

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

Ass:
Ass

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-24

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

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

NAMENS DIE STAAT:

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

NAMENS DIE VERDEDIGING:

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

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 24 AUGUST 1987.

SIMON POPO MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, we were busy with G14 on page 50. The choice that the people are asked to make here, one of them is to support the leaders of the ANC. That is on page 50. -- May I just quickly read the paragraph. (Witness reads paragraph) I do not understand it that way. I understand it here to be the choice between division supporting the policies that continue to divide people and refusing to divide the oppressed people and those(10) who are committed to democratic ideas. So, really I see here the choise being between supporting the new constitution and refusing to support the new constitution. In other words, going into the tri-cameral parliament or supporting the UDF and registering a boycott against the new constitution.

In the choice to go against the new constitution, the people are asked here not to turn their backs on the leaders of the ANC, that means, I put it to you, that they must choose for the ANC leaders? -- The ideals of democracy and non-racialism that they pursued. I think they were called(20) upon not to turn their backs against the ideal of democracy and non-racialism. That is the ideal which these persons here who were leaders of the ANC pursued. The primary purpose of that meeting was the new constitutional proposals. It was called to decide to demonstrate rejection of the new constitution by the majority of the people. It was called to persuade them to reject the new constitution. It was not called to persuade people to accept the leaders of the ANC. I think insofar as it is mentioned here, it really relates to the ideals of democracy. (30)

And/...

people are asked to choose violence, I believe and understand it properly to mean that people are actually asked, they are called upon to do something that will enable us to create a climate for lasting peace in this country and indeed, this resolution that counsel refers to, also proposes the best method of arriving at a peaceful South Africa. So, that really what people are concerned about is how best to establish conditions for a lasting peace in this country.

I put it to you that the message is also to the people that there will only be lasting peace in the country after (10) they engaged the government in battle and the final elimination of apartheid? -- It may well be that the speaker intended to say that, but the kind of battle that he is talking about is a boycott of the elections and the demonstration of rejection of the policy of apartheid by refusing to take part, both as candidates and as voters in the then coming elections.

And I put it to you further that in this last passage it is again emphasised that the people, when they make their choice, follow in the footsteps of our forefathers and that is referring back to the violence of the ANC and the manner (20) in which the ANC is conducting the freedom struggle. -- I reject the proposition.

And on page 53, I put it to you it is again emphasised that they must remain faithful, the people, to the ideals and values of the leaders in the ANC. -- The ideals of democracy and freedom, yes, insofar as it means that. If it means something else, no. I think at page 46 of this transcript my colleague, Mr Lekota, makes it very clear that the UDF is not taking up arms. He says if we are not engaging, and we are not carrying arms today, he says at least we can (30) say/...

say to our people they must not endorse what the Nats are doing, but we must also say and make bold to say this evening if we are not engaging and we are not carrying arms today, it is not because we do not understand how and what persuaded some of our fellows and what continues to persuade them to this day to resort to those methods. One thing that comes out very clearly in this section is that the UDF chooses a method of persuading people not to vote. That is how we see our own battle in the UDF and secondly, it makes it very clear that the UDF has not taken up arms. (10)

I put it to you that the call on the people not to take part in voting and not to vote is only a very small part of the whole freedom struggle? -- It may well be that in the broad freedom struggle there are a number of elements, organisations, some of which have adopted the method of violence, but the method that the UDF has adopted is one of non-violence.

Do you agree then that according to page 53 that the UDF adopted the ideals and the values of the ANC? -- The UDF has not adopted the ideals and the values of the ANC. (20) The UDF is committed to the ideals of freedom, democracy and non-racialism. Incidentally, the ANC that came before the UDF was also committed to those ideals, but I believe we are not asked here, we are not forced into, we are not going to be forced into a situation where we are going to have to say the sun rises in the west simply because the ANC said first that the sun rises in the east. Democracy is democracy. Whether the ANC has said it before or not, we cannot be expected not to say we want a democratic South Africa, simply because the ANC says that there is democracy. (30)

If/...

If I wake up in the morning, then I have a neighbour who is a communist and he wakes up first and he looks at the weather and he says the sun is beautiful. Can it be concluded if I come later and I say the same thing, that I am a communist?

On page 53 I just want to read to you "To remain faithful to the ideals and values of our leaders like Ghandi, Mandela and Dr Dadoo have handed down to us. We thank our speakers for shedding light, rekindling hope, stirring us from apathy and indifference and strengthening our resolve(10) to reject what is wrong and to do what is right." This could have been if the UDF had the same ideals and values of the - as the people mentioned here. It could have been said without referring to them. Is that not so? -- Well, we like all other people are people with a history and why should people be ashamed of talking about their history? This is simply reference to historical development and these are people who were important in that history and I think also one might say that this paragraph even makes it difficult for counsel to arrive at the conclusion that he is arriving at, because(20) you have Ghandi, you have Mandela, you have Dadoo. Ghandi has never been a member of the ANC. I do not know if Dadoo was ever a member of the ANC. I know that he was a member of the South African Indian Congress. How does one arrive at the conclusion that it means the ANC? All I understand here is that these are the people who refused to be co-opted into oppressive structures. They spoke out in defence of freedom of people or in pursuit of the freedom of those who did not have a vote.

And Mr Dadoo was also the leader of the South African(30)

Communist/...

Communist Party. Is it correct? -- It may well be.

Do you know it? -- Well, I have subsequently read in the newspapers that he was. I did not know it before.

And it is stated, I put it to you that it is accepted in the UDF that the ideals and values of the ANC and the SACP was handed down by these people to the UDF? -- That is not so.

And that is a clear association on the part of the UDF, the people in the UDF and the leadership of the UDF with the ANC and SACP? -- That is not so. (10)

I would like now to go to EXHIBIT V20. This is a transcript of a UDF rally in the Orient Hall Durban in opposition to Mr P.W. Botha's meeting with the Indian leaders in Durban City Hall, 14 November 1984. I would like to refer you to page 4 - I will start at page 4, and Mr Aubrey Mokoena again was a speaker at this meeting. His speech is starting at page 3. I put it to you that he is again bringing the message to the people on this meeting that the freedom struggle in which they are conducted, is a revolution and that the people must act like revolutionaries. On page 4 it says "I beseech you not to pray with your eyes closed as you are told by the usurpers of the land that we must raise our heads to heaven, close our eyes and pray and when we said amen the land was pulled beneath our feet. But I want to urge you to pray with your eyes wide open as revolutionaries." -- Well, that is what is written here, but I do not understand that to mean people must engage in acts of violence. As I have pointed out earlier on, Aubrey Mokoena is a highly committed Christian and a lay preacher in his church and he is not a man of violence. This manner (30) of/...

of speaking he has been using for many, many years that I have - since I came to know him. If one attempts to really interpret what he is saying, he seems to be saying that people must really be vigilant. They must not allow themselves to be deceived or mislead or so on.

COURT : What does this mean "the usurpers of the land"?

-- I think he means those who took our land.

Who? -- Well, in this context it would have been the British Empire. It would have been the Dutch who came first but later on it was taken by the British - I think it (10) would really be ... (Court intervenes)

As we are told at present, when he is speaking, by the usurpers of the land. Who would that be? -- He may well be referring to the White people. I do not know.

So, the White people stole our land? This is what it means, is it not? -- It may be. I do not know. I was not there. I have not tried to do that.

MR JACOBS : And on page 5 it goes further and he says "We are here to clear the way, to pay the way for our liberation. We are here to consolidate our resources. We are here to (20) galvanise ourselves as a bulwark against the racism, exploitation and indeed apartheid as a monster that has been institutionalised in the country." I put it to you that as revolutionaries, that they must take part in the freedom struggle of liberation of the country? -- I have explained my understanding of the use of that word revolutionary and it is true that we are involved in a struggle against apartheid.

And apartheid is bolstered as a monster? -- I think what he is trying to say is that apartheid is a bad thing (30)

and/...

and it is causing a lot of misery. It is causing a lot of problems.

And this monster must be destroyed? -- Where does it say that?

I put it to you, this monster must be destroyed? -- I do not know on what basis. He is not saying it in his speech.

Is that not the policy of the UDF that the monster must be destroyed? -- If the destroyed is meaning ended, it is correct. On the basis of the methods that we have chosen for ourselves and these being peaceful methods. (10)

And we see on page 14 - it starts on page 13, it seems as if it is Mr Mchebisi Xundu and he brings also a message on page 13 "Comrades, all of you, I bring you greetings this evening from the United Democratic Front and also I bring you greetings in the name of the Johannesburg Rent action Committee and the joint commuters committee. We are proud to be here to identify with this rally because the NIC is an affiliate of the United Democratic Front." Would you agree that the speaker Mr Xundu is speaking as a person from the United Democratic Front? -- It seems so. I believe -(20) I think he was speaking as a member of UDF Natal. I think that Johannesburg Rent Action Committee should actually be joined not Johannesburg. There is no organisation called Johannesburg Rent Action Committee. I think it is joined Rent Action Committee.

And then on page 14 as a speaker of the UDF "And we say to (inaudible) We therefore ask this government to repent and change its hell-bound course or else all of us will be burnt by the fire of barbaric revolution. They say 'Ons is hier om te bly.' (Laughter) But we say it is us (30) who/...

who are here to stay, not them and therefore it is our business together with them to stay here peacefully. UDF is setting a favourable climate for a long overdue national convention, but events like that can show them as this (inaudible) the life of Mandela and Helen Joseph is an indication that UDF sees it as a must that the release of Mandela and the comrades who are in jail together with those in exile. So, that they can participate as equal partners in the national convention. Such a national convention, if held without these noble sons of the soil, would have adverse (10) consequential effects." He is - I put it to you that he is stating the contrast quite clearly, that if the government is not going to agree to a national convention, then there will be a violent revolution in this country and that is the message of the UDF? -- What counsel is putting to me is not clear. Is counsel saying that revolution would be conducted by the UDF when he says under the auspices of the UDF? I do not understand that.

I put it to you that that is the message from Mr Xundu from the UDF? -- What is the message? (20)

That if the government does not agree to the national convention, then there will be a violent revolution or a barbaric revolution? -- Well, I think he is saying that. He is saying that if the government does not change, it does not repent and that there will be that revolution and all of us will be burnt by the fire of barbaric revolution. So that you see, a person who is promoting a revolution does not promote something that will burn him too. So, I think I see this person to be a person who is really concerned about peace and he is positive in what he thinks is the (30) best/...

best way of bringing about peaceful conditions and I submit that we have a right to do that. At page 13 it is clear in the first paragraph there that - just the last portion of that paragraph, he says "The UDF's formation is the expression of the contempt and protest to the constitutional proposals and Koornhof bills. It is clear that the UDF is a protest organisation. It is formed to protest against these bills. It is not formed to start a violent revolution for the overthrowal of the government.

I put it to you that the message of this person to the(10) audience on that day is that the alternatives to the national convention and if the government does not agree, then the alternative is revolution? -- He is not saying the alternative in the sense that we will start a revolution. The situation is such that there is a need for change. The question of change - change is a matter of urgency. If we have to stop violence that is going to burn all of us.

So, how do you explain these words on the one side if the government does not repent and change its hell-bound ways course and then the other or else all of us will be (20) burnt by the fire of a barbaric revolution? -- I do not know. All I understand is that he is saying as far as he is concerned, as far as the UDF is concerned, the alternative to violence is a national convention and we are hoping for that. We are hoping for the alternative which is a national convention, negotiations, which is the best way of resolving the country's problems and he is saying that there is already violence in the country. It can only increase if the government does not change. That is all I understand. I cannot attempt to be authoritative on a speech of a (30) person/...

person delivered when I was in jail.

I put it to you further that there was meditation and there was discussion on the question of what will happen if the government does not agree to a national convention? -- I reject that proposition.

And will you have a further look on page 18 ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Just before you go away, please, Mr Jacobs. Mr Molefe, who is the speaker here? -- Of the section that we have been reading? (10)

Yes? -- It seems to be Mchebisi Xundu. I think he was on the Natal Executive. He was also in the NEC of the UDF.

Just for observation, on page 14 regarding the national convention towards the middle of the page "Such a national convention, if held without these noble sons of the soil, would have adverse consequential effects on the acceptability and credibility of the results of such a convention. None of the present functionaries of the system, like the Sebe's and the Mangope's and their likes, would be permitted to soil the possible venture." Is this UDF policy? -- That is (20) not UDF policy.

That these people would not be permitted to participate? -- No, no, we envisaged a national convention in which all parties elected by their constituencies including the government will participate in that convention. If you are dealing with the situation where you have to - may be I should leave it at that point.

MR JACOBS : Then on page 18, this idea is further brought out that there must be violence and here I read in the middle of the page, thirteen lines from the bottom "And here, (30) ladies/...

And I put it further to you when the people are asked to make a choice, they are also informed that the price if they make such a choice to go against the government, will be heavy. That they will have to pay heavy and that means that there will be conflict and they will have to choose on the side of the conflict. -- I do not see that section, but in any event, as I understand it, it would refer to - if you choose to be against, you obviously run the risk of being detained, being harrassed and so on. You run the risk of not enjoying the kind of privileges that those who are(10) accepting the new constitutional proposals would enjoy.

And it is also clearly stated, I put it to you, that the people must realise, if they make a choice, that there will be no peace in this country. -- If they make a choice there will be no choice?

Yes. -- I do not understand.

Before the government agreed to a national convention?
-- Which section is counsel reading?

I am putting it to you generally out of this part which I have already read and then you can read at the bottom, (20) "I am asking you, let us march together under the banner of the United Democratic Front. Let us march together on the footsteps of our forefathers. Let us say no to the Nats. Let us once and for all call the bluff of the White superiority. Let us carry the battle for the final elimination of White domination in the African continent to end." Also with this resolution on peace, it is also stated on page 52.3 "There can be no peace in South Africa unless all the people of South Africa have an equal say in the running of their country." -- Contrary to what counsel is putting that (30) people/...

ladies and gentlemen, we have to say with a resounding no, that ... " that is the speech of Dr Saloojee. Is he on the executive of the UDF? -- He was.

Here he says on line 13 "And here, ladies and gentlemen. we have to say with a resounding no, that there be not any more spasms of apartheid. There just has to be death to apartheid" and again it is expressed in very, very expressed terms of death, life and death that apartheid must be brought to an end in a violent manner. I put it to you? -- Where is the section that refers to death and something? Life (10) and death? I cannot see it from what counsel has read.

Line 13 from the bottom and it starts "And here, ladies and gentlemen, we have. -- Well, I understand that to simply mean that apartheid must go. It must end completely. Apartheid is an ideology that influences social relations in a society. It must go and it influences government policy.

And I put it to you that the phrase that was used death again has a meaning of violence? -- I do not understand it that way and I do not accept what counsel is putting to me. Dr Saloojee is a peaceful man, a Godfearing man who is (20) committed to struggling non-violently.

ASSESSOR (MR KRUGEL) : Is he a Christian? -- No, he is a Muslim.

MR JACOBS : And on page 19 he says the following. I will start again in the middle of the page again thirteen lines from the bottom. "Thus the position in the Transvaal Indian congress and its pivotal role in the United Democratic Front is uncompromising against the constitutional and its terrible twin the Koornhof bills. We cannot find in these any rate of compassion or saving graces that hold out hope for any (30) meaningful/...

meaningful reform of moving away from apartheid. Consequently the chariot of opposition and resistance must converge on the flame of unity to out-flank, out-mobilise and destroy the hydraheaded monster of exploitation and discrimination."

I put it to you that the message here also to the people is quite clear that no matter what happens, that apartheid must be destroyed. -- He is saying that. I understand that to be perfectly within the context of the methods that the UDF and the Transvaal Indian Congress have been pursuing, boycotting those elections and refusing to co-operate in the co-option(10) of Coloureds and Indians into the tri-cameral parliament.

I put it to you it is not only going to the tri-cameral parliament elections, but it is also going further than that. It is going also to the Koornhof bills and it is going to the government itself, the apartheid government that must be destroyed. -- Where is that apartheid government in this section? I do not see it.

Can you explain to us who is a hydraheaded monster of exploitation and discrimination? Whom do you regard in the UDF as the monster of exploitation and discrimination? --(20) I think firstly this person was not representing the UDF in that meeting. Secondly, we do not sit down and play with words in the UDF like hydraheaded, this and that and that we make that policy, we elevate that to policy position of the UDF. This is the speech of an individual delivered in my absence. I was not there when the speech was delivered and secondly I even have a doubt if indeed this speech was delivered by Dr Saloojee, because on 14 November 1984 Dr Saloojee and I were in detention in the Johannesburg prison in terms of Section 28 of the Internal Security Act.(30)

What/...

What do you say on which day was Dr Saloojee detained?

-- I think he was detained on 21 August.

And for how long was he detained. Do you know? -- My recollection is that we were all released on 10 December.

COURT : This is now all in 1984? -- 1984. I may be wrong, but I cannot recall a situation where he was released and we remained behind.

MR JACOBS : But you are not sure when Dr Saloojee was released? -- I believe he was released with us on the same day. (10)

COURT : We are speaking of Ram Saloojee? -- That is the person who was in detention. Ram Saloojee who was on the executive of the UDF.

MR JACOBS : Will you say then that the chairman of this meeting, Mr Paul David, could have made a mistake, because on page 16 in the middle he says "Paul David. The next speaker is a representative from the Transvaal Indian Congress. Please welcome Mr Ram Saloojee." -- Well, I do not know. I can only talk about that. May be I have forgotten, but my recollection as of now is that we were in detention (20) and we were released on 10 December.

But you could have been mistaken? -- My recollection is that he was released with us on the 10th.

But it is also possible that you could have been mistaken? -- Well, it may be, but it seems to be a very remote possibility.

I put it to you that it is highly improbable that at a meeting, a mass meeting held that the people can be introduced as the next speaker as Mr Ram Saloojee? -- It may well be that this is a meeting that took place on a different (30) date/...

date. That could have happened also. We - the person who made this transcript might have made a mistake on the date.

But you have not answered my question then. Is it so that the UDF regards the government as apartheid and do you agree that the UDF regards the government as the exploiter?

MR BIZOS : Before My Learned Friend continues. May I draw Your Lordship's attention to the heading on the 3rd or 4th page. The printed was 85 and then it was scratched out by someone and made 84 and the types is 83.

MNR. FICK : We all made it 84 I think. (10)

MR BIZOS : Then in view of the challenge to the witness, I merely draw attention that 83 appears. So, now we have 84 and 85 and 83 and it may be that the challenge to the witness may have to be amended in view of the three years that have been given.

MR JACOBS : Let us just finish this other question, then we will come back to this question of the date. Do you know - will you answer now my question whether in the UDF you regard the government as the oppressor and exploiter? -- We certainly regard the government as the oppressive regime, (20) the present government as the oppressor.

When a person is referring in this speech to a hydra-headed monster of exploitation and discrimination, I put it to you that everybody understood it to refer to the government of the day? -- It may be referring to that.

So, then this was clearly an incitement to the people that they must be part in the destruction of the government of the day? -- In the context of not an incitement, but in the context of the methods that I have set out. This is the language that people use. Not because they are violent. (30)

On/...

On the same paragraph, the second line there - may be I should read from the first line. "We must be clearly aware that there is no hidden agenda in the Broederbond cupboard to dismantle or kill apartheid. To me it is clear that when he is talking about killing apartheid and so on, he is really meaning that there is no intention to end apartheid, to do away with apartheid. He is not meaning that there is no intention to kill the government, to murder the government, people in the government.

But there is a difference, you have now referred to (10) the Broederbond and the UDF. Broederbond is not bound on destroying the government? -- Neither is the UDF on destroying anything violently.

Do you say that the UDF is not bound on destroying the government? -- Violently in the context in which counsel is trying to persuade me.

In any context? -- In terms of discrediting the policies of apartheid, yes, and persuading more people to move away from those policies and create conditions for a non-racial order. In that context, yes. I was merely drawing (20) attention to this just to show the kind of way in which people talk and the kind of political language that people use.

Just to come back on the date before we go to something else. When - do you remember what the date was when the then Prime Minister, Mr Botha held a meeting in the City Hall in Durban? -- I do not remember.

Do you know whether accused - do you know about this meeting and whether accused no. 20 went down to be a speaker on that meeting? -- I cannot remember if he went down there, but I know that there was a meeting some time ago in Durban. (30)

I/...

I had understood it really to have been a meeting of the Natal Indian Congress.

I put it to you that the message here is clear to the people on that meeting that they must participate in the freedom struggle in order to destroy the government.

COURT : Mr Jacobs, you have made your point, the witness has made his point. Move on to something else.

MR JACOBS : Then I would like to refer you to page 22, the top paragraph the last part of it. "So from the Transvaal we say that we locked our hands with our hands in the common(10) pursuit of a common goal and not too long in the future we will see a free and non-democratic, non-racial and a free South Africa. Thank you." Is it correct that all the organisations and other affiliates of UDF and UDF itself are pursuing a common goal to bring about a South Africa where the people shall govern? -- Well, council is putting something to me which is not in the speech of the writer.

What is a common goal? -- He is simply saying a non-racial, non-discriminatory and a just society. It may well be that by that he means a South Africa in which the (20) people will be governed, all people will be having a vote.

What is the common goal of all the people affiliated to UDF and the UDF itself? -- The UDF is a front of diverse organisations. Each one of them pursue its own policy, its own ideology. All they agree on is that the new constitution and the Koornhof bills were unacceptable. It may well be that they agree on a non-racial democratic South Africa. Some of them may be agreeing on a Black majority government. Something like that, but I cannot attempt to speak for every affiliate of the UDF in respect of their individual policy (30) position/...

position in respect of the kind of South Africa that each one of them wants. Some of them are committed to the Freedom Charter, others are not. Others are Black Consciousness orientated organisations.

But is it correct that they have all got one common cause in bringing about a South Africa in which the majority will rule? -- In which all people will have a vote, yes. But I must make it clear once more that Dr Saloojee here is not representing the UDF. He is speaking there as a representative of the Transvaal Indian Congress. (10)

COURT : But it seems to have been a UDF rally. Let us accept it was in 1983. It would appear to be so. November 1983? -- No, my recollection is that that meeting, the meeting that had to do with a meeting of Mr P.W. Botha and which was to be attended by Mr Rajbansi and others was really called by the Natal Indian Congress as I understand it, but that is something that happened long ago. That is my recollection. We in the UDF did not discuss that meeting at our meetings. It may well be that the Natal region of the UDF organised it jointly with the Natal Indian Congress, but certainly (20) Dr Saloojee was not sent by the UDF there.

MR BIZOS : On the question of the date, further corroboration for Your Lordship's view that it was 1983, the people detained in 1984 are listed in AQ6 page 1 and Ram Saloojee is among them.

MR JACOBS : Mr George Sewerpersadh, was he a member of the UDF executive? -- He was. He was also the president of the Natal Indian Congress.

And in the UDF what was he? -- I think he was one of the vice-presidents. (30)

On/...

On page 32 I put it to you he brings across again the idea of common purpose and I will read to you in the middle of the page, page 32, that is part of his speech. "It is clear that if we want to advance our position in South Africa, we have to reject the vicious and monstrous constitution and build our own organisations and struggle for a united democratic South Africa." -- We are struggling for that. We are struggling for a united democratic South Africa. There is no question about it. I think the debate is whether we are violent or non-violent and we are (10) saying that we are committed to a non-violent cause.

And I put it to you he further stressed the fact that peace will only come about through this struggle of the UDF and all the other people in the UDF affiliated to the UDF and that is said on page 33 at the top. "The road to peace in South Africa can only be achieved through a united struggle. A struggle that includes all the oppressed people of South Africa and democrats." -- I do not understand what counsel is putting to me in respect of that paragraph.

I put it to you that the peace can only be achieved (20) through united struggle, is peace after the destruction of the government of the day." -- Peace will come about when everybody has got a vote in the country. I simply understand it to be that and to achieve that, all those who are opposed to apartheid must unite to influence the government to change.

And participate in struggle? Do you agree? -- Yes, we are participating in the struggle.

And it is also stated on page 38 in the speech of - I think it is Mr Boesak or Mewa Ramgobin. It starts on page (30)

34. He is also in the executive of the UDF? -- He is.
Mr Ramgobin is on the executive. Was in the executive.

And it says here on page 38 "It is because of this kind of struggle that tonight here we business persons, students, workers and religious leaders are gathered in solidarity to tell Mr P.W. Botha and his junior partners that we will not condone apartheid, that we will do everything within our power to destroy apartheid." I again put it to you that the message to the people that you will do everything to destroy apartheid must include violence, because(10) if the government does not agree to a national convention and you will do everything to achieve the destruction of apartheid, then it can only be in a violent way. -- That is not so. Violence is not part of the UDF program or policy.

How are you going to achieve apartheid - how are you going to achieve the destruction of apartheid if the government is not prepared to agree to a national convention? -- Well, we are not working on the basis that the government is not prepared to agree to that and I am not going to accept being pushed here to say that there is - that the UDF(20) would opt for violence in this court, simply because counsel believes that the government would not agree to the national convention. We worked on the basis that the day will come that that will happen.

The message - different people's messages were always to the effect that there will be an escalation of violence, the messages were always that the government and apartheid must be destroyed and so can you give to the Court any indication, if the government is not prepared to agree to a national convention, how are you going to achieve that (30)

in/...

in this country? -- We worked on the basis that the government would agree to a national convention. It may well be that individuals might have decided if it was no longer possible for the UDF to achieve anything, each one might have decided what he wanted to do as an individual, but it is not something that the UDF - on the basis of which the UDF operated. It operated on the basis that we are capable through unity and through struggle to move the government or to move those who are close to the government to influence it.

And is it your evidence also that the UDF never contemplated such a possibility what you are going to do if the government is not prepared? -- Yes.

I would like to refer you now to EXHIBIT V23. This is the transcript of a meeting held at the Methodist Church, Second Avenue, no. 12, Alexandra, Johannesburg on 19/6/83. I would like to refer you to page 8.

COURT : This is an AZAPO meeting.

MR JACOBS : Is it AZASO or AZAPO?

COURT : I think it is AZAPO.

MR JACOBS : I will make sure about it. (20)

COURT : Well, if it was an AZAPO meeting, how can you cross-examine the witness on it?

MR JACOBS : Can I just ask one question. Reverend Moleleki, do you know him? -- I do not know him.

And Vincent Tshabalala? -- I do not know him.

Was he not a member of the Alexandra Youth Organisation?
-- Who is that?

Vincent Tshabalala? -- I do not know. He might well have been. I do not know him.

And Sipo Kubeka? -- I do not know Sipo either. (30)

Obed/...

Obed Kopeng Bapela? -- I know Obed.

Was he a member of an affiliated organisation to the UDF? -- I do not know.

Andrew Mogotsi?

ASSESSOR (MR KRUGEL) : Jingles?

MR JACOBS : Jingles. -- He was a member of AYCO but I do not know if he was at this stage. I do not even know if there was AYCO at this stage.

Do you agree from the contents of all the meetings that we have discussed so far, that there is always an incitement(10) to the masses to join in fighting in the freedom struggle? -- Well, I do not know if that is an incitement. There is always a drive to win more people into organisations and to participate, yes, in the struggle for freedom.

And I put it to you there is always a statement or an indication to the people that the government will not repent and the government will not change? -- That is not so.

Do you say it was never said that the government will not change and not repent? -- I do not accept the fact that it was always and I cannot - may be somebody might have(20) said in one meeting that the government would not change. But I think in the period between 1983 and the time of my arrest, the argument was whether the new constitutional proposals and the Koornhof bills were really constituting a fundamental shift from the policies of apartheid and we were saying it did not. They did not constitute that. We were saying that they do not change the fundamentals of apartheid.

And I put it to you that there is generally a message to the people that they must be part of a revolution against the government as the enemy? -- I do not accept that (30)
proposition/...

proposition. May be somebody said it.

And it is generally stated that I put it to you that "The people when they take part in the freedom struggle, they must destroy the government and governmental institutions." -- Well, in what we have been reading here, I do not know, I cannot recall a single instance where counsel referred me to a section where it was said that people must destroy governmental institutions.

Or it was even said that they must make them ungovernable, unworkable? -- Well, in the course of this cross-examination(10) it would appear that one speaker at one meeting said - was saying to the youth that they must make themselves ungovernable. I cannot remember any other instance where it was said that institutions must be made ungovernable. I do not understand that.

And that the government must be destroyed and made ungovernable? -- That is not so.

And that the government must be destroyed? -- Apartheid must be destroyed, yes, I think that has been said and I have explained the context in which it was said. (20)

I put it to you further that generally the people were always incited to make sacrifices in the freedom struggle, even sacrifices of life and blood? -- I would not say they were incited. They were made conscious of the fact that there are sacrifices to be made.

By them? -- Whoever was involved in the struggle for freedom.

And I put it to you there is always an undertone of violence depicted in the speeches to the people to take part in the freedom struggle because there is reference to a (30)
war/...

war, that there is going to be fighting between the forces of the government and the forces of the masses and that they must not be conscripted into the army of the government and examples were given even of - where there were violence in Welkom and all that places. There is always a undertone of violence in the incitement of the people? -- I have dealt with what counsel is putting to me. I have explained my understanding thereof. I do not accept what counsel says.

I put it to you that the ANC as a banned organisation cannot organise, mobilise and politicise the people in this(10) country openly and there was a need for an organisation to do that in the country on behalf of the ANC? -- Well, I do not know who identified that need. May be counsel should deal simultaneously with that point.

What do you say to what I put to you? -- I do not know. I am not a member of the ANC.

Is it correct that the purpose of the UDF is to unite a different and isolated struggle under different and isolated organisations against the government in one national body to lead and direct them into a national struggle (20) against the government? -- The primary purpose of the UDF, the foundation reason of the UDF is opposition to the constitutional proposals and the Koornhof bills and to that extent the UDF sought to bring together those organisations which were equally opposed to the constitutional proposals and the Koornhof bills. In that sense yes it would co-ordinate the common activities of those organisations against the constitutional proposals.

And is it only against the constitution and the Koornhof bills? -- Inevitably the Koornhof bills and the constitutional(30) proposals/...

proposals would link up with other day to day problems which affect the people, influence by government policy.

So, it is not only against the Koornhof bills and the constitution, but also other issues? -- The primary reason for the formation of the UDF is that one and other things are really things that come by the way and had to be incorporated because they were affecting the real lives of the people on a day to day basis.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(10)

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I put it to you that the ANC has a corresponding principle that the masses and the different masses must be organised into organisations and to consolidate the different isolated struggles of the people under one organisation for a national struggle against the government? -- It may well be. I do not know. I do not know if counsel is going to shift to another subject, if he is going to leave the transcripts. If counsel is moving away from the transcripts, I would like the opportunity to respond to the question that Your Lordship asked some time ago relating to passages in the transcripts and documents to show that the UDF was not violent.

COURT : Very well, do that. -- May be I do not have to read the passages myself. May be I should just ... (Court intervenes)

I would just like to mark them in any event if they are available. -- I would like to start off with V1. Page 15 is a speech by Mr Archie Gumede. I suspect that I might have dealt with it in the course of the evidence. I am not sure. It relates to the section where he is warning against(30) the/...

the rash actions. I do not know if Your Lordship would like me to read the passage or just ... (Court intervenes)

I have got it. It is about one-third from the top? -- That is correct.

I am marking it. -- The same passage would be contained again in EXHIBIT A1 I think at page 39 column 2.

You mean the second column about one-quarter from the top? -- I think so. I have not got it, but it is on the second column.

That portion I marked. So, we did deal with that (10) one. -- Then again on V1 at page 40. I would submit that what Mr Aubrey Mokoena refers to as meaningful community development projects and saying that we need to show them that there is hope at the end of the tunnel.

Where on this page is it? Do you mean "UDF in order to be meaningful must be action orientated." Is that the part? -- That is so. Then it says "We go back to build the image of the UDF throughout the country. We go back to popularise the UDF. We go back to set up meaningful community development projects that are going to prove (20) the quality of the lives of the people and we are going to show the people that there is hope at the end of the tunnel." Then the same exhibit page 53, the speech by Dr. Boesak. I think it is the last but one paragraph after the word "audience" which is underlined. Then he says "Let us not build our struggle upon hatred and let us not seek to quench or thirst for freedom by drinking from the cup of bitterness. I think we can then move again to page 56.

Still in V1? -- That is correct. May be before we do that, I may indicate also that that same section that I have (30) read/...

read, I think it is also contained in A1, EXHIBIT A1 page 50. I think it is about the fourth paragraph on column 1. Then on page 56 I think it is really the last sentence of that paragraph which says "We shall sing it on that day. In this sick land no child shall die of hunger. No infant shall die untimely. No elderly shall close their eyes in peace and the wrinkled stomachs of our children shall be filled with food just as their lives shall be filled with meaning and we shall sing it on that day. When we here in South Africa White and Black will have learnt to love one another and(10) work together ." It continues really to page 57. Then the next exhibit would be I think V26 which goes together with V1 . I just want to draw attention to page 69 thereof. It really is just dealing with the question of the national convention. I am just interested in the issue of the national convention in that respect.

What portion on page 69? -- The last paragraph. The speaker says there "One other point is that it is the conference of this nature that can work along the lines of bringing to the notice of those who are in power, the need(20) of a national convention and consisting of all the people of this country with a view of shaping the future of this country." And in respect of V2, EXHIBIT V2 page 9. This is the speech by Mr Thiroshoka May(?). Towards the end of that page, the last but three sentences from the bottom. The last but two sentences I think, where he says "We should make our message to the oppressor loud and clear" and I think unambiguous "Our intention must be clear as well. We shall be heard. We shall be heard to speak loudly and clearly for the freedom of unions to operate unhindered (30) and/...

and our society to become a free and just society. We shall not be silenced. We shall not be heard." Then at page 11 of the same document is a speech by Reverend Chikane. It is towards the end. He says "And therefore we need people's power to bring a change in South Africa" and he says "We need worker power to bring about change in South Africa and it is now the time for all the workers to come together and speak in one voice." I am interested in that phrase "speak in one voice." Then at page 13 of the same exhibit towards the end of that paragraph, it refers to the annual(10) congress of SAAWU. I just want to draw attention really to the methods that SAAWU has sought to use in respect of Ciskei. It says "It was also resolved that to make research regarding products manufactured by the East London factories and explore the possibility of having these products boycotted in order that the employees down there could get affected by what is done to the workers by the sabre regime." It continues on to page 14. Then at page 20 it is a speech by Thobile Mseleni. I am really interested in the section, just in the middle of that where he is talking about the(20) United Democratic Front and makes our constitution a reality, et cetera. I am interested in a section where he says "And combined(?) poverty unemployment insecurity and racial hatred." He was really talking about the constitution of SAAWU. I would like to have a look at EXHIBIT V4 page 11. It is a speech by Reverend Chikane. I have a bit of a problem. It seems as if this one has been amended and pages have been stapled onto and I cannot see what I saw in the exhibit that I have ... (Court intervenes)

No, no, if you turn right to the back you will find(30)

a normal/...

a normal page 11. Before that you find 8 13, 8 12, 8 11 and so on. Are you referring to 8 11 or to 11? -- To 11.

K857 The normal 11? -- Well, it has been said that 1976 has been projected as a violent happening, but here Reverend Chikane is referring to the peaceful methods used by the students. I think it is fourth paragraph. "In 1976 ..." that section that deals with 1976.

"In 1976 children stood up", that paragraph? -- That is so. Then there is page 14 which - I do not know whether it has been corrected or not or it is as it is. (10)

A lot has been written in on this page. What section are you referring to? -- There is a section that is talking about revolution.

That is the second last paragraph? -- Yes.

It now reads as follows "That is why we are saying in the Black communities we must be careful not to enter fighting around revolution on top of another revolution." So, the word "political" is deleted and "fighting around" is inserted in the place thereof. -- I do not understand what the speaker intended, but I understood it to be saying that we must (20) not be fighting, be involved in a revolution. Then I want to move on to EXHIBIT 14. In that regard I want to refer to page 15. It is a speech by Mr Cassim Saloojee. I think it is what one can call paragraph 3 of that speech. The section I want to draw attention to is the one that says "We are the children of Ghandi's courageous army of peace." Then the last paragraph on the same page says "We must rededicate ourselves to the cause of a peaceful and non-racial democratic South Africa. Then I want to move on to - I think this section I had already drawn the attention of (30) the/...

the Court to. May be I do not have to go back to it. That is page 46 to page 47. Then finally I want to move in respect of that exhibit to page 51. From page 51 to page 53. It is the resolution that was adopted at that meeting and it was read by myself. I think the whole resolution really gives an idea of how the TIC and the UDF approach the issue - the TIC approach the issue of the elections. I am particularly interested in the section that deals with the national convention and I think there is another one that addresses specifically the question of the elections in the tri- (10) cameral parliament. Then I want to move to V9 page 42. In respect of that exhibit I am interested in the challenge that Mr Ramgobin is making to the solidarity party. It indicates clearly that we sought to demonstrate through peaceful means rejection of the constitutional proposals. It is really calling on them to call a referendum. That would be I think in the first paragraph. "Can it be reasonably deduced that this is the reason why solidarity is fighting shy of the referendum to catch the opinions of the Indian people." Then I want to move on to EXHIBIT V17. Page 55 I think (20) what one can call paragraph 3 thereof. It is a speech by Dr Boesak. The first sentence in that paragraph. It says that it is not the UDF that is a violent organisation. "Our brother here has just explained to you where we stand, but it is so simple to portray us like this violent monster that will stop the peaceful forces of those in the Indian and Black communities who want to bring peace and prosperity and progress to South Africa." Then at page 57 of the same, I think it is the last paragraph. I think that whole paragraph. What is of particular interest really to me is (30)

Dr Boesak's/...

Dr Boesak's stand on violence and then he goes and he says "My whole resistance to this government is based upon my convictions of peace and justice for all people. Then there is EXHIBIT B22 AND B24 in respect of - V22 will be page 5. I am really interested in the question of, I think it is the question of the national convention. It would be I think in the last paragraph. I cannot see it now. May be we should leave that one. May be I should try page 14 and 17. I think on page 5 of that blue one there would be something on the national convention. (10)

MNR. JACOBS : U Edele, ek mag verkeerd wees, maar V22 was op die ou end nie ingehandig gewees nie as ek reg onthou. Ek is nie heeltemal seker nie, maar volgens die lys van die bewysstukke ook is dit nie die nommer nie. Daar was n paar wat ons nie mee voortgegaan het nie. -- I think then it would be paragraph 2 at page 5.

COURT : It seems that it may not be before Court his document. -- I think Your Lordship is correct. I cannot recall anything said about it.

In any event it is of 23 January 1983 which is before (20) the UDF? -- But the indictment, the period of the indictment is 8 January and it includes the call on the UDF for the formation of the UDF.

This was not handed in, because I have not got a reference to the original tape or video. -- Then I think in respect of EXHIBIT V24 page 14, pages 17 to 18 and I think page 24, but all I am interested there is the call for a national convention.

MR BIZOS : The confusion may be that this was known as V24 and then for some reason we changed it to V31. (30)

COURT/...

COURT : 22. 24 is before Court. V24 is before Court as V24 and it refers to EXHIBIT 31(1) and (2). We were discussing V22 not V24.

MR BIZOS : Is the one that Your Lordship has now as V24?

COURT : I have before me V24 which is a transcript of EXHIBIT 31.

MR BIZOS : Which is a Luthuli Memorial service?

COURT : Yes.

MR BIZOS : Then we have nothing to add.

ASSESSOR (MR KRUGEL) : The seventh line on page 14? -- That(10) is so. It would appear again at page 17, from the fourth line from the bottom and then it appears again at the top of page 18. I think we can leave it at that. I would like to move on to EXHIBIT AL8.

COURT : AL8 is not before Court. -- We have got it here.

Yes, but it is not before Court. If you want to put it before Court you are welcome to put it before Court, I cannot stop you, but at the moment it is not before Court. -- Well, I do not know what the procedure is. May be I could leave that to counsel to handle. (20)

MR BIZOS : In terms of the admissions it was handed in and agreed that it was found at UDF office Khotso House, Johannesburg.

COURT : AL8?

MR BIZOS : AL8.

COURT : Then I made a mistake. Found at?

MR BIZOS : UDF Offices, Khotso House, Johannesburg. The bottom of page 32 AAS5.

COURT : Yes, thank you. Refer to it. -- It is a document titled "Why the UDF opposes the new constitution act" and (30)

it/...

it is signed by Mr Lekota, accused no. 20. I am interested particularly in the last paragraph of that document at page 2. I would like to move on to EXHIBIT AL128. I am interested in column 1 of page 2, particularly under item 2 "The UDF Patrons." But one can read the whole section.

Is this a UDF publication? -- It is not a UDF publication as I see it, but it was produced as a result of the decision taken by the NEC to respond to - calling on affiliates in all regions of the UDF to respond to attacks made on the UDF by government officials and other organisations to the effect(10) that the UDF was a front for the ANC. Then I would like to move to EXHIBIT AL140. I do not know what the admission in this respect is.

It is before Court.--It is a press statement by the United Democratic Front October 10, 1984. Page 2 of that statement paragraph four says "The UDF is committed to struggle peacefully for a non-racial democratic unitary South Africa in the belief that this is the only means of achieving long term justice, peace and security." I believe that that same statement appears in EXHIBIT W62 I think from page 1(20) to 3 of that publication. This publication is a SASPO National volume 5 number 6 October 1984. Somewhere below there, there is a picture of UDF executive members. Below that picture it is written "UDF executive members respond to Minister of Law and Order Louis le Grange's attack." It says "UDF hits back at allegations and threats." That statement continues to - part of it appears on column 1 at page 3. under the heading "Banning cannot crush popular support UDF." I would like also to refer to EXHIBIT W42. This one is a UDF Newsletter of Western Cape region. I would like to (30) refer/...

refer to page 4 column 2 of that publication.

Is that under the heading "Dirty tricks"? -- That is correct. Column 2.

Which portion of that? -- "The Hendrikse, Le Grange and P.W. gang can see their own defeat coming and they are worried. Their arguments have failed and all they have left is their dirty tricks. They are trying to frighten the people by telling them about UDF violence. When the UDF wanted to clear its stands on violence in public, the nationalist newspapers refused us the chance. On the same day that (10) they accused us of violence, they tore down the houses of defenceless women and children in Crossroads. We ask who is more violent than the government's riot police. What a cheek to call us violent. We who have no batons, who have no guns." That is really the section I was interested in. Then I would like to move to W45. It is also a UDF newsletter of the Western Cape region. The front page is the letter apparently signed by Mr Oscar Mpetha, the president of the region of the UDF National column 1 to 2. I am interested in the section really that says "We in the UDF (20) believe that we can never have peaceful lives until our people have a say." I am really interested in the section that deals with "We in the UDF think that all unjust laws must be taken away. We think that all those who have been sent to jail because they fought for our rights must be released. All those who were forced to leave our country must be allowed to return. We need all these brave people to help us heal the wounds of South Africa." That was a UDF News printed after the NEC meeting in Bloemfontein held on 21 and 22 July. I understand that part to be in the (30) context/...

context of a call for a national convention. I would like to refer then to EXHIBIT W55 page 2 column 4. This is a NUSAS publication. It says "NUSAS says no to the new constitution." It is not a UDF publication, but I think it is important for purposes of showing perception of affiliates. I am really interested in the section under "Political change from outside parliament." I think this paragraph starts really on column 3 at the bottom of column 3 and then continues on to column 4. It says "Rejection of the current parliament's legitimacy and its rights to impose pass laws, resettlement(10) and detentions on the people of South Africa, does not mean an acceptance of violence as the only other solution. The growth and development of a broad non-racial democratic movement for change in South Africa over the past years, has shown this." I think that would then suffice as a response to Your Lordship's question. It may well be that in the course of time I might come across many more of such exhibits.

MR JACOBS : Can I have that note, please? All the notes, please? Where did you get the notes from? -- I made them myself. (20)

When was that? -- I have been working on this since His Lordship asked me the question. I think it was on Monday last week or Friday of the previous week.

In V9 you referred to page 42. -- May I ask counsel once he has finished with the notes to return them to me. They deal with other aspects again in the evidence.

I am going to ask the Court to hand them in as exhibits because you have referred to them in the court.

COURT : Yes, but is it really necessary that I take cognisance of these notes? I asked the witness a question and for (30)

the/...

the purpose of the answer he needed to make notes. He could not have given this evidence without any notes. Nobody can remember the pages.

MR JACOBS : Then I will hand them back. I just want to check through them.

COURT : Very well, check through them and then you hand them back later. I do not want to make it an exhibit unless it is absolutely necessary.

MR JACOBS : It is only three pages. Is that correct? -- I believe so. I am not sure. It may well be, but there (10) is a section that does not relate specifically to this specific question, but it relates to another question that Your Lordship asked I think on Thursday or Wednesday.

COURT : Do you want to deal with that too? -- I am still thinking about it, but may be counsel should return that one, because it is among those.

The page not referred to, Mr Jacobs.

MR JACOBS : Which page is that? -- It is a page on political language. I think it is written "Political language." This is a separate matter altogether. (20)

Is it correct, just while we are on this matter, that never in any of the speeches that we got on the exhibits before the Court of the mass meetings, was it ever explained to the people that what were the minimum demands of the UDF on the national convention? Never at all? -- Those demands which were directly connected with the question of conflict, the return of political prisoners, the exiles and the unbanning of the banned organisations, those demands were made clear all the time.

But never the other demands of the government to (30)
suspend/...

suspend the government, suspend the constitution, unarm the armed forces, security forces, disband them? It was never explained to any of them? -- I cannot remember that being done. It may well be that some people spoke about the suspension of the new constitution, but as I pointed out the issue of the disbandment or the disarming of the police force and the army was a very controversial issue really in the context of the national convention.

Is it true that you have gone through all these exhibits with a fine comb and to check on what you were looking for?(10) -- I was not reading every page. I was just picking on those that I came across, because there are so many exhibits and I am to deal with my evidence here and all these other things. I could not really. It may well be if I go back that I might - in fact even from those very same exhibits that I have dealt with here, find more statements which ... (Mr Jacobs intervenes)

But in the V series of exhibits, you did go through them in order to find your references which you brought to the notice of the court this morning? -- I did, but I (20) cannot say I went through them carefully to make sure that I pick up each and every thing that is said there. Once I picked up a few things, I was satisfied that ... (Mr Jacobs intervenes)

And is it correct, you never found any reference in one of those speeches to say that what the conditions are that the UDF required the government to agree to for a national convention, except for those referring to political prisoners and exiles? -- It might well be, yes, but I have not come across it. (30)

Why/...

Why was it not explained to the people? Do you know? You were a member of the executive of the UDF. Why was it not explained to the people that we want a national convention and we want to suspend the constitution, suspend the armed forces? -- Well, I had indicated earlier that the issue was controversial and apart from that, that was of primary concern to the UDF, the acceptance of the principle for a national convention to be called. Once that has been accepted the other mechanics relating to that could be worked out. So, as far as we in the UDF were concerned, it was that (10) principle and linked to that was really the fact that banned organisations must be unbanned, political prisoners be released and those in exile and those banned be freed. Those were really key elements of the question of the national convention.

So, I put it to you that the very important issues were never told to the people and they were misdirected on this. They were brought under the impression that there must be a national convention and that the ANC must take part in it. -- That is not so. (20)

Why do you say it is not so, because you cannot give one example to the Court where it was explained to the people? -- No, because I have made it clear - made it very clear 101 times that the national convention envisaged or envisaged by the UDF would be the one in which all people participate. We are not talking about the hand over of power. We are not members of the ANC. We do not speak for the ANC. We are concerned about the problem in our country and we are presenting what we think is the best approach to the issue. We may well be wrong, but we believe that (30) that/...

that is a correct approach. Other people might come with other things, methods which are much better of resolving the problem peacefully. If when such a method is brought and we compare it with ours, we discuss it and we see to have a reasonable chance and better than ours, we will leave ours and go for that one.

We were busy before the adjournment on the question of the principle accepted by the UDF that all the organisations and different isolated struggles must be organised under one only body to direct and lead them in a national struggle (10) and I want to put it to you that the ANC also propagated and has a similar and corresponding principle that they asked for an organisation to be formed, to direct and lead the different struggles and to consolidate them on the one body, to lead the people in the struggle? -- I cannot dispute that. I do not know. But I made that call myself in 1981 and I had made a similar call in 1980 in Soweto and Dr Neville Alexander made a similar call in 1982. Similarly in 19 - I think 1942/43 a call was made when the Non-European Unity Movement was formed. In 1936 a similar call was made when (20) the Hertzog bills were threatening the African people in particular, so that many people have made these kind of calls.

And that this call was made by Oliver Thambo in January - on 8 January 1983 and only shortly afterwards we get the position that there is a start to organise the UDF? The launching of the UDF? -- Well, I do not know. I did not know about that call. I heard for the first time in this court in this trial that such a call was made. However, I knew about the call that was made by Dr Neville Alexander. (30)

I/...

I also knew that incidentally he made a similar call in December 1982 when addressing - he was reported to have made that call at a conference of AZAPO.

Is it correct that it is also one of the principles of the UDF that freedom in South Africa can only be achieved extra-parliamentary. That is correct? Is it not so? -- It may well be. When we have no vote, the only salvation we have is that of organising outside parliament building unity and pressure from outside parliament. We in the UDF believe that. (10)

And I put it to you that the ANC in the freedom struggle conducted by the ANC is subscribing to precisely a corresponding principle that freedom must be achieved extra-parliamentary? -- I do not know. I cannot dispute that.

And I put it to you that it is a principle propagated by the UDF that the South African government will not step down and hand over the power of the government to the masses and that the change called for could only be achieved through the organised might of the organised masses and democratic forces? -- It may well be. We believe that we need to (20) build strong pressure outside parliament because we have got no vote in any event. We have got no option. That is the only option we have got of peaceful organisation outside parliament, but that we believe in in the UDF.

And I put it to you that the ANC is subscribing to the same principle and is propagating that South Africa will not step down and hand over the power of the government to the masses and that the change and so-called peace will only be achieved through the organised might of the organised masses and democratic forces. -- Well, I do not know. I (30) have/...

have not read ANC documents. They may be saying that. In any event the ANC is constituted by people who do not have a vote.

Is it also so that UDF subscribes the principle that it is only the Black masses assisted by the White democrats who must become active in the freedom struggle and become their own liberators? -- Well, they are not talking about assisted. We treat each other as equals in the struggle. So, we are really talking about the masses, Black and White involved in the struggle and by Black I mean Africans, (10) Coloureds, Indians.

And UDF is especially relying on the democratic Whites, so-called democratic Whites. Is that not so? -- We rely on any person who is prepared to come forward. We talk to conservatives, we talk to anybody. Democratic Whites do participate in the UDF.

It is not a question of talking to. They must be active. They must become active in the freedom struggle and become their own liberators? -- Well, everybody must be active in the UDF. I have a difficulty with this that the UDF relies (20) on the democratic Whites. We do not rely on them. We are uniting everybody who are supposed to the policies of apartheid, who want to pursue a non-racial and democratic South Africa and to that extent we have spoken to quite a lot of people.

To that extent do you rely on the Black masses and the democratic Whites who were satisfied to adhere to the UDF policy, that they must become active in the struggle and they must be their own liberators? You did not answer my question in the first instance? -- What I am saying is, we (30)

in/...

in the UDF we unite the masses of our people, Black and White under the banner, through our organisations and finally under the banner of the UDF to oppose the policies of apartheid. In particular constitutional proposals and the Koornhof bills. That we did and then we, as far as we are concerned, everybody is important in the UDF.

And is it then also a part of it, this is the other part of the question, that they must become active in the struggle and be their own liberators? -- That is correct. They must be active once they joined the UDF. They must (10) be active in the activities of the UDF.

So, I put it to you that the ANC is subscribing to a similar and corresponding principle that it is the Black masses assisted by White democrats who must become active in the freedom struggle and become their own liberators? -- I do not dispute that. I do not know, but I would be surprised in any event if any political organisation of the Black people does not emphasise the need for the masses to participate. That was the view held by AZAPO. That was the view held by the national forum committee Western Cape (20) Action League. They hold that view.

I put it to you that it is an accepted principle of the UDF that the masses must become highly organised and active and participate in the struggle in order to destroy the existing government and to replace it with a people's government? -- It is the view of the UDF that people must be organised, to pressure the government to change the policies, destroy, in the sense of discrediting those policies and persuading and forcing the government to move away from there. In that context, yes. (30)

And/...

And to destroy the existing government? -- If that means what I have said, yes. If it means something else, no.

I put it to you the ANC is also - has also accepted the principle that the masses must become highly organised and active in order to destroy the existing government and to replace it with the people's government? -- I do not know if the ANC has taken that position. I simply do not know and I cannot dispute it.

Do you agree and I put it to you as such that it is UDF policy and the principle of the UDF that the masses (10) who must destroy the government, the masses must be organised, mobilised and politicised in order to achieve the aims of the UDF? -- I do not understand the connection between that destroy and achieving the aims of the UDF. May be counsel should repeat the question?

I say that it is the principle and the policy of the UDF that the masses must be organised, mobilised and politicised in order to achieve the aim of the UDF of destroying apartheid? -- In the context that I have explained it previously, yes. (20)

And to bring about a government of the people? -- A government in which everyone has got a vote, a non-racial government, where Black and White can vote as equals. In that sense, yes.

And that the government in accordance with the provisions of the Freedom Charter is preferable? -- That is not the policy of the UDF. The UDF has not adopted the Freedom Charter.

Have you read papers in the last couple of weeks? -- Well, I am dealing with the situation as at the time of (30)

my/...

my involvement in the UDF up to the period of the indictment, covered by the indictment. It may well be that they have now adopted the Freedom Charter.

So, they have adopted the Freedom Charter now? -- It may well be. I do not know.

Do you know whether they adopted the Freedom Charter? -- I do not know.

Are you still in contact with the people in the UDF leadership? -- I saw Mrs Sisulu in this court-room on the day when I was extensively cross-examined on the Federation(10) of South African Women. She was here but we did not discuss anything about the UDF.

Did she not tell you? -- No.

Archie Gumede, did he tell you? -- No.

He was here in court as well? -- He was here. We did not discuss the Freedom Charter and the UDF.

And I put it to you that the ANC has similar - has a similar principle and aim and that is that the masses be organised, mobilised, politicised in order to achieve a government of the people and that they must participate (20) actively in the struggle to destroy the government in order to achieve this government of the people in accordance with the Freedom Charter? -- I do not know about that. I cannot dispute it neither can I confirm it.-

Is it the principle of the UDF and I put it to you it is such that in order to organise, mobilise and politicise the people, that can be done around issues identified by the UDF? -- I have a difficulty with this identified by the UDF. The UDF is a conglomeration of diverse organisations, which themselves have been taking up issues long before (30) the/...

the UDF was formed, so that the UDF does not sit down and decide for organisations what they must take up. It deals with broad campaigns and issues, local issues are really matters of those organisations. The UDF discuss those issues only insofar as they are raised by those organisations within the UDF, pushing the UDF to address them as part of its program. In that sense, yes, it does address them.

Is it not so that since the launch of the UDF all the different and loose little skirmishes with organisations were brought under a controlled and organised organ (10) to organise all the actions of the people and it was under control of the UDF and organised by the UDF that issues were identified to carry on from the launch of the UDF the struggle and to mobilise the people around campaigns and issues? -- The UDF did not co-ordinate skirmishes. It did not do that and it did not organise to identify issues for skirmishes to take place in a co-ordinated fashion by the UDF.

And I put it to you that there is a corresponding principle in the ANC accepted and propagated that the people must be organised, mobilised and politicised around issues (20) and campaigns in order to achieve the purpose of destroying the government and taking part in the process of destroying the government, to achieve a government of the people according to the Freedom Charter?-- I do not know that. I cannot dispute that. All I can say in respect of the whole question of destroy is that the ANC is an organisation that has adopted violent methods. When it talks about destroy, it means violently. So, the UDF would talk about it differently, in different context.

Is it correct and I put it to you as such, that it (30)

is/...

is the principle of the UDF that you are not fighting for mere political and civil rights, but you are fighting to establish, for the establishment of a government of the people and power going over to the people? -- That is not so. We are fighting for political rights. We are fighting for a vote in this country and that is a political right. It is true that that would really mean fundamental change in the context of a situation in the sense that when we had had a minority of White people making laws and ruling the country to the exclusion of the majority, once you have (10) political rights, you would have a different situation where now all the people of the country have a vote and a government that is elected, is a government elected by the vote of the majority of the people, Black and White. In that sense it is a fundamental departure. It is a fundamental change.

And I put it to you that the ANC is subscribing to a corresponding principle, that the freedom struggle is not a struggle for political rights or civil rights, but it is a struggle for the seizure of power and the establishment of a government of the people? -- Well, the UDF is not (20) involved in a struggle for the seizure of power by the UDF. It is involved in the struggle for the transference of power or at least a struggle where power would be shared by all the people in the country and that, as far as the UDF is concerned, is political struggle for political rights. At least we differ with the ANC in the sense that it says it is not interested in political rights if we go according to what counsel is putting.

Do you say it was never said in the UDF that it is not a fight for political rights in circles of the UDF, but (30)

I/...

... -- I know it was said that it was not a fight for civil rights, but I am saying that it is a struggle for political rights. I think I set out - I think it is EXHIBIT AD or AC51. A message of support that I had sent to the Soweto Women's Group. I can find that if I am required to refer to that later on.

And do you say it is not said in the circles of the leadership of the UDF and the affiliated organisations that it is a struggle for ... (Court intervenes)

COURT : Just before you continue. I would like to take(10) the adjournment and then the witness can find the passage to which he is referring and I would like to make a note after the luncheon adjournment. It is no good leaving these things in the air.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

POPO SIMON MOLEFE, still under oath

My Lord, the exhibit that I was referring to is AE25 page 1 paragraph 4 the last sentence. It says "Our call for political rights for all must be loud and clear." (20)

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, can you tell me who is Joe Quabi?-- He had been a member of the ANC.

Do you know him? -- Yes, I know him.

Do you know him well? -- Well, I do not know how well, but I had met him in the past and I came a few times to their trial in Pretoria in 1977.

Do you know him so well that he could influence you to adopt the Freedom Charter? -- Well, I had had some debates with him on the role of the White people in the struggle, in the whole question of the Freedom Charter. (30)

And/...

And on the policies and aims and objects of the ANC?

-- No, I did not discuss that at the time.

EXHIBIT AG19 is a document found in the UDF offices.

It seems as if it was the record of an interview of 16 April 1984 in Johannesburg, a interview between you and somebody else? -- That is so.

An interview with whom? -- It was an interview with Mrs Sheila Gastro, the wife of Mr Peter Gastro of the PFP.

And for what purpose was this interview? -- He was writing a book at the time and he then discussed with me (10) the background.

The heading is "Simon Popo Molefe, national general secretary of the UDF." This document was found in the offices of the UDF? -- I do not dispute that.

Does it reflect a true version of your history? -- There are a number of errors that I have identified on this.

What are the errors that you identified in this? -- I have to re-read it again. Where it says "The studies were interrupted for financial reasons, but later attended high school." My studies were really interrupted much (20) earlier than that time at lower primary level.

Was it also interrupted at higher primary level? -- No, no. In a sense, yes, briefly for about three weeks or so. And where it says in the paragraph dealing with the Soweto Students Representative Council "regularly attended meetings." I think it is a bit misleading. I attended a few of their meetings. May be two or three. Say about three of their meetings. Where it says the Azanian People's Organisation - where it deals with AZAPO, the last paragraph, where it says "it remained inactive for the next two years." That (30) is/...

is incorrect. It was really for a couple of months in 1978 and then in 1979 it was really revived.

But was it inactive during that period? Fairly inactive? -- That is so, for a couple of months really. Also I think paragraph 2 at page 2. It seems to be a bit misleading. It seems to suggest that whilst debating the issues with Mr Joe Qabi, I then changed and accepted the Freedom Charter. It was really a long process. It is something that happened after a long time of reflexion on those debates and so on.

But was that not what you told the person you inter-(10) viewed? -- Well, she misunderstood that. It was really a discussion with a whole range of people including him. I think the other error is in respect of paragraph dealing with the Soweto Civic Association. I was not really the co-ordinator of the education and training committee. The co-ordinator was Reverend Sebidi. I was merely assisting him. I think really those are the mistakes that I can identify now.

You said it was a long range of discussions also with other people. Were any of them members of the ANC? -- Yes, (20) some were, some were not. They had been. The ANC was banned at that time.

Who were they? -- One of them that I can recall was Mr Steve Segali. I believe now he runs a driving-school somewhere in Rustenburg. I think at one stage he was the president of the youth league of the ANC in the Transvaal.

The others? -- Then there was an old man, Nkadimeng. He does not stay very far from where I used to live.

What was he in the ANC? -- I do not know. I think he had just been an ordinary member. (30)

Did/...

Did he not tell you? -- No, no, I did not ask him.

And the others? -- A number of other fellow students at school then.

Members of the ANC? -- No, they were not members of the ANC. I thought we were dealing with the political discussions which took place during that period and I say it was a discussion with a whole range of people including this person who is mentioned by the name here. Perhaps the writer of the book chose the name because it was perhaps an important person who was wellknown at the time. (10)

MR BIZOS : The witness uses "had been" and My Learned Friend uses "was".

COURT : Well, let me just clarify this position now. I have noticed before in your evidence that when you refer to a person who was a member of the ANC before it was banned, you say he had been a member of the ANC. Is it your contention that the moment the organisation was banned, everyone of its members seized to be members? -- I understood it that way. Those who did not leave the country.

Those who remained ceased to be members? -- yes. (20)
People like Mrs Sisulu, old man Nkadimeng and Mr Joe Qabi and others.

MR JACOBS : I would like to refer you then on the last issue that we were dealing with on the ANC and you gave evidence to the effect that you cannot say and you do not know, but I would like to put to you certain of the documents of the ANC and just to point out to you why I am putting it to you.

COURT : Why would you put documents of the ANC to him?
He knows nothing about it, he says.

MR JACOBS : As the Court pleases. (30)

COURT/...

COURT : You can later on address me on whether there is a similarity or not and you can put to him that the views of the ANC correspond with his own, that he took it all from the ANC, but there is no need putting documents to him.

MR JACOBS : Then we can go to a next point. I put it to you that the UDF used different words and terminology in order to propagate and depict the nature and purpose of the freedom struggle, which is similar to that of the ANC and as a first example I would like to refer you to achieve a government where the people shall govern. That is the(10) terminology used both by UDF and the ANC? -- Well, it may well have been used by people committed to the Freedom Charter in the UDF, but I would not say that it is a UDF terminology.

And the same terminology is used by the ANC? -- I do not know about that. But I know that that statement does appear somewhere in the Freedom Charter.

It is also stated in the circles of UDF, I put it to you that it is a struggle, the freedom struggle is a struggle for power and the same is also a phraseology used by the(20) ANC? -- I do not know if the ANC is using that. I have not read the documents of the ANC.

But do you agree ... -- I have dealt with what mean by power. We mean a vote in the UDF. It may well be that. It has been used.

And is it then correct that what is used is that it is a struggle for power? --In the sense that it is a struggle for vote, yes.

And I put it to you it is also used in the terminology of the UDF that it is a struggle to make the country (30) ungovernable/...

ungovernable and to make the plans of the government unworkable. -- I think I need to deal with that separately, those two points. Insofar as the first point is concerned, it is not the policy of the UDF to make the country ungovernable. Ungovernability suggests chaos and the UDF does not want chaos, because nobody is able to take control of the situation when there is chaos. It means there is no one really in control. That is not the policy of the UDF. On the question of making the structures unworkable, it is true that the UDF said so, by way of discrediting them (10) politically, by way of refusing to participate in those structures to co-operate with them.

And I put it to you that it is used that the struggle, the freedom struggle is a struggle to make the country ungovernable and to make the plans of the government unworkable? -- Those I see as two distinct - two different things and the answer that I have given suffices in respect of the UDF. I do not know what the policy of the ANC is. I am not a member of the ANC.

It is also stated in UDF that the freedom struggle (20) is a struggle to dismantle apartheid. Is that correct? -- That is correct.

And we also get this in the ANC that they say the freedom struggle is a struggle to dismantle apartheid? -- I do not know. I cannot dispute nor confirm that.

And I put it to you that the UDF is also saying that the freedom struggle is a struggle to destroy or dismantle Black Local Authorities? -- The struggle is to end apartheid. The struggle for a vote, that would include therefore the element of restructuring of local government. If it means (30) that/...

that, yes. If it means something else, no.

But it is referred to as a struggle in the UDF. That is my question to you. It is referred to as a struggle to destroy or dismantle Black Local Authorities? -- It may well be.

And I put it to you that there is a similar reference in the ANC that the struggle, the freedom struggle is a struggle to destroy or dismantle Black Local Authorities? -- I do not know. I cannot confirm neither can I dispute that. (10)

And is it correct that in UDF there is a reference and a description of the freedom struggle as a struggle to overthrow the government or the regime? -- I do not know. I cannot remember that, but it is certainly a struggle for a non-racial government which by itself means that a government that is racist and that is based on the will of minority will have to go and a new government will have to come in its place.

And I put it to you that in the ANC it is also, you get it that they refer to the freedom struggle as a struggle(20) to overthrow the government or regime? -- Well, I cannot dispute nor confirm that. All I can say is that we want a vote, we in the UDF want a vote in a central government of the country.

And another word used to depict the freedom struggle in the UDF is a struggle to destroy apartheid? -- I think that word has been used in the context in which I have explained it and insofar as the word overthrowal of the government might have been used in the UDF, it simply means that once the majority of the people have a vote, then (30) they/...

they can vote out a minority government that is in power and then there can come a government in its place based on the will of all the people of the country or at least the majority of the people in the country, Black and White.

And I put it to you that in the ANC we also got it that they refer to the freedom struggle as a struggle to destroy apartheid? -- I do not know that. I cannot confirm nor dispute that.

I put it to you that in the UDF they also refer to the freedom struggle as a revolutionary struggle? -- An individual or somebody might have said so. It is not a term that the UDF has agreed upon. To the extent that it might have been used, must be understood in the context of the methods of the UDF, peaceful methods.

And I put it to you that in the ANC the freedom struggle is also named as a revolutionary struggle? -- I do not know. It may well be, but the ANC is known to be a revolutionary organisation in the sense that it is using violence as a means to achieve its goals.-

And I put it to you that in the UDF you also get it (20) that the freedom struggle is referred to as the struggle to overthrow apartheid? -- That is so in the context of our methods.

And in the ANC you get it also that they refer to the struggle, the freedom struggle as a struggle to overthrow apartheid? -- I do not know. I cannot confirm nor dispute that.

In the UDF the freedom struggle is also depicted as a struggle to break the system? -- That might well have been said by individuals in the UDF. It simply means a struggle(30) to/...

to end apartheid and have a new order, within the context of the UDF methods.

And you get the same in the ANC as a struggle to break the system? -- I do not know. I cannot dispute nor confirm that.

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And in the UDF it is also referred to, the freedom struggle, as a struggle to destroy the system? -- That is so, in terms of our methods.

And it is also in the ANC that they refer to the freedom struggle as a struggle to destroy the system? -- I do not (10) know. I cannot dispute neither can I confirm that.

And I put it to you that you get it in the UDF that they refer to the freedom struggle as a war or a civil war or a people's war? -- I do not accept that the UDF regards the struggle as a civil war. It has, however, warned in the past, that a situation of civil war might actually be developing in the country.

And in the ANC it is also referred to as the people's war? And a war? -- But those are two different things. I think counsel has put to me civil war and now counsel (20) is talking about people's war and similarising the two.

I did put to you both civil war and people's war? -- Well, the UDF is not using that concept. We have never used it.

Never used it in the UDF at all? --The UDF has never used that.

COURT : What is a people's war? -- I am not sure what it means, but what - if I am asked for an opinion I would say possibly it is a war in which ordinary people are taking up arms. I think taking up arms against the government. (30)

MR JACOBS/...

MR JACOBS : I have dealt with this, but just to refresh your memory I would like to refer you back to EXHIBIT C132 that is in volume 8 and in that document Northern Transvaal - a memorandum on the "Change in political complexion of the Northern Transvaal region" The second last sentence. That is a UDF document I put to you and in that the struggle, the people's war is invincible, victory or death? There is a specific reference then to the people's war? -- I do not accept that this is a UDF document. It may well be that an individual wrote this document expressing his views, (10) making his own analysis of the situation in the country. It is not an official document of the UDF. I have never seen it and if my memory is well, I think - if my memory serves me well, it is a document which was found in a car somewhere in Pietersburg.

You see if you look at the first document on that on page 3, the note there says "When reading this program of action and area report, please consult the memorandum attached hereto for information. That is an area report of the UDF Northern Transvaal? -- It may well be that an (20) individual wrote this report. I have got no evidence as to whether there was a committee that sat to adopt this kind of a memorandum and whatever individual has written into this document, cannot be elevated to the policy of the UDF. This person might have come across a pamphlet that was written "People's war" and he was impressed or excited by that slogan people's war and he decided to write it in a memorandum that he wrote or she wrote. That is not UDF policy. We hardly know what people's war is in the UDF.

It seems as if the area committee in the Northern (30)

Transvaal/...

Transvaal or the area committee of the UDF in the Northern Transvaal knows what is a people's war? -- I do not know. I do not know if this document explains what people's war is.

I put it to you further that it is, the freedom struggle in the UDF is also referred to as a struggle for people's power? -- I believe I personally have used in the past people's power, but that is not a concept that the UDF adopted as its concept per se. I as an individual used that in the understanding that the struggle is a struggle for a vote and once a person has got a vote, he has got power, because(10) it is through a vote that one can influence policies of the government.

But the point that I am making is that UDF is propagating this to the people as a struggle for people's power? --. Well, I would not say the UDF. I have said so as an individual. I did not say so because the UDF has sat to say we must begin to write people's power.

And I put it to you that in the circles of the ANC, the freedom struggle is also depicted - that is conducted by the ANC as a struggle for people's power? -- I do not know. (20) It may be so. I cannot dispute, neither can I confirm it.

And it is also depicted I put it to you in the UDF - the freedom struggle in the UDF is depicted and propagated to the people as a struggle for power to the people. The words are just turned around. -- Well, I do not know that. I have not come across whether UDF says our struggle is a struggle for power to the people. In any event, I do not think it is different from what counsel had put to me earlier.

And this is also used by the ANC to describe the freedom struggle in which they are engaged? -- I do not know. (30)

I/...

I cannot dispute nor can I confirm it.

What is meant by people's power or power to the people?
-- It means a vote. The ability to make policy to make laws through a vote by the ordinary, all the people in the country, the majority of the people, Black and White. I understand it to mean that. I do not know what the ANC means when he uses that.

In the UDF I put it to you it means to understand that the people must take over the power in this country, power to government? -- All people must have a vote, not a (10)
minority.

Is it correct that in the UDF you also referred to the struggle as a united struggle? -- I do not know, but in pursuit of the objective of unifying all organisations and individuals, we might well have said that we must fight a united struggle. Someone might have said that.

And I put it to you that in the ANC you get the same reference to the struggle, the freedom struggle as a united struggle? -- I do not know. I would be surprised if they did not talk about unity any way. (20)

In the UDF is it also correct that the freedom struggle is also propagated to the people and depicted as a national liberation struggle or a struggle for national liberation? -- It is true we talk about that. I have spoken about that long before I even dreamt of the existence of the UDF. In AZAPO we used the same term. In BPC as a student and I have come across various other people who have got nothing to do with the UDF who use the terminology that counsel is putting to me as a terminology that is used by the UDF and the ANC. (30)

And/...

And I put it to you that the same wording to depict the freedom struggle in which the ANC is engaged is a struggle for national liberation or a national liberation struggle? -- Well, I believe that is what the ANC is saying. I cannot confirm or dispute that.

And is it correct that in the UDF it is always - it is also generally referred to, the struggle of the people as the freedom struggle? -- That is so.

Freedom from what? -- Apartheid.

And I put it to you you get the same reference to the(10) struggle as a freedom struggle in the circles of the ANC? -- It may well be. I think the ANC is opposed to apartheid.

And is it correct that in the UDF you also use the phrase to describe the freedom struggle as a struggle of the people? -- That is so.

And I put it to you that in the ANC you also get the same phrase that they refer to the struggle as the struggle of the people? -- I believe they might be using that. I think the Afrikaners also talked about the struggle of the people when they were struggling against imperialism. So, it is(20) really a concept that is used by everybody really.

Do you also refer in the UDF to the struggle as a mass struggle? -- Yes, we do talk about a mass struggle.

And as a popular struggle? -- We do talk about that.

And I put it to you that in the ANC it is also referred to, the freedom struggle as a mass struggle and a popular struggle? -- I cannot dispute that.

It goes further and I put it to you that the so-called enemy in the struggle that you refer to and describe the so-called enemy in the struggle as the enemy, meaning the (30)

State/...

State or the government? -- We certainly do not mean the State. We mean the policies of apartheid. Apartheid as an ideology. In the sense that the government who implements those policies might in political terms be described as the enemy.

I put it to you that in the circles of the ANC it is described as the struggle against - this freedom struggle is also a struggle against the enemy, being the State or the government? -- It may well be. I do not know what the ANC means when he talks about that. I am not a member of the(10) ANC.

Do you agree that in the circles of the UDF the enemy now is also depicted as the struggle against the present regime or illegitimate regime? -- I have personally used that term in the past. I believe a lot of other people might have used it in the UDF.

And it is propagated as such, as a struggle against the present regime or the illegitimate regime? -- It might well be.

And I put it to you that the same you will find in the(20) ANC that they refer to the struggle as a struggle against the present regime or illegitimate regime? -- It may well be. I have read papers written by people who had nothing to do with the ANC nor the UDF who have also spoken about the illegitimacy of the government.

I put it to you further that in the UDF you refer also that the freedom struggle is a struggle against the oppressive regime? -- That is so.

Being - referring to the government? -- That is so.

And I put it to you that you will find the same in the(30) circles/...

circles of the ANC that they also refer to it as a struggle against the oppressive regime? -- I do not know. I cannot dispute that. Neither can I confirm it.

And in the UDF do you also refer to it, the freedom struggle as a struggle against the apartheid system? -- That is so.

And I put it to you that in the circles of the ANC you will also find reference to it as a struggle, the freedom struggle being a struggle against the apartheid system? -- I cannot dispute, neither can I confirm that. (10)

In the UDF do you refer to it also as a struggle and propagate it as a struggle against the racist government? -- That is so.

And I put it to you that in the circles of the ANC you will also find it that they refer to the struggle as a struggle against the racist government? -- In my time in the BPC I cannot dispute nor confirm that. I would be surprised if they did not say that, but in my time in the BPC and AZAPO I used those terms to describe the government.

And in the UDF? -- So was the organisation using those (20) terms and many other people.

In the UDF do you also refer to the struggle as a struggle against the minory regime? -- That is so.

And I put it to you that in the ANC they also describe the struggle as a struggle against the minority regime? -- I cannot dispute that. It is a political term that is used by a number of organisations. I used it long before the UDF was formed. Many other people I associated with in organisations and may be in school used that term.

I put it to you that in the UDF it is also referred to (30) that the freedom struggle is a struggle against apartheid

referring/...

referring to a regime, apartheid regime and apartheid state?
-- Apartheid government, yes, referring to the government,
yes. They use that in the UDF.

And I put it to you that in the ANC you find the same
that they refer to it as a struggle against apartheid,
apartheid state and apartheid regime? -- I cannot dispute
that.

The freedom struggle is also referred to in the UDF
as a liberation struggle or a struggle for liberation, just
to turn it around. Generally that is propagated. (10)

ASSESSOR (MNR. KRUGEL) : Ons het hom al gehad.

MR JACOBS : And also I put it to you that in the circles
of the UDF you will find it that the UDF is propagated
and depicted as a democratic movement? -- I believe I have
used that concept in the past.

And I put it to you that the ANC in regard to themselves
also refer to themselves as a democratic movement? -- I cannot
dispute nor confirm that. All I can say is that there has
been the use of that word long before the formation of the
UDF and in fact it is used to refer to all those who (20)
were opposed to apartheid - opposition to apartheid. Trade
unions are using that concept.

Can you - at this stage I think I can go to that. In
your working principles you specifically decided to include
a phrase that the UDF will not substitute the democratic
movement or liberation movements of the people. Is it
correct? -- I think it says something about shall not and
does not purport to replace the accredited I think people's
liberation movement.

Which accredited liberation movements did you have in (30)
mind/...

mind? -- Well, at the time when we formed the UDF, in fact that amendment one may have to point out that it is something that was proposed from the floor at the conference. I think it comes out quite clearly in EXHIBIT V26. I am not quite sure. It was not initially in the draft working principles. All it was intended to convey was that the UDF did not seek to replace those organisations which came into the UDF. The UDF was formed at the time when there were several organisations committed to certain philosophies, political tendencies and each one of that tendencies of philosophies(10) regarded itself as a liberation movement. We have the tradition of the Black Consciousness and then we had the Non-European Unity Movement tradition. We had those organisations which were committed to the Freedom Charter and were non-racial and you had other organisations with the background of APDUSA, African People's Democratic Union of South Africa. There were many others. There were other liberal traditions. Each one of those traditions was regarding itself as a liberation movement. All the UDF sought to do was that they must understand that by coming into the (20) UDF they are not being replaced. They do not have to abandon the philosophies they were pursuing, that the UDF does not take over from them.

COURT : Why accredited? -- Well, accredited in the sense that they were organisations which were not participating in the apartheid structures and they were really accredited by those who were present at that conference as the traditions that had been part of popular struggles against apartheid.

What about the ANC and PAC? -- Well, we were talking as a lawful organisation. We did not really think about those(30) that/...

that way. All we are really concerned about was to win more organisations into the umbrella of the UDF and assure them that they would have to move from the traditions.

MR JACOBS : You said that you did not have the ANC and PAC in mind? -- Yes, we had in mind lawful organisations.

Was it not so that you referred to them as accredited liberation movements and not as organisations? -- It is true because within the Black Consciousness tradition you do not have one organisation. It is a whole range of organisations. You have AZAPO, you have AZASUM, you had CUSA with a number(10) of unions under it and many others. Black Women unite and so on. Similarly with the NEUM tradition. We would have a whole range of organisations falling under that.

COURT : Accredited normally means in some way officially recognised, does it not? -- I think it means that.

Because an ambassador is accredited to the Court of St James, for example. That means he is being recognised by the Court of St James. In what way were these organisations that you referred to accredited somewhere else in a formal way? -- Well, it would not really be in that formal(20) way. In the context of the UDF, all we sought really to convey was that these were traditions which are accepted and popular in our communities. They are accredited by those who were present at the national launch.

Are the ANC and the PAC accredited at the United Nations? -- I do not know about that. That is simply not what was in our mind when we discussed it.

MR JACOBS : I put it to you that what was specially referred to here in this article as accredited liberation movement was the ANC and the PAC? -- That is not so. (30)

On/...

On the one side people, organisations adhering to the Freedom Charter and on the other side the Black Consciousness Movement and it was specifically adopted like this referring to movements because at this stage UDF was still hoping to get the people of the Black Consciousness movements to side with the UDF? -- That is not so and in fact the PAC is not a Black Consciousness organisation.

You see, then it is very strange and I cannot understand it that in C105 on page 20 paragraph 3.5 there is a - you adopted a similar article, but now there was a change and (10) a very important change. That is volume 6. That is the Working Principles, on the first page of that. More or less twenty pages from the front paragraph 3.5. The heading is "The UDF shall strive towards the realisation of a non-racial democratic unfragmented South Africa and to this end shall: 3.5 not purport to substitute for the accredited liberation movement." Now there is only one movement. -- I would submit that the position had not changed. It is simply a typing error.

How can you say that, because it is clearly stated (20) here and it has never been rectified and it was adopted by the people at that meeting? -- When I got arrested I just received this booklet and I just received the minutes of the NGC. Certainly it was going to be rectified. There are a lot of mistakes in this document, typing errors in this document which if one is given time to look through, can be able to pinpoint them. There are simply just a lot of typing errors.

And I put it to you that this was even drawn up before they decided on it and it was laid before the meeting to (30)

adopt/...

adopt in a complete form and read out in a complete form at the meeting? -- There were certainly amendments which were made and I am satisfied that the word movement had not changed.

COURT : But was it placed before the meeting in this form?

-- No, no, it was in a handwritten form.

Why was that necessary? Because you had the Working Principles all along? -- It was necessary to make certain amendments. Your Lordship - I think it is EXHIBIT T16 or so which deals with the meeting of the National Secretariate. There is a whole range of amendments which are suggested (10) there by the National Secretariate and my recollection is that this one as an amendment does not feature there. If I am given chance I can look for that exhibit. So that this was not one of the amendments to be made, except the wording thereof and I think, even when we launched the UDF National this mistake had occurred again at that time and it had to be corrected in some documents. I recall very well that in one of the documents it was written as movement and accused no. 20 and myself had to correct it.

MR JACOBS : At this conference, were there any of the (20) examples of the Working Principles handed out to the people beforehand so that they could see and discuss and then vote on it? -- They were sent to the regions, yes.

No, but on the meeting itself or just before the meeting? -- It was discussed in the regions.

Was it sent out in a typed form to them? -- No, not in a typed form. It was a handwritten one, photocopied.

I put it to you that this was specifically changed to one accredited movement because the UDF could up till that time not succeed in getting AZAPO to join the UDF (30) and/...

and that is why they did accept now that they cannot bring in the Black Consciousness people into the ranks of the UDF and that is why this principle was altered to this? -- I do not accept the proposition. The UDF's concern was not AZAPO only. It extended far beyond AZAPO. We were concerned about those organisations which formed part of the Non-European Unity Movement. We were also concerned about other organisations of an African tradition, like AZANYO and others. All those organisations including those of - tradition of APDUSA and all of them. We wanted to pool all of them (10) into the UDF. It was not simply intended for AZAPO. In any event even without AZAPO we had other Black Consciousness affiliates, like CUSA in the UDF and its unions.

Then I cannot understand how the wording of this article "How can the UDF purport to substitute AZAPO"? -- I am talking about traditions and I have defined those movements. They regard themselves as liberation movements and they have been regarded as such. I am not talking about AZAPO as an individual organisation. I am talking about organisations falling within the ambit of the philosophy of Black Consciousness. (20) Those constituting movement.

ASSESSOR (MR KRUGEL) : If somebody who was not au fait with what you are telling the Court now reads this particular paragraph, how would he interpret the word movement? -- This one that I say is a typing error on?

Yes? What movement do you think the average person will think about if he reads that? -- Any person might think of any thing. He can think of AZAPO, a Black Consciousness movement. He might think of Non-European Unity Movement. He might think of a combination of all those traditions (30)

because/...

because I have seen other people in their speeches like for instance Dr Neville Alexander. He would talk about - he would sometimes talk about the liberation movement including - talking about the UDF, AZAPO, everybody brought together.

But now the sentence that you were reading "The UDF shall strive to do this and not purport to substitute for the accredited liberation movement? -- Well, I do not know. Your Lordship has suggested to me that somewhere in the United Nations the ANC and the PAC might have been accredited there. Perhaps if a person had known about that might think may be it is the PAC, may be it is the ANC, may be it is the Black Consciousness, AZAPO, the only liberation movement. (10)

I put it to you what is specially meant here as an accredited liberation movement is the ANC? -- That is not so. MR BIZOS : The witness has referred to a document where certain recommendations were made for amendments. Your Lordship will find that in T16 page 8 paragraph 12.7 running over to page 9. (20)

COURT : What does that say?

MR BIZOS : It deals with "Amendment proposals must be worked out by the National offices. Proposals should include structure taken into account, conditions in each region" and then it goes on with a number of organisational matters and whether there should be less presidents and how often they should meet. All organisational matters, but there is no reference to amending the article that we are dealing with.

COURT : Is there any reference to amendmend of the working principles itself in toto? (30)

MR BIZOS/...

MR BIZOS : Yes, the heading is "Recommendation for amendment to working principles."

MR JACOBS : I put it to you that the reason why you could not put any specific name here, is because the ANC is a banned organisation? -- I do not accept that proposition. It was simply not the reason.

Can we go on. Is it correct that the UDF is also propagating itself as a national liberation movement or a broad national liberation movement? -- We do not regard the UDF as the national liberation movement. In fact that section(10) in the declaration was put in there for that reason. Whoever might have said that, was simply wrong. That is not correct.

COURT : The section in the declaration? I am sorry, what are you referring to? -- The working principles.

What section is it? -- The one that says the UDF shall not purport to be. In A1.

Oh, you mean you refer to A1 "Objects 3.5"? -- I think it is 3.4. in A1. Yes, it is 3.4 which is 3.5 in C102. In A1 it is 3.4 and 3.5 in C102. I think in the Secretarial report this very - one of the documents in EXHIBIT C102 makes(20) that point. I think possibly - oh, no, it does not in the way counsel is putting it. It does not appear.

MR JACOBS : While we are on this point, do you in the UDF reject the ANC? -- Well, I would not say we reject the ANC. We accept that it is one of the organisations formed by the oppressed people of this country and that it is fighting for change, but one thing that is clear is that we are not the extension of the ANC. We are not part of the ANC. In the same way that we do not reject AZAPO and the PAC and other organisations that exist.

(30)

In/...

In the same regard I would like to refer you to the secretarial report on page 7 of C102 paragraph 6.5 before the enumeration of certain points. "What are the State objects in bringing up charges of treason against UDF leadership" and then 6.6 to force those on trial to reject the ANC. What do you precisely mean by this? -- I think this section was written in the context of the kind of charges that were being brought up against the UDF leadership and after analysing that, I arrived at the conclusion that the UDF had never been involved in any treasonable (10) offence and that the charges brought against those leaders of the UDF were merely intended to put them under pressure that they must feel as if - they must be accused of being members of the ANC so that those who are charging them should now force them to view the ANC as terrorists in the same way as the South African government sees them. It is simply intended to say that it is really a ploy which was part of the propaganda to promote ... (Court intervenes)

COURT : Why would it be a ploy? The objectives of the State in bringing the treason charges are actually to link the (20) ANC to the UDF, not to force the UDF to reject the ANC. That would stultify the aims of the State in a case like this. -- Well, that is how we saw it. May be when somebody else carefully analyses it, he may arrive at a conclusion that we were wrong, but we saw it as an attempt to get us to do the things that the South African - to say the things that the South African government is saying and he is really pressuring other people to say. We, in the past, had made our position very clear when we were called upon to state our position in terms of vis-a-vis the ANC. I made that (30) many/...

many times, both in interviews and in public meetings. I have never hesitated to distance the UDF from the ANC, but all we were really doing here was to carefully look at what those who were bringing up charges against us, might have had in mind. We might have been correct. We might have been wrong, but that is how we saw it.

MR JACOBS : Are we to understand then that the UDF is not prepared to reject the ANC as a terrorist organisation killing innocent people? -- We might - we have problems with the methods that they have adopted. We disagree (10) with them on that methods, but we have said that we understand circumstances which made them to adopt this method. We reserve the right to leave them to pursue their methods and pursue those methods that we consider to be correct for us and we have made it clear that we are not an extension of the ANC. We are not a front for the ANC. We are not formed by the ANC.

So, must I understand your answer then that because of the circumstances that compelled them to act in a certain way, that you are not prepared to condemn any violence to (20) innocent people? -- We may as and when it arises, but we cannot condemn the fact that they have decided to take up arms, because condemning that, we do not consider it to be addressing the real problem because the real problem is really the policies of apartheid. We believe that if that is addressed fully ... (Court intervenes)

COURT : Well, taking up of arms is either justified or not justified. What is your view? Was it justified or was it not justified? -- Well, I do not know.

You do not know? -- I would not have - I would have (30) chosen/...

chosen something else. I believe I would have taken the choice may be of Chief Luthuli and others.

Yes, but was it justified or was it not justified? -- In your view as you stand there? -- I cannot give a judgment in that respect. I do not know what all the circumstances and factors were which were taken into account at that time. I was not there.

ASSESSOR (MR KRUGEL) : The government action against the ANC, do you condemn that? -- In the sense that they would not have taken up arms if that did not happen. If one (10) takes into account the reasons that have been given.

So, the contention is then that the government must leave the ANC to do as they wish? -- They were a lawful organisation.

I am talking about coming into the country, planting bombs where they like, setting them off and that kind of thing? -- Obviously they would have to be arrested for that. Once there is a law that says a particular action is wrong, one cannot say that law should not be applied. All I can say is that is the law really addressing the real problem? (20) Why can we not go to the root of the problem and see if when we do that, we cannot end this thing.

COURT : What would you say if at the end of the case it is argued that you are not prepared to say that the action taken by the ANC against the government is unjustified, but you say that the government's action against the ANC is justified? Let me put it the other way round. I am now mixing you up and myself. What would you say if it is argued at the end of the case that you at no stage decry the actions of the ANC but throughout decry the actions of (30) the/...

the government. Thereby placing yourselves squarely on the side of the ANC? -- All I said is that I would not condemn per se the method to take up arms, but as and when for instance say where an individual places a bomb in the middle of the street and it kills civilians, that should be condemned and in respect of the government I am saying if by banning an organisation that was lawful, that was calling meetings, that was circulating petitions, taking petitions to the government. We have created a situation where those people are now placing bombs in the streets. (10) That is wrong and to hope that you can end that by simply arresting each one of them who does that, is not enough. We need perhaps a law that would enable us to completely deprive anybody of doing that, of using any bomb. It is a situation where for instance people are stealing all the time. If we want to solve that problem, we will not solve it by creating a situation where people have got no food, have got nothing and hope that we will just arrest each one of them who steals. Every time a person steals, we arrest him. We will end up in a situation where we really are (20) arresting millions of people, that if we create a situation where everyone can fend for himself and there is no reason why a person should steal, we are able now to deal with that situation effectively, because we are denying theft as fertile ground that it can exploit.

MR JACOBS :

Can you give the Court one example where the UDF at any stage attacked and condemned the ANC for the killing of innocent people in the country and praise the government for taking up, taking steps against terrorists and kill innocent people and sentence them - and prosecute them (30)

and/...

and sentence them? -- I cannot remember praising the government but as I have indicated I had in the past heard accused no. 20 talking in respect of the bombs, but inevitably when one deals with that, he has got to end up talking about the cause of that.

Talking about the bombs, did he condemn the ANC for using bombs and killing innocent people? -- He had said that it was a bad thing, but he had also said that if apartheid was out of the way, if apartheid was ended, we would not have this kind of a thing happening. (10)

So, he did not condemn the ANC but he condemned the government again? -- I understood it really to be condemning both.

Was that on public meetings? -- That is so.

Where was that meeting? -- I cannot remember specifically, but I heard it more than once.

I suppose if you heard it more than once, then you will be able to name one meeting where he said that? -- I cannot remember specifically which meeting. I may be able to remember.

I put it to you that you cannot remember that because (20) such a thing never happened? -- I disagree.

COURT : Was it the way in which it was put if it was put nobody likes the placing of bombs, but the cause of this must be squarely laid at the feet of the government. The blame for the placing of the bomb must be laid at the feet of the government. Is that the usual sort of thing? -- I think in a sense it was, though I cannot remember the exact way it was put.

MR JACOBS : Let us carry on with this other part of the cross-examination. Is it correct and I put it to you that (30) in/...

in UDF, the UDF is describing and popularising itself under the people as a national liberation movement or a broad national liberation movement? -- I do not know, but as far as we are concerned, the UDF is not a national liberation movement. It may be that one individual might have said that, but it would be wrong in terms of our Working Principles.

I put it to you it is not only one individual who said it, but it is a general conception in the UDF? -- May counsel refer me to a UDF official document?

I would like to put it to you like this. We have dealt(10) with this and I have already pointed out the documents in which it was said that the UDF is a national liberation movement or a broad national liberation movement. Do you want me to go through them again? -- What I am saying is that is not the policy position of the UDF. Someone might have said so in a document. It does not mean that is what the UDF regards itself as. We have Working Principles and that is a policy document that is binding on all of us.

Do you say that the UDF is not ... -- We might have said that we are part of the broad liberation movement. (20)

What do you mean by part of the broad liberation movement? -- All organisations opposed to apartheid in the UDF and outside the UDF, AZAPO and so on. All that sometimes are referred to as a liberation movement.

Is it also specifically referred to the ANC as a liberation movement? -- Well, we would really be concerning ourselves with lawful organisations.

COURT : Yes, but now when you talk about the broad liberation movements, let us forget about what you said in the past, if the term is used the broad liberation movement, does it (30)

or/...

or does it not include the ANC? -- It may well include the ANC. It may include all organisations that are opposed to apartheid. Some people might use it to include that, but we in the UDF, when we use that, we are talking about organisations that we can relate to that are operating lawfully.

Would everybody understand that? Listening to the term broad liberation movement? -- I believe everybody would understand that, because people who are involved in lawful activities do not want to be part in unlawful activities and unlawful organisations. (10)

ASSESSOR (MR KRUGEL) : You have told the Court that the people, the ANC people now that the government terms terrorists a short while ago, what would your attitude be towards such people, people who have been for instance - people who are known to be members of the ANC and who comes through for the purposes of doing something like planting bombs ... (Court intervenes)

COURT : Let us take a concrete example. Mahlangu for example. What is your attitude as far as Mahlangu is concerned? -- I think it is really a matter of perception. (20) I would see him as a young man who having experienced the happenings of 1976 resorted to a desperate method of bring about change. The Courts have convicted him as a terrorist because he was with someone who did acts of terrorism or may be he is conspired, he belonged to an organisation to which the person who killed others belonged to. It is really a matter of perception that whilst one does not agree with the method that the man has adopted, the intention was not to go and kill innocent civilians, kill for the sake of killing. (30)

What/...

What about those that attacked the Volkskas Bank in Silverton? -- I think they would be treated in a different light, because they were not supposed to go into the bank and kill people there. They would fall into a different category. I cannot contest it if someone describes them as terrorists.

But has the UDF ever deplored those actions publicly? -- It seems that thing happened long before the UDF was formed. I do not know. But I may also say that other people even those who are committed to government policies, like(10) Chief Buthelezi, has made a public speech that he was not going to condemn the violent methods of the ANC and that he was regarding them as his comrades in the struggle. So, that it is really a matter of perception. One might keep quiet about a thing. It does not follow that he supports what is happening. In the same way that we made an example of other people who did these things within the Afrikaner - we could not accept that everybody was supporting what they were doing. They would talk about our heroes and so on, but they themselves did not approve of those methods. (20)

MR JACOBS : I put it to you that actually what happened in the UDF is that the murderers of innocent people like Mogorani and Motaung and those people were hailed by the UDF and propagated under the people as the heroes of the people? -- Not the UDF. Somebody in the UDF might have said so.

On many of the heroes days on 16 December, on commemoration services they were always held out to the people as the heroes ... -- The UDF did not organise heroes days.

Did the UDF recognise any other commemoration days (30)

or/...

or services? -- June 16 is an important day and I believe March 21. Those organisations committed to the Freedom Charter will regard 26 June as an important day. Those are the days that I can think of.

On 16 June commemoration services, I put it to you that also at those commemoration services after their conviction and sentence, they were also then commemorated as the heroes of the people ... (Court intervenes)

COURT : Who were these people? Let us get the name and what did he do and then we can know what sort of a man we are (10) talking of.

MR JACOBS : Mogoerane and Motaung, Mogoerane and Mosololi, they were three people convicted of murder. Is that correct? -- I do not know exactly what they were convicted of.

And they were X members of the ANC?

COURT : What murder was it?

MR JACOBS : They murdered people in police stations in Pretoria, policemen and private people in an assault on a police station at Wonderboom, Pretoria? -- I do not know the circumstances of the cases. (20)

And they also murdered people in Johannesburg, in police stations in Johannesburg? People who came to the police station to lay charges and policemen at police stations in Johannesburg? -- Well, I do not know about that.

And they were hailed as heroes of the people? Is that correct? -- I do not know. I personally have not done that.

And even Professor Mohammed did that, to hail them as heroes of the people. I would like to refer you here in this regard only to one document, I can refer you to more if you want to, but that is EXHIBIT C25 and on the last (30) page/...

page Professor Mohammed said - that is a document found with Professor Mohammed "I.J. Mohammed Talk to be given at AZASO conference opening session Orlando East 4/7/85" and I will read to you the last passage "Let those who have been so cruelly robbed of life, Mahlangu, Mogoerane, Mosololi, Motaung, Joe Quabi, Ruth First, Griffiths Mxenge, Jeannette Schoon and all the many others never forgetting those who fell in Casinga, Maputo, Maseru, Manzini and elsewhere, inspire to blow these flames of freedom, its raging fires of liberation until we see the dawn of our new and free (10) South African community shining through? -- I remember reading that.

He held them out to be examples for the people to follow although they are murderers and terrorists? -- He is mentioning a lot of names. I do not know if all of them can really be called murderers and terrorists.

COURT : Quabi, that is the person you referred to? -- Yes.

Who was he? What did he do? Was he convicted or did he die somewhere else or what happened? -- He was not convicted. I think he left the country later on and he died in exile and (20) then Griffiths Mxenge was an attorney who was kidnapped by unknown people and killed in Natal. Ruth First, I do not know if she murdered anybody at any stage. Jeannette Schoon, I do not know if she murdered anybody.

MR JACOBS : But I referred you to Mahlangu, Mogoerane and Motaung? -- Well, I do not know. I know that those people were convicted. I do not know the circumstances of their case. I cannot dispute what counsel put to me, neither can I confirm it.

MR BIZOS : Our silence is not to be construed as an implied (30) admission/...

admission that this speech was actually delivered. There is no evidence about it and it may be nothing more than the thoughts of Professor Mohammed because he does - well, there is an inscription "Speech to be given" whatever the State can make of that.

MR JACOBS : I would like to put it to you that the African National Congress also describes itself and popularises itself as a national liberation movement or a broad national liberation movement? -- I cannot dispute nor confirm that.

Is it correct that the UDF is describing itself and (10) depicting itself and popularising itself to the people as a democratic movement? -- I believe I have used that concept.

And that is a concept accepted in UDF? -- It might well have been used in the UDF.

And accepted? -- I do not think there would be any difficulty in that.

And I put it to you that the ANC is also depicting itself and propagating and popularising itself as a democratic movement? -- I cannot dispute not confirm that.

Is it correct that the UDF also depicts itself and (20) popularises itself as our movement for liberation? -- The UDF does not regard itself as a liberation movement. I have made that point.

Do you say it is not said in the circles of the UDF that it is a movement for liberation, our movement for liberation, propagating it as such under the people? -- An individual might have said that, but that does not become a policy position of the UDF. I do not know who said that.

And I put it to you that even in the ANC they also refer to themselves as our movement for liberation? -- I (30) cannot/...

cannot dispute nor confirm it.

I put it to you that it is generally stated in the circles of the UDF that they are a liberation movement? It is not only one person who is saying that, but it was a generally accepted concept and propagated concept? -- Well, the UDF's policy document says that it is not a liberation movement. I cannot dispute that some individuals might have said that. They are not reflecting the general views of the UDF.

What kind of movement is the UDF? Or is it not a move-(10) ment? -- Well, the UDF is a front of organisations, a loose conglomeration of organisations, each one of them retaining its own ideological position, its own constitution, its own separate membership and so on.

Does it regard itself as a movement? -- In a sense, yes, it is a broad democratic movement.

For what purpose? For liberation or not? -- For the purpose of opposition to the constitutional proposals and the Koornhof bills. That is the primary purpose for which the UDF was set up. (20)

And is it a movement which is striving for the liberation of the people? -- In a sense it is opposed, it is striving for liberation, but it does not regard itself as a liberation movement. We think that a liberation movement would entail much more than that. It may require one ideological position, far ranging program of action and tight discipline.

And I put it to you it is generally accepted and propagated that it is a liberation movement? --Well, the UDF is not, that is not the policy position of the UDF.

Is it also so that as part of this freedom struggle (30)

of/...

of the UDF, that the UDF is using certain slogans or principles accepted like "Unity in Action" or "United Action"? -- It has used that. I missed the first part of counsel's statement before he spoke about "Unity in Action." I do not know as part of what? He said it is part of something.

I said it is part and an acceptable principle of the UDF in getting the masses to actively participate in the struggle, in the freedom struggle, that they use the slogan or words that there must be unity in action and also the other phrase united action? -- Those phrases have been (10) used in the past in the UDF.

And I put it to you that these phrases are also used by the ANC and in actual fact are derived from the ANC. -- I do not know if they are derived from the ANC. All I can say is that many other organisations are using that and individuals. I know that the Federation of Cape Civics long before the UDF was formed was using that. I came across the same phrase in the speeches of Dr Neville Alexander and during the boycott of the Wilson Rowntree products, I think it was around 1981, that slogan was (20) popularly used in the trade union circles. It simply was a call for trade unions and community organisations to unite in the action of boycotting the products of Wilson Rowntree.

What is meant and what do you try to achieve by the phrase of unity in action? -- Well, it depends on the issues at hand. If it is an issue where people do not have water and the local authority does not give them water and they unite churches, rate payers associations, women's organisations, students' organisations to protest and then may be signed petitions, they do door to door work, talking to (30) every/...

every person, they would ultimately achieve - pressure the local authority to give them water. In the case of the constitutional proposals to achieve low poles, get few people to participate as candidates, persuade the government not to go ahead with these policies and so on. It is really intended to achieve the goals that are set from time to time. In the case of those trade unions, it was intended to get the reinstatement of the workers and then recognition of their trade union.

Is it not so that they - what you are striving for (10) was that the masses, the people, must actively participate in any action that is taken? -- It may well mean that through their organisations. It may mean many organisations participating together. One cannot limit it to a particular set of conditions. It is something that one can adapt to certain circumstances.

And I put it to you also that in 1983 was declared by Mr Oliver Tambo as ANC's year of united action? -- I think Mr Tambo was a bit belated. I cannot dispute that, but he was a bit belated, because other people had already (20) used that. He might well have taken the queue from them.

Is it correct and I put it to you as a fact that the UDF accepted the principle that people and organisations working with the government are excluded as part of the freedom struggle and is regarded as part of the enemy of the people, as puppets and sell-outs which must be destroyed with the government. -- It is true that the UDF at its formation excluded those organisations that participated in government created structures like the community council, the Coloured Management Committees and so on. Although (30) initially/...

initially when the UDF was formed, their attitude was slightly different with respect to Inkatha really. There was a difficulty in terms of what exact position was to be taken and it is true that those who participated in those structures were regarded as collaborators and some times the word "puppets" was used and they were seen as part of apartheid.

And must be destroyed with apartheid? -- Well, that statement might have been used by somebody somewhere.

And I put it to you that in the ANC we have got a (10) similar and corresponding principle of their freedom struggle that organisations and people working with the government are excluded as part of the freedom struggle and must be regarded as part of the enemy and must be destroyed as sell-outs or puppets with the government? -- I cannot dispute that. It may well be, but I can also say that at the time when members of the ANC participated in advisory boards and representative councils. They were regarded as collaborators by especially those of the Non-European Unity Movement. People like Chief Luthuli, Z.K. Matthews and others (20) were attacked as collaborators.

Is it correct that so far, will you agree that the freedom struggle waged by the UDF and that waged by the ANC up till this point is remarkably similar in design and in the use of certain words? -- I do not know. I have not studied the ANC documents, but I can also say that the ANC is committed to violent methods of struggle which the UDF is not committed to.

Can we go then to the issues. Is it correct that the UDF identified and accepted a lot of issues around which (30) campaigns/...

campaigns can be run in order to organise and mobilise and politicise the masses into active participation in the freedom struggle? -- It is true that those were identified but those were issues around which affiliates of the UDF had been organising themselves and they were simply carried into the UDF by those organisations.

And I put it to you the same applies to the ANC, that they also identified a lot of issues around which campaigns could be run in order to organise and mobilise and politicise the masses into active participation in the freedom(10) struggle? -- I cannot dispute that. Similarly with AZAPO, the National Forum. I know of those organisations. We identified those issues. We organised around them long before the UDF was formed.

One issue that you identified in the UDF and accepted to run a campaign around is the new constitution and the government's plans and on this issue you ran a campaign in order to mobilise, politicise and organise the masses for active participation in the struggle. -- I do not know what is intended by government's plans separately (20) from the new constitution.

What do you say to that?

COURT : Well, he has answered you. What is the question?

MR JACOBS : I will come back to the government plans.

Let me repeat the first part. That the UDF did identify an issue and accepted it on the new constitution and to campaign around it in order to organise, mobilise and politicise the masses in active participation of the struggle? -- That is not so. In fact, the new constitution was the basis for the formation of the UDF. It is not as if the(30)

UDF/...

UDF was formed and it was formed to wage a liberation struggle and then the new constitution cropped up and the UDF sought to organise around it. It was the foundation stone of the UDF. The very reason for the existence of the UDF. So, I do not accept what counsel is putting to me.

And to refer to the plans, before it became a law and it was still part in the president's council, it was already identified at that stage and before it became law, that it was planned by the government to institute the new constitution and even then it was identified as an issue to run(10) a campaign around and to mobilise the people around. -- Once the PC proposals were made public, I think it was in the course of 1982, perhaps May or so 1982, they became a subject of debate in communities at various levels, trade unions, civic associations, intellectuals, debated the issue and when in fact the Labour Party decided that it was going to participate in the proposed constitutional arrangements in January 1983, it was only then that people sought to come together to oppose that. The danger became even more serious. There was a lot of publicity projecting that(20) as reforms that were acceptable to the Coloured and Indian communities. So that really everybody was debating the issue at various levels. Thus you have the National Forum committee set up, then you have the UDF and so on. So, that was really the reason why people came together, not because they wanted to do something else and this was exploited to advance that which they had already decided upon in advance. That comes out very clearly if one reads the speech given by Mr Archie Gumede at the launching conference of the UDF. I think it is also - it is also contained of course in A1 (30) and/...

and it is also clear from the speech of Dr Allan Boesak, it is also in EXHIBIT A1. It is very clear also from the speech of Reverenc Chikane. It also appears in A1 as well as in I think EXHIBIT V26.

Is it correct that a campaign around the new constitution was taken up with the UDF? In the UDF? -- Yes, it was.

And it was - part of the campaign was to mobilise the people, organise the people and politicise the people? -- It was not part of the campaign to do that. The people were mobilised to frustrate the new constitutional proposals. We did not have a campaign to mobilise people and then we used the constitution proposals as an issue to do that. We had the constitutional proposals as the reason for the formation of the UDF and we sought to get people to participate in that campaign.

And for that purpose you did use a campaign, the million signature campaign was part of the campaign against the constitution. Is it correct? -- And the Koornhof bills, yes.

Do you agree that that part of the campaign was to mobilise the people, organise the people and politicise (20) the people? -- That is so that they should reject the new constitution, so that they should not vote in the new constitution, so that they should also help in spreading the message of the UDF.

And after the elections, the UDF did not cease to exist, but they did go on with the campaign against the new constitution? -- That is so.

K859 Again to organise, mobilise and politicise people against the constitution? -- Yes, to deal with the problems flowing out of the implementation of the new constitution. (30)

And/...

And I put it to you that the ANC also identified a similar issue and they also identified such an issue for a campaign to be run around in the country and for the people to be mobilised, politicised and organised in order to be part of the freedom struggle against the government? -- Well, I do not know about that. I cannot confirm nor dispute it. All I can say is that several organisations were concerned about that including the PFP. So was the Conservative Party for different reasons. All of them were opposed to the new constitution. This, when the referendum for Whites was called(10) in November 1983 PFP and - PFP, the CP apparently from some reports the ANC also. All those organisations called on the people of South Africa to vote no and the UDF did not call for a no vote.

WITNESS STANDS DOWN.

COURT RESUMES UNTIL 25 AUGUST 1987.