

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

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-26

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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THE COURT RESUMES ON 1987-08-26:

POPO SIMON MOLEFE, duly sworn states:

COURT: Before you start, Mr Jacobs, Mr Bizos and Mr Jacobs, I would like to make an announcement. It would obviate the arrangements of counsel for the recess period. My learned assessor is otherwise engaged from 12 to 23 October and we will therefore have the recess from 12 to 23 October. This Court will therefore not sit both days inclusive, therefore there will be two weekends, one at the beginning and one at the end that has to be added to that period. 10

The second aspect is this: what about Mr Kevin Harris? Has he been put on ice and will he forever be on ice?

MR JACOBS: No, Sir. We will clear up the matter of Mr Harris after we finish with this witness. We were quite busy on preparing for the cross-examination of this witness, but we will come back to the Court.

COURT: Very well, as long as you do not forget about him, and as long as you give him ample warning of the date on which he is to appear.

MR JACOBS: We will arrange a date with the defence. 20

MR BIZOS: M'Lord, I seem to remember that Your Lordship asked him what his plans were and he said that he was leaving towards ..

COURT: Something was said about August, I remember.

MR BIZOS: We will check on that, but I did ask My Learned Friends for the State what their attitude was, and they said that there was pressure on them and we left it at that, but we will find out what his position is and try and get him back as soon as possible.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I would 30  
like/...

like to refer you to EXHIBIT "W23", that is in Volume 4. -- M'Lord, I do not know if I should not respond to some of the things which were put to me yesterday and I said I was going to read the speech by no 20 in respect of, I think, "V16" and "V12".

COURT: Yes, very well. Do you have something to say about those speeches? -- I just want to draw attention to a few sections from that.

Which one do we start off with? -- Anyone that comes first. I have not got it with me now. 10

Are you going to refer to other documents as well, apart from "V12" and "V16"? -- No, I want to deal with these two only. There is just one more matter which relates to a question that Your Lordship raised in respect of what I said was normal political language, just a few things. It has been pretty difficult for me to make any research and get documents because I am not supposed to talk to the lawyers and it is really difficult. I was not anticipating that, but I have been able to get a book that contains contemporary speeches, delivered in, I think 1982 and 1983. I 20 do not know if I could refer Your Lordship to the sections in that book.

Whose book is it? -- It is contemporary speeches by Dr Neville Alexander. Before that, maybe I should go quickly, deal quickly with the exhibits. I would like to refer to EXHIBIT "V12", the Huhudi Youth Organisation meeting. I tried to read the speech of no 20. It is difficult to make sense out of that speech. In the past we were asked to work on the transcript, try to correct it. It seems what we have here is not what we corrected. I do not know what 30

happened/...

happened, but I just want to refer to the comments made at page 54 by Hoffmann Galeng, who was the chairman of the interim committee in the Northern Cape, after the speech of no 20. I want to refer to the last paragraph on that page. It reads as follows; it is written in Afrikaans:

"Julle weet almal dat die bestaan van HUCA het gekom as gevolg van die verskuiwing en die opgaan van huurgeld. Die UDF kan ons ook help. Mense, Botha maak 'n groot geraas soos 'n maer hond. Julle lees in die koerante dat UDF kom uit die ANC. Ons het geen verband 10 met die ANC nie. Ons weet niks van politiek nie. Wat ons nie wil hê nie is die apartheid wat ons met ons oë sien."

Now, it was put to me that accused no 20 sought to associate the UDF with the ANC, Mkonto we Sizwe. M'Lord, if I read that section, it does not tell me that. Then I would like to refer to EXHIBIT "V16". I want to refer to page 34 from the last paragraph, I think right up to page 35 initially. No 20 deals with the issue, I think the question of the loss of lives, then he has got this to say: 20

"But how many lives did Smith combined with Vorster, how many lives did they sacrifice before Smith got to his sense, before he was brought to the point where he is sitting now peacefully, he claimed peace."

And then it is inaudible, that section. Then he says:

"These monkeys here at home want to do the same thing." It does appear like accused no 20 here is concerned about the loss of life, and then the middle paragraph there, the long paragraph there, he has got this to say:

"Our obligation therefore .."

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Maybe I should read the whole section, the paragraph that follows the one I had just read.

"We are saying that nonsense must be stopped. We are saying the United Democratic Front must be strengthened. The people of South Africa will have confidence in them, that the people of our country as they are increasingly informed as to why this constitution is wrong, as to what in fact the intentions of the Government are. We are confident that Black and White will withhold their support for this government."

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Then he says:

"Our obligation therefore stretches far beyond this mobilising for this election. Our obligation stretches towards also mobilising even amongst the Afrikaners themselves, to open their eyes to the gravity of the situation, and they will not support this, although they may not by leaving the country. Many are refusing to go into the armed forces. Some are long years in gaol for refusing to fight an unjust war. Our White compatriots are doing that. I am asking you, many South African communities together with other South African communities that we must combine our efforts, we must intensify the mobilisation and we must inform our people that they must not vote on the 22nd and 28th because we want peace in our country. But you see, we can only have peace if there is justice. Justice is a fact. Let everybody participate in the government. Let everybody have houses, let everybody have education. There is nothing to fight about. Then we will have peace. As long as you have one

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monkey sitting there, he takes everything for himself." Now, M'Lord, I see that really being a call for peace. He believes that if the new constitution is effectively opposed that would create conditions for peace. Then again at page 36 he is talking there about people sitting around the fire and others blocking others, not allowing them to sit around that fire. At paragraph 2 of that page he says:

"There is a danger, there is a danger in this type of thing. The change of policies are .."

and then that section is unaudible, and then:

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"..protecting and hiding the fire from all of us who made a contribution, and while you are not contributing we might just push you into the fire to burn."

And then in the next paragraph he says:

"We are very serious about that. Now we do not want to do that. We are still now persuading, look, don't force us into a position where we have to push you into the fire. But now you have seen you are covering the fire and we are sitting cold. If you don't, it was only allowed for the situation in which you stand there and we stand in front of the basis of enjoying the fire together. We will have no alternative, in other words, we are dying, we have to push you into the fire."

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Now, that again, M'Lord, I think gives a clear indication of the spirit in which the speech was delivered, that we do not want a situation where other people would be injured, a situation where we would have to push others into the fire. From page 43 of that transcript, really he deals with what the UDF presents as an alternative to the new constitution,

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and/...

and he deals with the whole question of the national convention. I think it goes right up to page 44. I would not like to read that. I think it suffices just to refer to it. So that as I understand it then, it is really not a situation where no 20 was promoting violence in that meeting. I would then like to turn to the question of political language. I have chosen very few pages, paragraphs which I think will give an indication of the kind of language that other people are using who have nothing to do with the UDF and the ANC. M'Lord, this is a book ..

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What is the title of the book? -- The title of the book is Saw the Wind. It is contemporary speeches by Neville Alexander. The first really of the speeches is the one we had already referred to in my evidence in chief, the one dealing with the concept of united fronts, let us unite in the year of the united front. It is a speech that was written in 1982. I want to refer specifically to page 11 to 12 of that speech. On page 11 paragraph 3 he deals with the question of enemy, who is the enemy. I do not know if Your Lordship would like me to read what I am referring to, or I 20 can just refer to it.

You can just give me the sentence in which it is said. -- In this context I may well have to read the whole paragraph up to page 12. It is headed "Who is the Enemy?" He says:

"The problem of unity rests on the definition of the enemy. That is to say only those people can hope to unite their forces who identify the enemy in a broadly similar manner. This seems simple enough, yet it is an extremely complex matter. For one thing, even if 30

different tendencies or organisations can agree on how to define the enemy at any given moment, this enemy changes from period to period. Groups of people who may yesterday have appeared to be on the side of the liberation may tomorrow clearly stand against the forces of liberation. Who doubts today that the Matanzima's, the Sebe's or the Mpepu's are on the side of the enemy? These people and the power clique that they represent have a state in separate development/apartheid/capitalism. They have said and they have shown that like the majority of Whites in South Africa they are prepared to die in order to defend the system with or without certain changes in the practices of racial discrimination. When we consider the leaders of Inkatha, the SAIC and the Labour Party on the other hand, many people would hesitate to say bluntly that they too have placed themselves on the side of the enemy. Yet it is obviously a vital question as far as the attainment of unity in the liberation movement is concerned. If some of us are prepared to tolerate the collaborationist strategies of the so-called Black Alliance while others are not, this simply means that we differ as regards our definition of the enemy. It means further that there is no basis for unity between us. From this practical example we can see how complicated the question of unity can be."

I think that suffices to make the point, M'Lord. I will then move to page 16, I think that section would take part of page 16 and part of page 17. I am particularly interested in the section dealing with the events of June 1976.



It is a section under the subheading "The United Front".  
It reads as follows:

"The intensification of the struggle in Southern Africa and the mortal danger of disunity and civil war amongst the oppressed people have created a situation of urgency. Ever since the historic events of 1976 it has become clear to all serious-minded militants that we can work together and that we can have unity in action, even though we have not reached full agreement on all principles."

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I will leave it at that, but Your Lordship will realise that this speaker is using concepts like "liberation movement" in the two paragraphs that I have read, talking about historic events of 1976, talking about the oppressed people, talking about militants, talking about unity in action, and this is in 1982, M'Lord. He really says a lot on united front. That I can leave because Your Lordship has got this paper already as an exhibit. I may just refer to the fact that he is also talking about the struggle for liberation. Page 19 paragraph - I think it is the last paragraph there, 20 it is a speech that was delivered in November 1982. It is really a funeral oration, I think, at the funeral of Jim Naidoo by Dr Neville Alexander on 2 November 1982 at the Athlone Civic Centre, Cape Town. In that section I am interested in the section where he is talking about unity in action. He says:

"He was dedicated to the ideal of unity in action."

And then of course at page 20, the second paragraph at page 20 of the same speech, he is talking about the national democratic movement, at paragraph 2.

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"He accepted that in a national democratic movement there must be room for disagreement as long as basic principles such as non-racialism are not compromised."

And then there is at page 27, there is again a speech which really starts at page 23, it is titled "The National Situation". This was a paper that was delivered at an annual congress of the Azanian People's Organisation, AZAPO in December 1982. At page 27 of that speech, paragraph 1 - I think I would start with the last sentence on page 26. He says:

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"Permit me to issue a warning in brackets at this point against the background of rapid historical change that I have sketched. It is well to remember that yesterday's revolutionary position becomes today's conservative bastion. After all, even the oppressors themselves today indulge in the discourse of 'decolonisation' and 'non-racialism'. The very language of politics and of social theory has become suspect and though it is still very important to listen to the words people use, we have to turn them over and over again as we would do with suspected counterfeit money."

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I would then like to move to page 29 of the same speech. It would be the first paragraph on that page, and in this instance I am interested in the word "destruction". He says:

"We would be compelled in the medium term to do the same kinds of things as those which P W Botha and company are trying to do today, trying to overhaul their system with a view to avoiding its total destruction."

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Then I would like to move to page 30 to 31. It would really be what one would call paragraph 2 on that page. It goes on to - I think page 31. It ends at what one can call paragraph 1 at page 31. It reads as follows - I will just start somewhere - I will start from the beginning of the paragraph:

"Consequently the alliance with the White workers is to be downgraded in importance. Instead the junior partners in the new alliance are to be the Black middle class and their political representatives, 10 whether or not they are at present collaborating in the political institutions created by the South African State. A class of Black people is to be nurtured in and through a slightly modified apartheid system, so that they will have a vested interest in the perpetuation of that system. From this group the so-called leaders of the oppressed will have to go forth and be co-opted by the system. They will be advertised and put up as the models for the Black workers and unless the workers produce and maintain an independent leader- 20 ship, they, the vast majority of our people, will in fact be rendered leaderless and defenceless. Already the Bantustan misleaders of whom the Sebe brothers are only the most vulgar and brutal specimens, are showing that a small section of Black people in South Africa are prepared to imprison and perhaps even to kill other Black people for the maintenance of the apartheid status quo. Let us have no illusions. The vulgarity of the Bantustan leadership should not make us forget that there are other more subtle ways in which a 30

middle class can be tied hand and foot to an oppressive system. The virtual neutralisation of our teachers as political animals and through salary increases, fringe benefits and the threat of dismissals should be a solitary reminder to all of us that middle class people can be trapped systematically unless there is an overwhelming countervailing force towards which they can gravitate. In 1924 it was the Crestwells and the Boydells of the White Labour Party that tied the White workers to the capitalist bandwagon. We must 10  
allow the Currie's and the Rajbanjee's of the Coloured Labour Party and the South African Indian Council to tie the oppressed people to an exploitative system for another 60 years."

M'Lord, I would then move to page 34 of this book, page 34, I think I will go on to - plus certain sections in 35 and 36. There I am really interested in the paragraph that deals with the national liberation movement. It says:

"It is high time that we stop giving the impression that the PFP, Inkatha and other such groupings are 20  
part of the national liberation movement by using their system-bound arguments to articulate our rejection of and protest against apartheid measures. To talk about the Coloured people having sold the African people down the river because a few vernal(?) political pygmies have now formally gone inside into their master's kitchen. Without insisting that Black be included is to fall into the trap of playing ethnic politics as defined by the rulers and as advertised in every ruling class newspaper in the country." 30

The second paragraph at page 39 really also deals with the question of collaboration and the national liberation movement. I think I should not read that one, or maybe I should read it.

"However, theirs is a regime of crisis. Their position is rife with contradictions such as differences between Botha and Treurnicht, Botha and Slabbert, Botha and the Bantustan leadership, Botha and .. Parliament and the army and so forth. Fundamentally therefore this is a weak regime that has in fact lost the historic initiative in Southern Africa to the national liberation movement." 10

The last paragraph on that page reads as follows:

"For this reason the question of collaboration with the regime is vital. Collaboration can expand; non-collaboration reduces those parameters. Ever since certain circles among the Black middle class in town and country agreed to work within the apartheid/Bantustan system, ever since the middle 50's the problem of political collaboration has been almost mechanically solved. We have correctly conceded all those who work in Government-created political institutions to be collaborators. This remains the position today. Bantustan leaders, community council leaders, management and local area committee members, South African Indian Councillors, President's Councillors and prospective members of the kitchen parliament, all these are collaborators who by now knowingly work the very instruments that oppress us." 20

I would like now to deal with page 39 and going on to page 30

40. The biggest paragraph at page 39, I think one can say is paragraph 3, reads as follows:

"Against this background we can see more clearly why our demand for a non-racial, non-ethnic and undivided Azania is for us a matter of life and death. These are not just nice-sounding words from some political glossary. These slogans embrace for the oppressed and exploited people of South Africa their only guarantee of escaping from the bondage of neo-apartheid which is the socio-political oppression of the capitalist system."

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Then in the last part - I think I should leave it at that. I think the last section on that page, the last paragraph reads as follows:

"As against the new dispensation we have to insist on our primary demand for the convention of a constituent assembly elected on the basis of one person, one vote at which democratically elected representatives of the nation will decide on a new constitution for Azania. The constituent assembly will not be a gathering of representatives of so-called ethnic groups. It is also not going to be convened by the present Government. It is a goal for which we shall have to struggle in the years ahead with even greater dedication than before."

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COURT: What is not going to be convened, a national convention? -- Constituent assembly.

What is the difference between a constituent assembly and a national convention? -- I do not know about that. I think those who support this have argued that, those who

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support the national convention believe that people who are currently representing ethnic groups will also participate and so on. I cannot remember the full argument thereof.

So does the one include everyone and the other not include everyone? -- I think possibly what they are saying is that it may include everyone but not on the basis that you come from the Indian community, you come from the Afrikaner community and so on, simply on the basis that you are a human being, you have been elected. I am not quite sure, I cannot profess to know much about that. Then page 49, I 10 think page 49 really deals with - he is really criticising those people who believe that we can have organisations like the Natal Indian Congress, Transvaal Indian Congress and so on. The last paragraph, it continues up to page 50, it reads as follows:

"These are weighty conclusions on which history itself (since 1960 and especially since 1976) has pronounced a negative judgment. To fan the fires of ethnic politics today is to go backwards, not forward. It plays into the hands of the reactionary middle-class leadership. 20 It is a reactionary, not a progressive policy from the point of view of the liberation movement taken as a whole. Imagine us advocating Indian, Coloured and African trade unions or student unions today. There is a diametrically opposite view within the liberation movement, even though it is held by a very small minority of people. According to this view our struggle is not a struggle for national liberation. It is a class struggle, pure and simple, one in which a working class will wrest power from the capitalist class. For this 30

reason the workers should be organised regardless of what socalled group they belong to. This tendency seems to say (in theory) that the historically evolved differences are irrelevant or at best of secondary importance."

COURT: Where does the author stand? -- It seems in respect of the question that ours is a pure class struggle, he seems to be against the word.

Against the class struggle? -- Yes, he seems to be ..

But he also seems to be against the other position 10  
where you have - what is like the TIC and the NIC. -- I think his approach is that people must be organised on the basis of individually - quality and - when an organisation is formed, it must be formed and then it can have a branch in the Indian area, rather than have a special organisation in an area reserved for Indians and that organisation having an Indian name tag of an Afrikaner name tag. At page 50 really he is just using a quotation I think he had taken from a speech by President Samora Machel which was, I think, reported in WIP No 6 of 1983. 20

What document? -- Working Progress No 6. I will not read that section. It is at page 51 in small lettering. Then at page 54, just a small section, paragraph 3, he says:

"All struggles (local, regional and national) should be linked up. No struggle should be fought by one colour group alone. The President's Council's proposals for example should not be analysed and acted upon as of interest to the Coloureds and Indians only. The Koornhof bills should be clearly seen and fought as affecting all the oppressed and exploited people." 30



There, M'Lord, really particularly in the whole question of linking, the use of the word "struggle" and linking those struggles and the whole question of using terminology such as "fought", "fight" and so on. Then at page 55, it is the last paragraph, I think it really continues briefly into page 56, it reads as follows, it is headed "The Historical Role of the Black Working Class".

"The Black working class is the driving force of the liberation struggle in South Africa. It has to ensure that the leadership of this struggle remains with it if 10 our efforts are not to be deflected into channels of disaster. The Black working class has to act as a magnet that draws all the other oppressed layers of our society, organises them for the liberation struggle and imbues them with the consistent democratic socialist ideas which alone spell death to the system of racial capitalism as we know it today."

M'Lord, that is as far as I could go. In the position in which I find myself, I find it really difficult to make research and get more of these things. I think partly some 20 of these things really deal with the things that counsel has been putting to me. All I can say is that Dr Neville Alexander has been very critical of the UDF. He has been very critical of the ANC. He has been partly critical of the Black Consciousness position insofar as it excluded every White person.

Now, why is he critical of the UDF? -- I think on the basis that the UDF thinks that it can bring together everybody, the White working class, the Black working class, the sons and daughters of the bosses, the Black Sash. 30

So that actually is a pure socialist? Is that what he has against the UDF? -- I do not know, because he is differing with those people who are saying that the struggle is a struggle of the working class alone.

So he seems to be a square peg in all round holes? -- That may be so. I do not know. He is the only one who can argue his position. I think he seems to ..

What is his allegiance, or has he got no allegiance? Is he just an independent thinker? -- I think he is - he believes that - he advocates that there must be participation of the Black working class in the struggle, and what he would regard as maybe the revolutionary intellectual, those people who align themselves with that Black working class, who do not believe that you can be involved in the same struggle with traders' associations and so on. So that the UDF is seeking to bring everybody together, traders, religious organisations, everybody. If one deals for instance with his speech on the question of organisations like the TIC, NIC, the way he deals with the question of who is the enemy and so on, he seems to be saying that only those who agree 10  
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on everything can come together.

But now, is he a man of violence or a man of peace? -- No, he is not a man of violence. He is a man of peace.

At one stage there was an Alexander who was convicted of a political offence. I think there was some sort of a case about it. Is this man a different man? -- This man did, I think, about ten years or so on the island. I do not know the circumstances.

On Robben Island? -- That is so. I am not quite sure about the circumstances of his case, but he is currently 30

really a proper educationalist. He has been heading the South African Council for Higher Education.

ASSESSOR (MR KRUGEL): Is he a White man? -- He is Coloured, but he will fight me if I call him Coloured. He will prefer to be called a South African.

COURT: What council does he head? -- SACHED, I think, South African Council for Higher Education.

MR BIZOS: Your Lordship can take it for granted that it is the reported case of S v ALEXANDER, but he got a doctorate, this is why today he is Dr Alexander. 10

WITNESS: M'Lord, I would then say, I think that is all I can do in terms of responding to the questions which were raised.

MR JACOBS: Mr Molefe, just on this part of Dr Alexander, to clear it up. He was sentenced - he is not such a peaceful man as you are trying to give out to the Court. I put it to you that he was sentenced to ten years' imprisonment in the Supreme Court in Cape Town on sabotage? -- It may well be that he was a violent man at that time. Many people belong - several people belong to violent organisations and they 20 later assumed a position of trust and responsibility, the highest office in countries, for instance, one, Mr B J Vorster had been a member of the Ossewabrandwag, as was Mr Hendrik van den Berg, but Mr B J Vorster ended up in the highest office of State President. Similarly Mr Van den Berg became the head, the chief of the Intelligence Service in the country.

COURT: So you mean there is hope for Dr Alexander? -- The point I am trying to make is that one cannot really move from the position that because at X time you were supporting 30

this side, you perpetually belong there. So many people have crossed the floor, I believe the late Mr John Wiley, I think he was Deputy Minister of Environment and so on, Environmental affairs and so on, had also been a member of the United Party, I think, at one stage. So really people cross floors. When one looks at Dr Beyers Naude for instance I think he was a member of the Broederbond and he was an architect of - he was really part of the real - the machine, ideological machine in terms of the policies, but now he has turned against that after some time. Others still believe 10 that the position was correct. People change in the course of time, they shift from place to place.

MR JACOBS: Mr Molefe, do you agree that all the examples now mentioned by you, there is not one of them that you can point out that actively participated in violence in order to overthrow a government? -- As I understood it, the Ossewa-brandwag believed that they had to fight it out.

The people mentioned by you, they were not persons who personally committed any acts of violence? -- Well, I have not got any special knowledge of that, but I can say that 20 there are reports that Mr Vorster was detained.

ASSESSOR (MR KRUGEL): I do not know how many experts on the Ossewabrandwag we have in court, but I do not think that you can really come to the conclusion that the Ossewabrandwag as an organisation condoned violence? -- I am not an expert on that.

I am not an expert either. -- All I can say is that Mr B J Vorster is known to have been one of those who condoned it. It may be that the whole organisation was not, maybe people like Mr Van Rensburg did not condone it. 30

About that I am sure. -- Yes, but others did. All really I am trying to say is that once a person was in a particular position, it does not follow that he is perpetually in that thing. If I get convicted for a particular act and I serve my sentence, it does not follow - I may hold the same ideals, but I may not be committed to the same methods. I may hold the ideal that we need to have a non-racial democratic South Africa, but one learns a lot on what kind of methods to adopt to arrive at that.

MR JACOBS: Mr Molefe, Dr Alexander, is he a member of any 10  
organisation? Is he a member of AZAPO? -- To my knowledge he was not a member of AZAPO. He was sitting on the National Forum Committee, and he is also a member of a local civic association there. The name of that civic association appears also in this book. I cannot remember exactly.

The National Forum Committee, was that initiated by AZAPO? -- It may well be. I am not certain, but AZAPO is still ..

Mr Molefe, were they not your opponents on the question of unity, unity in action and on the front or a united body? 20  
-- I do not understand the question.

The National Forum, was that not an idea of AZAPO to unite the people on a national basis and that UDF and the people in the UDF came with the same idea, that you were the opponents to AZAPO on that question of unifying on a national basis? -- They were involved in that. They wanted to unite organisations, Black organisations, to oppose the constitutional proposals, but I was not a member of AZAPO. I cannot say if really that idea started within AZAPO. It might have started somewhere and was taken up by AZAPO. As I see it, 30

Dr Alexander seemed to have been one of those people really, amongst the first people who called seriously for that in 1982, and in fact when the National Forum Committee was formed, it was already - it was after the UDF had taken a decision, the Anti-Sake conference had taken a decision to form a united front.

When was the National Forum Committee formed? What did you say about 1982? -- I say the call was made in 1982 by Mr Neville Alexander, but the actual formation of the National Forum I think was between April and June 1983. 10

When did they start working on that call to form a National Forum Committee? -- I am not certain about it. It seems - I do not know, I cannot remember. But in any event there has been an argument by members of the DBAC, that argument was widely circulating and it is in one of the exhibits here, I cannot remember what exhibit. It may well be EXHIBIT "W9", where they are arguing that the Charterists stole the idea of the united front from the Black Consciousness movement because those in the Charterist organisation who later formed the UDF knew the prestige that would go with the whole concept of forming a united front. They argued strongly that Dr Boesak stole that idea initially from the discussions which were taking place also within the DBAC. The DBAC had been formed in 1982, I think in August 1982 in the Western Cape to oppose the Koornhof bills. So that there have been those arguments really. 20

Is it not so that AZAPO was the leading organisation in this National Forum? -- Well, it is reported as the leading organisation. I think in a sense that it was maybe the broadest national political organisation. 30

And/...

And do you know who was the organisation that was doing all the organising of getting this National Forum together and who took the initiative? -- No, I do not know. I was not in that thing.

You did not find out? -- No, I do not know.

Mr Molefe, I would like to go back firstly to EXHIBIT "V12" and you referred to what Mr Hoffmann Galeng said on page 54. -- That is so.

Now, Mr Molefe, I put it to you, what Mr Galeng and my interpretation of this is what Mr Galeng in putting across 10 to the people on that meeting is first, that the UDF can assist them, and second that the people in the rural areas in the country does not know much about the ANC, and they only read about it, that in the papers it was said that "UDF kom uit die ANC", but they do not know about it and there was a person here from the UDF who will enlighten them? -- That is so. That sentence is very explicit. He says there is an allegation that the UDF comes from the ANC and then he says, we have no connection with the ANC, and this person is the chairman of the UDF interim committee. 20

Now, can you explain .. -- So that he is not just an individual. I cannot debate that with counsel, but that is how I understand it.

Will you just read this sentence and explain what is meant by:

"Julle lees in die koerante UDF kom uit die ANC. Ons het geen verband met ANC nie."

That is the people in the country he is referring to.

"Ons weet niks van politiek nie."

I put it to you that he is referring in this sentence to the 30 people/...

people in the country? -- I do not understand it that way. These people are talking at a meeting of the Huhudi Youth Organisation.

What does that mean? -- I believe he is addressing himself to the members of the Huhudi organisation. It may well be that there were other people who were not members, but he is talking here about these people and the supporters of the UDF.

And can you tell us, who are the people that he is referring to here, who knows nothing about politics? -- I am 10 saying he is referring to members of the organisation which is present there, amongst them, Huhudi Youth Organisation members. All he is saying really, I understand him really to be saying that we are concerned about this thing because of apartheid. Ordinarily we would not have been interested in politics, but we can see apartheid, we know how it affects us.

I put it to you further that the person who cleared it up on the connection with apartheid, between UDF and apartheid was accused no - UDF and the ANC, that was accused no 20 20. -- I do not accept that proposition. I think he will speak for himself, because this speech is really - there are large sections of this speech which are not here. Either they were inaudible or something. I remember actually spending sleepless nights trying to listen to this tape. That work that I did is not here.

Do you agree that the people in the country is not so conversed in politics than the people in the cities? -- Well, there may be instances, there may be places, but there have also been instances when one reads in the history, for 30



instance about the struggles around Bantu education in the 50's, strikingly enough and surprisingly enough people who were - in fact also with regard to the anti-pass campaigns, people in places like Zeerust were more involved, more active than people in certain urban areas. So that it all depends. I do not know.

And was it accepted as such by the UDF that the country is not so conversant in the - the countryside, people in the countryside are not so conversant with politics than the people in the cities, and that a special drive must be made to mobilise and politicise them in the country? -- I think we have said in the past that there is a low level of organisation in the rural areas, as compared to the urban areas, and I think we identify the problem amongst others as being problems like resources and transportation, the villages are far apart, far from each other, and normally it is difficult to walk from one village to another, unlike if I have to walk from one township in Soweto to another township or from Soweto to Alexandra, it is very easy to travel because there is a lot of transport, public transport.

And the next exhibit, Mr Molefe, is the one which you referred to, is EXHIBIT "V16". Now, I put it to you, the part read out by you, that there is a clear message and warning to the - you referred to pages 35 to 36, that in this passage there is a clear warning to the White people to either line up with the UDF and there is also a clear warning to the Government that if they do not listen, if the Government does not listen to the warnings of the UDF and the Whites do not listen to the warning of the UDF, then they will be pushed into the fire and they will be killed, and

that/...

that is what is meant by this "We will have no alternative", in other words, we are dying, we have to push you into the fire. It is a clear ultimatum, a clear warning? -- I do not understand that. I think there is a difference between a warning and an ultimatum, and all I understand it to mean is that this kind of a situation might well influence certain people to take up - to adopt methods that are unpleasant. I think really what he is saying is that when injustices persist, you would have problems, the problems may become serious, but the whole thing read in context, it is clearly 10 calling for peace, and he is actually suggesting a method to that end.

Mr Molefe, can you explain to the Court, how is he calling for peace when he says "We will have no alternative"? -- Are we dealing with page 36?

36, that is the fourth paragraph, the end of it. -- I think he made the position very clear before he says, we do not want that, we do not want that to happen. We do not like it, and in the pages that I referred to, towards the end of his speech, at page - I think I referred to, page 43 20 to 44, it is clear that he is not saying, let us prepare for violence. He is saying there are other alternatives. He is saying that, and that is very clear to me. I do not agree with counsel.

When you explain the words, that was my question, "We will have no alternative", that there is no alternative, and the "we" I suppose are the people in the UDF? -- No, no, that is not the - he had no mandate to say that the UDF would adopt a violent method. I do not know. I understand it the way I have explained it, if he meant any other thing 30

that/...

that is not representative of the UDF policy. I think he can deal with his own words.

But you mentioned this part, Mr Molefe, you brought it out this morning. So can you not give an explanation of what he is meaning by "We will have no alternative, we have to push you into the fire"? -- I have explained it to mean, it may well mean that if that situation persists, certain individuals might decide to go for unpleasant methods. That is all I can say. This is not my speech. I cannot attempt to be authoritative on this.

10

Now, what individuals will go for unpleasant .. -- I do not know.

Mr Molefe, can we go on then? I wanted to start this morning with EXHIBIT "W23". That is the SASPU National. It was found with S Bolton of Lenasia. Do you know S Bolton? -- No, I do not know that person.

SASPU National is one of the community newspapers? -- I think it is a student newspaper.

Which students? -- Well, I do not know. I think they are linked with all the universities, white universities. SASPU is really South African Student Press Union.

20

Mr Molefe, I would like to refer you to page 7, and this is on the question of the leaders of the UDF and connections - and I put it, connections with the ANC. So on page 7 .. -- Maybe if counsel can indicate what volume it is.

COURT: Volume 4. -- I have got it here, I am sorry.

MR JACOBS: Now, on page 7 in the last column, the fifth column .. -- Are we looking at "W23"?

Have you got it? -- I have got it. What page are we looking for?

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Page 7. The last paragraph under the heading, the article with the heading "Turf meeting on Mandela goes Ahead despite Ban", before the next heading, I think it is paragraph 6, starting with Oupa Monareng. On page 7 - have you got page 7? On top there is a photo of a group of people. -- The one with the lettering on the left, "United Democratic Front", on top.

No, I do not see that. -- Is it the one "UDF Unions meet on SAO Ban"? Yes, I have got it.

ASSESSOR (MR KRUGEL): There is a photo of Mrs Winnie Mandela and Aubrey Mokoena. -- I have got it. 10

MR JACOBS: Yes, "Meeting on Mandela goes ahead despite Ban". Have you got that? It is in the last column, the heading? -- I see that.

Now, that paragraph, just before the next small heading, there the paragraph starts "Oupa Monareng". I will read it:

"Oupa Monareng, President of SOYCO, said that the people know who their leaders are. It was the duty of leaders who are not imprisoned, bound or detained to tell people what these leaders stand for, he said." 20

-- I see that.

Now, Mr Molefe, I put it to you that this is a clear reference to the leaders of the ANC as well as the leaders inside South Africa in the UDF? -- I do not know. It may well be, but he does not limit his speech to the ANC. It may well be leaders, some of them who have nothing to do with the ANC. It may well of course include people like Mr Nelson Mandela, but I do not know. I was not at that meeting.

Is it correct that you do identify Mandela as the leader of the ANC and also as the true leader of the UDF? -- 30

Not of the UDF. I made that position very clear in my evidence in chief and in the course of this cross-examination many times.

Mr Molefe, is it correct that Mandela stands for certain ideals, and what they stand for. Is it correct? -- Well, leaders have got ideals that they strive for. Mr Mandela would have a clear ideal that he stands for. He is a non-racial democratic South African.

And also to achieve that by way of violence? -- You mean he has adopted particular methods? Violence really is 10 not an ideal.

And that he is standing for a free and democratic South Africa, as you say, and to achieve that by way of violence? -- Well, he had adopted that.

And that is generally known? -- I know that, but I would not say everybody knows that. All people are really concerned about is the idea that that man really strove for. I have made too many historical references, but you know, these are the kind of things that people talk about. They talk about ideals, but they may differ in terms of the 20 methods that are adopted to realise those ideals. In the course of my evidence I had referred to a speech that was made by ds - I think - Neveling, who was also a member of the National Party in the Transvaal, in an address, a meeting I think of the branch of the Nationalist Party, somewhere in the Cape, I think Wellington in the Cape, and he had been a man who had been very close really to Mr Jopie Fourie, and he had been really attending to him and I think he is the man who saw him even at the last moment when he died, and in addressing that meeting he is reported to have said that 30

they/...

they as Afrikaners had come together - I am not really purporting to quote him verbatim, but all he was saying, that we had come together really to declare our commitment to state that we remain committed to the ideals for which Jopie struggled and died, and he saw that ideal as the ideal of Afrikaner self-determination. He even went further; he argued that everything that stands to advance that ideal is correct, and anything that stood against that ideal was wrong, and he says that is how Jopie Fourie saw it and that is how they saw it, the Afrikaner should see that, and he 10 strongly believed that the blood of Jopie Fourie would serve to awaken the Afrikaner to strive for nationhood. He even saw him, his blood as the foundation, one of the foundation stones of the Nationalist Party. Now, I am not saying that - I believe that he himself was not supporting the methods that Mr Jopie Fourie had adopted, but he believed in that ideal of Afrikaner self-determination and national independence, and he was committed to it, and I would understand really people who are talking about the ideals for which the leaders, certain leaders, we do not know exactly who he has 20 in mind, he may well be having Mr Mandela in mind because it was a meeting of the RMC, the ideal being that of non-racialism, where the African people and other racial groups will come together and vote in a single South Africa, will share that kind of South Africa, may well be what the speaker had in mind, not the methods that the man has chosen. If he wanted that, he himself would have left and joined those who had already taken up arms.

THE COURT ADJOURNS. THE COURT RESUMES:

POPO SIMON MOLEFE, still under oath:

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FURTHER/...

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, do you regard Mr Mandela as your true leader? -- That is so, in the sense that he is a leader that amassed in the course of the struggle against apartheid in the Black community, but not in the sense that I get orders from him.

And is he regarded in the leadership of the UDF as the national office, as the true leader of the people? -- That is so in the sense that I have explained it.

And also in the regions and in the affiliated organisations? -- I cannot speak for every affiliate of the UDF, but 10 certainly by very many people. I would actually be surprised if there would be anybody who would say he is not a leader, because even those who are participating in homelands have consistently said that he was a leader.

Mr Molefe, and does the UDF and you yourself as well propagate him to be the leader of the people, the true leader of the people? -- I would not say we propagate that, but as and when the need arose - I would not say that he has been propagated as such, but from time to time when the need 20 arose, if a person in his speech decided to talk about him, he would talk about him. It is not as if it is a program of the UDF to go - to propagate that.

And is it correct that the UDF did go out of its way - let me put it first, and it is well-known in the circles of the UDF, national, regional and affiliates that Mr Mandela is not prepared to swear off violence in achieving the government of the people? -- I do not know about that. I know that he has said in the past that he is not a violent man.

Mr Molefe, do you know about his statement being dis- 30 tributed by the UDF that he is not prepared to swear off

violence? -- Oh yes, I remember that statement. It has got more than just that. I think it is an exhibit in this case, possibly "C41", one of the documents in "C41".

And it was made perfectly clear that he is not prepared to swear off violence as a means .. (INTERVENTION)

COURT: Let us first get the exhibit.

MR JACOBS: I think it is "C41", the second document. It is in Volume 3. Mr Molefe, is it correct then that the UDF did organise the big rally in order to make known this statement of Mr Mandela to the public at large? -- That was not the purpose of the rally. The rally was organised to celebrate the Nobel peace prize awarded to Bishop Tutu, and while the preparations for that were on the way, we were asked by the family to allow them to present this message. 10

And this message was then made known, that he is not prepared to swear off violence on that meeting of the UDF? -- I believe there is a section that says so, but there is also a section that says, I am not a violent man.

Mr Molefe, why do you evade the question? He is specifically - whether he was prepared to swear off violence or not? -- Well, I say so. I believe it is here in this message. But that should be read in the context of the whole statement. 20

Did you agree with his statement, Mr Molefe, that he must not swear off - to the effect that he is not willing to swear off violence? -- That is for him, not for me. I have chosen my own method.

Do you agree with that or not? -- I have got no control on that, whether I agree or disagree, to me it does not make any difference.

It is not a question of control. Do you agree with his 30



statement to swear off violence or not to swear off violence?  
-- I cannot decide for him.

No, I ask you, what is your view on that? -- All I can say is that I can understand why the man is saying so.

COURT: What portion of the statement are you referring to? I am asking you, Mr Jacobs. You refer the witness to a portion of a statement. I want you to put clearly what portion you are referring to.

MR JACOBS: Then I will read on page 3, the typed page, the last part of it:

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"Only free men can negotiate. Prisoners cannot enter into contracts. Herman Toiva Ya Toiva when freed never gave any undertaking, nor was he called upon to do so. My father says I cannot and will not give up any undertaking at any time when I and you, the people, are not free. Your freedom and mine cannot be separated. I will return."

COURT: The question is now?

MR JACOBS: He is not prepared to swear off violence, and my question was then, do you agree to that? Is that also your sentiment? -- Well, I have not opted for violence. All I can say is that in the context of what he has written here, I understand why he says he is not prepared to make any undertaking.

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COURT: Why? How do you understand it? I do not seem to understand it, unless the statement is read, when I get out of gaol I will continue the armed struggle. Can you interpret it in any other way? -- I think all I understand him to be saying is that I will stay in gaol until you unban - maybe we should read the statement. Maybe I should get the

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opportunity ..

I have read the statement. Look at page 2. -- I understand the man to be simply saying that when they decided to adopt the methods, the violent method of struggle, they did so because their organisation was banned, they had no other way, and he is saying, he seems to be saying that we did so because we wanted to end apartheid. Now he seems to be saying if Mr P W Botha makes an undertaking that he will dismantle apartheid, and he unbans the organisation that we operate lawfully, then I would be prepared to make an undertaking. 10

And otherwise? -- Otherwise I am prepared to stay and die in gaol.

What does he say? He says, I was a member of the ANC, I will always be a member of the ANC, there is no difference between the views of Oliver Tambo and myself, and we turned to the armed struggle for certain reasons. I am not going to renounce violence. What else does this mean than that I still stand by the armed struggle? -- It may well mean that, but if .. 20

Now, if that is so, why is this sort of thing read at a UDF meeting? -- Firstly, the man was a patron of the UDF, and the issue on his release had become both a public matter, nationally and internationally. It was a matter of great importance to the UDF, to affiliated people in the country and internationally, to get what the man has got to say about what the other people had been saying, there had been a lot of speculation and the family wanted to give his response to the matter, and we felt that as a patron of the UDF we should allow that opportunity to him, to express his 30

views. But also I think he makes it clear also in the other page, that he is not a violent man.

I cannot see how one can say you are not a violent man if you opt for the armed struggle. It may be that you have certain reasons for doing that, but the moment you take up arms you are a violent man, whether you like it or not? -- I think also it must be understood in the way he conducted himself at the time, when he was involved. As I understand it, he was not - he was very careful about loss of life, in his participation he sought to target those buildings which 10 were merely symbols and at times when there was nobody there, and I think that was the position.

Was there a press statement by the UDF that preceded this statement by Zinzi Mandela? -- That is so. I think there was.

Where can one find that? I read it at some stage. I think it was a press statement by accused no 20? -- No, it was a press statement by myself.

Do you remember the number of that? -- I cannot remember now. 20

MNR JACOBS: Edele, ek mag miskien sê, ons sal by sekere van hierdie persverklarings ook uitkom.

COURT: If you are going to come to it, do not waste time looking for it.

MR JACOBS: I do not know if it is the same one, but there are some of the press statements that I am going to ..

Mr Molefe, I would like to put it to you also that before Mr Mandela made his statement, even then the UDF already organised for a meeting to release the statement of Mr Mandela? -- What I am saying is that the meeting - the 30 purpose of the meeting was the celebration of the Nobel

peace prize awarded to Bishop Tutu and at that stage we did not know anything about a statement coming from Mr Mandela. It is something that came to our attention possibly three days or so before that meeting.

When did you hear the first time that there was going to be a statement made by Mr Mandela? Was it before or after he made the statement? Did you know that the statement was going to be made by Mr Mandela? -- There was a request that was made to me, I think it was on Friday before that weekend, I think so, and we had long advertised that meeting, we had long prepared for that meeting. 10

Was that before or after Mr Mandela made his statement? -- It was after - we had prepared before.

No, I am not asking you prepared. That request that was .. (INTERVENTION)

COURT: I understood the witness to say that this meeting had been advertised long before, but the Friday before the Sunday - I think it was a Sunday - of this meeting the family requested the witness or somebody else whether they could make a statement. -- That is what I am saying. 20

MR JACOBS: My question was, with respect, this statement of Mr Mandela, was it already made by him when the request came to you to read it on the meeting or was it after he made his statement that the request came to you?

COURT: Were you informed of the contents of the statement on Friday? -- I was.

MR JACOBS: You see, then I cannot understand, if you go back to page 1 of Mr Mandela's statement, the second-last paragraph:

"My father and his comrades at Pollsmoor Prison are 30

grateful to the United Democratic Front who without hesitation made this venue available to them so that they could speak to you today."

According to my interpretation of this, Mr Molefe, it is clear that when Mr Mandela made his statement, he already knew that the UDF was going to make his statement known? -- Well, one might think so, but it must be understood in the context that the statement was really told by his daughter. So she might have decided that after she had asked us and we agreed, that she must include those things, thank the UDF 10 for that.

COURT: Was this address a written address that she read to the assembled people? -- That is so.

Did you help her prepare it? -- No, I did not.

MR JACOBS: Do you know who prepared it? -- I do not know. I believe she prepared it. She might have had people helping. I do not know. Maybe she was helped by her mother.

Who came to you with that request on the Friday? -- My recollection is that it was Mrs Mandela and her daughter. I am not certain if it was Friday or Thursday, but some time 20 during that time.

Mr Molefe, I put it to you, to go back to this EXHIBIT "W23", to finish it off on this part, that in this same paper the ideals of Mandela was the violent overthrow of the Government, and in this same document in the first column there it is also clearly stated and there is no doubt about that, that once again the South African Government is faced with .. -- Are we going back to the "W" series?

We are still busy with it. -- The statement? What are we dealing with?

COURT: At the moment we heard "C41". Are you at "W"?

MR JACOBS: I told him that I am going back to the "W23". We have not finished with that one. -- And what is being put to me in that respect? Counsel has said something about violence.

I put it to you that the identification with Mandela and the other true leaders of the people is a clear link-up with the ANC and there is no doubt whatsoever, and it is also propagated like that, that he an ANC leader. -- It is not an association with the ANC. It is true that he is an ANC leader, that is reported today and every day in newspapers, on radios, TV's they talk about that, and I do not accept the proposition that accepting the ideals, accepting the method that a person has accepted. 10

And I would like to refer you to the last part of that same column, that also it is important for the UDF and the affiliates of the UDF to propagage the fact that ex-Robben Island people were prominent in the activities of the UDF and bringing about and the forming of organisations, the idea of people in conflict with the laws of the country being used for that purpose? -- Where is mention of Robben Island? 20

I would like to refer you to the last paragraph on that:

"Released from the island, last year Mazibuko joined the Detainees's Aid Movement".

COURT: I am sorry, I have lost you.

MR JACOBS: The last paragraph on the first column on page 7. -- We are dealing with a different meeting now, a different subject. 30

COURT: This is a different article.

MR JACOBS: But it on the same page.

COURT: Then when you deal with a different article, refer us to the heading of the article so that somebody who reads this later will be able to pick it up.

MR JACOBS: The heading of that article, Mr Molefe, I am referring you to is saying "Ex-Islander mourned by Many", and the last part, I will read it out:

"Later that year he and some classmates were detained and charged under the Sabotage Act. Released from the 10 island last year, Mazibuko joined the Detainees' Aid Movement and was involved in the formation of the Soweto Youth Congress and the Tembisa Residents' Association. His coffin was carried from the hall by mourners representing student organisations, trade unions and Free Mandela Committee and the United Democratic Front."

So I put it to you, Mr Molefe, that it is also important to always bring the message that people who were active in violence to the Government, had a part in creating organisat- 20 ions that are affiliated to the UDF. -- Who is propagating that?

I say it is propagated in this article? -- Newspapers have written about that.

What do you say to what I put to you?

COURT: Is this report factually correct? -- Well, I know certain facts, others I do not know.

Which facts are correct? -- I know that he had been on Robben Island, but I do not know the circumstances of his conviction, and I know that he was a member of Detainees' 30

Aid/...

Aid Movement, which was an affiliate of the UDF, and I know that he participated in the initial formation, discussions leading to the formation of the Soweto Youth Congress. But I was not at this funeral. I do not know about the rest of the things.

And the Tembisa Residents' Association? -- I do not know what role he played in that respect.

The Tembisa Residents' Association, is that affiliated to UDF? -- It is not, it was not an affiliate of the UDF.

The Tembisa Civic Association, do you know whether that is? -- It was not an affiliate of the UDF to my knowledge. But counsel has put to me something that it has been propagated, and I am asking the question, who is propagating? Surely newspaper people, if they attended a funeral or something, they have got to report on what is happening there. 10

Mr Molefe, I put it to you that this newspaper is an active supporter of the UDF and it was an affiliate of the UDF? -- I think SASPU as an organisation had been an affiliate at a particular point in time, but I think the newspaper was a project, and I do not know who sat in the editorial committee of that organisation, and I would contend that when a newspaper report facts, it does not report because it wants to propagate anything about the UDF. The Rand Daily Mail would have reported the same facts, so would The Sowetan if they were there. The UDF was not in control of this newspaper, we did not control its editorial policy, neither did we sit in that editorial board. 20

Mr Molefe, Mr Dadoo, was he regarded as a leader of the people, Yusub Dadoo? -- Yes, he is highly respected especially in the Indian community. 30

And/...



And also in the circles of the UDF? In the leadership?  
-- In the African communities as well, he is known to have participated very actively during the pass boycotts in Alexandra, I think it was around 1957 or so, he is known to have been very active there.

On page 12 there is an article on "Dadoo's Spirit lives On" and you yesterday said you do not know whether he was part of - what he was in the Communist Party. There it is in the third column. The heading of this article is "Dadoo's Spirit lives On". -- Is it on the next page?

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It is on page 12. Mr Molefe, the number of the page is behind - on top you will find SASPU National in small letters and directly behind it is a number. -- I have not heard what page we are moving to.

Page 12. -- Thank you, I have got it.

In the middle column at the bottom with a capital letter black A:

"At the time of his death Yusub Dadoo was chairperson of the Communist Party of South Africa."

Is that a correct statement of fact? -- Well, I have indicated my knowledge at the time. I did not know. I cannot dispute nor confirm that.

20

And I put it to you, in this article he is also hailed and propagated as a true leader of the people, and I would just read one paragraph to you: -- Which paragraph is that?

Under his photograph, the one starting also in the middle column, but just starting under the line under his photograph, "No matter what steps". Have you got it? -- I have not got it.

Can I show it to you, indicate to you where it is? --

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Under his photograph there is a small picture on the right-hand side of that photograph, below that photograph, then there is another one slightly on the - on the left-hand side of that photograph, then there is another one slightly on the right-hand side of that column. Where are we reading?

At the top of the first small photograph. -- Yes, I found the place.

"No matter what steps the South African Government took to deny Dadoo the marks of respect internally, the banning of the meeting was seen by the TIC to be a fitting tribute. The banning of our Dadoo memorial meeting was no surprise. After all, Dadoo was a national leader. The banning of the meeting is in itself a fitting tribute to the man since it indicated that the Government still fears this great son of Africa in spite of his death and his 23 years in exile." 10

So I put it to you that this also is a linking-up of the South African Communist Party and the leaders of that party to the freedom struggle and also to UDF and its affiliates?

-- I do not see it that way. This man had been the president of the Transvaal Indian Congress. He had been the president of the South African Indian Congress, and for many years he participated in that organisation. Surely when such a person dies, those who had worked with him in that organisation or that organisation itself has the right to remember him and I think they are more concerned about the ideals they strove for at the time, more than any other thing, the connections he might have had later on. 20

COURT: Could I just get clarity? I have not got clarity on this South African Indian Congress. There was an anti-South 30

African Indian Congress. -- Council.

Oh, it is not Congress, it is Council? -- Yes.

It is also SAIC? -- That is so.

And the later one was also SAIC? -- The South African Indian Congress was ..

Was it SAIC? -- That is so, and then the South African Indian Council.

Was also SAIC? -- That is so.

MR JACOBS: Mr Molefe, I would like to refer you also to EXHIBIT "V7" on page 26. Have you got it? -- I have got the 10 transcript.

That was at the Krish Rabula commemoration at St Michaels Church in Durban, and Mr N J Naidoo started speaking on page 22, and on page 26 he said this, and I start to read next to the number 220 on the left-hand side of the page:

"But I want to make one thing very clear: my objection to defending this country, I would like to be the first person to say that I am loyal to my country. I want to be patriotic until death to my country, but that patriotism is for my country, not for White racist South 20 Africa, and I want to say very clearly that there are people who are fighting against the country, not because they are terrorists, because they feel they are fighting a patriotic front of this country for the freedom of this country and that is the difference. You have people who are fighting against people who are on the other side of the border, but I want to say that those who are on the other side of the border are fighting for the freedom of this country. They are fighting for our freedom, and you have got to make that choice, 30

whether you are going to fight for the people who are making the laws of the country and to preserve the racist system in this country, to keep the Black people oppressed, or whether you are going to fight for those people who are fighting for freedom and justice."

And I put it to you, Mr Molefe, that what is said here and the message brought to the people at this meeting is quite clear that there is a clear link-up again with the ANC.

COURT: Just a moment. How can you hold this witness responsible for what one N J Naidoo says at a Krish Rabula meeting? 10  
How is the UDF involved? How is he involved?

MR JACOBS: Mr Krish Rabula, is he in the executive of the UDF? -- I do not know that person. He is not.

And in the Natal region of the UDF? -- No.

ASSESSOR (MR KRUGEL): Is this a commemoration service for Mr Krish Rabula? -- It seems like that.

MR JACOBS: And Mr N J Naidoo, do you know from which organisation he is? -- I believe he is a member of the Natal Indian Congress, although I do not know what position he holds. 20

And the Natal Indian Congress is an affiliate of the UDF? -- That is so.

And I put it to you that that is a perception in the UDF and the affiliates of the UDF and that there is a link-up with the ANC? -- He does not speak for the UDF. That may be his perception, and I would not say his perception is the perception of the affiliates of the UDF.

Do you agree, in this portion that I have read to you, that there is a clear link-up with the people, and the reference to the people fighting for your freedom from 30

across/...

across the border is a reference to the ANC? -- I cannot make that assumption. There are many people who are doing that, you have got the ANC, you have got the PAC, you have got what started as a youth organisation after the events of 1976, which I said was the South African Youth Revolutionary Council. So I do not know what he had in mind, but if I am asked to try and interpret what the man is saying, all he is saying is that the choice that must be made is whether to oppose apartheid or to join the proposed chambers for Colour-eds and Indians. I do not understand it necessarily to mean, you either join the Government or you go and join the ANC or the PAC. I understand it simply to be the choice whether to support the Government proposals or to reject that. 10

Mr Molefe, then I would like to refer you to press statements that I told the Court about, the press statements, I am hoping the one the Court is referring to might be amongst them, EXHIBIT "AG4". This document was found in the UDF offices in Johannesburg. Mr Molefe, I will read the statement, press statement on PW Botha's parliamentary address: 20

"We have doubts as to the practicality of the condition that has been set. Mandela is known for his strong views on apartheid and his very deep commitment to the program of the ANC. We cannot see him making a pledge of the nature. A pledge like this one would that Mandela should distance himself from the ANC and his entire political struggle to date. In our judgment this cannot receive acceptability from the man. Only the unconditional release of political prisoners and 30

the dismantling of apartheid structures will bring about stability and lasting peace in this country."

Is it correct that this press statement - do you know about this press statement, Mr Molefe? -- I was not there when it was drafted, but I think I read it.

COURT: Was it issued? -- I think it was, it was issued.

MR JACOBS: And I put it to you, according to this statement it was even to the UDF unacceptable that Mr Mandela must agree to non-violence? -- I thought he said from the man, acceptable from the man. I think no 20 has been with him on Robben Island, I think he is basing this assessment on knowledge of the person. 10

And is it so that this was a UDF press release and not a personal press release of accused no 20? -- Yes, that is so, but that section makes it very clear. He says in our judgment this cannot receive acceptability from the man, and he had already alluded to the strong views the man holds against apartheid, and his deep commitment to the program of the ANC.

COURT: But now, why precede what Mr Mandela himself can say about this issue? Why appoint the UDF as spokesman to Mandela? -- Well, it happens. Newspapers, when things happen, they phone you and they say, what is your comment on this? I think it is the circumstances in which no 20 found himself. 20

Then one says, we have got nothing to do with Mr Mandela he is a great man but we have got nothing to do with him and we cannot say anything about this; it is for him to say. Why appoint yourself spokesman for him? -- I do not think he was trying to become a spokesman. I think he was giving his 30

own assessment, the way he knows the man. At least that release must be related to the question of the dismantling of apartheid, because in any event the man is in gaol because of his opposition to the apartheid policies.

I would have understood this press statement had it been - of course we say that Mr Mandela must accept that condition laid down by the State President, then he will be free to join the UDF and take up his rightful place in the non-violent struggle, because that is your stance? -- I think he was - the man had made it clear that he would not leave his organisation. It seems he is talking from what he had heard. I was not there when the statement was drafted. One can only surmise, try to interpret. 10

MR JACOBS: But the main point, Mr Molefe, is that this was conveyed to the world at large as the standpoint of the UDF, as a press statement from the UDF? -- Well, as the view of the official spokesman of the UDF, yes. It is not the standpoint of the UDF that he will not - it is the views, opinion made, expressed, based on the assessment of a person who incidentally had had the opportunity of meeting the man. 20

And that is not said in the statement, that is the opinion of a man who had met Mr Mandela. That is not the clear message to the people? -- Well, that is so, but what counsel is putting to me is clearly not what is written in the paragraph that he is arguing. He is really interpreting that paragraph.

I did not interpret it. I only stated to you that this was a message sent out officially from the UDF, and that was the message received by the public at large as an official UDF message? -- That is so. I am not disputing that. 30

But/...

COURT: But now, you told me you had made a press statement. Where is your press statement? Is it also in this bundle? -- Mine if "AG5".

MR JACOBS: Now, "AG5", is that also an official UDF national statement? -- That is correct.

Press statement, and it was published and a message to the public and the people at large? -- That is so.

And I see there is an official - it is on an official UDF letterhead paper? -- That is correct.

Now, UDF press release on Mandela's responses to President Botha's offer, 9 February 1985. This is referring to which offer of Mr Botha? Of President Botha? -- I do not understand the question. 10

Which offer of President Botha are you referring to here? -- The offer of release provided he renounces violence, I think. I do not know other conditions. I remember that one. There might have been other conditions.

"The South African Government has made an offer to the public and its international .."

-- I think the other condition was that provided he was prepared to go to Transkei, yes, he was prepared to accept citizenship of Transkei. 20

"The South African Government has made an offer to the public and the international community to release Nelson Mandela and his comrades under certain conditions. Even before Mandela's response to this offer can be communicated to our people, we need to state that until yesterday afternoon President Botha had not had the courtesy to communicate this offer to Mandela and his comrades personally. In this context the sole source 30



of his information had been the newspapers. From this it is clear that the Government is still not prepared to accept the fact that Mandela and his comrades represent the aspirations and the will of our people. The fact that the Government has not given Mandela the opportunity to respond has given rise to speculation locally and internationally as to how he will respond. Because of this speculation Mandela and his comrades at Pollsmoor have found it necessary and imperative to respond immediately and to put an end to all speculation. 10  
Mandela has therefore requested that this response be communicated to our people and the international community at the Jubelane amphitheatre tomorrow. At this stage we can divulge that Mr Mandela will not only be communicating his response to President Botha's offer, but will also make known his position on negotiation with the South African Government. We of the UDF are greatly privileged and honoured that Mr Mandela has chosen our platform to make this announcement."

Mr Molefe, you said this is a press statement issued by you? 20  
-- That is correct.

At this time when you made this press statement, did you have Mr Mandela's reply in your possession? -- No, I did not have it, but I had been informed about the contents thereof.

By whom? -- By Mrs Mandela.

And which part were you informed of? Is that the part that he is not prepared to swear off violence? -- I am not sure. It might well have been part of it, but also that he believes that before he is asked to do anything, apartheid 30

must/...

must be dismantled, that there must be an undertaking to that effect.

Mr Molefe, did you know at this stage that Mandela was not prepared to swear off violence when you made this press release? -- I think I knew.

On what date did you make this press release? -- It was on Saturday, just the day before - the meeting was on the 10th, the statement was made on Saturday.

Now, Mr Molefe, if UDF is such a non-violent organisation, why did they not refuse to bring the message that the ANC leader Mandela is refusing to swear off violence? -- Well, we believe that the matter was of such public importance that a man who is a patron of the UDF must be heard to be making his own response. The matter was - everybody was interested in that, the international community and everybody, not because they wanted to support the position, whether they wanted to opt for violence or not, but it was simply that kind of important matter. I may also indicate that by the way, before we were asked to allow for this statement to be read, we were strongly accused for the statement made by accused no 20, that he had actually speculated that Mr Mandela was going to abandon his beliefs and the organisation to which he had been committed, had been a member of. We were called by Mrs Mandela and she complained very strongly about the comment we had made in the press, and it was one of the reasons why it was necessary for us to allow them to present their own views. 10 20

Mr Molefe, I put it to you, it was also important for the UDF to bring across to the people that this is the true leader accepted by UDF and accepted by the people, and that 30

the UDF is bringing the message of this true leader to the people? -- We regard Mr Mandela as a true leader, but I would not say that was the consideration. We did that because we were approached. It was not part of the program of the meeting, and this statement indicates clearly that it is a matter that came at the eleventh hour.

Now, at the same time, Mr Molefe, why did you not make it also clear in the same press release, why did you not make it clear at the same time that although Mr Mandela has certain reservations about the President's offer to him, 10 that UDF is still not a violent organisation? -- We had made that statement, such statements many times in the past. We did not see the need to make it that time. We did not anticipate that anybody would accuse us of violence.

Why did you not reject at the same time the stand taken by Mr Mandela, of not swearing off violence? -- No, we did not consider that our duty. I think he had a right to choose a method for himself. We had chosen ours.

Mr Molefe, were you present on that meeting where it was announced? -- Yes, I was present. 20

Now, why did you not bring over the message on that meeting that you are not accepting Mr Mandela's stance or that you are rejecting his stance and that you are standing for peace in this country? -- Our position was well-known. This meeting took place in 1985. The UDF had been in existence since 1983. It was a well-known position. We did not see the need to do that.

But Mr Molefe, the message was brought clearly that you were renouncing this leader of yours, that is at the same time the leader of the ANC, the person who is saying in that 30

message of his, I am still in the ANC, I will never go out of the ANC and I will never swear off violence? Why did you not set off your stance at that meeting and to bring the people under the clear understanding of your stance? -- No, our stance was very clear. It was made clear many times at several meetings. Some of those meetings had taken place in Soweto. It was well-known. It was reported in newspapers. It was well-known. It may well be that some of the speakers might have spoken about that. It is just that I cannot remember.

10

MR BIZOS: M'Lord, My Learned Friend says that the statement says, I will never foreswear violence. That is not what the statement says. It is a conditional rejection of an offer.

MR JACOBS: Never foreswear violence as long as the Government - let us put it then, does not agree - as long as that is not a government of the people in power.

MR BIZOS: It does not say that either, M'Lord.

WITNESS: In fact that is really our interpretation of the statement. What really comes out clearly is where he says, I am not a violent man. That is one statement that he makes very clear. These others are just our own interpretation of the fact that he says he holds the same views as Mr Tambo and he remains a member of the ANC, therefore those people present understood it to mean that he is committed to violence and so on.

20

MR JACOBS: Is it generally known, Mr Molefe, that the ANC and Mr Tambo is committed to violence? -- I believe it is.

Why do you say that you do not hold the same views as Mr Tambo, although Mr Mandela held the same views? -- I do not understand the question.

30

Why did you not at the meeting say that you do not hold the same views as Mr Tambo, although Mr Mandela said he held the same views? -- Well, in our community it was understood that we were a non-violent organisation. In any event, insofar as a non-racial democratic South Africa is concerned, that apartheid must go, that all people must get a vote in this country, that our country must not be divided into homelands, that we should not be given puppet bodies like the Black Local Authorities, the Coloured Management Committees and so on are concerned, if the view of the ANC is that those are unacceptable, those are the views that we hold too, but insofar as they have adopted violence as a strategy, there is that difference. It cannot be imputed that those - I had read in the newspapers that the FCI before they drafted the charter, their charter, they had gone to discuss that charter with the ANC and they had reported that their charter is substantially the same as the Freedom Charter. One cannot assume that because they had done that, they are the same as the ANC. 10

COURT: FCI stands for Federation? -- Federated Chamber of Industries. 20

MR JACOBS: Mr Molefe, then on page - on the same "AG5" ..

COURT: Is that correct, did the Federated Chamber of Industries go and discuss their charter with the ANC? I would have thought Prof Wiechers knows quite a bit about charters, he does not need the advice from the ANC. -- That is what I read. It may well be that they were wrongly reported. I do not know.

MR JACOBS: Mr Molefe, I will first read the third paragraph again: 30

"In this context the sole source of his information has been the newspapers. From this it is clear that the Government is still not prepared to accept the fact that Mandela and his comrades represent the aspirations and the will of our people."

Is that a correct statement made by you in this? -- That is correct.

Mandela, and then I put it to you, in this paragraph you are also linking up the UDF as a statement made by you here, with the ANC in that Mandela and his comrades - I 10  
suppose that refers to Mr .. -- Sisulu, Mr Mlangeni, Mr Mtshoaledi, Mr Mbeki, those who were with on Robben Island.

And Mr Tambo? -- Well, we had in mind those who were on Robben Island.

And his comrades also must include Mr Tambo as well? -- That is not what was intended to convey. We were dealing specifically with the situation at Pollsmoor.

COURT: Does it not refer to Pollsmoor?

MR JACOBS: Yes, but comrades is in the general sense being used here. -- It was in the context of the situation, the 20  
political prisoners at Pollsmoor and Robben Island.

And if they represent the aspirations and will of our people, then it is also the will of the people and the aspirations of the people to have the overthrow of this Government by means of violence? -- The will of the people to struggle to end apartheid, and in the course of that people choose different methods.

And I put it to you, by violent means? -- It is not different from the point I was making this morning, where a minister of religion says Jopie Fourie represented - "we" 30

remain committed to the ideals for which Jopie Fourie struggled and died, that being the Afrikaner self-determination. That minister was not saying that he wants to take up arms to go and fight. He is not saying that. All he is saying is that it is that ideal for which, the ideal that all of us hold there, the ideal that all of us are striving for, because that is the only ideal that can give us a sense of dignity as a people, and that is the ideal which once realised will ensure justice for all the people in the country.

Mr Molefe, this adherence to violence in this statement 10  
of Mr Mandela, is that against the policy of the UDF? -- The UDF is not a violent organisation, but the UDF does not decide policies for other organisations which are not part of the UDF.

Is that against the policy .. -- For revolutionary organisations.

Is that against the policy of the UDF? -- It is not in line with the policy of the UDF to use violence.

And why did you not then have Mr Mandela, if he was propagating violence, rejected and scrapped as a patron of 20  
the UDF? -- He has not called on members of the UDF to adopt violence, and he was elected in recognition of his contribution and it was not - we did not choose him, he was chosen by ordinary people from organisations. Who are we to tell people that Nelson Mandela is not their leader? If the perception of the South African Government and the Afrikaner people is that Nelson Mandela is not a leader, that is not the perception in our communities. We cannot go and tell our people that a man who has sacrificed so much is not their leader, when they regard him as their leader. They 30

might/...

might not accept the methods that he had adopted, but we cannot tell them that he is not their leader. The people who have supported apartheid do not find it easy to say so themselves.

COURT: Could it not be said by the public that more than half your patrons being in Robben Island, still adhere to the armed struggle in terms of your press statement read with the statement by Mr Mandela? -- That is not how the people look at it. They do not consider the methods that a person was using. The people are more concerned about the fact that he was striving to free us. In my evidence in chief I spoke about how people talk about Mr Mandela in their homes, elderly people, but they never say to their children, go and join the ANC or Mkonto we Sizwe which was formed by Mandela, because if you do that, that will get liberation. They say, the Government must release Mr Mandela so that we can talk about our freedom. 10

MR JACOBS: It was possible for the National Executive of the UDF and with the assistance of the regional councils, executives, to scrap Mr Mandela as a patron and the other people in Robben Island, the other patrons still on Robben Island that subscribe to violence as patrons of the UDF? -- It might well have been possible, but we might well have existed as a skeleton of an organisation, because we would not be able to tell people that Mr Mandela is not their leader and hope that they would remain in the UDF. Those organisations would go away, all of them. I think it is the same situation, M'Lord, that really the Nationalist Party found itself. I have alluded briefly to this kind of a situation, where there had been a challenge to the Nationalist Party. 20 30



Party - there had been accusations that the Nationalist Party was supporting the rebellion.

COURT: You mean in 1914? -- That is so, and because of the perception of the ordinary membership of the party, the ordinary Afrikaners in respect of those people who were rebelling against the British Empire, was such that those people who were their leaders, though they themselves were not part of that rebellion. The leadership in the Nationalist Party found it difficult to condemn that. They could only say, no, we are not involved in that kind of a thing, but we 10 understand that those people are part of us, they are our flesh and blood, but we, the Nationalist Party are not involved in that. So that I think really it is a similar situation that we have in this country, that whilst organisations would not accept the methods that Mr Mandela adopted, they are not in a position to say he is just a piece of rubbish, he is nothing.

MR JACOBS: Mr Molefe, will you go to EXHIBIT "AG12", that is a pamphlet issued by the Transvaal Indian Congress, and this is also about Mr Yusub Dadoo? -- That is so. 20

Mr Molefe, I put it to you that the Transvaal Indian Congress - it was found with a person named Yusub Dadoo also.

COURT: With whom was it found, Yusub Dadoo?

MR JACOBS: With a person, I suppose it is his son, also a person by the name of Yusub Dadoo. Is it correct, in Krugersdorp?

MR BIZOS: M'Lord, Your Lordship will no doubt remember the case of DADOO v KRUGERSDORP MUNICIPALITY in 1922. So I suppose the Dadoo's had multiplied since that. 30

COURT: That Dadoo in 1922, was that the Yusub Dadoo?

MR BIZOS: No, I believe he might have been either the father or an uncle or something like that. I do not know.

MR JACOBS: I put it to you that according to this, it is said here that:

"He fought for our freedom, he died our leader .."  
and we have got a portrait of a freedom fighter, and on the next page, "Tribute to the People's Leader" and all this that I have referred you to, and I put it to you that even in the TIC, an affiliate of UDF, it is also accepted that 10  
this leader - and they associate him - they associated themselves with the SACP, the South African Communist Party and they accept that he was their leader. -- I disagree with counsel, and in fact what is written on the front page therefore, below "Portrait of a Freedom Fighter", testifies to the contrary. It has got nothing on the South African Communist Party, unless I cannot read properly here, but I cannot see anything on the South African Communist Party.

This Mr Dadoo, was he - I do not understand your answer. Was he not the president or the secretary of the South 20  
African Communist Party? -- I do not know. All I am saying is that the intention was not to project him as a Communist leader and to get people to support the Communist Party. They are looking at the record of a man and they are talking about all these things that ordinarily people in the country would know about, and if it was any - they had the intention to promote the South African Communist Party, I believe they would have had it here in big letters also. We have got no evidence that in any of the meetings which were held, he was praised as a leader of the Communist Party. 30

Mr/...

Mr Molefe, I put it to you that he was the leader in the South African Communist Party, and it is hailed by the TIC that he fought for freedom, that he died as their leader, that clear association with - I put it to you, the South African Communist Party, and it is a tribute and he was regarded as the people's leader, the same as Mandela, Tambo and the others? -- I do not accept that proposition. I differ with counsel. What is in this pamphlet is what would have come across to people.

What does that mean? I do not understand.

10

COURT: The pamphlet is clear. It is no use debating the pamphlet. What does "Isi Tshwalande" mean? What is the honour of Isi Tshwalande? -- I do not know how to explain it in English. I understand it as a word, as it is set out here, given to the people ..

Does Isi Tshwalande refer to a place or does it refer to a particular type of honour? -- I think - I do not know - I think it means the carrier or the wearer of - I think tiger or leopard. I have got a problem, I do not know those animals, M'Lord. Very often I do not know which one is a tiger and which one is a leopard. It is really the skin of that animal, and then it is - when for bravery, I think traditionally in the African tradition, people who are brave.

It probably goes back to a Zulu regiment or something. -- That is so, they would give it to a man who has shown to be brave, maybe, a brave soldier.

THE COURT ADJOURNS. THE COURT RESUMES AT 14h00:

POPO SIMON MOLEFE, still under oath:

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Molefe, I would

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like to refer you to EXHIBIT "AG18", still in the same bundle that we had before, and this is a sticker, it seems to me, under the logo of Transvaal Indian Congress and the UDF. It was issued by TIC. Do you agree? -- I have a difficulty, mine is so black, I cannot see.

I see mine is also loose, I suppose it came loose and it went off.

COURT: It is not a very good sticker if it comes loose.

MR JACOBS: I put it to you, do you agree, it is a sticker under the logo's of UDF and the Transvaal Indian Congress 10 issued by the Transvaal Indian Congress? -- That is so.

And I put it to you that the message that the people in the street will get from this is that UDF and the Transvaal Indian Congress, both of them regard the people, the political prisoners in gaol as our leaders, "Release our Leaders Now"? -- No, no, those who were detained. I think counsel does not understand the circumstances under which that sticker was issued and the time at which it was. That sticker was - that call was made during the period when most of the UDF and TIC - a number of TIC, NIC and UDF leaders were detained 20 in 1984. They were detained on 21 August 1984, and those calls were made at that time, subsequently after that, and it was intended to address specifically the issue of those people who were detained at that time in terms of Section 28 of the Internal Security Act.

And I put it to you, it can also be understood by the person in the street, because that is also what the UDF is always claiming, to release our leaders? -- That referred specifically to those people and it was public knowledge that the leaders of those organisations were detained at 30

that/...

that time.

Will you go to EXHIBIT "AG20". Mr Molefe, is this document in the handwriting of accused no 20? -- The handwriting looks like his, but I cannot testify that it is in fact his.

COURT: That is no 20? -- Yes.

You can take it for granted that it was written and/or compiled by accused no 20? -- Alright, that is what I admit.

MR JACOBS: Now, I would like to refer you to the first page of this document:

10

"For us who shoulder the burden of the struggle for a free, non-racial and democratic South Africa, the most significant family unit is the extended family of fellow freedom fighters."

Just to get so far, Mr Molefe, I put it to you that in the UDF you also regard yourselves as freedom fighters? -- That is so.

And then there is in the second paragraph, there is a name, this is I suppose, at a funeral or something about a certain Bertie. Who is Bertie? Do you know? -- I think he 20 was connected to the UDF Western Cape. I am not quite sure. I do not know this specific organisation to which he belonged. I had not met him personally.

Do you know his surname? -- I think his surname was Consalves.

Now, it seems in the next paragraph:

"He lived for the ideal of a South Africa that will be free, non-racial and democratic. Yes, a South Africa in which the people shall govern."

And we get the phrase "the people shall govern" again here, 30

Mr Molefe, is that correct? -- Yes, that is so.

And it is also according to the beliefs and policy of the UDF? -- Well, we believe that all the people of South Africa must participate in the government of the day, of the country. I cannot elevate this specific phrase to that, but to the extent that really means that, I have no problem with that, but the phrase as such, I cannot remember the UDF adopting it as a phrase, but it is really, I think, synonymous to the call for a government based on the will of the people, the majority of the people, Black and White. 10

And that is also in accordance with the Freedom Charter, a call for the people shall govern? -- Yes, there is such a phrase in the Freedom Charter.

And the last paragraph I want to read there, the last sentence; it seems to me as if there stands:

"There can be no turning back on the demanding task we set ourselves with Bertie, Brian, Ben Palmer, Mxenge, Biko, Msizi Dube, Sello Moeng, Tiro and others."

Now, Mr Molefe, can you tell us, who is Bertie? -- I do not know much about him. All I can say is that I think he was 20 connected in some way with the UDF Western Cape. He might have been a member of one of the affiliates.

And Brian? -- I do not know which Brian he had in mind here. It may well be the Brian we were talking about previously in that report of SASPU National. I think it was "W23". I am not sure.

Brian Mazibuko? -- It may well be that one. I do not know what he had in mind.

He was an ex-member of the ANC. Is it correct or not? -- No, he is a child. Brian I think, Brian was possibly - a 30

very young fellow, maybe about - I do not think at that stage he was even 24 years old, if that is Brian Mazibuko that we are talking about. He is a youngster.

And Ben Palmer? -- I do not know who Ben Palmer is.

And Mxenge? -- I do not - I think that is Mxenge. Mxenge was an attorney in Natal, he was assassinated by unknown people. I think that happened in 1981.

Was he a member of the ANC? -- I believe he had been a member of the ANC when it was lawful.

I see there is a sketch on him and a history of him in 10  
"AG21". Is that the same person? -- I assume he was referring to this person. This is the Mxenge I know. His wife was also assassinated. She was a member of the executive of the UDF in Natal. She was assassinated, I think, in 1985 or so, whilst I was in detention.

And he was also an ex-Robben Island prisoner? -- I believe he was.

And Msizi Dube? -- Msizi Dube was a member of - he was a councillor in Lamontville. Reports have it that he was 20  
opposed to the rent increases which were proposed at a particular point in time in Lamontville, and subsequent to that he was assassinated, and I think certain councillors were implicated, I think one of them was Gatha or so, one of them was convicted, I think imprisoned, sentenced to gaol for ten years.

And was he a member of the ANC? -- I do not know if he was a member of the ANC.

And Sello Moeng? -- I do not know that one.

Now, the last paragraph on that is:

"The greatest achievement of Bertie's is that he has 30  
taught us how to live fighting lives."

-- I think counsel has skipped the name of Mr Biko there, and I see the other name is Tiro. I do not know if counsel saw that.

Mr Biko, was he a member of any organisation? Do you know? -- Yes, he was the foundermember of the Black Consciousness Movement. I think he is really a chief theoretician. He had also been the honorary president of the Black People's Convention and he is the man who died in detention during 1977, I think in September.

Was he a member of SASO, a founder member of SASO? -- 10  
That is correct.

And SASO is a banned organisation? -- Yes, it was banned in 1977.

And Mr Tiro? -- He had been a student at the University of Turfloop and I think he was suspended around 1972 or so. He left the country, he went into exile and he was killed by a parcel bomb whilst in Botswana.

And when he left the country, did he join the ANC? -- I have got no information to that effect. I think he actually died shortly after he had left the country. 20

Before he left, was he a member of any organisation? -- As I understand it he had been a member of the Student Representative Council at that university. I think he was actually the president or chairman of that Student Representative Council at the University of Turfloop.

And SASO? -- I do not know if he was a member of SASO.

And AZASO? -- No, we are talking about 1972. AZASO is an organisation that was formed in, I think 1980 or so, 1979, 1980. So it was not there at the time.

Now, the last paragraph, I will read it now:

30



"The greatest achievement of Bertie's is that he taught us how to live fighting lives and on behalf of the United Democratic Front I must insist that whatever weaknesses he may have had, our activists old and young must seek out those strong points which enabled him to survive. The deprivations of the ghetto life and a six year prison sentence on Robben Island and still emerge a freedom fighter in his own right."

Mr Molefe, I put it to you, in the contents, in the whole of this there is a clear association by accused no 20 between 10 the UDF and the freedom fighters of the ANC as well? -- Where is the ANC here? What section is counsel referring to?

I am referring to the whole of this document and what I read out to you. -- Where is the ANC? Who is a member of the ANC among those names mentioned? And on what basis ..

Did you not say that Mr Mxenge was a member of the ANC? -- He had been, but maybe - I disagree with counsel. I leave it at that.

Now, I would like to refer you to EXHIBIT "AG23". I 20 see that is a statement to the City Press, "Cliff Saunders request interview with Oliver Tambo", and it is signed I J Mohamed, 3/9/83. Do you know about this press release, Mr Molefe? -- I do not know.

COURT: What is the admission in respect of this document?

MR JACOBS: I think it was found at Prof Mohamed's place. This refers to Mr Oliver Tambo and him being interviewed by the South African Broadcasting Corporation. Now, I would like to read the middle there, the words:

"Publish all these many speeches of the leader of the 30

vanguard movement of our country, if we are to believe the intended interview with Tambo on SABC is nothing more than furthering the interests of the ruling class." I put it to you that - let me ask you this: do you regard the ANC as the vanguard movement of our country? -- I do not regard it as such. If that means it is the oldest movement in the country, yes, I do. If it means something else, no.

What do you understand by the vanguard movement? -- I think it means that is in the front of the struggle. It may well mean that it is the oldest. 10

And I put it to you, in this press statement Mr Mohamed also indicated that there is a link-up between the ANC and the organisations, other organisations in the struggle for freedom, and the ANC is regarded as the leader and the vanguard of the struggle? -- May I just read that paragraph? My position is that if he means by that that it is the oldest of the organisations or the movements in the country, yes. I have got no difficulty with that statement. All I can say is that the man is not a public relations officer of the UDF. This statement was not issued on behalf of the 20 UDF.

He was a public relations - of what was he - was he the head of which organisation? -- He was the chairman of the Anti-PC Committee.

And that is affiliated to the UDF? -- That is so. It remains an independent organisation.

I put it to you, he is also a person in the executive of the UDF? -- That is so.

COURT: In the National Executive?

MR JACOBS: He was also on the National Executive and on the 30

Transvaal Executive? -- No, he was on the Transvaal Executive. That matter has been a matter of dispute previously. The correct position was that he was actually a member of the Transvaal Executive and on one or two occasions when people were - the Transvaal representatives on the NEC were in detention, it appears in the minutes that he was asked to sit on the NEC.

And I put it to you, according to this press statement it is accepted by Prof Mohamed that the ANC is the leader and the vanguard of the freedom struggle, the vanguard 10 movement in our country and the leading organisation. -- That is what the statement says. That is if this is his statement.

I would like to refer you also to "AG29". This was found in the UDF offices Khotso House and it is a letter signed by yourself and accused no 20? -- That is so.

And this is a letter written to Mr and Mrs Curtis and family? -- That is so.

Who are they, Mr Molefe? -- They were the parents of - they are the parents of the deceased Jeanette. 20

Jeanette Schoon? What was - was it Jeanette Schoon? -- It may well be. I personally did not know her.

But you were a party to the writing of this letter. About whose death were you writing here? -- Yes, I wrote this letter on the basis that she was a daughter of these people and she had died, and I was asked by those people who had been members of NUSAS who had known her, they had come to our office and asked us if we could write a message of condolence to the family. I think accused no 20 had known about her. I did not know her. I signed it on the basis 30

that I was asked by members of NUSAS, I believe also members of JORDAN who had known her during her lifetime. I understand she had previously been a member of NUSAS also.

Are you earnest in saying that you do not know who Jeanette is, what her surname was, which Jeanette? -- She may well have been Schoon or whatever it is.

Did you find out? -- No, I did not.

I will read it then:

"On behalf of the UDF and freedom fighters of our country everywhere we send you our deepest sympathy at the loss of your daughter and little child." 10

Now, Mr Molefe, the freedom fighters of our country everywhere, I put it to you that that includes the freedom fighters of the ANC as well? -- Well, I did not think of the ANC at that time. In fact the draft was done by no 20. I read it and I found nothing wrong with it and I signed it. I did not scrutinise each word as to whether it could be meaning the PAC or the ANC or AZAPO or anybody, but I understood it really to mean that those who were opposed to apartheid, who understands that the person died in circumstances where she left the country because of the policies of apartheid. 20

COURT: Does the UDF then represent all freedom fighters? -- Not really. I think it is just a manner of writing by accused no 20. These things do happen when one writes. I have often written things which, if somebody was to see them, scrutinise each sentence, I might not be able to explain everything.

MR JACOBS: I thought you said that the NUSAS people came to you and asked you to write this letter? -- They asked us, there were both of us when they came in, and he did the draft, he did the writing and I signed. 30

Were you present when he did the writing and the draft?  
-- Yes, I was with him in the office, but I did not sit there, helping him to write. He wrote it and he asked me to read it and asked me if I was satisfied with it, and then I signed, I was satisfied.

Who gave him information? -- Who?

Who gave the information to him? -- I cannot remember specifically who came to the office that day, but I recall that it was some members of JORDAC and NUSAS, NUSAS, I think.

Now, the people came to you and asked you to write about a person who was killed and you did not try to find out under what circumstances and where she was killed or anything like that? -- Well, there were reports in the newspapers about that, if my recollection - yes, there had been reports in the newspapers. I think she died somewhere in Angola, if I remember well, or maybe - I think it was in Angola or Botswana.

Where was it, in the offices of any organisation? -- I think in a house.

Whose house? -- I do not know, her house, I think it was her house.

Was it not said that in ANC houses or a house of ANC?  
-- No, I cannot remember the ANC mentioned.

Why then, if somebody dies in a house in Angola, you do not know anything, then connect it up with the freedom fighters? -- This is an important person. She had been active in the National Union of Students, NUSAS, National Union of South African Students, and as I understand it she had either previously been detained or banned also, and it

was/...

was because of, as I understood it, because of police harrassment that she left the country. But as I say, I had not known the person before. This is the little that I can remember from what I was told. Clearly NUSAS, members of NUSAS and those who had been in JORDAC were people who had known her very well.

Mr Molefe, then I understand it still less. If she was a person in NUSAS, they are literate people, they could have written a letter on their own, by themselves. Why must they come to you? -- I believe they did, they wanted the UDF to support them also. I believe they did, as NUSAS. I think this is a political matter. When a person who had been involved in organisations die, normally people come together to share, to mourn with those directly concerned. These are the things that normally happen. 10

Mr Molefe, is it your evidence now that you do not know that she was a member of the ANC when she left the country and joined the ANC? -- I do not know. I personally do not know if she was a member of the ANC.

Go on: 20

"The death of any person always comes as a loss to the family involved, but of a freedom fighter like Jeanette is one that extends far beyond the nucleate(?) family, Black, White, Indian, Coloured. South Africans are cast in a gloom and seething anger at the perpetrators of her assassination."

Now, Mr Molefe, if she was only a member of NUSAS, she left the country, why was it then necessary to still - how do you still know that she was a freedom fighter at that stage when she was assassinated? -- We were concerned about - I was 30

concerned about her past, her role, and I believed that her opposition to apartheid did not stop because she was in exile. When in 1981 Mr Mxenge was assassinated, I did not know - I only knew that he was an attorney and he had previously been a member of the ANC when it was lawful, but you know, a meeting was called and we went to that memorial service in Soweto, and we honoured him, we remembered him. It is not something new and done specially for this person. These are the things that happen in our communities.

And I would like to read the other paragraph as well:

10

"Jeanette may be buried far away from her homeland, but some day we shall bring her bones back and she will take her rightful place side by side with other national heroes and generations of our country's people will forever be grateful to her for her selfless sacrifice."

Now, Mr Molefe, I put it to you in the first instance that you knew she was a member of the ANC when you wrote this letter? -- I disagree.

Now, who are the other heroes whose bones will be brought back? -- Mxenge for instance.

20

COURT: Where is he buried, Mxenge? -- I think it was somewhere - I think it is a place near King William's Town.

So then he is not outside the country? This deals with people outside the country? -- No, but I think this is saying, we will bring back her bones and she will take her rightful place side by side with other national heroes. People like Mr Biko and others who died in circumstances, who had been known to have been opponents of the policies of apartheid.

MR JACOBS: Mr Molefe, Dadoo I believe is buried in London? 30

-- I believe so.

Will his bones be brought back to South Africa? -- I do not know. It may well be that when that time comes, the family might decide that they want to fetch the bones and rebury him here in South Africa.

And Kotane, will his bones be brought back? -- I do not know. That is not a matter really that would be decided by me. Possibly if it was my wife, my son or my brother, I might have considered doing that.

I put it to you that it is - this letter also is a 10  
clear link-up between the UDF and the ANC? -- I disagree.

Mr Molefe, I would like to refer you to EXHIBIT "W44", that is in Volume 8.

COURT: What is the admission in respect of this document?

MR JACOBS: It was found with T Letsoenyo in Tomahole. Mr Molefe, this is the UDF News of the Transvaal region. -- I believe it is.

Now, from the whole - the second-last page, that is an interpretation, translation of one of the parts that is written in a Black language. -- The handwritten one? 20

No, this is the typed one.

"The sentences are finished. Let them be released."  
That is the heading of it. There are three words on top of that. Have you got it in front of you?

COURT: I am afraid I have not. What are you referring to, Mr Jacobs?

MR JACOBS: EXHIBIT "W44", the last two pages. -- The typed pages?

Yes, the typed pages. Can you tell the Court, Mr Molefe, what is the meaning of the words "Ziphelile", 30



"Izigwebo", "Abakhululwe". I do not know how to pronounce it but it is standing there. -- I think it is correctly translated in the underlined English version below that Zulu version.

Is that a Zulu version of "The sentences are finished, let them be released"? -- That is so.

MR BIZOS: M'Lord, whilst we are dealing with translations, I was informed during the adjournment that the word that Your Lordship wanted translated and Mr Molefe could not provide, it is really - the nearest we can get to it is a 10 feathered cap.

COURT: A sort of a headdress?

MR BIZOS: A headdress which shows - the Zulu .. (INDISTINCT)

MR JACOBS: I put it to you, Mr Molefe, that in the second paragraph, and I will read it first:

"Amongst those imprisoned for standing against the Government and its laws are UDF hopes, people like Mandela, Sisulu, Mbeki, Kathrada, Goldberg and all others who were involved in the trial of Rivonia. The 12 of them, those are the hope of the UDF."

20

And this message sent out together with the rest of this article, Mr Molefe, is, I put it to you, a clear link-up between the UDF and the ANC leaders? -- Well, these are people who are patrons of the UDF. I would quickly like to read the Zulu version and see if the word "hope" is correctly translated. What page is that?

COURT: It is the second page of the paper, of the UDF News, on the right-hand side. -- I think it is correct, but I have a limited knowledge of Zulu myself. I do not know, but I think it may well be correctly translated.

30

If the translation is correct, what does this mean actually? -- I think, understanding it in the context of the UDF call for a national convention and the release of political leaders, it simply means that if they are released and we have a national convention, we will have an end to the policies of apartheid and have a new constitution negotiated. I have not seen it before. I have not read this thing before, but that is how I would understand it.

ASSESSOR (MR KRUGEL): Do you know, Mr Molefe, what has become of Mr Goldberg? -- I do not know. I think he left 10 the country.

He has been released? -- Goldberg?

Yes? -- Yes.

COURT: Did he not give an undertaking not to participate in violence and left for Israel? -- Yes, I read about that. Is he also mentioned here?

Yes, his name is here. -- I do not know when he was released, but possibly - maybe it was before he was released. It may well be that the writers of this might have forgotten about that when they wrote it. 20

MR BIZOS: I may say also, M'Lord, that he was not involved in the Rivonia trial.

COURT: What was the number?

MR BIZOS: The dock was half the size, it was actually 10, M'Lord.

MR JACOBS: Mr Molefe, then I would like to refer you also to EXHIBIT "W65", that is in Volume 11. This is AZASO National Students Newsletter and it was found with accused no 16, that was the admission. I would like to refer you to the fourth page. The heading is "Save the ANC Six". It 30

starts:

"The campaign to save the lives of the six freedom fighters sentenced to death is gaining momentum."

And then the names of the six are mentioned here, the second paragraph: Simon Mogoerane, 23, David Moise, 27, Jerry Mosololi, 25, Thabo Motaung, 27, Johannes Shabangu, 28 and Anthony Tsotsobe, 27, were all sentenced to death after lengthy trials in 1981 and 1982.

"Amongst the charges they faced are treason, attacks on police stations, Government buildings and all face the charge of undergoing military training in Angola, Tanzania and East Germany, and lastly of being members of the banned ANC." 10

Now, then they go on in the next column, the last paragraph:

"Another speaker at the same meeting said, the death sentence of Solomon Mahlangu and the six will remain in the minds of the people, and so will Solomon's words as he stood before the gallows: 'My blood will nourish the tree that would bear the fruits of freedom'."

Mr Molefe, I put it to you, in this document, in this article 20 there is an attempt or what it has actually done, to make excuses for the six ANC terrorists and they are also depicted as the heroes of the people, and by that it is also a clear link-up between the ANC and at least this affiliate, AZASO of the UDF? -- Well, I do not know if they are regarding them as heroes, but I think they are pleading for - maybe I should read this thing, because I do not know whether this meeting took place after these people - I think they were not executed yet, and I think that meeting was really part of a plea for clemency or something like that. I do not 30

know about this meeting. I did not attend it. I do not see where it is said that they are heroes and so on. But anyway, these are the things that happen from time to time, people do hold meetings, they write letters to the State President, they appeal for clemency when people are convicted.

And Mr Molefe .. -- And I do not understand it to mean that those who did so wanted to recruit people for the ANC or they wanted to adopt the methods of the ANC and so on.

Mr Molefe, would you say, would you agree that in the UDF, in the National Executive, in the Regional Executive 10 and also in the affiliates, is Mr Tambo regarded as a leader of the people? -- That is so.

And also as a leader of those people? -- Which people?

In the Executive, of both UDF National and UDF Regional? -- Not of the UDF, in the sense that I have explained it previously.

Now, I would like to refer you in this regard also, in regard to Mr Tambo to one place in "V25". Mr Archie Gumede is introduced here at this meeting as the head of UDF on page 21. Now, on page 26, would you regard Mr Gumede as a 20 spokesman for the UDF? -- Well, at this stage the UDF National was not formed, but he would have been regarded as a spokesman for UDF Natal, but I may also say that he had at that stage really - I think a fair understanding of the idea of the UDF.

At that stage, was it already decided who the National Executive of the UDF is going to be? Had you discussed that already? -- Not decided.

But discussed in committee? -- No, I do not think at this stage it had already been discussed. I actually think 30

that the matter was discussed whilst he was away, he was at this meeting, by others who had remained. I am talking about the meeting of delegates from various regions of the UDF who had met at the Jesu Centre in Johannesburg on 30 and 31 July. So that whilst I think he was here at the SOYCO meeting, the discussions were taking place in respect of the proposed nominations.

You were also at that meeting, is it correct? -- That is so, I did attend this meeting.

And who was the chairman of that meeting? -- I think 10 when I got there, the chairman was Khehla Shubane.

Now, Mr Molefe, he was introduced there as the head, he is head of the UDF as well. Is that a wrong statement here? -- Well, yes, it is. If by that counsel understands it to mean UDF National, because UDF National was not formed. No doubt he was the head of the UDF Natal at that time.

It is not stated here that he is only head of UDF Natal, but it is a reference to - I will let it go at that. Now, on page 26, the second paragraph:

"Oliver Tambo, you sing about him. Oh my, we wish you 20 would do more than sing about him (LAUGHTER OF THE AUDIENCE) (CLAPPING OF HANDS). The more and at least if you join and go and recruit others and conscientise others, you will have done something that may result in one day the voice of the African people in South Africa, in Soweto first rising with a roar which Pretoria cannot ignore (CLAPPING OF HANDS) (INAUDIBLE) and say, bring our leaders back. Call a convention, a national convention where our leaders are going to speak for us."

Mr Molefe, I put it to you that what message is conveyed is again that it is the ANC leaders who are identified as the true leaders, our leaders, the UDF leaders, and it is the true leaders that must participate in the national convention and do the speaking? -- No doubt that those leaders include people who are members of the ANC or leaders of the ANC, but I understand that our leaders to be in the context in which I have explained it previously.

And I put it to you that what is referred to here as our leaders are the leaders in the ANC? -- I do not know if 10 exclusively so, but - in fact I do not take it that way, because in the national convention that the UDF envisages, there would be various people elected from various constituencies to participate in that kind of a convention. Thus it would really be much more than the leaders of the ANC. It is true that they would also be part of that.

And Mr Molefe, what is the meaning or what do you understand under the words:

".. and go out, recruit others and conscientise others, you will have done something.." 20

and that in relation with Mr Tambo? -- I do not understand it to be in relation to that. Mr Gumede is addressing a meeting here which launches a new organisation, the Soweto Youth Congress, and he is - I understand him to be saying that they must recruit more members into that organisation and let our voice - recruit them, recruit others and conscientise others, you will have done something that may result in one day the voice of the African people in South Africa, in Soweto first, rising with a roar which Pretoria cannot ignore. And I think it is very clear that he is 30

saying/...

saying, we must build a strong opposition, we must build our organisations to a point where the Government will hear us when we speak.

And the reference then: what must be done more than singing about Mr Oliver Tambo? -- I think what he is saying is that it is no use singing about him, let us build our organisations, let us recruit people into our organisations, let us strengthen our organisations. And in this instance I understand it to be referring to the Soweto Youth Congress.

And Mr Molefe, I put it to you that it is not only in 10 speeches and in papers that the ANC leaders are popularised under the people, but also in the songs and slogans, and I would like to refer you - I am not going to - if you will accept it, to the exhibits, but I will mention them to you, the pages, and it is always the ANC people, the ANC leaders that are popularised between the people, under the people. On "V1" on page 6 in the last paragraph we find for instance that Oliver Tambo is popularised? -- Well, I do not know if they sing about him.

Page 7, the name of Tambo is called out seven times, 20 and also that of Dadoo is called out. On page 10 it is again Mandela, Sisulu, Mbeki, Mhlaba whose names were called out. Who is Mr Mhlaba? -- Raymond Mhlaba, I believe. He is one of the Rivonia trialists.

On page 16A it is again Mandela who is hailed as "Our Mandela"; on page 23 it is called out, "Power is ours, Oliver", referring to Oliver Tambo. So "The power is ours" is also linked up with Oliver Tambo again. -- I would not say so. It may well be that they said so as they were shouting the name, but it is not something that one can tie, 30

link, associate with a name of one person.

On page 28 you again find where the name of Oliver Tambo is shouted out for 11 times, and again on page 30 you find "Power is ours, Oliver". Page 31, "Oliver Tambo is in the bush and training the soldiers"; page 31 you also find that the name of Joe Slovo is popularised; on page 31E, "Tambo's rock is formidable", it is again Mr Tambo; page 31F, again Mr Tambo whose rock is formidable; page 60 again, Oliver Tambo and Joe Slovo; on "V2" page 52, Oliver Tambo is called out; "V3" page 2, it is Tambo, "Mandela is our father";<sup>10</sup> page 3, "We are following Tambo", Oliver Tambo shouted 9 times; page 4, "Mandela, Tambo, our father"; page 31, Oliver Tambo shouted out six times; "V4" page 3, it is a slogan, "Oliver Tambo" chanted; page 4, Oliver Tambo shouted 15 times; page 9, "We will follow Tambo"; page 10, slogan shouted, "Oliver Tambo"; page 25 again Tambo three times shouted out; "V7" on page 4 it is shouted out "Viva Dube", "Viva Sobukwe", "Viva Mdluli" and "Viva Luthuli". The name Mdluli, who is that person? -- I do not know him, but I think I had read in the past about a certain Mdluli who had<sup>20</sup> died whilst detained, I think it was in terms of Section 6 of the Terrorism Act.

And on page 6 again we get the shouting of "Viva Oliver Tambo", "Viva Nelson Mandela"; page 7 we have "Oliver Tambo, the soldier"; page 14 it is Kathrada and Xundus; page 15, "Tambo is in the bush training the soldiers"; "V8" on page 5 it is again Mandela, Sisulu, Mbeki, and they must save our country; page 5 it is again Oliver Tambo two times; "V11" page 2, Oliver Tambo four times; and then also Nelson Mandela is shouted; on page 3 you get "Take my hand, don't let it<sup>30</sup>



go, Tambo"; page 10, chanting Oliver Tambo 24 times; page 23, "Take my hand, Tambo, don't let it go"; page 34, again the chanting of Oliver Tambo; "V13" page 1, Mandela's name, Rolihlahla is shouted out; "V14" page 10, Tambo, Nelson Mandela, Kathrada, Sisulu "are our leaders indeed"; page 18A, again Oliver Tambo; "V15" page 4, Tambo and Slovo "our fathers"; page 5, "Please lead us, Tambo, we come back with socialism"; page 18, "Hold my hand, Tambo", "We want Mandela". That was sung in that meeting. "V18A" page 2, "Viva Tambo"; page 3, Tambo 20 times; page 9, "Viva Mandela", "Viva Kathrada"; page 14, chanting Oliver Tambo; page 39, Mandela; page 48, "Mandela is the king today"; "V19A" page 4, Oliver Tambo, 15 times shouted; page 6, Oliver Tambo, 24 times shouted; "V19B" page 9, "Mandela is our father, Tambo is our father"; page 13, Oliver Tambo, two times; "V20" page 2, "Viva Tambo", "Viva Slovo"; page 12, "Come Mandela"; page 16, "Viva Mandela", "Viva Sisulu"; page 58, "Oliver Tambo is my father"; "V23" page 5, Oliver Tambo; page 11, "We will follow our Mandela even if we are arrested"; page 22, "Mandela our leader" and Oliver Tambo; page 31, "Our Mandela, we'll follow you"; page 32, Oliver Tambo; page 34, Oliver Tambo, Mandela, "We'll follow you"; page 38, "Forward Mandela, we are going"; page 39, Oliver Tambo, four times shouted; page 49, "We will follow Mandela"; "V24" page 1, Tambo's name shouted out, Mandela's name shouted out and Nkomo's name. I suppose that must be the leader of SWAPO? -- I do not know if there is a person Nkomo.

COURT: Joshua Nkomo? -- I think the organisation was ZAPO, but it may well be Nkomo in South Africa, Dr Nkomo.

MR JACOBS: On page 25, "Father Mandela is our father"; "V25" page 2, Oliver Tambo ten times shouted out; page 3,

"We'll follow Mandela, Tambo and Luthuli"; page 28, Oliver Tambo shouted three times; "V26" page 39, Oliver Tambo shouted three times; page 10 again, Mandela ..

COURT: Page 10 is what?

MR JACOBS: The name of Mandela, Rolihlahla; page 17, Mandela Tambo, Slovo, "our father"; page 25, "We cry for Tambo"; page 30, "Our Mandela, we will follow him". So just on the names so far in this document, it is quite clear that it is always the names of the ANC leaders that you accepted as your leaders that is popularised between the masses? -- I 10  
have explained my attitude in that respect, but also I thought counsel had also mentioned the name of Mr Sobukwe and Nkomo and Xundu and others, several others. I do not dispute the fact that the names of ANC people are mentioned there.

It is only - the other people - I put it to you, it is more than 90%, it is always the people in the ANC that is popularised, the leaders in the ANC? -- Well, yes, the ANC is the oldest movement in this country. It has got the richest history than any of the organisations. So that it 20  
had really existed for I think over 70 years, and naturally people who are interested in political development or communities, people from communities would know about that, would be aware of that history and they would talk about it.

And then it goes further than that, and I will go to the next lot, it is always songs in which violence committed by the ANC, the oldest organisation in the country that is popularised, and I will read to you. We start again with "V1", page 9, the song is "Here is the Supreme Court spitting fire", "Here is Gatsha's house, a blame"; page 31A, "Tambo 30

is in the bush training the soldiers"; page 31B, "Bring the gun"; page 31C, "Tambo bush training soldiers"; page 31D, "We shall get them with our children"; "Tambo's rock is formidable"; page 31F, "Across the river we shall get them"; page 60 and 60A, "Sing for our freedom". There is a request on page 60 by a person that the chairman, a specific request that the people must sing for their freedom and that is the song then. Then we get a song, "The gun in Angola, come with it"; "V2" page 7, "Bring the guns"; "V2" page 8, "We are going to catch them with their children"; "V2" page 15, 10 "There is Sasol on fire, the Supreme Court is on fire, young man lighted the fire"; "V3" page 1, "The guerillas are soldiers, Tambo is our father"; page 4, "The guerillas, the soldiers, Mandela, Tambo is a soldier"; page 29, "There is Warmbaths on fire, the boys of the spear hit it yesterday, we are going"; page 39, "The boys of Mkonto struck yesterday"; "V4" page 3, "We are Mandela's soldiers"; page 5, "We will catch them across the river"; page 7, "Here it is on fire, the boys hit it yesterday"; page 9, "We came from Soviet carrying bazookas"; page 10, song, "We are Mandela's sol- 20 diers"; page 17, "Soldiers Mandela and Tambo"; page 25, "Come with the guns"; page 26, "We are going, bazookas"; "V7" page 1, "We are Mandela's soldiers, we are waiting for our death"; page 2, "They do not know MK, we'll hit them with AK and mortars"; page 3, "MK Mandela, Kathrada"; page 5, "The Boers, we will shoot them of course"; page 6, "Viva Mkonto we Sizwe"; page 7, "The boys hit it yesterday, we are going"; page 9, "Across the river we will catch them with their children", and also "Father Tambo wants soldiers, soldiers of freedom"; page 12, "Viva Spear of the Nation, 30

Tambo, Namibia, ANC"; page 13, "We are going carrying bazookas"; page 14, "We are going carrying bazookas"; page 15, "We came from Soviet carrying bazookas, Tambo in bush training the soldiers"; "V8" page 17, "Slogans, guerrillas, Hendrickse is an informer, voertsek, MK eight times"; page 18, "The spear arrived in Roodepoort, they are in the bush, here is the bush commander in chief, lieutenant in the bush, Joe Modise is a general, Mbeki is a commandant, Joe Modise is a Communist, Mbeki is a Communist, Oliver Tambo is our father, Tambo is a Communist". Now, yesterday we heard 10 something about Roodepoort. This Roodepoort here is also a place where Mkonto we Sizwe struck. Is that correct? -- I do not know. I said that I thought I saw it in one of the documents we were asked - in the admission document.

Then we go to "V10" page 2, "There is a black, green and gold flag tied to the barrel of a gun carried around"; page 3 the same, the black, green and gold flag tied to the barrel of a gun and carried around; page 11, "We will enter in the dark, Oliver Tambo"; "V11" page 2, "Lead us Tambo, we enter Pretoria, there is a Boer woman crying, Oliver Tambo. 20 We will catch them with their children"; page 3, "Tambo is in the bush training the soldiers"; page 10, "There is a gun, come with their guns"; "V12" page 53 in the second part of "V12", "Die Boere, ons maak hulle dood. Tambo het gesê ons maak die Boere dood"; "V14" page 17, "We are Mandela's soldiers, we expect to die there"; page 18A, "We will enter in darkness, Oliver Tambo"; page 32, that poem of Jingles, "There is a revolution, colours of black, green and gold fly high"; page 32, "There is a bomb blast in Pretoria and Bloemfontein"; "V15" page 3, "Tambo, hold my hand, shoot 30

with/...

with the bazooka", "Mandela's soldiers shoot with the cannons there is Mandela, we are going even if they are going to shoot us"; page 4, "Shoot with cannons, bazookas, throw a grenade, Slovo our father, Tambo is our father, we are his MK soldiers"; page 6, "Please lead us, Tambo, we will come back with socialism, shoot with bazooka, soldiers, you Mkonto, Hayi, Hayi"; "V18A" page 2, "We come during darkness" page 14, "Are you scared of them?" "No, we want them"; page 42, "Viva, stab with a spear"; "V19A" page 3, "We are Mandela's soldiers, waiting for our death"; page 6, "Across the river 10 we will catch them with their children and the Supreme Court is on fire, the boys hit it yesterday"; page 7, "There are rifles, come with the rifles"; page 14, "Supreme Court on fire, boys left us yesterday"; page 18, "Spear has fallen, pick it up"; "V20" page 12, "AK47" ten times shouted; page 12, "Come Mandela, come soldiers"; page 29, "The spear is available"; "V23" page 10, "We shall shoot them, here is Mandela, shoot"; page 22, "Say no to our brother being called terrorists"; page 28, "Honde sal doodgemaak word" shouted 18 times; page 44, "Dogs are going to be killed" 20 shouted 11 times; page 57, "Mandela said we are going to, no matter what the conditions are"; "V24" page 3, "The gun, the gun"; page 4, "Viva ANC, they will shoot them, they kill them"; page 11, "Viva ANC, they will shoot them, they kill him"; page 15, "Power is ours, they died in Zimbabwe, they fled"; page 25, "We shall be sitting with Tambo and see the Boers rowing down"; page 46, "We agree with soldiers"; page 47, "The warriors are spitting fire, we are going"; "V25" page 27, "Across the river we'll catch them"; page 46, "Tambo in the bush training soldiers"; page 49, "The boys of 30

Mkonto struck yesterday"; "V26" page 7, "Supreme Court on fire, boys, spear hit it yesterday"; page 12, "Tambo in the bush training the soldiers"; page 15, "Soldiers of Mandela"; page 19, "Hey soldiers, bazooka, explode the bomb"; page 26, "How will it be sitting with Tambo seeing the Boers running." So Mr Molefe, all the songs that were sung and slogans shouted at the meetings of which we have the transcripts before the Court, they were all on violence, violence against the Whites and the Government? That was popularised at all the meetings? -- All I can say is that the UDF had no program 10 of popularising the leaders or acts of violence. These are songs that people have sung over the years, and indeed in the UDF they never became an issue. We never sat down to scrutinise each song.

Mr Molefe, then another point is quite clear from the songs and the slogans, is that songs and slogans were in the ANC, Mkonto we Sizwe and UDF are popularised as being organisations that fight together, and I would refer you in this regard to "V7" page 6, "Viva UDF, Viva MK, Viva ANC, Oliver Tambo, Nelson Mandela". So the names of UDF, MK and 20 ANC linked in the chanting or the shouting; "V11" page 3 and page 23, "Take my hand, Tambo, don't let it go", and on page 23 introducing Dorothy Nyembe as a guest of AZASO, ANC? -- I cannot remember coming across that. That is "V"?

"V11" page 23, it is on page 23 of "V11", the second-last paragraph, unknown man:

"She is one of the guests of AZASO/ANC."

-- I do not know what that means.

"V14" page 17A, "We are Mandela's soldiers, we expect to die". "V15" page 3, "Tambo, hold my hand, here is Mandela, 30

we are going, Tambo is our father, Slovo is our father"; page 6, "Please lead us Tambo, Mkonto, Hayi, Hayi"; "V18A" page 3, "Tambo, hold my hand"; page 36, "Hold my hand Tambo" 12 times; page 42, "Viva, stab with a spear"; "V19A" page 3, "We are Mandela's soldiers"; page 18, "Spear has fallen, pick it up"; "V19B" page 13, slogan UDF 28 times and Tambo two times; "V20" page 2, "Viva Boesak, Viva Slovo, Viva Tambo, Viva ANC"; "V20" page 12, "Come Mandela, come soldiers, come Gumede"; page 29, "The spear is available to do away with the crooked, we don't want Gatsha"; page 58, "Oliver 10 Tambo is my father"; "V23" page 10, "We shall shoot them, here is Mandela"; page 35, "Tambo lead us to see people, lead us home"; page 38, "Mandela, step forward, we are going whatever the conditions are"; page 39, "Remember Mahlangu, Mandela, Biko"; "V24" page 2, "Viva MK, Viva ANC, Viva SWAPO"; "V25" page 8, "Those who hate MK or UDF or SOYCO, we'll get them"; page 32, while Mpetha is held on the stage on that part, there is shouting of the name of Oliver Tambo six times; page 47, "Viva ANC, Viva MK"; "V26" page 8 to 9, "Soldiers, spearboys, UDF"; page 19, "Soldiers, bazooka, 20 explode the bomb and UDF"; page 26, "How will it be sitting with Tambo seeing Boers running"; page 30, "Our Mandela, we will follow him". So again, Mr Molefe, I put it to you also in this regard, there is a link-up between UDF, the leaders of UDF and the ANC and violence in the ANC? -- I have made a comment in that respect previously. I still stand by that comment, that it was not a program of the UDF to popularise violence, to popularise individuals mentioned there. These are things that people have been saying for many, many years and they never really became issues within the UDF and even 30

before the UDF.

I put it to you, Mr Molefe, that it is not a question of saying it for many, many years, but you will not find any song in this lot of speeches in which you can find, except for the song "Nkosi Sikelela" any other song except for freedom songs. There is no other song except freedom songs? -- Well, those are political gatherings, but I thought there was a song - I do not know whether it was a song, counsel referred to something which says "Stab with a spear", I think something like that. My recollection is that that song was sung for many, many years and it was talking about the spear of Chaka. We used to sing it at school, we used to sing it during school trips, it was sung at weddings. So that these things are - people sing about them. 10

And I put it further to you, there was nothing sung at any of these meetings where it is to pick up the spear, there is no reference to Chaka at all, but it is the spear, and I put to you, what is meant here by the spear if Mkonto we Sizwe? -- Well, we used to sing about the spear. I do not know, I have not - I may well have to read the whole song, but in any event, people sing about all sorts of thing,s and as I say, we have never sat to take songs literally, to study them really. 20

But Mr Molefe, it goes further than that. It is not a question of people singing anything. On these meetings you only get freedom songs and not everything? -- Well, those are political meetings. They sing - but it is true also that there were other songs that were sung for instance if one refers to - I think it should be EXHIBIT "V14", a meeting of the first anniversary of the UDF, there were a lot of 30



those people who were singing traditional songs, the traditional clothes, and then - I do not know the song sung by Jessica Sherman, what kind of song - I have not studied those songs, but she sings all sorts of songs.

Mr Molefe, in "V14", what are you referring us to? -- I think if that is the first - no, I think it is not "V14", it should be "V9", I think, the first anniversary of the UDF, UDF One Year Rally, I think.

ASSESSOR (MR KRUGEL): "V9" is the TIC meeting. -- I cannot remember now. I am a bit tired, but anyway, it is a meeting that deals with the first anniversary of the UDF. I think it is "V18A". I do not know if it is transcribed, but I remember seeing those people singing on the video, when we were looking at the video. 10

MR JACOBS: Mr Molefe, I suppose you can take it for a fact and it was checked with your attorneys, that what we saw on the videos were transcribed. -- They were playing drums there, some carrying axes, others carrying sticks and so on. Maybe that one was not translated, but I think Your Lordship will remember, they were dressed in beautiful colours. Then there was - I recall also seeing a gumboot dance in that same meeting. I think it was the same meeting, some youngsters singing, I do not know what they were saying, they were singing and doing a gumboot dance. 20

What were they singing? -- I cannot remember now. I was not present there, but it was on the video.

Is that not the freedom songs? How can you say if you do not know what they were singing that it was not a freedom song? -- Well, I cannot remember, I do not know if it is translated. 30

ASSESSOR (MR KRUGEL): Is that now Jessica Sherman's song?

COURT: No, it is the gumboot dance. -- The gumboot dance, some youngsters, I think they were aged about 12, 13, 14 or maybe 15.

MR JACOBS: On "V18A", the UDF One Year Rally, to which songs that were sung do you want to refer us? I do not know, Mr Molefe, you said there are songs? -- I cannot refer now specifically. I am just trying to recall, when we saw that video, there were those songs on the video. I was talking about the gumboot dance. I did also talk about 10 Jessica. I think I was wrong. It seems here what she is singing is really - I think what one can call a freedom song, but she sings all sorts of songs.

Yes, that is normal, Mr Molefe, but not on this meeting, all sorts of songs. -- All I am trying to say is that in that meeting, in that video there is certainly singing there by those people, I think they are doing traditional dancing or something.

COURT: At the bottom of page 39, I think we have the gumboot dance. Is that what you are referring to? -- That is so. 20 There were other women who were - I think women and some men who were dancing there. In any event, M'Lord, it is true that predominantly the songs that are sung there are freedom songs, what are generally called freedom songs.

MR JACOBS: And I put it to you, Mr Molefe, the songs were sung in order to popularise the ANC with the people, popularise Mkonto we Sizwe with the people, to popularise the leaders of the ANC with the people, and, I put it to you, to popularise violence with the people? -- That was not the program of the UDF. The UDF did not plan to do those things. 30

One may well say that they may be reflecting the perception of people in the townships, the kind of things they sing about, how they look at the situation, but it is certainly not the program of the UDF.

And is it also true, Mr Molefe, that if the UDF is such a peaceful organisation as you are trying to convey to the Court, did you at any stage try to get the people to sing something not so bloodthirsty and so on? -- Well, people sing all sorts of songs. They sing about Luthuli who is well-known for his peacefulness. He is known about that. 10 They sing about other people like Dr Motlana and so on, they sing about Bishop Tutu, they sing about all sorts of things. They sing all these songs, but as I say, in our communities, in the UDF and in organisations that I had belonged to in the past, we had never seen songs as things that were promoting violence. We had never taken songs literally. We had never imagined that at any stage we could be accused on the basis of songs. That never happened in the past. They have been sung for generations, some of those songs, many, many years. I had known of no instance where after people sang, 20 they became bloodthirsty and they wanted to kill.

Mr Molefe, I put it to you that even the ANC acknowledges that by singing the freedom songs, waving the flags of the ANC on the stages, carrying the guns, singing about Mkonto we Sizwe, that you in the UDF succeeded in legalising the ANC in the minds of the people? -- Well, I do not know what the ANC has written about that. What I can say is that it has never been the intention of the UDF, it has never been a plan of the UDF to do that, and indeed other people who had also written the writings of some writers about that, disputed 30

that/...

that. I remember reading for instance an argument presented by Dr Zomo in respect of songs and funerals. He disputes that the songs are intended to popularise anybody or attendance at funerals of people who had been members of the ANC, were intended to promote the ANC, and I understand it perfectly the way he understands it. But in our communities, especially African communities, people believe in singing in all sorts of events, occasions.

Mr Molefe, in EXHIBIT "V2", I put it to you that you specifically asked the people to sing "one of our greatest songs please", and not only just to sing. You asked them specifically to sing a freedom song? -- I did not really say a freedom song, but I would have expected them really to sing a freedom song, and I think the word "greatest" was really unfortunate, you know, really a phrase intended really to say, let us sing a song, and I had explained in my evidence in chief or somewhere in the course of the cross-examination, the circumstances under which I called for a song. We had been waiting for a speaker from East London, Tobile Msileni, and he was not arriving. There was also a speaker from Food & Canning who was supposed to speak there and he was not there yet, and we sought to while up time so that those people could arrive, to while away the time.

On page 7 you said, that is of EXHIBIT "V2":

"Can we have one of our greatest songs please, before I call on the next speaker".

So there is not a question of waiting, Mr Molefe. You wanted a song, one of the greatest songs before the next speaker? -- No, I have explained that, and if one may refer to that exhibit, it would be clear that I had been asking

whether/...

whether the speaker from Food & Canning had arrived, and I think possibly I had also been asking about the speaker from East London, and throughout that meeting I think, either that was the only song or there were about two songs which were sung.

And the greatest song that was sung, "Where are the guns, where are the guns?" Audience chanting, "Bring the guns, where are the guns, bring the guns. They are in Africa, they are in Africa. They are in Africa" and then it was "Amandla Awethu" again. -- That had been an old song, 10  
M'Lord. People had been singing it many years, but I did not - when I asked for a song, I did not know what song was going to be sung. One could have predicted that it would have been a freedom song.

Then again on page 14 of the same document.

COURT: How old is the song "Sobabamba Nezingane Zabo"? -- I do not know, but I think in the late 70's people were singing it.

MR JACOBS: Was it after the Soweto uprising? -- The late 70's was after, yes. It may well be that it was sung before 20  
that, but I recall really - the other thing is, these songs are sung, sometimes a song is sung in Natal in a particular way and it is caught up by people in a particular province later on, maybe after several years that it had been sung in that place.

And then on page 14 again, Mr Molefe, you said:

"I have been asked to announce to you that one of the stalwarts of the struggle in South Africa, Yusub Dadoo, passed away three days ago in exile."

-- Yes, I remember that incident.

30

And then later on you asked this, and it is only at this occasion that you were waiting for a person:

"Shall we have one song after this song? It may be important too for this meeting to say precisely where we must go to from here."

What do you mean by that? What must they say in the song where you must go from here? -- I think those are really two different things, a song on one hand and to get the comments from people in the meeting in respect - I think that meeting was called to deal with the situation of Ciskei. It was 10 really intended - I intended to convey that those present must make suggestions as to how we could help the people in Ciskei, and I think if my recollection is okay, somewhere then I did explain that we had - I think we had about five people on the committee and that those who were interested in helping could contact those people, and I think I gave the telephone numbers of each one of those persons.

I put it to you, Mr Molefe, that you are wrong, that when you asked the people to sing "one of our greatest songs", that was not at the time when you were waiting for 20 somebody or you did not have a speaker to continue? -- I am not saying we did not have a speaker to continue, but one of our most important speakers, the speaker from East London, had not yet arrived.

The most important speaker, was he to speak last? -- Not that he was to speak last, but we wanted to have him in that meeting, and he was flying from East London. We were expecting him to come.

In the meantime there were enough speakers to carry on with the meeting and go on until the other man comes? -- And 30

I think we even had this person who is called an unknown speaker, I think he also spoke ..

To which page are you referring to? -- I think page 16, this unknown speaker. This person was really not on the program, and he only spoke because we were waiting and we did not want to finish the meeting before that person arrived.

While you are at page 15, you said they were old songs and this song "There is Sasol on fire", is that an old song, Mr Molefe? -- I think I heard that song about - in the 80's or late 70's. I am not quite sure. 10

The Sasol on fire here is referring to the attack by the terrorists on Sasol, is it correct, when they burnt it down? -- That is so. I think it started around that time.

COURT: Why is it that when you call for a song, the people sing about violence? This is now the third song you have called for and they are all violent? -- My recollection is that that day I asked for only one song. I do not think I asked for another song.

Well, this one you called for:

"Shall we have one song after that song?" 20

That is on page 14. The previous one too you called for, at page 7. -- I see. I do not know. Normally people sing anything that comes to mind.

Have you never called for a lullaby or something? -- No, I think the only occasions where I would have mentioned specifically which song was to be sung was when maybe it was at the end of the meeting and one says, let us sing the national anthem.

MR JACOBS: And I see the other one is also, "There is the Supreme Court on fire". Which Supreme Court were you singing 30

about here, Mr Molefe? -- Where is that?

It is still on page 15. -- I think some time ago there had been an attack on the Supreme Court in - I think in Pietermaritzburg or so. I cannot remember.

Also an attack by Mkonto we Sizwe? -- I believe they claimed responsibility for that, but it is one of the songs that people have been singing about in the townships.

And will you agree that the Supreme Court, I suppose, is not a hard target? It is a soft target? -- I do not know. I do not know those things. It may well be. I do 10 not know.

That is not where you find soldiers? -- I do not know. Maybe if they attack it when we are sitting here, it becomes a soft target. Maybe if they just hit the building, it may become a hard target. I do not know. I thought soft target refers to human beings. I do not know about that.

So the UDF on its meetings, is it also condoning the attacks on soft targets and singing about it, even singing about it? -- I have made the point very clear that in the UDF we had never sat down to listen to a song and attempt to 20 take the song literally as they are sung, and it has never been discussed as an issue in the UDF. We were born and bred in the communities where people have been singing for many, many years, about various things at various times, and when these new songs come and pass, one does not really sit down and scrutinise, listen carefully and isolate each word in a song and try to arrive at what each word means. Maybe artists could have done that.

Mr Molefe, if you say various things, then you mean other things than violence and leaders of the ANC and so on? 30



-- People have sung about leaders of the ANC, they have sung about leaders of the PAC, they have sung about Steve Biko, they have sung about Chaka, all sorts of things.

I just want to understand what you mean by various - sing about various things. Is it other things than freedom?  
-- They have sung about Mr Strydom, they have sung about Dr Verwoerd.

So it is always leaders? -- Leaders and anything. They sing about ..

Does it also include .. -- They sing about their horses 10 at work, for instance.

Singing about mountains or the green lakes and so on?  
-- They might well have sung about mountains.

But it is strange that we always find only the violent songs at your meetings.

THE COURT ADJOURNS TO 1987-08-27