poem, I do not see it promoting violence, and I think the UDF, those

who were present there did not understand it as such.

I would like to go to another exhibit now, EXHIBIT "V14". On page 8, just before - can we just identify that document? That is the Transvaal Indian Congress, TIC usually referred to, mass meeting on 18/7/84, a transcript of that video tape? -- That is so.

On page 8 it is the start of the speech of Cassim Solijee. Cassim Solijee is also one of the national treasurers of the UDF? -- That is correct.

Now, on page 8, I would like to read to you in the 10
middle there:

"We are convinced conflict and escalating violence are inevitable until fundamental changes .."

COURT: Where are you reading now?

MR JACOBS: At page 8, 16 lines from the bottom.

"We are convinced conflict and escalating violence are inevitable until fundamental changes in the power structuring occur. The choice before us on August 28 is on which side will we arrange ourselves if we go to vote. Pretoria has the right to answer both these 20
questions for us. If on the other hand we help achieve a boycott large enough to show Botha his generals will have to face up to the possibility of mass destruction, we will have spelt out clearly that we have no loyalty to the apartheid system, that we certainly would not want to die for it. If we must die, then let it be in the defence of a just and democratic South Africa."

I put it to you, in this passage it is also clearly understood that in the choice that has been made, either for or 30
against/...

against the Government, that there will be in the freedom struggle, there will be violence and that the people will die for that freedom struggle? -- It is true that violence was there. He is merely saying it will escalate, but he says we are choosing as a method of avoiding that escalation to call for a boycott, an effective boycott of the elections, and he believes here that - he says if on the other hand we help achieve a boycott large enough to shame Botha, his generals will have to face up to the possibility of - I think that detection should really be defection.

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ASSESSOR (MR KRUGEL): It has been changed. -- Mine has not been changed. So what he is really saying is that if we achieve this massive boycott, a lot of people who previously believed that apartheid is workable, apartheid works, will disassociate themselves with the policies of apartheid, will move away from the Government policies. I understand it in that context.

MR JACOBS: I put it to you that the choice that is made is a choice to die in the struggle to come? -- No, the choice is to boycott the elections. The choice that we are making is that we will not support apartheid. I think it is very clear.

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COURT: It is not a choice to die. If death is inevitable, then we would rather die on the one than on the other side. That is not a choice to die.

MR JACOBS: I am not arguing with the Court. I am just putting it to him that if there is a choice to be made, then there is a choice to die for the struggle.

COURT: The choice is not death. The choice is decide. Death is inevitable.

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MR BIZOS: M'Lord, according to the errata sheet in front of this document the word "shake" is "shame".

COURT: Yes, we have amended that.

MR JACOBS: Again, in context, will you further go on with this to page 10, this is still the same speech, and next to the 157 on the left-hand side of this page, I will read from there:

"Not only will we gain an insight into the finer workings of apartheid on a wide variety of fronts, but we will also get the measure of our own strength as we become involved in real battles for a rightful share of the world's goods." 10

And the message conveyed that there is a battle for the real - battles, indicates also the nature of the freedom struggle? -- I think the nature of the freedom - the battles that he is really referring to is similar to those that he refers to as - at the time that people were battling for a way out of Thompsonville in Lenasia and way into Mayfair, Hillbrow, Central Johannesburg, Congress had not yet been reconstituted, but the involvement of many men and women who are subsequently to join the Transvaal Indian Congress revival has convinced us of the viability of the grassroot approach. Now, we know that around 1981 there had been a protest around efforts to kick out of those areas people of other racial groups, and an organisation called Actstop was set up to protest against these things. Now, I think it is clear as to what methods this person is having in mind, and I think immediately also at page 9, he refers to the UDF - towards the bottom of that page, below 125, I think, where he talks about the UDF. Then he says: 20 30

"There/...

"There have been right-wing and Government attempts to link the UDF to the South African Communist Party and the ANC, attempts clearly designed to frighten people away from this vital voice of peaceful opposition which is the United Democratic Front, and attacks on popular movements do not end with political name-calling."

I think that gives ..

COURT: Why does not Mr Solijee or Mrs Sisulu come out clearly and say, we have got nothing to do with the ANC? -- 10
We have got many, many statements which were made in that regard. We have those statements. I cannot say why they did not come out clearly on this point, but we have got statements. Some of them are exhibits in this case.

MR JACOBS: Then I would like you to go to page 50, and that is a speech of Mr Lekota, accused no 20 starting on page 49, and in the middle there:

"Are you turning your back on Luthuli? Are you turning your back on Cathrada and Mandela and Sisulu and Goldberg? Are you joining the Nats against our people? 20
I have made my choice. The price may be heavy. Our people in Parys have made their choice. Our people in Crossroads have made their choice. Our people in Cradock have made their choice. Our people made their choice in 46 around the Indian .. Act. Our people made their choice around the defiance campaign. Our people in the United Democratic Front have made their choice. Please remember that question when you have to vote."

So, Mr Molefe, it is also again clearly an indication that 30
in the UDF there was a choice of sides. Is that correct? --

A choice in respect of whether to support or reject apartheid, yes.

And that choice, I put it to you, involves - to live up to it involves violence under the leadership of the UDF? -- That is not so. I do not accept the proposition.

The people in Parys have made their choice. Do you know whether there was violence or not in Parys? -- We have had evidence here that there was violence and there had been violence, we knew, but I understand this to simply mean that the people of Tomahole refuse to support the policies of apartheid, whether that violence would - I do not understand it to mean that those who oppose the policies were the ones who organised the violence. I do not understand it in that context. 10

Is the implication not clear here, Mr Molefe, that our people in Parys made their choice and then the result of that choice they made is that they did go over to violence? -- I do not understand it in that context.

I cannot understand why there is a reference to Parys then? -- Well, the fact is that people protested against high rentals, and the high rental was as a result of local authorities which were economically unviable. 20

And the protest is in the form of violence? -- I do not understand it in that sense. There was violence, but I cannot say that because people protested inevitably they were organising violence.

Is it the same in Crossroads? Do you know, that there was violence in Crossroads as well? -- I do not know of any violence in Crossroads at that stage, but I know that there had been resistance for a long time against removals in that/... 30

that area.

There was violence in Cradock? -- We are talking about 1984. I do not know of that violence. I know of protests generally for the reinstatement of Mr Cornea (?) who was, I think, suspended or - the Department sought to transfer, and later he was detained and there were protests that he should be brought back, be released.

Mr Molefe, can you tell us, Luthuli, was he a member of the ANC? -- That is correct. He had also been a member of the Native Representative Council.

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And is he the leader - is he regarded as a leader in the UDF? -- Yes, he is regarded as one of the greatest leaders that the African community has ever been able to produce.

And is he regarded as a leader of the ANC, and is he a leader - or was he a leader in the ANC? -- He was a leader in the ANC before he died.

And Cathrada, is he regarded as a leader in the UDF? -- He is regarded as a leader of the Indian people.

But is he regarded as a leader in the UDF, not only of the Indian people? -- He is regarded as a leader.

20

And was he a member of the ANC or South African Communist Party? -- I do not know his connection with the South African Communist Party. All I know is that he had been a member of the Indian Congress.

And ANC? -- I believe the ANC also. I am not certain about that.

He was regarded as a leader in the ANC? -- I believe so.

And Mandela, he is regarded as a leader of the UDF and

30

at/...

at the same time he is also regarded as a leader of the ANC? -- I think I need to correct all the points that counsel has been putting to me. I had been taking it generally to mean, is he regarded as a leader in those communities. Now, it seems counsel is suggesting that those people are the leaders of the UDF. That is not so. They are regarded as leaders in those communities because of the role - the fact that they had been leaders at a particular point in time in the struggle, and they are still regarded as such, but not that they are leaders of the UDF. They are leaders 10 in the sense that they emerged in a community or at a time when people were striving for change, and they too were seen as those who were striving for change. In that sense they were leaders. They are not leaders in the sense that they give orders to the UDF. UDF has got its own leaders that it has elected.

Do the UDF regard them as the leaders, as their leaders of the people in the UDF? -- Not the leaders of the UDF, the leaders of the oppressed people.

And do you regard Sisulu as a leader of the Black 20 people belonging to the UDF? -- Beyond the UDF, I cannot limit it to the UDF.

And he is a leader in the ANC? -- He was a leader of the ANC. I believe he is still regarded as such.

And Goldberg? Is he a leader, regarded as a leader by the UDF of the people in the UDF? -- He is.

And is he also a leader in the ANC? -- I do not know if - I believe he was a member of the ANC.

COURT: Can we just get clarity? Are these people still regarded as leaders of the ANC? -- I believe those on Robben 30 Island/...

Island, Mr Sisulu, Mr Mandela are regarded as such. But we regard them as the leaders in the sense that they have emerged as leaders of great stature in our communities, and indeed everybody is talking about them as the leaders, Chief Buthelezi, Thom Boya, many other people are regarding them as leaders. We could not become exceptions.

THE COURT ADJOURNS TO 1987-08-24