

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

Ass.

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-25

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 25 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I put it to you that Black Local Authorities was an issue identified by the ANC around which a campaign could be conducted and the people organised, mobilised and politicised around daily issues in the lives of the people in order to destroy Black Local Authorities and to make the people ungovernable? -- I cannot dispute nor can I confirm that.

And I put it to you that the UDF itself also identified(10) and took up an issue around Black Local Authorities and ran a campaign, which could be conducted for the people to be mobilised, organised and politicised on daily issues in order to destroy Black Local Authorities or to make the people ungovernable? -- The Black Local Authorities was not identified as an issue around which the UDF had to mobilise and organise people. It is one of the basic reasons why the UDF was formed, because it came about as a result of one of the bills by Dr Koornhof. It was one of the Koornhof bills and we had testified here and all the documents of the UDF indicate (20) that the UDF was formed to oppose the new constitution and the Koornhof bills and in my evidence-in-chief I also indicated that long before the formation of the UDF other organisations had started taking up the problems of the Koornhof bills. I spoke about the DBAC, the Disorderly Bills Action Committee, which was formed in the Western Cape in 1982. I spoke about the decision of the Soweto Civic Association taken at its AGM in 1982. I also spoke about the decision of the Mohlakeng Civic Association at the beginning of 1983. And all those decisions were taken independently of the UDF(30) and/...

and independently of the ANC.

I put it to you that this campaign was taken up on a national basis and in an organised manner in order to activate and mobilise the people to make Black Local Authorities unworkable and to make the people ungovernable? -- It is not true. Ungovernability has never been part of the UDF policy. It is true, however, that in our campaign against the BLA, we sought to demonstrate that the Black Local Authorities was unworkable and this unworkability we sought to demonstrate by persuading people not to participate in the elections (10) as voters and by persuading people not to stand as candidates and after the elections by refusing to co-operate in the schemes of the local authorities.

And to drive for the destruction of the local authorities after the election. Is that correct? -- In terms of discrediting it? I think that is set out - our approach to that is set out clearly in I think it would be EXHIBIT A10. It is the draft minutes of the NGC of the UDF. It is one of the documents found in my possession when I was arrested. It looks at how we see the Black Local Authorities. We talk(20) about having discredited it.-

I put it to you that Black housing is an issue identified by the ANC around which a campaign can be run, in order to mobilise and politicise the people to participate in the freedom struggle against the State? -- I cannot dispute nor confirm that.

And I put it to you that the UDF also accepted the principle, that there is an issue around Black housing and around which a campaign can be run and it conducted this issue - on this issue it conducted itself in a way to (30) mobilise/...

mobilise and organise the people to participate in the freedom struggle? -- Before I respond to that. May counsel indicate to me what does he mean by Black in this context? Does he mean Africans, or does he mean Africans, Coloureds and Indians combined?

I am using the word in the context in which you in the UDF used it? -- Did the ANC also use it in that context?

That is what I am saying. -- Alright, if that is the position, it is true that the UDF identified housing as an area that needed to be addressed by organisations, but it (10) so arose because it had been an issue for many, many years and organisations had emerged around the issue of housing long before the formation of the UDF. In my evidence - because of my evidence I referred to organisations such as the Cape Housing Action Committee. I also referred to the Durban Housing Action Committee. These are organisations that predated the formation of the UDF and when they came into the UDF, they came into the UDF with these problems and they had to continue addressing those problems. I had also in my evidence-in-chief spoken about this situation (20) of housing in Soweto, the house from which I came, so that these are concrete problems that are there and they had to be addressed when the UDF was formed. However, as I indicated at the time of my arrest the UDF per se had not yet developed a strategy on housing. We were still planning to call a conference on housing.

And I put it to you that the difference was that after the launch of the UDF it was taken up on a national basis and an organised basis? -- No, no, it is not so. There was the intention to do so, but it was not taken up. (30)

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I put it to you that it was identified and accepted by the ANC that the organisation of Black Women was an issue that needed urgent attention in order to organise and mobilise and politicise especially Black women to become active participants in the freedom struggle against the government? -- I cannot dispute nor confirm that.

And it even declared 1984 as the year of the women? -- I do not know about that. I cannot dispute nor confirm it.

And I put it to you that UDF itself accepted this very important issue that Black women have to be organised and (10) mobilised and politicised in order to actively participate in the freedom struggle against the government and also they took up the issue of 1984 as the year of the women? -- To deal firstly with the question of the organisation of women. The UDF accepted the need for women to be organised, but that is women from all racial groups, on a non-racial basis, White and Black. It has not accepted the organisation of Black Women per se. Secondly, it did that as it was doing with any other constituency. We really were seeing the need to organise any constituency, youth, women, workers and (20) everybody. So, it was in that context that we organised women. We spoke about the need for women to organise themselves and this was coming about as a result of women's organisations which were in the UDF and which had started organising women before the formation of the UDF. The whole question of the organisation of women was there long before the UDF. In AZAPO we were organising women. The BPC was organising women. The Federation of South African Women existed many, many years before the formation of the UDF. There had actually been another women's organisation formed (30)

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I think in 1975. It was called - I think the Federation of Black Women. It is a different one from FEDSAW. Among those who had formed that organisation was Dr Fatima Meir(?) and I think Mrs Mandela also supported that effort.

COURT : What is the difference between that organisation and FEDSAU? -- The difference is that sought to organise Black women.

Only Black women? -- Black women and FEDSAW is a non-racial body. It was pulling together all women's groups, Black and White. Then there was the last part of that (10) question that counsel has raised. I have now forgotten the last part.

MR JACOBS : I referred to taking up 1984 as the year of the women? -- The UDF did not take up 1984 as the year of the women and it did not take it up as such.

COURT : Would you refer back to AAA10, the draft minutes of the NGC. Could you just give me the page to which reference is made? -- At page 6 of AAA10. I just want to indicate really that when we talk about destroying the Black Local Authorities, we talk in terms of discrediting it and when(20) we talk about gains, we talk about the gains of having discredited it. I think that is set out in the first sentence there.

MR JACOBS : I put it to you that after the launch of the UDF the issue on women was taken up as a priority issue on a national basis by the UDF? -- The UDF per se did not address the issue of women and take it on a national basis. We simply called the women to join the UDF and those affiliates of the UDF who were organising women who had taken activities that pertained to women, as women's organisations and this(30)

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was not a new thing. It was merely a continuation of the work that they had been doing before the UDF was formed.

The issue of women was specially mentioned and a resolution on women was adopted at the launch, is that correct? -- That is so.

So, why was that done? -- Well, women's organisations were there. They sought to express their views on matters pertaining to women.

Is it not so that there were a lot of other organisations. Why especially take up the issue on women as a resolution(10) then? -- It is not specially. There was a resolution on matters pertaining to education, student organisations and so on, teachers. There were resolutions pertaining to the workers, trade unions, so that it was not specially on women.

I put it to you it was taken up as an issue at the launch of the UDF? -- A recommendation was made in a resolution in that regard that women's organisations must join the UDF and I must point out that these are not unique circumstances. The Afrikaner people also in their historical development, the Nationalist Party, emphasised the need for(20) women to be organised. That is why we have today organisations like Vroue Federasie and in many organisations we have women organised as women. Any organisation seeks to win all constituencies, sections of the society into its ranks. It is not because the ANC somewhere had dreamt about that and somebody got to know about that. It is merely the big days of the history situation that demands that if you are building an organisation, you seek to win every section of the society into that organisation.

I put it to you that the ANC identified and accepted(30)

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that the South African Defence Force and conscription is an issue and a very important issue around which campaigns could be run and to build up the anger of the people and to build them up to civil disobedience and also to mobilise and organise them and politicise them to actively participate in the freedom struggle. I do not know about that. I cannot dispute nor confirm it.

And I put it to you that also the UDF identified and accepted the question of the South African Defence Force and the conscription as important issues around which the(10) campaign could be conducted to build up the anger of the people and civil disobedience and to mobilise and organise the people to actively participate in the struggle against the government? -- It is true that the UDF identified the issue of conscription as an element that is at the centre of the motivation, the call for the motivation for the constitutional proposals. It is not true that the UDF sought to build civil disobedience and all other suggestions that counsel has put. We addressed that issue because from the outset it was a matter that was linked directly with the constitutional (20) proposals. I may also indicate that before the UDF even started talking about that, there had been organisations which were formed which themselves had started taking up the issue, such as the end conscription campaign, the South African Council of Churches, the Southern Africa Catholic Bishop's conference, the National Union of Students of South Africa. All these organisations had started taking up the issue and those who became affiliates of the UDF continued to argue those issues within - that matter within the UDF.

Is it so that the organisations affiliated to the UDF(30)

and/...



and even the people in the executive of the UDF nationally and regionally, tried to get the people not to vote, because they did not want the Indian people and Coloured people and also Whites to be conscripted and to fight against the people? -- The argument that we put was that from the pronouncement made by the Ministers including the State President, whilst he was Prime Minister, it was clear that one of the basic reasons why there was the constitutional proposals was because the government wanted to send the Coloured and Indian youth to fight on the borders and it was argued as one of the (10) reasons why the new constitutional proposals should not be accepted.

Is it only to fight at the borders or also in the country itself? -- Well, also it would have been linked up with the role that the SADF was seen to be playing in the communities and in the schools.

Do you agree that it was held out that the people must not agree to be conscripted into the army and doing their work in the army? -- For the UDF the fundamental issue was to argue the new constitution and that was linked with (20) that. It is true that in a sense the UDF included saying that we want conscription to go, let it be voluntary for everybody. If one may just cite one example. It does appear that in the development of the history of the Afrikaner nation, a similar situation had developed at the beginning of the second world war. After the Afrikaner students broke away from the National Union of Students of South Africa and formed Afrikaner Nasionale Studentebond, among them Dr Diedericks and others, wrote in their journal I think it was called Besembos. They wrote a lengthy motivation (30)

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where they sought to express their views as to why they believed that Britain which was oppressing, was seen as the oppressor at that time, was wrong in declaring war against the Germans and they argued that they as the Afrikaner students having experienced this, the letting of blood by the Union Defence Force were not prepared to participate and in a war that they perceived to be unjust. In a war that was going to shed blood of people that they considered to have done nothing wrong against the Afrikaner people. So, that, whilst - we are even in a situation much more justifiable to refuse(10) to participate in an army that feathers apartheid policies where we are not regarded as equal citizens. We have a right to voice those views as other people in the course of the history of this country had a right to do so. We also claim that right.

Is it correct that the UDF did as part of the campaign incited that Whites must refuse to be conscripted into the Defence Force? -- The UDF did not go out to say Whites must not be conscripted into the Defence Force. My recollection is that when the NEC met I think in September 1983, the (20) matter was discussed. At that time there has been a lot of conscientious objectors and we said that we saw our role as merely a supportive one to those people. The UDF per se did not run a campaign in that respect.

And on this issue, did the UDF or people in the UDF executive, that is national, regional and in the affiliated organisations incite Whites not be conscripted into the Defence Force? -- That might have been mentioned in speeches that it is wrong to force everybody to go into an army that is defending apartheid in a country in which all people do(30)

not/...

not have a vote. Other people, the majority of the people do not have a vote.

And was it also propagated that the expenses for the army came out of the pockets of especially the Black people in sales taxes and other taxes? -- I do not think the UDF has spoken about especially the Black people, but I believe it was argued, it was perceived that moneys that people are paying for taxes, amongst them the sales tax, were spent unnecessarily on building up vast arsenals of weapons, instead of using it in matters which were important for the (10) community like housing and food subsidy, transport subsidy, on education and so on. Possibly that if apartheid was not there, there would not be a need to spend so much money on arms. The money would be spent where it was needed most.

And was it suggested to the people that in paying the taxes for these war budgets, that they were paying for their own destruction? -- Well, I do not know about that. I cannot remember that and I think it is not only a question of suggestion to the people. These things come from the people themselves. (20)

I put it to you that was conveyed to them in the meetings? Mass meetings and by speakers from the UDF national, regional or from affiliated organisations? -- When the matter arose at the national launch of the UDF, I remember quite well that it was raised by a person who could hardly speak English or Afrikaans. An ordinary woman in the township spoke very at length and very strongly about the cost of living and the GST at the national launch of the UDF. It was subsequent to that talk that a resolution was adopted at the national launch of the people - of the UDF. It was not a matter (30)

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that some people sat to discuss somewhere and said it has got to be taken up.

You did not answer my question. It was also raised and the people were also told at the mass meetings of the UDF of this suggestion? -- It was raised from time to time, as one of the issues which was affecting the people and I may indicate that - I do not know how accurate this is, but I have recently been listening over the radio news that the Margo Commission, one of its key recommendations is that GST must be reduced to 4% or so and I think that is an indication (10) of the fact - a realisation and acknowledgement of the fact that GST was a problem.

COURT : When you were arrested, what was the percentage of GST then? -- It had just been recently increased to 12%. It had been increased from 10 to 12.

MR JACOBS : I put it to you whether the Margo Commission - whatever the Margo Commission said, that this was an issue, a daily issue in the lives of the people that was specifically used to mobilise the people around this question of conscription and the South African Defence Force? -- Well, I do (20) not know of the issue of GST was used on the - was connected with the matter of conscription, but I think it was dealt with as a problem by itself and I think at the NEC of the UDF held on 1 and 2 June the matter was discussed and it was suggested that my colleague, Mr Lekota, accused no. 20, should go and make research and identify certain I think basic foodstuffs and see if we cannot campaign for the scrapping of sales tax on those basic foodstuffs. By that time the GST in a matter of I think one year had been increased by over 6%. (30)

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I put it to you that the ANC accepted in principle that it is of the utmost importance to organise and mobilise and politicise the workers to actively participate in the freedom struggle as a spearhead of the struggle and that there is an urgent need to achieve this and that labour and unemployment are issues that can achieve this purpose. -- I do not know about that. I cannot dispute it, nor can I confirm it.

I put it to you that also the UDF accepted this principle that it is of the utmost importance to organise and mobilise and politicise the workers to actively participate(10) in the struggle as the spearhead of the struggle and that there is an urgent need to achieve this and that the labour and unemployment are inter alia issues that can achieve this purpose? -- I believe that is the position, but those issues were addressed because they were really problems and there was a need for the UDF to build strong relationships with the trade unions. I may also indicate that in the histories of other people including the Afrikaners, that issue was addressed and in fact at one stage a labour front was formed to organise the workers and to link the urban working class,(20) Afrikaner working class with the rural Afrikaners, to build that unity. My recollection is that Mr Piet Meyer became - was in that labour front at one state.

I put it to you that after the launch of the UDF the UDF accepted this issue and to do it on an organised and as an urgent matter on a national scale? -- It is true that the matter was discussed at the last NGC of the UDF which I attended and it was also agreed that we should encourage the formation of a federation, a trade union federation, discussions of which had been at fairly advanced stages (30)

at/...

at that stage.

And I put it to you that the federation of trade unions also came from the ANC's idea of that, that people must be organised in a federation of trade unions and that the UDF also took that up? -- I do not know if the ANC ever discussed that. I know, however, that the Union of which I was a member, the General and Allied Workers Union 1981 participated in those talks which I believe had been initiated by the federation of trade unions - the Federation of South African Trade Unions, FOSATU. Various other organisations(10) were participating like the Food and Canning, the General Workers Union, the Commercial Catering and Allied Workers Union of South Africa. Those unions were participating in those discussions, as well as the Council of Unions of South Africa. By 1981 already these discussions were taking place.

But before that there was no success in this then. Is it correct? In the forming of a federation of workers' unions? -- Well, there had been successes. It was a matter of negotiation. It took quite a time. It was finally (20) agreed and it was formed. Some unions did not agree on the principles they put out, but by the time the UDF was formed it was clear that there was a general consensus to form a federation. That is why when we went to talk to unions to affiliate to the UDF, the immediate reason why they could not join the UDF was that our pre-occupation at this point in time is the formation of this federation and we do not want to be seen to be aligning ourselves with any political front. We have members who support Inkatha. We have got members who support the National Forum Committee and so (30)

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on and then we do not want to have problems with our members. When I attended a meeting of trade unions on 18 - I think it was on 18 August in Cape Town at the offices of the Food and Canning as well as the offices of General Workers Union, these were the reasons that were given to us by the delegations from both unions.

And is it so that the UDF did address this issue and did try to assist in bringing about the forming of a federation of trade unions? -- We pledged verbal support. We did not engage in actual work of assisting and in fact, (10) if one looks at that, I think it would be AAA2, we would find some notes which is headed Action List. Those are the notes that I had written with the hope that I would do certain things. I think there is a section there that says "Follow up discussion on union federation." So, it was intended really here to be a discussion with the trade unions to find out what kind of support they thought the UDF could give to them and this meeting did not take place.

COURT : To which page do you refer? -- I am sorry, it would be page 6. It is dated 10 April 1985. It is item 22. (20)

MR JACOBS : And is it also correct that the officials in the UDF National regions and affiliated organisations also addressed this on UDF meetings and propagated that the workers must unite into a federation? -- Well, I do not know about that. I may also indicate that on the day when I was arrested I was actually on my way to a meeting with the Federation of South African Trade Unions, to discuss the differences that had existed between our region in the Eastern Cape and that trade union federation.

I put it to you that the ANC accepted that Black (30)

education/...

education was an important issue around which a campaign could be conducted and around which the militant youth and their parents could be organised, mobilised and politicised to actively participate in the freedom struggle? -- Well, I do not know about that. I cannot dispute nor can I confirm that.

I also put it to you that UDF also accepted that the Black education is an important issue around which the campaigns could be conducted and around which the militant youth and their parents could be organised, mobilised and(10) politicised to actively participate in the freedom struggle? -- I cannot recall any such decision by the UDF. All I can say is that at the time of the formation of the UDF there was a campaign already - decisions had already been taken by certain affiliates of the UDF, AZASO, COSAS, NUSAS, MUSA, to conduct what they call an Education Charter Campaign and the UDF pledged support to that campaign.

You told the Court that you were also engaged in the question of education, you yourself. Is it correct? -- Yes, I did explain the manner in which I was involved. (20)

Can you tell the Court for what kind of syllabus of education did you in the UDF inspire to? -- We in the UDF did not really see education as a matter that we could directly address as a front. We did not go into those nitty-gritties. It would obviously have been a matter for professional people, may be teachers organisations, academics who knew about that, but we in the UDF had not dealt with that. I believe the Education Charter campaign amongst others was intended to get the views from communities, various section of the community as to what kind of education they thought(30)

would/...



would best suit South Africa. At the time of my arrest those views had not been collected yet. The demands had not been collected yet.

What was the view what must be the syllabus? -- The UDF did not see itself - the UDF per se never addressed that matter directly. We did not discuss those matters of the syllabus in the UDF.

And you yourself as a person who was interested and did take up some educational matters? -- Well, at that stage I was concerned insofar as there was disruption in classes, (10) resolving that immediate crisis that was there at the time. That was the extent to which I was involved.

And what did you ... -- I was not formulating syllabus for education.

Another point, what is the Education Charter? What do you aspire to in the Education Charter? -- Well, I believe it would have been a charter that enshrined, that contained the views as to what kind of education would best suit South Africa. That would have been drawn. Once a proper consultation had taken place countrywide with (20) various sections of the community as widely as possible. So, I think the Education Charter did not really exist at the time of my arrest.

It is so, we know, that Mr Curtis Nkondo was appointed by the UDF on the question of education, as education officer? -- I indicated in my evidence-in-chief that the NEC had recommended that, but a few weeks later the decision was rescinded because regions of the UDF were setting up their own committees. So, I think Transvaal did appoint him, but I am not au fait with his activities in that respect. (30)

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I would have understood it to really pertain to collecting information relating to problems in education and analysing it and making certain recommendations.

What were his duties supposed to be?-- Well, I do not know. He was I think appointed by the Transvaal.

And when you in the UDF National decided to appoint an education officer?-- In the National executive we had really not yet defined the terms of reference for him. I was asked to ask him to suggest to the NEC the terms of reference and when the NEC I think sat for the second (10) time in November or so he had not done so. Up until the decision was rescinded he had not submitted anything.

Was the decision rescinded in a National Executive Council meeting? -- The matter was first discussed by the National Secretariate and consultation took place with all the NEC members and it was agreed that we should not go ahead. The secretariate should not go ahead with the work of Mr Nkondo.

When it was decided to appoint such a person as the national education officer, I suppose the National Executive (20) Committee must have pointed out and set out what his duties were and why they wanted such a person and for what purpose? -- Well, education had been a vexed question for a long time and in 1983 it was a problem again. So, we sought to find a way in which the UDF could address the crisis situation. That would have been the problems relating to drop-out students, the problem relating to poor results, quality of education itself, financing of education, all those kind of things. Those were really the immediate problems, but the matter was not discussed in detail. It was hoped that (30)

once/..

once a commission was set up, a committee existed, that committee being a committee of people who themselves were educationists would be able to deal with the subject fairly well, because that was really the area where they had been operating and were experts in a sense.

Was it not also discussed when it was decided to appoint such an officer that the syllabus in schools must get attention and that the Education Charter must get attention? -- No, no, I do not think we discussed the syllabus at that stage. (10)

You cannot say? -- We did not. I think we can refer to EXHIBIT D1, the minutes of the NEC. The minutes that discuss the matter if we want to see whether the syllabus was discussed.

To which part are you referring? -- I would have to see the exhibit. That would be at page 7 item 21 under Education. Nothing was discussed on the syllabus.

Do you know anything about actually appointing - I do not see anything here about Mr Curtis Nkondo being appointed as the education officer where you referred to this page? (20) Only that Mr Nkondo be approached to head an education commission? -- That is what I meant. I am sorry if I caused any confusion.

But do you know of him being appointed at a National Executive Committee meeting as an education officer? -- I did approach him after this meeting and he agreed, but as I say the decision was later reversed.

The question of the Student Representative Councils, SRC's, was that of importance to the UDF, the establishment of student representative councils? -- The UDF supported (30) those/...

those - the call for the establishment of those councils.  
We supported that.

Why was it important to appoint student representative councils? -- Well, we believed that once students had a body that could liaise between the students and the school authorities, the lesser problems of misunderstanding there would be.

COURT : Could I just get clarity now on the Student Representative Councils. I understood you to tell me that in Soweto there had been a Student Representative Council consisting (10) of two representatives from each school. -- That is correct.

Therefore being one council for the whole of the township of Soweto? -- That is so.

The call for Student Representative Councils at this stage, was it to be for one council per township or per area or was it for one council per school? -- As we understood it it would be per school, not for an area. It would be in school. It was really a matter that was taken up by UDF education affiliates. I think it would really be in the sense that No. 5 in his evidence testified. We in the (20) UDF did not discuss the details of that. We merely supported what had long started - had long been started by the affiliates.

MR JACOBS : Did the government agree to SCR's being appointed in the schools? -- As I understand it, it agreed in certain areas, but there were problems in some areas. I think there had been problems pertaining also to the proposed constitutions and so on. I am not quite - yes, I think that was the position.

And the proposition of the government was not (30)  
acceptable/...

acceptable to the UDF and its affiliates on the constitution of student representative councils? -- Well, the UDF did not study that constitution. I cannot talk about that. In fact my argument and I remember discussing it with no. 20. He shared the same sentiment. Our view was that once that there is an agreement that the SCR could be formed, perhaps that should be accepted and then the people could work on how best to formulate a better constitution later. We discussed it and we shared the same sentiment in that respect.

Was it not the drive in not accepting the government's (10) proposal for student representative council, that it was felt and it was meant that student representative councils must be political organisations? -- That is not the position of the UDF. It might have been in some circles. I do not know.

If it was the idea in the circles of the UDF affiliates, was it against the policy of the UDF? -- I do not know about that. The UDF did not discuss whether the SRC's should become political organs or not. That was never discussed by the UDF. We saw that as a matter really that related to (20) educational matter and relationship between teacher, students and parents.

Did the UDF in any way address itself to the question of student representative councils and to propagate the formation of such organisations? -- We supported that call.

Without knowing what it was all about?-- Well, we understood it to be a representative body of the students in the school.

And after the government agreed to it, did you still support the idea of going against what the government agreed (30)

to/...

to? -- What is that now? I do not understand the question?

On the constitutions of student representative councils?

-- I have made it clear here that the UDF did not discuss the constitution of the SRC. At least no single meeting that I attended of the UDF discussed that constitution.

But they did go on aggitating against student representative councils that the government was prepared to allow in the schools? -- I am saying I understand in certain schools, I cannot remember which ones, the SRC's - the government had allowed the formation of SRC's. In certain(10) areas there were problems. I cannot testify of first-hand knowledge of the nature of those problems.

But after the government agreed to student representative councils being installed - it is so, I put it to you, that the UDF did go on aggitating at the student representative councils in the form allowed by the government? -- I would appeal to council to show me a document that says the government has agreed to the SRC's but the UDF does not accept that.

Can you remember, do you say that the UDF did not (20) aggitate after the government agreed for student representative councils to be installed - after that they did not go on to aggitate against this question of student representative councils? -- We could not call for student representative councils and then when the government agrees go against that. We cannot do that.

COURT : Could we just determine what you meant by SRC's. Was it the intention that such SRC being a student body would have a say in the syllabus of the school in the appointment of teachers and dismissal of teachers and in the way (30) the/...

the school was run? -- I did not discuss those details, but I would have imagined that the SCR would concern itself with problems relating to books, relating to the relationship between the students and teachers, problems amongst the students themselves. The things that the students would need in their schools. How best they could use their time in terms of the extramural activities and so on. I myself have never been a member of the SRC. I would not talk of personal experience.

But when one aggitates for an SRC, a normal SRC in (10) the sense that the students have a body which voices certain grievances that they have would on the face of it not seem to be a very contentious issue. Was the bone of contention not the content of the powers of the SRC? That is that they would have a say in the syllabus and a say in the running of the school as such? Is that not what it was all about? -- I do not know. It may well have been. I do not know.

MR JACOBS : Did the UDF in the National Executive and also in the regions discuss the question of education and in (20) particular Black education on a regular basis? -- We have from time to time discussed the crises in schools, the fact that there were disruptions and the fact that the UDF has got to find, to play a role in a much more systematic way of helping to resolve that kind of a crisis and I think the matter was further discussed in 1985 and I was asked to meet the representatives of COSAS to understand them, to ask them what was happening with regard to school boycotts. What was the position of that organisation.

What do you mean and what do you include under the (30)

word/...

word crisis? -- Well, where you have a situation where students are not going to school, schools are closed for a particular period.

And in those discussions that you had on this kind of crisis, what were the reasons for the crises when you discussed it with the scholars? -- There were all sorts of reasons. I think in the first instance around 1983 the reason was that there had been exam papers that leaked out. Some people were selling exam papers in the country I think for matric students. Possibly, I am not sure about the standard, (10) but matric and as a result of that a lot of people failed those exams. The matter was really discussed in communities ... (Court intervenes)

COURT : How does one fail when there is a leak in the exam paper? I thought one would do better? -- My recollection is that, I am not very certain about it, after there had been this leak out, then the Department applied a particular criteria to determine the marks, the results for the specific subjects in which the exam papers had been sold, had leaked out. I cannot remember the exact criteria that they applied, (20) but a lot of people failed. It seems like that they had taken the view that average - I think they had decided to subtract a certain amount of marks from the points scored by each student that time and then a number of students failed and they contended that they failed because they were held responsible.

That cannot be the position as far as matric is concerned. Is matric not an open examination? It might be the position as far as JC is concerned? -- Well, I think it was the position. I cannot take a rigid position. It happened quite (30) long/...



long ago, but I think that was the position. Really the matter was a subject of discussion at quite a number of levels. The SC was also concerned about that. Many people were really concerned about that. It was a matter of public debate . It was reported in newspapers and so on. That was one of the reasons. The other reason was, there were allegations that certain teachers were molesting female students. Some teachers were coming to school drunk. Those teachers coming to school drunk were assaulting the students and then class boycotts started. In other areas it was alleged(10) that I think some teachers had been suspended because they had been members of civic associations in the communities in which they lived and so on. They were being accused of being involved in politics. Those sort of problems really resulted in disruption of classes.

MR BIZOS : Does Your Lordship mean by open examination that the matric is written both by Blacks and Whites? Is that what Your Lordship means?

COURT : It is the same matric for everybody in the country.

MR BIZOS : It is not so. When Your Lordship mentioned it(20) I had doubts, but I have taken an instruction that it is not so.

COURT : Very well, if you know better, you are probably correct. -- That is not so. I did not understand it to mean that. It is really not so. For instance in the Transvaal they would read a Transvaal matric and then the kind of question paper they use would not be the same as the one used in the Black township. The questions are different.

Is there a different paper in the Transvaal for White Schools and for Black schools? I thought they had the (30)

same/...

same matriculation paper right through? -- No, no. The paper that I would write as a matric student in the Transvaal would be the same as another matric student in Bloemfontein, Natal, Cape Town in the Black communities, African areas.

Yes?-- But the one that White students - it would be different from the one that a White student in the Transvaal would write and in the Free State they have their own Department also which is different from the Transvaal education. It is provincially based.

Apart from provincially based, let us accept that. (10) Are you saying that the Blacks write a different matriculation paper from the Whites? -- That is so.

MR JACOBS : Did the question of SRC's ever crop up as the cause for a crisis that you had to investigate? -- Well, it became part of the demands that the students were making and that they were not allowed to form a SRC. I think that was one of them.

What were the reasons given why that became a crisis, the question of the SRC's? -- I have not discussed the details. I think it was one of the demands that - of the (20) SRC, we want this, we want that, but I do not know if it was the cause of the crisis.

But if you were sent and you did go down to investigate the crises in certain places, do you intend to tell the Court then that you did not find out what the cause was for the crisis? -- Let me make an example. When I went to discuss the issue of education in Atteridgeville, what I understood at that time was that in Atteridgeville they in fact had SRC's. They had them and they were represented in that meeting that we attended. So that it was not really the (30)

issue/...

issue that had caused a crisis. That time I think the issue was the whole question of the examination paper - results and the suspension of about twenty students. That is at least one situation with which one can may be claim some amount of intimacy. The others are things that one has not been closely involved in. I know that in Soweto there had been a parents committee that was formed. I was not a member of that parents committee. It was meeting regularly with the students. The civic association was to an extent involved, but I was not and then I cannot remember the real fact about(10) that.

Must I understand your evidence then to mean that you never investigated any crisis of which the question of SRC's was the cause? -- I cannot remember investigating that seriously, but it was the intention of the UDF to look into the matter of education much more systematically in 1985.

That is not my question. I asked you specifically, in all the cases that you investigated on behalf of the UDF where there was a crisis in education, it never cropped up that the SRC's and the question of the SRC's was the cause(20) of the crisis? -- I do not know. It might well have been mentioned as one of the demands, but I cannot remember specifically now.

ASSESSOR (MR KRUGEL) : How far does the question of SCR's go back in history? When did they first come to the foreground? -- I think the issue arose really in 1976 in high schools in the form in which I had testified, where it was really becoming a regional body with representation from each school. Then I think in 1977 it died down with the banning of the Soweto Student Representative Council. I think somewhere  
(30)  
in/...

in the beginning of the eighties it cropped up again. I do not exactly know the time, but it seems like it was first discussed by COSAS. I am not sure. In respect of high schools, secondary schools.

MR JACOBS : In the 1976 uprisings, was the question of SRC's also an issue in that uprisings? -- No,. it was not an issue.

Not at all? -- The idea came much later. It was not an issue.

You said not at all? -- No.

(10)

COURT : Was the SRC in the 1976 uprisings a politicised body? -- In a sense it became a politicised body.

So, when after that time somebody spoke about an SRC or wanted an SRC, would he have in mind a politicised body? -- I would not say so. Perhaps if he wanted an SRC similar to that one in Soweto, where it was becoming a regional body and taking up issues that extent beyond problems of a specific school, but the SRC that was spoken about and of which no. 5 testified, are of a different character altogether, different type altogether. Those would have been in specific(20) schools.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

MR BIZOS : My Lord, we would like to advance an application for leave of absence of Mr Malindi, accused no. 5. We have advised the accused who are on bail that they should try and make medical appointments on Friday afternoons and on Saturdays. Pursuant to that he went to the hospital in Johannesburg on Saturday morning. A provisional diagnosis was made(30)

in/...

in relation to a complaint. He has to go to a specialised unit that does not work in the afternoons or on Saturdays and we would ask Your Lordship to give him leave of absence on Friday. He would report in the ordinary course of events, because he would not be attending court if Your Lordship grants leave for this purpose.

COURT : What is your attitude, Mr Jacobs?

MNR. JACOBS : Ek het nie beswaar nie.

COURT : What is the date on Friday?

MR BIZOS : It will be the 28th. (10)

COURT : Leave for absence is granted to accused no. 5 for Friday, 28 August 1987. He is to report in the ordinary course on that day.

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, you referred the Court to EXHIBIT D1 and I see here that it was agreed that the publicity secretary must issue a statement in consultation with the Transvaal region on education. What statement on education had to be issued? -- I cannot remember exactly the details, but I think it pertained to the view of the UDF on the situation of schools in Pretoria. (20) I am not sure what it really related to.

Was the education commission appointed? -- In regions?

Referred to here? -- I did talk to Curtis Nkondo, but the decision was rescinded later. We did not proceed with the matter.

Only that he must be the head of the education commission, but did you appoint an education commission? -- No, we did not. It was intended to be I think a national one, but in view of the fact that regions were addressing the matter regionally, we felt that the National should not proceed (30)

on/...

on the matter.

You only explained that the UDF in the National Executive Council only discussed crises on education. Did they discuss any other thing on education, except crises? -- I cannot remember. I think the issue came up from time to time when there were school boycotts. I am not sure if there is any other.

Is it also correct that in the tactics of the UDF, that is national, regional and affiliates, that the Black education which is referred to usually as gutter education, (10) was linked up with matters in community - in the communities like the Black Local Authorities and other issues like housing, rentals and so on? -- I do not know if it was linked with that, but one could say that the issue of education was directly linked with the policies of the government, the issue of representation.

If we go to the next one. The ANC accepted that the question of the Ciskei is an issue around which a campaign could be undertaken in order to organise and mobilise and politicise the masses into active participation in the (20) freedom struggle? What do you say to that? -- I do not know. I cannot dispute that. Neither can I confirm it.

I put it to you that UDF did in effect also accept the question of the Ciskei as an issue around which a campaign could be run in order to organise and mobilise the masses and into active participation in the freedom struggle? -- That was not the approach of the UDF.

Did they accept that as an issue? -- The repression, the banning of SAAWU, the arrest of a lot of people, the shooting of people in the Ciskei in 1983 directly affected (30) the/...

the UDF in the sense that SAAWU was an affiliate of the UDF. So, that we sought to protest around that issue. He did not do it in order to mobilise and organise the masses. That is why when the matter was discussed at the NEC, we discussed it with the understanding that trade unions were also concerned about that matter and our approach was that in the event that trade unions had already started something, we, the UDF must find a way of supporting that or joining those trade unions. It was really a matter that was a subject of public debate. A lot of organisations which had nothing to do with the UDF(10) were concerned about that.

This issue was ... -- I think the Reagan administration also issued a statement in that respect.

This issue was the subject of a resolution at the launch of the UDF in 1983? -- That is so.

It was accepted as a resolution? --A resolution was adopted in that respect.

COURT : At the launch of the UDF, by that time was the SAAWU organisation banned or not? In August 1983? -- I am not certain about that. I cannot remember exactly when it(20) was banned, but at that stage a number of the officials were detained and harrassed. I am not sure of it was banned by that time.

MR JACOBS : And is it correct that the issue of the Ciskei, the campaign around the Ciskei was linked up by the UDF with the question of Bantustans? -- I think in a sense it was.

And it was linked up in such a way that the leaders in the Bantustans and in the Ciskei were depicted to the people as puppets and sell-outs and all that nasty names so that the people must reject them? -- I think in a sense(30)

when/...

when comments or statements were made about Ciskei, may be some mention was made of the other homelands, the policy of separate development and insofar as leaders of homelands are called puppets, that is a term as old as I think the struggle itself. People have been called like that.

And this was also linked up ... -- It was not with the purpose of getting people to hate them or to do anything. It is a political term that is accepted in political language in our communities and it has been used for many, many years.

I put it to you that it went much further than that, (10) because it was propagated that they must be destroyed with the system. It was not only a political term? -- I have dealt with our understanding and our use of the word destruction. It may well be that it was used by one or certain persons.

And it was directed at the persons of these people. Can you tell the Court how do you destruct a person? -- You discredit a person politically, you isolate that person, you do not co-operate with him, exclude him in important functions of the community organisations and so on. (20)

What community organisations? -- Where he lives. Where that person lives. If he calls a function, boycott it.

Is the UDF operating in the Ciskei? -- I said it has got affiliates there.

And did it exclude - were there affiliates of the UDF banned there? -- SAAWU was banned.

Which other affiliates have you got in the Ciskei? -- I think later we had the youth congress, East London Youth Congress which later disaffiliated. It was also based in Mdantsane mainly. (30)

East/...



East London Youth Congress was based in East London, is that not so? -- Mdantsane. Mdantsane is East London and Mdantsane is part of Ciskei.

And this was also linked up with the issue of so-called harrassment and exploitation and oppression? -- What was linked with that?

This question of the Ciskei? -- There was obviously oppression there. If people boycott a bus, who has got the right to force them to use a bus? If people decide that we cannot afford the transport of the bus, we want to walk (10) to work, or we want to travel by train, why must they be assaulted to use the bus? If people decide to use taxi's, why must they be forced out of the taxi's to use a bus? Surely, people have a right to do that and that is a non-violent method of protest.

It was linked up then with the question of the issue of harrassment? -- That is harrassment, yes.

You did blame the South African government for what was going on in the Ciskei? -- Yes, we did. I have dealt with that question previously. (20)

It was also linked up with the issue of removals? -- I do not know if we said anything about removals. May be in the course of debates. There were arguments that very often people who are removed from urban areas are sent to homelands. That the system of removals in a sense is benefitting homelands by way of increasing their citizens, because when people who had not been in the homeland are sent to that homeland, it gets new citizens and the numbers increase.

And I put it to you all this was done in order to discredit the government and to get the people to hate the (30) government/...

government as enemy? -- I reject the proposition, but all I can say is that we are diametrically opposed to the policies of apartheid and we were to criticise them publicly. We would say so privately and in public. It is a known fact and many people have done so. In fact, it is only South Africa that believes - the South African government that believes that its policies are correct. The whole world is against it.

And this was done in order to mobilise the people against the government for them to participate in the freedom struggle? -- It was not done in order to do that. It was(10) done because it was correct to do it and it was done because the policies of apartheid are affecting our lives in a concrete way on a day to day basis and we seek to bring about change in respect of those policies. It caused a lot of misery in our communities.

Was it not part of the UDF's strategy and tactics to use issues like these in order to mobilise and organise and politicise the people? -- It is true that in the course of organising, in the course of mobilisation one has got to address the issues which are affecting the people, but (20) it is not because one wants to use that. It is because those are real problems that are affecting the community and they have got to be addressed. We sought to end those problems seriously. If we say there are 30,000 people on a waiting list in Soweto, we want more houses, we really mean it. We do not mean that we just want to use that as a public relations exercise in order to get support. It is a problem. People need houses and once it is solved, we would not talk about it.

You did not answer my question. I will repeat it. (30)

Is/...

Is it not part of the strategy and tactics of the UDF to use issues in order to mobilise, organise and politicise people to become active and to participate actively in the freedom struggle? -- No, that is not our strategy. We have taken up those issues, but we do not regard that as a strategy.

Not to mobilise the people? -- Mobilising the people, building organisation, it is a strategy, but addressing problems of the people, we do not see that as a strategy.

Then the next one is I put it to you that ... (Court(10) intervenes)

K861 COURT : Could we just pause there. Apart from making noise about the actions of the Transkei government, did you approach the Transkei government as UDF and speak to them about the alleged harrassment? -- We did not. They would have arrested all of us. They had arrested even the general of the police force there. They would have arrested all of us.

MR JACOBS : I put it to you that the ANC accepted and identified the Bantustans as one of the issues around which(20) a campaign could be undertaken, especially to mobilise and organise and politicise the Blacks in the rural areas, to actively participate in the freedom struggle and also to advance the provisions of the Freedom Charter? -- I do not know about that. I cannot dispute it. Neither can I confirm it.

And I put it to you that the UDF accepted that Bantustans is an issue around which a campaign could be undertaken especially to organise, mobilise and politicise the Blacks in the rural areas to actively participate in the freedom(30) struggle/...

struggle and also to advance the Freedom Charter? -- The UDF did that?

Yes. -- That is not so. The UDF did not seek to promote the Freedom Charter. There were affiliates in the UDF who believed in the Freedom Charter and who had also argued that the UDF should somehow support the Freedom Charter campaign, but that the UDF did not organise for the realisation of the Freedom Charter, whatever it is. It is true, however, that the UDF encouraged organisations any where in any part of this country, including the homelands. (10)

Did the people in the control, in the leadership of the UDF National, regional and affiliated organisations, advance the cause of the Freedom Charter amongst the people? -- They may well have done so, those who all subscribe to the Freedom Charter and through their organisations.

Did you yourself advance the cause of the Freedom Charter? -- I cannot remember talking about the Freedom Charter in the UDF advancing it, save when I wrote an article - I was asked to write an article for a book that was being written by certain individuals. I as an official of the (20) UDF would not advance the Freedom Charter in public meetings because I had argued that the UDF could not adopt the Freedom Charter.

Did the other members of the leadership of the UDF in the executive, national executive and regional executives or in the - okay, let us stop there first, did they advance the cause of the Freedom Charter in different speeches? -- Representing their own organisations. If Mewa Ramgobin speaks as a representative of the Natal Indian Congress, now the Natal Indian Congress being a subscriber to the (30)

Freedom/...

Freedom Charter, he would talk about the Freedom Charter. So would the TIC and others, but I cannot imagine a UDF speaker representing the UDF promoting the Freedom Charter because that may well be that he is doing that at the expense of those organisations which do not support the Freedom Charter. However, it may be that when he is addressing a constituency which is a constituency of the NIC or the TIC one might talk about the Freedom Charter because it is what that organisation believes in and it is believed generally that the supporters of that organisation would like to hear(10) that kind of stuff.

Did you attend any meeting where executive members of the UDF either regional or national did advance the cause of the Freedom Charter and without saying they are doing so only on behalf of an organisation like TIC or NIC? -- I believe I had. I think in the meeting addressed by Mewa Ramgobin there was that and possibly in a resolution tabled in a meeting of the TIC which was read by myself, there might have been something on the Freedom Charter, but also, just by way of comment, the Freedom Charter is (20) not regarded as something that one should be - people should be ashamed of. It is a very significant document and it is recognised as such in our communities. It is a lawful document and people talk freely about it. It is not as if I do not talk about the Freedom Charter. I do so because I am ashamed of it. I do so because the UDF as a front had not adopted the Freedom Charter and personally wanted to project that broad nature of the UDF, broadness of the UDF as possible.

I put it to you that it was never suggested on public(30)

meetings/...

meetings that the UDF - to the public at large, that the UDF is not subscribing to the Freedom Charter, but always the message is conveyed, the impression is conveyed that the UDF is also supporting the government under the Freedom Charter? -- I think counsel has forgotten my evidence-in-chief. I personally have said that many, many times in public meetings and I know many other people have said so in many, many meetings. In a meeting where I addressed over one thousand people in PE I said so and I think the press report, press cutting of that meeting was, I do not know, possibly (10) it was handed in as an exhibit to indicate that. I have said so and I have said it many times. In public meetings.

It is not on one of the public meetings of which we have got the transcript here before Court. Is that correct? -- I do not know. I have not checked that, but in any event, the UDF officials addressed hundreds of meetings. The few transcripts that we have here are not necessarily, are not a reflection of the activities of the UDF. It is just a minute section of that. I personally addressed at least not less than thirty meetings, thirty to forty meetings. (20) What we have here is possibly three or four or five of the meetings where I was present.

And it is correct that the other video cassettes that are not before the Court, that you had - the defence had time to go through it and did you find any of those meetings where you addressed the people saying that you are not subscribing to the Freedom Charter in public? -- No, most of them are with the police. We have not got that.

Is it correct that a lot of them were made available to you during the trial, this trial? -- Those that we have, (30)

yes/...

yes. I have not looked through them to see whether anything was said about the Freedom Charter.

And I put it to you not only a few, but all of them were made available to you at the request of the defence and you did go through a lot of them and I put it to you, you cannot point one out and say here is an example where I did say that. -- I do not know. I cannot testify on that, but all I can say is that the State gave to us only those things that they wanted to use in this case. There are other things that I have asked about here which I knew here were in the office(10) of the UDF when it was raided. I cannot - we cannot get them. For instance we had a video of the national launching conference of the UDF. It is not here.

Is that the truth that you are telling the Court now? How many videos and tapes were made available to you? -- I cannot count them. All I am saying is that we do not have a video of the national launch in this case, but we had it in the office of the UDF and we did not have it after the raids in our offices.

COURT : Did you not get a list of the documents taken out(20) of the offices? -- We got that, but ... (Court intervenes)

Is it on the list of is it not on the list? -- They just say video. Some of them do not even say what kind of a video. So, it is difficult to know which one it was.

MR JACOBS : Did you not see the inventory of all the papers that were found and the videos and were they not made available to you and that you yourself on different occasions went through the rest of the documents not before the Court? -- Yes, I did go through some videos and inventories, but if an inventory just says a video, you do not - it does not (30)

say/...

say which one. Some of them were written like that. It is difficult to know.

They were at your disposal and you did look through them, you and accused no. 20? -- Look at what? The videos? No, we did not. We only have those videos that we have here.

At the documents? -- Also when I looked at the documents. I was not looking for the Freedom Charter. Counsel is putting to me that it does not appear in anyone of those transcripts and I am saying firstly, that what we have here is not really an accurate reflection of all the meetings of the UDF. (10) There have been virtually hundreds of those meetings of the UDF and I had spoken in meetings of the UDF where I spoke about the Freedom Charter, the position of the Freedom Charter in the ANC. That thing was not here. I had to remember that we had to go and look for press reports of that. We were fortunate to get that, but I am saying that one cannot base on a conclusion on the fact that because that does not appear in these exhibits, it was not done. I have done it many times and I remember Reverend Chikane saying it in a number of meetings. I know that (20) we said it in a number of press releases that we made in the newspapers. Many of them.

Do not evade the question. I did not ask you on that. I asked you, you made an allegation here in the court, so I put it to you that all the documents not used in this case were all at your disposal and you and accused no. 20 and members of your defence team did go through those documents. Is it correct, yes or no? -- Well, we did go through the documents, but we are talking here of transcripts and videos.

(30)

Yes/...



Yes, we will come to that. I put it to you further that all the videos and tapes ordinary sound tapes were put to the disposal of the defence team and they went through it on your instructions, on your people's instructions and looking for what you want on the tapes? -- Well, that is not so. I was given a list of tapes. I remember that very well. I think by Captain Mynhardt, but we could not do anything about it, because it was just saying "Video tape, video tape, video tape" and by that time we were running against time in terms of our preparation and it was (10) difficult for us to ask for all the videos to view them.

And do you say that your defence team did not go through some of the tapes which are just marked video tapes? -- I do not know about that. I did not ask them. I am talking about what I did in the presence of accused no. 20 and 21.

And I put it to you they were all at the disposal of the defence, that the defence did look through a lot of the tapes and your averment that it was not at your disposal is incorrect? -- Well, I do not know about that. I can only talk about what I personally did. (20)

MR BIZOS : May I just draw Your Lordship's attention to what the gravamen of the cross-examination was. Never at a public meeting did you say something which, if I understood it correctly, indicated that you were not for the Freedom Charter. I think that that is what My Learned Friend was busy with when we went off on this tangent of what the defence may or may not have been shown. In EXHIBIT A1 in the speech of Mr Chikane, the following appears - it deals with the nature of the organisation. "Although the liberal press since then tried to project it as a charter(30) organisation/...

organisation we must still maintain our position." And the position is described in that column 1 on page 37 of the document to be a broad organisation and not a charter organisation. I submit that the main thrust of it appears in the document.

MR JACOBS : And is it so that the issue of the Bantustans was also again linked up with the Ciskei forced removals and harrassment and generally on puppets and that also brings in Black Local Authorities? -- Oh, no, there is a difference between the Black Local Authorities and the homelands. (10) That is not so, but in debating the issue of Ciskei, I believe that the whole question of homelands also came in and those who supported homeland policy as puppets.

And in the Bantustans as well? -- Well, that is homeland.

It was also linked up with harrassment and forced removals? -- I believe so, yes. In the sense that harrassment was taking place from time to time in those places.

Especially in order to link up the leaders of these people of these homelands as so-called puppets, sell-outs(20) and to be rejected by the communities? -- That was not the intention. I think the gravamen of the problem is that we are fundamentally opposed to the policy of separate development. It denies us the right to be part of the centre of power and wealth of this country and it keeps us far, far away in the periphery where we cannot maintain the living standards that other people belonging to the White racial group are enjoying or those living in the cities were enjoying.

And it was also propagated to mobilise the people in order to activate them so that they be part in destroying (30)

the/...

the leaders in the homeland and destroying the homeland system? -- That came about because the new constitution was not addressing those old, age-old problems of separate development. The new constitution was silent on that. In fact it was seeking to perpetuate it and I think I have incorrectly disputed what counsel said when he said the Black Local Authority was linked with homelands. I think in a sense there was that link, because in the BLA, Black Local Authorities Act there is a provision that the local authority may assist representatives of homelands I think in terms of (10) matters pertaining to those homelands. In a sense it was really to encourage the activities of homeland government in the urban areas. We may be also recruit people to go to the homelands. May be in that sense there is a connection.

I put it to you that the ANC identified and accepted the economy in South Africa as a very important issue and this to be linked up with GST and cost of living as important issues around which a campaign could be undertaken in order to build up the anger of the Black masses and to organise, mobilise and politicise them to become active participants (20) in the freedom struggle against the government? -- I do not know about that. I cannot dispute nor confirm it.

Then I put it to you also that the UDF also accepted and identified the economy of South Africa as an important issue coupled with the issues of GST and cost of living as issues around which a campaign could be undertaken in order to build up the anger of the Black masses and to organise, mobilise and politicise them to become active participants in the freedom struggle? -- I cannot recollect where the UDF says the economy is important and we must organise and build (30) the/...

the anger of the people. It is simply not true. However, we have addressed the issue of sales tax in the manner that I have explained previously and we were concerned also about the whole question of unemployment. We were concerned about problems relating to the unemployment insurance fund and I think at the last NGC there was a recommendation that may be a discussion, a much more serious discussion must be started on economic issues to attempt to understand the South African economy. I think it was something like that. It came about I think at the last NGC. In discussing those issues (10) we are not doing it because we wanted to build the anger of the people against anybody or against the government. It is so done because these are concrete problems that are affecting the people on a day to day basis and they have got to be addressed. The other communities have done so. The Afrikaner nation has done so previously. The students I think of the Potchefstroom University, I am not quite sure, but any way the Afrikaner Nasionale Studentebond wrote a document where they made their own motivations as to the nature of a constitution that South Africa should adopt and (20) a people's government that they sought to establish, a false regering, so that they dealt amongst other things with the problem of the poor Afrikaners. The fact that there must be a fair share in the wealth in the country to uplift the standard of those who were poor. So, really, these are problems that we also can debate like any other community anywhere in the world with a view to improving the quality of life.

It was linked up with cost of living, the big businesses were now assisting the government, capitalism, is it not (30)

correct/...

correct? -- That is so.

So, I put it to you it was used in the sense of mobilising and activising and build up the anger of the people against the government? -- No, that is not so. It was merely to express the fact that we were not having a share in the wealth of this country. It is a similar problem really that the part of our society now, the White community, the Afrikaners had with the English people after the discovery of diamonds and gold. When the South African Industry really developed, the economy was developing, the Afrikaners were arguing (10) that they were not part of that economy. The capitalists, the Jews were in control of the economy and foreigners were in control of the economy. They wanted to be part of that. These arguments are there. They use concepts like capitalism and capitalist - they use concepts like imperialism. These are things that are spoken about in a situation where a section of the society is not participating equally in the economy of the country. It is really an expression of a reality. It was not because the ANC, that we had had anything from the ANC. We did not know anything about what (20) the ANC was saying and largely, these arguments really come from trade unionists largely. You did accept a resolution at the launch of the UDF on this whole question of the economy and cost of living and GST? -- That is so.

You did accept that because you accepted it to be an issue if I understand your evidence in the first instance? -- The GST was an issue. Yes, it was a problem that was affecting us. May be I should refer quickly to A1 to see whether there is anything specific on what is called the economy, save the whole question of cost of living and so (30)

on/...

on. I see nothing on what is called cost of living.

I put it to you that this is also linked up, this question or this issue with the issue of conscription and the Defence Force? -- What is linked up with that?

The issue of cost of living, GST and the economy of the country? -- May be, I think in the sense that I have explained it previously.

And it is also linked up with the neighbouring countries and the activities of the South African Defence Force and neighbouring countries like Namibia and all the other(10) border states, front line states? -- I believe from the reports that were made public from time to time as to how much South Africa was spending on the war in Namibia. It may well have been stated that we can do without these expenses if we leave the Namibia people to govern themselves. I think in that context it could have been said.

And it is also linked up with an important issue like the Black Local Authorities again? -- What is linked to that? Cost of living?

Cost of living, GST? -- I do not know. I cannot remember(20) specific instances.

Is it not so that the government is blamed for the high cost of living and for GST and then they must still pay high rents? Was it not linked up like that? -- Well, I think that is just an argument that people are putting across that look, we are unable to afford all these things. I cannot see how counsel is linking that with the BLA.

No, I am not linking it. I asked you a question, is it correct that the UDF links it up with, also with the campaign against Black Local Authorities? -- I cannot remember(30) that/...

that.

And I put it to you also that this was an important linkage in order to build up the anger of the masses, the anger of the people against the government so that they can easily participate in the freedom struggle against the government? -- That is not so.

In the quest to destroy the government? -- That is not so.

ASSESSOR (MR KRUGEL) : On this question of building up anger that counsel is busy with now. Do you know of instances (10) where you would say that the UDF was giving credit to the government or any government institution where credit was due? Just to illustrate it by way of an example. In the latest news we have the position that apparently Soweto has been sitting without water for some time and the army had moved in with their water trucks to give water where the people had no water. Do you know of instances where UDF perhaps have committed on that type of action, by the army or by who ever? -- I cannot remember, Why is there no water in Soweto? (20)

I just saw it in the news. I think there was a work stoppage or something.

COURT : The Municipal workers were on strike.

MR JACOBS : I put it to you that the ANC also identified and accepted detentions, political prisoners and exiles as important issues which - around which campaigns could be run and to bring justice in South Africa in disrespect and around which campaigns could also be undertaken in order to organise and mobilise the people or the masses to active participation in the freedom struggle? -- May I ask (30) counsel/...

counsel to repeat the question. I am very sorry. May be I am getting tired now. I could not follow that.

COURT : Please repeat the question.

MR JACOBS : The ANC identified and accepted that detentions, political prisoners and exiles are issues around which campaigns could be run to bring justice in South Africa in disrespect and around which campaigns could be undertaken in order to organise, mobilise and politicise the masses to active participation in the freedom struggle? -- I do not know about that. I cannot dispute nor confirm it. (10)

Then I put it to you that also the UDF identified and accepted that detentions, political prisoners and exiles are issues around which campaigns could be run in order to bring justice in South Africa in disrespect and also to organise and mobilise and politicise the masses to active participation in the freedom struggle against the government? -- That is not so.

These campaigns or these questions of detentions, political prisoners and exiles, were they the subject of an issue identified and on which a resolution was taken (20) at the launch of the UDF? -- That is so.

We heard your evidence previously that these resolutions were issues identified and which must be taken up by the UDF and in which you must act? -- Those are recommendations that the UDF should address itself to those issues. In fact the question of political prisoners and exiles is directly related to the question of a national convention. That much I have said many times in my evidence. It is not true that when we address those things we want to bring justice in South Africa into disrepute and to build anger against the (30) government/...



government. That is not so.

Do you know of any situation where it was stated, I think you referred to it yesterday about the people committed for trial in Natal, the UDF leaders? We referred to I think EXHIBIT C102 yesterday. -- Yes, I cannot remember a single word that says we want to bring the government or justice in disrepute.

Do you know what was propagated about people who were found guilty on terroristic organisations - terroristic activities in this country, whether they received a fair (10) trial or not? -- I do not know. I cannot remember anybody talking about whether the trial was fair or not.

I just want to refer you again to that passage yesterday that we referred to in the secretarial report of EXHIBIT C102 in volume 6 on page 7 of the report. There is a reference "This scoop culminated in trumped treason charges." Is that without the Court having given a judgment in them before they have been tried in the court and everything to say such a thing? Is that not bringing the justice system in this country in disrepute? -- No, no, surely it is not the Courts (20) which were charging us, but the Courts were supposed to sit and decide whether what the police and the State are saying is correct and that has got nothing to do with the courts as far as I am concerned.

Is it not part of justice if somebody is charged and then to come and say it is trumped up charges? -- If the police would sit in our meetings, they listen to us talking and they release statements which are public from time to time. They detain us after a long time. They decide to have a long trial which on the face of it is clear that (30) they/...

they cannot win. One may well say that these are trumped up charges and we know that we are not involved in that.

How can you say what is a trumped up charge before the case was before the Court and before the case was heard by the Court and decided on? -- We have a right to talk about our own activities to say we have not been involved in violence and if you say that we are violent, knowing that we are an open legal organisation, these charges are just trumped up charges. You are just making up these charges, because you have been detaining us for too long and there is a world (10) outcry that we must be released. Now you think that you should make charges, you will silence people because they will think that there is something better coming up. I said that really analysing that kind of a situation. We did not intend to attack or to influence the findings of the courts. I believe that the courts would be influenced by the factors presented in the situation inside the court. We ourselves, when we had problems in the past, we did not hesitate to go to the courts to help us out. That shows the fact that we had believed that - we hold the belief that the courts are there (20) as neutral bodies which keep in check. Any infringement of the rights of another party by one party.

I put it to you, the fact that you did go to the Court is also in line with the principle that you must use in this country legal as well as other manners of fighting the freedom struggle? -- I do not know about that concept. I do not know what counsel has in mind, whether by legal he means lawful organisations and underground organisations or whether he means lawful activities by organisations and legal proceedings in the courts. So, I do not know what counsel meant by that. (30)

Can/...

Can you tell the Court, do you agree that an attack on the security laws in this country, whether they sued you or not, that that is not an attack on the legal system in this country and the justice in this country? -- That is not. We do not perceive it that way. The security laws have been attacked time and time again, both in parliament and outside parliament by people in the UDF and by people who were not in the UDF.

And I put it to you that you used that in order to ... -- If I may just make the last comment. I think the (10) criticisms really were made insofar as those laws are allowed for long detentions of people and the situation where these people are not even allowed to see their lawyers sometimes or seeing their families and those of us who have been subjected to some of those laws, know what happens.

And is it not only the question that people convicted for murders in this country, murders of innocent people, that they are conveyed to the public at large, especially under the Black public as the heroes of the people and that they - it was a legal system of this country that is the cause of (20) them being given the death sentence and so on? -- I have not said so and I cannot remember hearing anybody saying that.

You say it was never said in the circles through the UDF, its national, its media, its regional or its affiliated organisations? -- Never is a very long term. All I can say is that I have not said so myself and I cannot remember anybody saying it in my presence.

The Release Mandela Committee, that is an affiliate of the UDF? -- That is so.

(30)

And/...

And what it is saying I put to you it is saying it with the approval of the UDF and the UDF even subscribed to that? -- That is not so. Subscribe to what? When did the UDF approve that? In what meeting? When? Who was there in that discussion?

Can you tell the Court, did the UDF ever take a different stand and say that the propaganda that the government security laws that the government laws are the cause for the people who killed innocent people and were hanged, that the government is the cause of that and that the govern- (10) laws are the cause of that? -- I might well have criticised the security laws in the country and I think I would do it in future as long as they operate the way they operate and the victims become the oppressed communities by and large, but I do not remember any situation where the UDF dealt with what counsel is putting to me and I still contend that there is a difference in criticising legislation and in criticising the court or the judge's findings.

But I put it to you this is not a mere criticising of the justice system in this country, but it is using the (20) issue of the justice system in order to organise and mobilise people, that is why it was adopted as an issue and that is why it was canvassed as an issue by the UDF? -- That is not so.

And is it so that the detentions and political prisoners and exiles are also linked up with the question of harrassment or the issue of harrassment? -- Detention partly may be seen as harrassment because very often when those in authority disagree with the views expressed by other and they detain them to silence them. (30)

And/...

And I put it to you further that the question of taking up exiles as part of this campaign and issue is in order to speak up in favour of the ANC and to propagate the ANC amongst the people? -- That is not so.

And that the ANC is depicted between the people as their heroes who took up the struggle and were fighting for them when they were banned? -- It is true that the ANC was articulating the aspirations of the African people when it was banned and I believe people might have spoken about that, but that has not been taken up as an issue within the UDF. (10)

Not only articulating, but they were actually engaged in acts of violence against this country and the government of this country? -- The UDF has not taken up the ANC as an issue to mobilise and organise people and that is all I can say in respect of that what counsel has put to me.

Do you agree or is it correct that the UDF on many of its meetings and also in documents of the UDF did tell the people that the ANC and the people that went in exile, were the people forced out of this country by this government and that they were the people fighting for the people and they were the heroes of the people? -- Well, I cannot (20) remember that which counsel is putting to me was said by the UDF.

You yourself, have you ever conveyed at any meeting the history of the ANC, that the people of the ANC, they are exiles because they were forced out by this government in this country? And that they are the heroes of the people? -- I cannot remember talking specifically of the ANC but I might have spoken about exiles in one of the meetings.

What is your contention? -- I might have, I cannot (30) remember talking about. Perhaps I am one of the few people who/...

who normally does not talk about that in his speeches.

And is it correct that even you conveyed to the people at the occasions when you did so that they are - the exiles are the heroes of the people? -- I have not said so and I cannot remember a single meeting where I said so.

I put it to you further that it is always conveyed to the people that the struggle, the freedom struggle in which UDF is engaged is a continuation of the struggle of the ANC? -- I do not know. I have never been shown a single document which says so in this case and I cannot remember anybody in(10) the UDF saying that. It might well be that somebody said "The struggle we are fighting is the same struggle that was waged by our forefathers or generations of the past", but I do not know. I cannot remember any specific instance.

The next I would like to put to you is that the ANC identified and accepted that the South African controlling of Namibia is an issue which can be used in the quest to bring the government in disrepute and organise, mobilise and politicise the masses in actively participating in the freedom struggle and also in order to isolate South Africa?(20) -- I cannot confirm or dispute that. I simply do not know.

I put it to you that it is also a fact and an accepted fact that the UDF, by the UDF that the South African control over Namibia is an issue around which a campaign can be conducted and also with a view to bring the government in to disrepute and to organise, mobilise and politicise the masses to actively participate in the freedom struggle and also in the drive to isolate South Africa from the rest of the Western world? -- That is not true. The UDF did not conduct a campaign on Namibia. Secondly I need to just indicate (30) that/...

that the question of Namibia has been an issue for many, many years. I read about Namibia when I was still at school doing my history at school and I knew that Namibia, South West Africa became a mandate of South Africa during the time of league of nations which was I think formed round 1919 and it has been an issue ever since that time for many, many years. A subject of international debate in the UN and in Commonwealth meetings, in meetings of organisation of Africa Unity - it has been reported about for many, many years. In the seventies there was a special contact group(10) that was set up. If my recollection is okay it comprised of Canada, Germany, US, Britain, I cannot remember the fifth one. They were supposed to lay a basis for the negotiations of the independence of Namibia and at the time when South Africa was asked to govern Namibia, it was asked to govern it as part of South Africa, until such a time that the people of Namibia were ready to govern themselves, but South Africa is refusing to allow them to govern themselves. So, that has been really a subject of debate for many, many years and I as a person who believes in national self-determina-(20) tion and freedom of nations, I believe that the Namibia people have a right to govern themselves and South Africa has actually turned against the undertaking that it made. If the history books that we are reading are correctly reflecting the facts. The UDF is talking about that, because it is a matter that everybody is talking about, but also because it is draining our country of the resources which would have been otherwise used here for the development of this country.

I put it to you that it was accepted at the launch of the UDF as an issue to be nationally canvassed and to (30)

be/...

be nationally used for this purpose? -- That is not so. May be one can quickly refer to the resolution on Namibia in A1. Any way, I do not accept what counsel is putting. May I should not waste the time of the Court.

And I put it to you further that it was part of the drive to get South Africa to be isolated from the rest of the Western world and that was also taken up on a national basis since 1983 and the launch of the UDF? -- I believe we have spoken about that, but I cannot remember specifically a resolution on that. I have explained the reasons in my (10) evidence-in-chief and some time in the course of this cross-examination I dealt with that.

And I put it to you further that in the run in the - during the course of the UDF addressing this issue, they even called - they even declared their solidarity with AZAPO not in South West Africa only, but - SWAPO, not in South Africa only, but also in Angola and that they declared their open solidarity with SWAPO? -- I do not accept that. I accept it insofar as I have explained it previously in the course of this cross-examination and in my evidence-in-(20) chief.

And I put it to you further it was this issue on Namibia which was also used to bring the government in disrepute in regard to the tax over the border, on guerrilla and terrorist camps and also in other places of the country? -- That is not so.

You said it was never said so in any of the documents or publications of the UDF or the UDF affiliated organisations or supporters? -- It may well have been said, I cannot remember, but what I am saying is that the purpose of addressing the(30) issue/...



issue of Namibia was not as counsel is putting it.

And also that at public meetings it was stressed that the government is to blame and the government was blamed for attacks on ANC bases in other countries? -- I cannot remember a meeting where the government was attacked for - blamed for attacking ANC bases, however, I know that there has been an outcry, internationally and nationally, of incursions into neighbouring states.

An outcry nationally by the members of the executives of UDF national and regional and also the organisations? --(10) I would not say members of the UDF. Public at large. Various organisations. UDF possibly included. Some people in the UDF included.

I would like to put it to you that the ANC identified and accepted that removals and group areas are issues which can be used to run campaigns around, to build up the anger of the Black masses and to organise and mobilise and politicise especially the people in the rural areas and to activate them into active participants in the freedom struggle? -- I cannot dispute nor confirm that. (20)

And I put it to you that the same was accepted by the UDF that removals, groups areas are issues which can be used to run campaigns around, to build up the anger of the Black masses and to organise and mobilise and politicise them to become active in the freedom struggle and also, especially so to organise the masses in the rural areas? -- It is not true that the UDF addressed those issues to build anger, spoke about those issues to build anger. The Group Areas, the question of Group Areas was the centre part of the issue of constitutional proposals and the new constitution was (30)

not /...

not addressing that. In fact on the contrary it is one of the key issues that the State President had said that was non-negotiable. So, that when we are addressing the group areas we are addressing it because it was a problem itself. It was causing unnecessary separation of races. People who would have otherwise loved to live together. It is imposing forced separation in a sense and secondly the issue of removals was a problem. I have dealt with that previously. It was not addressed because it was intended to build anger. But it is true that we had seen it as an area where in (10) future the UDF would have to address itself to.

Was the organisation of the people in the rural areas an important issue for the UDF? -- The UDF considered the need to organise people in the rural areas and in fact I said that in the secretarial report to the last NGC.

And was it regarded as an important area where the - which must be addressed by the UDF, the organisation of the people in the rural areas? -- We do not give any priority to it, but in pursuit of the objectives of building a strong front comprising of organisations, that is a front that (20) is nationally representative, we sought to organise the rural areas as well and get organisations from those rural areas if possible to join the UDF.

But did the UDF regard it as an important factor, that they must address the organisation of the people in the rural areas? -- It was important, just inasmuch as organising the urban communities.

Was it an accepted fact by the UDF that they must be organised around issues in the rural areas, issued regarding the rural areas, specifically touching on the rural areas?(30)

Well/...

-- Well, it may well be that in our speeches we said that or in our documents, but if you organise, you organise around matters that concern people in that specific area. If I am going to organise workers in a factory situation I cannot organise them without talking about the situation in the factory, so that one would assume that in dealing with organisations operating in the homelands, in rural areas would deal with problems which pertain to those areas.

WITNESS STANDS DOWN.

COURT ADJOURNS.

(10)