

9.12
IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

PRETORIA

1987-08-27

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 27 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I want to deal this morning with EXHIBIT AAD5. This document was found in the UDF offices in Pretoria? -- In the UDF offices in Pretoria? The UDF has got no office in Pretoria. I think if we made that kind of an admission, it was a mistake.

I would like to read the first paragraph "What does the NEC mean when it talks about UDF moving from protest to challenge? Some comrades have expressed surprise at the(10) idea that the UDF has ever been a protest movement, but it must be remembered that the UDF was launched as a front to protest against and oppose the new constitution and the Koornhof bills. It is history now that this issue orientated opposition to particular measures rapidly escalated into a movement challenging the State on a whole range of fronts. So, in one sentence the NEC theme describes a process which has already taken place in the UDF." Can you explain to the Court what is meant by issue orientated opposition? -- Before I respond to that question, I want to make clear (20) the fact that this is not an official UDF document and that I had never seen it before. I saw it as an exhibit in this case.

ASSESSOR (MR KRUGEL) : I have a note that C100 was also part of this particular exhibit? -- I had indicated earlier on, but the same holds, my respond holds for C100 as well, because I had not seen C100 as well. It is not an official document of the UDF. I think I had indicated also in the course of this evidence that I had seen I think AAD2 which purports to be I think a summary of this very document and(30)

it/...

it appears like it was a paper discussed somewhere, either in a workshop situation or something of that sort and I think in AAD2 it states very clearly that the ideas contained here are not the views of the UDF.

In the first instance I would like to put it to you that it was admitted by the defence that AAD5 was found in the UDF offices in Pretoria. -- Well, I have made my comment in that respect. I have got nothing more to add.

And I put it further to you that the part that is similar to this one and which is a copy actually of the first part(10) of this one, EXHIBIT C100 was in the UDF offices in Johannesburg? -- I do not dispute that. All I am saying is that this is not a UDF policy document. A paper written or issued by the SADF might have been found in the office of the UDF.

I put it to you that it was your responsibility specifically to keep all the UDF documents and the documents kept in the UDF offices were kept under your responsibility? -- That is not so

I would like to refer you to EXHIBIT D1 in this respect ... -- All I am saying is that the documents which are (20) official documents of the UDF National - we have had a situation here where we were simply made to admit that documents were found in the UDF office in Johannesburg. We had two offices in Johannesburg. We had the Transvaal office and we had the National office of the UDF and I had also made it clear that whilst it could have been my responsibility to keep safely the records of the UDF, there were documents which were obtained in the office which I myself had not seen and this could be ascribed to the problems relating to administration and all sorts of other problems. The fact(30) that/...

that one was not at the office all the time and I believe that document C100 was in fact found at the office of the UDF after my arrest.

I said I would refer you to D1 and on the ninth page of that document, that is part of the minutes, it is an annexure to the minutes of a meeting held on 10 and 11 September 1983 at Phoenix Settlement in Durban and that was a National Executive meeting? -- That is correct.

And you also attended that meeting? -- That is correct.

At this meeting the duties of the secretary general (10) or general secretary and the publicity secretary were spelt out? -- Functions and duties, yes.

On the last page paragraph 1.1 deals with the secretary general. I suppose that is you? -- That is correct.

The general secretary. I would like to read the following out "To co-ordinate and convene the national secretariate, to convene the NEC and the NGC in consultation with the NEC, to be responsible for maintaining and safekeeping of all the financial records of the UDF, to promote the growth ..." and then the last sentence "To be responsible for all national (20) UDF correspondence." So, it is quite clear from this that it was your duty and you were responsible for maintaining and safekeeping of all UDF records except for those specially excluded? -- All UDF National records.

There is nothing said here about National. It says UDF? -- Well, we had regional offices. I was not responsible for the records of the regions. It may well be that it is not explicit enough there, but this is the position and we know that the UDF had regional offices. They had their own secretaries. They had their own executives. They issued (30) their/...

their own documents and they were not issuing documents under the direction of the NEC all the time.

And it is further specifically specified in regard to UDF correspondence that you are responsible for the National correspondence? -- UDF, yes.

The other documents, I put it to you, were all under your control? -- That is not so.

And I put it to you further that they were all found in the offices and found in an office occupied by you in a filing cabinet system in that office? -- That is not so. (10)

And I put it to you further that it is your duty as the general secretary of UDF to decide which records or documents to keep and which not to keep and that is why it was put under your control? -- That is not so.

I put it to you that these documents AAD5 were distributed by the UDF and that is why we got this copy of the UDF offices in Pretoria. -- This document I had not seen. I do not know. I hardly know who produced it and on whose instruction or whose request and I believe, may be my memory does not serve me well, but my recollection is that in fact C100 which is (20) part of this document was found at the offices of the UDF in July 1985 long after my arrest and I further referred to what I believe is EXHIBIT AAD2 which indicates the circumstances in which this document seemed to have been produced and the fact that it is not a document that purports to contain the views of the UDF.

Just to finish off AAD2, to what part are you referring there? -- I think it is a publication.

MR BIZOS : It is AAD2 page 8 I think the witness is referring to.

(30)

MNR. JACOBS/...

MNR. JACOBS : Ek wil h versoek rig dat as die getuie miskien self na h plek verwys, dat hy vir ons sê waar dit is miskien. Hy is die persoon wat die getuienis gee, nie My Geleerde Vriend nie. -- Well, I have not got documents with me and I did not anticipate this kind of questioning, this cross-examination.

Can you just point out the point you are referring to?
-- That is page 8 under the big lettering "From protest to challenge, from mobilisation to organisation" at column 1. I think the first two paragraphs.

COURT : It is stated under "View point", it says it is (10) the view of the secretarial report if you turn to page 9. UDF NGC April 1985. Is that correct? At page 9 it would appear to be that this in fact is a quotation from the secretarial report? -- Are we looking at page 9?

I started at page 8 and then I moved on to page 9. This section is alleged to come from the secretarial report of the UDF NGC, that must therefore be your report. -- What I see as a quotation from the secretarial report is what appears at column 2 page 9 I think the last two lines and then it continues on to column 2 of that page up to (20) where we have April 1985. That section is a quotation from the secretarial report. In other words, this person who wrote this paper had a number of papers in his possession. He took an extract from the secretarial report to develop his argument in this paper. What I am saying is that this paper, this exhibit AAD5 a section of which also appears in AAD2 is not an official document of the UDF.

Whose view point is it then? -- It would be the view point of the writer. The writer of the discussion paper.

Who is the writer? -- I do not know. All I say is, (30)

it/...

it was not there at the time of my arrest.

It says it is a summary of a discussion paper which is prepared by the Transvaal Education Committee? It says "The views expressed in this paper, are not the official views of the UDF. Page 8. -- I have got that. I do not know whether it was prepared by the whole committee or whether it was prepared by a single person in that committee. I do not know. I simply had not seen the paper before. I am seeing it for the first time here. Perhaps counsel could also indicate, State counsel could also indicate at what stage (10) this paper was found at the offices of the UDF, because to me it was clear that it was really written after the NGC of the UDF. The NGC was in April. I was detained in April.

MR JACOBS : Can you tell the Court, did the NEC of the UDF address the question of protest to challenge? -- In a sense it did. It was discussed by regions, but the NGC did not meet in a formal meeting to discuss that.

You see, it is referred to here in the last line "So, in one sense the NEC theme described a process which has already taken place in the UDF" in the first paragraph. (20)

COURT : I am sorry, I am not with you. To which section are you referring?

MR JACOBS : The first paragraph of AAD5 the last sentence. There this "form protest to challenge" is referred to as a NEC theme? -- I do not know. Perhaps this person wanted to say the NGC theme, because really it was a theme of the NGC.

Is is quite clear from this paper that it is the NEC who discussed - I supposed it was discussed even before the NGC meeting in April? -- My recollection is that it was discussed at the level of the National secretariate and it was (30) sent/...

sent to regions for further discussions and the regions accepted the theme, protest to challenge organisation, from mobilisation to organisation and during that period I did not attend any NEC meeting.

And again, to show that it is not a mistake here, it is - the first line also said "What does the NEC mean when it talks about the UDF moving from protest to challenge?" So, it was discussed in the NEC? -- Well, I cannot testify to that effect, but I knew that the regions subsequent to the discussions and recommendations of the National secretariate did give a feed back to the effect that they accepted the suggestion of proposed theme. I did not attend any NEC meeting in that period.

So, it is only logical that the NEC would have discussed it before the NGC meeting? -- In the sense that members of the NEC would have been part of the regions, yes.

Not only part of the regions, but part of the National executive of the UDF? -- I cannot testify to that effect. I was not there. I did not attend that meeting.

So, you cannot say to this Court today that what is (20) stated in this paper is not that was discussed at the National executive meeting of the UDF before the NGC meeting? -- On the basis of what appears as AAD2 one can say so and I can also say that what appears here was really written after the NGC. It may well be that it was written after my arrest, because I do not know the document. I have never seen it.

And when you said it is not a UDF document, you are also wrong because this refers to what actually took place and discussed - there were discussions in the NEC of the UDF? (30)

I/...

-- I was saying that on the basis that it did not happen at the time when I was there and secondly on the basis of what appears in EXHIBIT AAB2.

And if I understood your evidence correctly, even before the NGC meeting in April 1985 you did not attend any NEC meetings or ... -- Yes, I personally did not.

So, you cannot dispute that this is reflecting the policy of the UDF? By this I mean AAD5. -- I may well have to read the whole document and debate and may be answer questions, if counsel is dealing with the whole document (10) per se.

I will refer to a few passages in this. The first question I asked you to explain to the Court what is meant by the UDF being an issue orientated opposition? -- I think what the writer here intended to convey is that the UDF really started as a front that had to address two key matters. The new constitution proposals and the Koornhof bills, but in the course of its existence, there developed a need to broaden the focus of its activities beyond those limited objectives upon which it was formed. (20)

And is it then a correct statement that the UDF is an issue orientated opposition to the government? -- I do not understand the question.

Is it correct then what is stated here that the UDF was an issue orientated movement in opposition to the government? -- It was an issue orientated front. It was formed to deal with specific two issues there. The new constitution and the Koornhof bills. These were the issues that were the foundation upon which the UDF was formed. It is an issue orientated front because it was formed to address itself (30)

to/...

to those issues. It was not conceived as a broad anti-apartheid front with a long term program and that - this view - this understanding I think appears also in one of the exhibits, I think it is EXHIBIT V26. The exhibit that deals with the discussions at the launching conference of the UDF. When the working principles were discussed, I recall that Dr Motlana was unhappy about the fact that we were saying the UDF was formed to oppose the constitution and the Koornhof bills. He wanted the UDF to be a front that addresses itself broadly to the policies of apartheid with a long term program. (10)

There was a debate on that issue at the time when my colleague, Mr Lekota, accused no. 20, was reading the Working Principles. We maintained the position that it was conceived as that and then we could not extend it beyond the mandate we had. I put it to you that it is a correct statement here that the UDF is an issue orientated movement to challenge the State and at the launch you even accepted a lot of issues which much be taken up, issues in the form of resolutions that must be taken up in the struggle? -- I think there is a misunderstanding between me and counsel. That is not (20)

how we conceived the UDF. We, of the UDF. We do not take issue orientated in the context in which the counsel is taking it.

What do you say to the proposition that it moved - rapidly escalated into a movement challenging the State, issue orientated in the sense that it rapidly moved and escalated into a movement challenging the State on a whole range of fronts? -- Well, I understand it to simply mean that it had limited objectives, a limited focus, being simply the question of organising effective boycott of the new (30)

constitution/...

constitution and the Koornhof bills and in the course of time there developed other problems as a result of the activities of affiliates who had come into the UDF and the problems that developed as a result of the implementation of the Black Local Authorities and the constitution itself. In other words, it had now to deal with the by-products of those - the implementation of those structures, so that it was now beginning to address those issues and it was called upon to address much systematically problems like removals and re-location. It was called upon to deal with a whole range of (10) other issues, so that in that sense the objectives were now broadening. Its focus really was now broadening beyond the new constitutional proposals and the Koornhof bills.

It further says here "So, in one sense the NEC theme describes the process which has already taken place in the UDF." That is also, I put it to you, a correct statement that the theme of moving from protest to challenge at the time of this national NEC meeting, it was already a process started in the UDF? It had already taken place in the UDF? -- It is true that within the UDF already by the end of (20) 1983 when we held a conference in Port Elizabeth, we were already talking about how best to organise those people that we had mobilised, those people who were accepting the UDF through the publicity that it had at the time of its launch, through other meetings, mass meetings it had like the people's rallies during the people's weekend in October 1983. We were already talking about those things. The debates had already started within the UDF and I had also indicated in my evidence-in-chief that there had already started a process of debate within the UDF where people were saying that the (30)

UDF/...

UDF must take issues - must begin to look towards, defining clearly the perspectives for the future. So, that I think the writer really is referring to those kinds of discussions and those kinds of statements made within the UDF.

I put it to you that it was not only a debate, but what he said here, the process of challenging the State was already in process, put into practice? -- No, no, he says the process - so, in one sense the NEC describes a process which has already taken place in the UDF. I think he is saying that that process has begun. It is developing with the UDF. I (10) understand it in that context and I was in the UDF. At least I have an idea of those kinds of debates.

Is it correct, you were only arrested on 23 April 1985?
-- That is correct.

How is it that you cannot say whether the NEC discussed this question from protest to challenge before your arrest?
-- Well, I did not attend any NEC meeting at the time. A lot of members of the NEC were also in jail. I myself was avoiding any arrest at that stage, so that the whole question of protest to challenge was really discussed in the regions. (20) I know about the fact that that matter was discussed at that level. In any event, the NEC takes it queue from the views, the collective views of the regions.

Did you take any interest in this to find out and did you in any event try to implement as a secretary or did you do anything in this regard? -- Implement what?

This new theme of moving from protest to challenge? -- I had not done anything. I think the notes I have here as my action list, I think it is AAA2, one of the documents found in my possession, give an idea of how I thought I was (30) going/...

going to approach what had been discussed at the NGC, the recommendations and so on. I got arrested before anything was done and there is also a notice of the meeting of the NEC which was due to take place in May. I think on 4 and 5 May in East London. It is part of the package. That meeting was intended to evaluate the NGC discussions, to look at the recommendations and all sorts of things that had happened. In a sense it would then attempt to develop some kind of approach which would later be sent to affiliates, to regions for further discussions, to see how best those issues would(10) be taken up.

To which notes are you referring? Can you show it to the Court? -- It is in the A series. I am referring to, I think it would be page 6 of AAA2. A number of all those things, are the things that arose out of the NEC, all of them.

COURT : The action list arose out of the NEC of April? -- NGC.

NGC of April? -- That is so. The first point there talks about the need to type the minutes, type and despatch the(20) minutes and this was to be ready by 12 April, produce conference booklet ready by 12 April, set up sub-committee on labour, discuss with unions and set up sub-committee on rural areas and Bantustans, set up sub-committee on education on training course, to start with key note address recommendations e.g. understanding country and the world, education, educating and training, activists workshops for organisers and so on and then 6 says program for the year. So, really these were the things which were to be addressed and it was intended that the NEC that was due to meet in May, I think(30)

we/...

we have a notice of that in this document. I will just find it quickly. That NEC was intended to deal with these matters, to address itself to the recommendations of the NGC. It appears as an exhibit AAA8. It is a notice of that meeting.

What does point 14 and point 15 mean? -- It means further discussions on that, how far can we take the campaign in respect of those things. There were really going to be further discussions and development of new strategies in that respect. By the time of my arrest the theme of the (10) NGC had not been implemented.

What does point 20 mean? -- Judicial commission. There was a recommendation that a judicial - that a commission should be set up to record, to collect affidavits from people who had been assaulted. There had been reports at that stage that there were vigilante groups which were alleged to be in cahoots with councillors and so on who were assaulting people in the townships and we sought to set up a commission to investigate all those things and to record them. People's Judicial Commission. That was the name that was suggested. (20)

And why collaborators? -- As I indicated, reports we got were that councillors were involved and generally those people are regarded as collaborators. There had of course been other similar reports previously which were raised in fact in parliament in 1983. It was reported widely in newspapers, raised I think by the PFP. There was also a calling for the establishment of a similar thing where the crimes committed against the powerless people could be recorded. In fact, he was suggesting that there must be a register of all those crimes with the names of ministers involved, (30)
policemen /...

policemen involved and so on. I think it was Mr Malcomese. He was even suggesting that there may well be trials in the future of such people, but we at this stage had not yet - I believe that partly we were taking a queue from those kinds of reports that we had read in the newspapers.

Why did you call it the People's Judicial Commission?

-- Well, I think it is called that in the sense that it would not be the initiative coming from the government, although I did not apply my mind to it. But I think I would understand it in that sense. (10)

MR JACOBS : You said you did not apply your mind to it, but you are the person who wrote this? -- Yes, I took it from pages of recommendation.

COURT : Did you not determine or decide upon a judicial commission? -- I think that was a recommendation given at the NGC, made at the NGC.

MR JACOBS : I am still waiting for you - you referred to this exhibit AAA2 and to show where the question of the theme of moving from protest to challenge is indicated in this? -- No, I was referring to that to draw the attention (20) of the Court to the fact that those who appeared to have been the compilers of this document in fact ... (Court intervenes)

COURT : This document being? -- I am referring to AAD5 now. That what appears at page 8 of AAD2 is a summary of AAD5 and that the people who appeared to have compiled that, are stating clearly that what is expressed in here is not necessarily the views of the UDF. That is the point I wanted to make.

MR JACOBS : My question to you was, whether before the NGC meeting, did you do anything in regard to this new theme of (30) moving/...

moving from protest to challenge. As the general secretary, did you do anything in that regard? -- What is anything now? I have already said that it was discussed at the meeting of the secretariate and I did get feedbacks that the regions had accepted the proposal.

Is that all, that you only received feedbacks? Were any instructions given to you or did you do out of your own any activities in regard to the concept of moving from protest to challenge? -- I think the question is too broad. I have written in the secretarial report briefly about that. So, (10) I do not know what counsel is referring to. Whether is referring to things like that or whether he is referring to the actual implementation of the theme. I do not understand it.

Okay, did you do anything to the actual implementation of the theme? -- I have discussed the theme with members of the secretariate, including no.20. When he spoke at the NGC on Friday he gave an outline of our understanding of protest to challenge.

Were those only discussions? -- That is what I can recall now. (20)

As long as we got AAA2 before us, there are a few questions that I want to ask you about this on the action list. The set up of sub-committees on labour. Why was it necessary for UDF to set up sub-committees on labour? -- The UDF was interested in strengthening his relationship with the trade unions and also in understanding the problems pertaining thereto and we believed that because the UDF was under-staffed it was not possible for the national offices, the two of us, to handle all those problems.

Do you mean that this sub-committee you refer to here (30)

on/...

on labour was only for the work in the UDF itself? -- That is correct. It would be a UDF sub-committee that would assist the UDF in developing relationships with the trade unions.

It seems to me, if it refers to discuss and then union - mine is a little bit vague here. Have you got yours? -- Discuss with the unions.

Look at it. It is before you. -- Yes, I have got it. I have got no problem with that.

So, what does the union have got to do with your staff and ...-- Well, we sought to build relationships with the (10) trade unions. The UDF has got affiliates which are trade unions. Trade union affiliates and when we are dealing with matters that pertain to labour, it is only proper that it be discussed with those unions and then they are not au fait with the situation. They can suggest the approach to these issues. It was also important because it might have created unnecessary suspicions that the UDF was trying to take over the work of trade unions themselves, so that we sought to get really the approval and the guidance of the trade unions.

Was this commission also set up in order to work towards (20) the realisation or establishment of the federation of unions? -- That is a matter that had developed independently of the UDF, but in a sense it would discuss how best the UDF could support that effort.

Was it specifically on the agenda of the UDF to get such an organisation established? -- It was recommended that the UDF should encourage a move towards the formation of the federation. That would have really meant that the UDF encouraged those of its affiliates which might not have been part of party to the discussions which had started in (30)

1981/...

1981 aimed at the formation of that federation, to begin to take interest in that.

Did it only remain at recommendations or did you actively work towards to it and did you do anything about it in establishing a federation of unions? -- Oh, no, we did not. This indicates here, there was to be a follow up discussion that no. 22 in the same document, follow up discussion on union federation. I was hoping to set up a meeting with the trade unions, in particular trade unions like FOSATU, Food and Canning, Commercial Catering and Allied Workers Union (10) of South Africa and so on, which had really been deeply involved in those discussions.

So there were discussions before this between the UDF and the unions in order to establish and set up a federation of unions? -- No, no, there had been discussions with the unions, with a view to persuade them to join the UDF and in the course of that discussions, unions indicated that their priority was the formation of a union federation and from our own side we took keen interest in persuading those trade unions forming the federation that eventually when that (20) federation is formed, we would like to have them affiliating to the UDF. So, that it was really in that sense.

I put it to you that the indication in 22 here that the follow up discussion on the union federation is a clear indication that you already, before this, before 10 April when this list was drawn up, that you had discussions on that? -- It arose in the discussions, but the purpose of that discussion was not that, but the matter of the federation arose. The whole question of the federation was not an initiative of the UDF as I have pointed out. It is a process that really (30) started/...

started in 1981. It had been developing like that and by this time it had really reached very high stages of development.

But it is a fact that the UDF did take this up in trying to establish such an organisation as a federation of unions? -- Well, I cannot remember. I was setting up these meetings to discuss and at that stage I remember quite well they could not meet us. FOSATU's central committee was going to meet in the Eastern Cape, in Port Elizabeth on 23 April and they suggested that we could discuss other problems that had(10) developed at the time in that region with the executive that was meeting in the Eastern Cape. That is why I was arrested on my way to that meeting.

Does it mean then that you at your own by yourself did this or was it in the execution of the policy of the UDF? -- Well, I was the general secretary at the time. I do not know if counsel is referring to the situation after my arrest. I cannot deal with that. I do not know what happened after my arrest.

I specifically refer to before 10 April 1985? -- No, (20) I do not know of any other thing. I cannot remember anything.

Item 21, it seems as if the UDF was more interested in labour than what you are saying now. That issues must be taken up, unemployment, other working class issues, for example cost of living, follow up? -- Yes, I recall that those were some of the recommendations I think that emerged at the NGC.

But this was before the NGC, this was on 10 April? -- The NGC started on 5 and it ended on 7 April.

And I see also item 4, rural areas and Bantustans and(30)
rural/...

rural organisations. -- Rural organisers.

Or organisers. So, also on that issue of Bantustans the UDF especially set up a committee, sub-committee on rural areas and Bantustans and rural organisations? -- It intended to set up those committees and it intended to employ rural organisers.

And it also addresses itself to education and training, the next point? -- That is so. It intended to set up a national sub-committee in that respect.

And also points 8 and 9 refer to the charter campaign, (10) that is the Freedom Charter. So, the UDF did address itself to the charter campaign as well? -- It was a recommendation that the UDF - those organisations taking up the Freedom Charter campaign, made a call on the UDF to appeal to the UDF to support their campaign and I think a recommendation was accepted by the majority of the affiliates. Now, what this was really intended to mean, was that a meeting should be set up with a committee that was involved in that charter campaign and discussions should take place as to how they thought the UDF could support their campaign. (20)

COURT : It went further than that if you look at item 9. What you had to look into was the method of supporting the charter campaign, not whether you would support the charter campaign? -- There had been a call, yes, and the meeting was going to be with that committee, committee formed by those organisations and to discuss the method by which the UDF could support that, yes.

MR JACOBS : Were there not discussions on whether the UDF would accept the Freedom Charter? -- I cannot recall that - there had been a lot of discussions in the past on that. (30)

My/...

My recollection is that no decision was ever taken that the UDF would accept the freedom charter. I was one of those who were opposed to that.

And is it correct that the federation of trade unions was set up and established? Do you know that? -- I know that there is the Congress of South African Trade Unions. I have read about it in the newspapers.

Is it not Council of South African Trade Unions, COSATU? -- Congress. I understand it to be Congress of South African Trade Unions. (10)

Generally known as COSATU? -- That is correct, but that was not formed by the UDF.

But the UDF did work in getting this? -- Well, I do not know. Those are things that happened while I was arrested. I think it is something that was formed - this is 1987 now. I think it was formed at the end of 1985 or so.

I would like then to refer you again back to EXHIBIT AAD5 ... (Court intervenes)

COURT : Before we leave this exhibit. If you look at EXHIBIT AAA10, these are the minutes of the NGC and you (20) turn to page 3 thereof, 1.4 sub (e) "How to deal with assaults on UDF members and supporters by community councillors in Natal." This was referred to the commission on repression. -- Yes.

So, there was a commission on repression. Is that correct? -- That is so.

This commission on repression, is that the same as the People's Judicial Commission referred to by you? -- No, no, that - I think at the NGC a number of commissions were set up for discussions and that is the commission that recommended(30) that/...

that the People's Judicial Commission must be formed. When a discussion takes place in a conference situation, a number of say may be different aspects are to be discussed and then commissions are set up, say may be each commission was hundred people or so can discuss. Another one can discuss removals. Another one discusses something else. It was really those sorts of commissions, not a permanent thing. It was for that purpose of the conference and once the discussion on the subject is over, there is no commission. It is not a standing commission. (10)

Was the commission on repression not a standing commission? -- No, no.

ASSESSOR (MR KRUGEL) : I just want to ask you a few questions on this particular exhibit. It may save time if we stick to it now. Could you please turn to page 1 of this EXHIBIT AAA2. There are several notes, apparently your own? -- Yes.

Which I would like you to clarify. Starting at the very first one, "UDF extension of ANC SACP." In the light of your previous explanation I take it that this was noted(20) down in that manner for discussion? -- No, no, what happened is this. On 19 April I had decided that I was going to resume now my activities normally as the general secretary of the UDF. So, I went to the head office of the UDF and when I was there I received a call from one of the newspapers, I think it was the City Press. They informed me that that afternoon, Mr P.W. Botha, the State President, had addressed the House of Assembly and in his address he launched an attack on the UDF, saying that the UDF is an extension of the ANC and the South African Communist Party conglomerate.(30)

All/...

All those points, from point 1 to point 4, are the points that I got as the things that Mr Botha said in his speech and I think also at page 2 of that where it refers to ungovernable ... (Mr Krugel intervenes)

I wanted to ask you about that. -- Oh, sorry.

Any way, I also notice that at point 6 you have a note which reads "Remains committee to its non-violent position." -- Yes. No, no, really from page 5 point 1 I was trying to develop points for a statement, but this was not an issue finally, because whilst I was doing this, then accused (10) no. 20, Mr Lekota, who was our publicity officer came and he issued a statement on that day responding to what Mr Botha said. I saw the draft and I saw the typed - the reported statement. I think it appeared in the newspapers of the following day, the 20th and 21 April.

How did it come about that the notes under points 1 to 4 and the one under - not numbered in page 2 regarding ungovernable - well, 189/late January? -- That I cannot remember what it refers to now.

But you did say that the point of ungovernable, as (20) you have noted down here, also was as a result of what you were told by the newspaper people about the State President's statement in parliament? -- That is so.

You do not know how it became separated in this manner? -- I think what could have happened is that may be when I was talking to him over the phone, he stopped a bit and he came back later to the phone. I cannot really remember everything.

Point 8 on page 2, please. "Acquisition of power. Means available." What did you have in mind there? -- (30)

It/...

It was part of the statement that Mr Botha said that the ANC, the UDF and the SACP sought to take over power with all the means available. He was saying that we were just one alliance that is violent and we seek to take over power with all the means available to us.

And point 7 "Guarantee there is no loss of life"? -- I think that one either related to - I think it related to - I think it was a question by me to say how apartheid could guarantee, could Mr Botha guarantee that there would be no loss of life. I think that was really the point. I am (10) not quite sure of it now.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, when you were referred to EXHIBIT AAA2 you said that you returned to the office on 19 April 1985 in order to carry on with your normal duties? -- That is correct, yes.

Did you carry on from that day with your normal duties?
-- From the? (20)

19 April 1985? -- Well, I was arrested a few days - it was on Friday and then on Tuesday the following day I was arrested.

My question was an easy one. Did you carry out your normal duties in the offices of the UDF since 19 April until your arrest? -- I did not. I intended to, but I could not.

Why not? -- I think the Monday really I spent moving around consulting the lawyers and so on, trying to get back the documents of the UDF and attending to a few family matters. So, in effect really, it was just the day of the 19th. (30)

COURT/...

COURT : Had the documents then been taken? Had there been a confiscation of your documents? -- Yes, the other documents had been confiscated on 19 February already and I think there had been another confiscation in October 1984, but I think a few documents were taken and they were sent back, but by 19 February all the documents which were in the office were taken out.

MR JACOBS : So, do I understand your evidence then also correctly now that since 19 April 1985 you were not fleeing and hiding from the police any more? -- That is so. I had(10) decided, much against the advice of my colleagues, to work in the office.

So, at the time when you received certain documents as you said, like parts of the minutes of the NGC meeting, it was not at the time when you were hiding from the police? -- I think the NGC minutes I got either on the 19th or shortly after that. The actual typed copy that I have.

But the point is, at the time when you received those documents, you were not hiding any more from the police? -- I believe I was no longer hiding from the police. (20)

I suppose you also had time to read through them? -- Well, I have not had time. The reason why I was taking them with me to PE was because I wanted to study them and see what I could do whilst I was on my way in the plane and whilst I was in PE. If I had read them, I would not have had reason to carry them around with me.

I would like to refer you also, now that we have already referred to AAA2 to point 8. What do you mean with "Acquisition of power. Means available." What means are available or were available to the UDF ... (Court intervenes) (30)

COURT/...

COURT : What page?

MR JACOBS : Page 2 point 8. -- What I am saying here is that this is what I was told by the journalist that Mr P.W. Botha in his speech in parliament said that the ANC, the SACP, UDF conglomerate, banned on a revolution - violent revolution, sought to seize power with all the means available.

I am putting it to you that that is not the truth and what you are referring to here is to the new concept of from protest to challenge. -- That is not so. That is far from the truth. (10)

Who is Tami Mali? -- Tami Mali was a member of the RMC.

Was he also arrested in the Vaal? -- I do not know if he was arrested in the Vaal.

COURT : Resident? -- Oh, resident? No, he lived in Soweto.

MR JACOBS : Why is his name in this note of yours, call it a note or whatever it is? -- I think in the argument, in the speech that Mr Botha presented in parliament, he quoted him as a person who said that the UDF was wanted to make the country ungovernable, something like that.

Did he say so? -- I do not know. I was not there. (20)

You are not sure? You said you only think Mr Botha said so? -- No, no, I said this is what I was told by the journalist. He said so that in his speech he said that Tami Mali speaking for the UDF said that the UDF sought to make the country ungovernable.

Are these the notes - all the notes here, are they the notes that you took from the journalist? -- Not all. There are those points that I made and there are those points that were coming from the journalist. Some of the points were my own response to what he was saying. Earlier on (30)

Learned/...

Learned Counsel asked me about this ungovernable and 189/late January. My recollection is that Mr Botha in his speech was reported to have said that the ANC, the UDF and the Communist Party sought to make the country ungovernable and that by that time, January - late January 1985 there had already been 189 people who had died and then he cited Tami Mali to support his argument.

Can you enumerate on EXHIBIT AAA2 which is the information that you got from this journalist? -- At page 1 items 1, 2, 3, 4, the word "ungovernable" and "189/late January", (10) Tami Mali.

Crossroads? -- I do not know - I think Crossroads - I am not sure about Crossroads. Tami Mali I can remember. I can remember no. 8 "Acquisition of power. Means available."

And 7? -- I am not sure about 7.

What is the name of this journalist? -- I cannot remember specifically what journalist. It may well have been Mr Sibiyi. I cannot remember specifically.

If it is Mr Sibiyi, did he tell you all that you have identified now as coming from him? -- I say it may well (20) have been him. I cannot remember specifically which one.

From the journalist? -- Yes.

What you have now picked out here is what was coming from the journalist? -- Yes, it came from the journalist.

He also said that Mr Botha said all this? -- He was alleged to have said that in parliament and I think later on I in fact did get a telex copy of the speech. I think possibly from the Rand Daily Mail. I am not sure. It could have been from Mr Anton Hava. I am not sure. It may well have been amongst the documents seized by the State. I have (30)

not/...

not checked that.

Do you know how it happened that accused no. 20 came and issued a press statement on this? -- He is the official publicity secretary of the UDF and when he came in, I was busy drafting these points. I was trying to draft a statement and then I handed the work to him, because it was his function to issue a statement.

At the time when he came to you, at that stage there was no statement drafted by him? At that stage? -- No, no. I think there were some points that I had really started (10) writing. I had not yet finished. I had not issued the statement.

That statement is it between the documents before the Court? You have seen the statements, you have seen all the documents? -- Issued by him?

Yes, on this occasion? -- By him?

Yes? -- I am not sure if I have seen it amongst the documents, but in any event, it should not be a problem to get a report of that from the newspapers.

No, I want to know whether it is here? -- I am not (20) sure about that.

Let us go back then to AAD5 page 1 paragraph 2. "Fundamental challenge." It reads "We are talking about a challenge to the whole system of oppression and exploitation, not a piecemeal challenge. We are not attempting to reform unreformable structures, but are fighting for a complete social transformation. The people of South Africa have never governed the country. We are fighting to realise this most basic right, the right for self determination. Therefore ours is not a civil right struggle, it is a struggle for (30) national/...

national liberation." That is a correct statement, is it not?
-- A correct statement by whom?

In this document of what is the fundamental challenge of the UDF? -- I cannot remember us sitting down to deal with this, but I have got no problem with it. I understand really to mean that we want to speak as united people, not as a small group, one little group in Soweto, one little group in Cape Town, but that through the UDF we would speak this one voice and if we challenge an issue, challenge it as the UDF uniting all those organisations and that we are(10) not attempting to reform the unreformable structures. I understand that to mean that you cannot reform apartheid. Apartheid must go and you have a non-racial order in its place. It means fundamentally different structures taking the place of the structures of apartheid, of apartheid government and these kind of local authorities that it creates for other communities.

You said taking the place of unreformable structures. What do you mean by that? -- Well, it is my belief that apartheid cannot be reformed. It must be ended and a non-(20) racial order must be established. You cannot hope to co-opt people in an apartheid order, because apartheid itself embodies contradictions. It means people cannot live together, they cannot be one, they have got to be separated, they have got to be addressed as racial groups, their treatment must be based on the colour of their skin, their education, the trains they travel in, the hotels that they must use and so on. So, apartheid must go and we must have a situation where people are regarded as citizens of the country and they can live together, they can take any kind of job (30) they/...

they want to take, they can attend any school they want to attend and so on. I understand it in that context.

What must take the place of the unreformable structures?
-- A non-racial system of government representative of all the people of South Africa, Black and White, on the basis of equality where people are not judged on the basis of their colour.

Is it so that at this stage of the struggle that it is the organisations in the communities that must take the place of unreformable structures, like Black Local Authorities? --(10)
That is not so. I have dealt with that in the event where the local authorities reside, organisations can serve as organised liaison groups with the authorities, dealing directly with whatever representatives of government would be there.

That is what is meant by the words that alternatives?
-- That is not so. Are we dealing with this document or are we dealing with something else?

You can answer my question, please? -- Well, I see here unreformable structures. I do not see alternative structures.

And I put it to you that what is meant what you refer(20) to that must take place, must take a place of unreformable structures, that is referring to alternative structures? --
There is no question about that. If apartheid goes, obviously there will be different structures which are developed by the government to take over, but I disagree with counsel if he suggests that we sought to take over those local authorities in the sense that he is putting it.

And furthermore, it is again here stressed that the freedom struggle that the UDF is engaged in, is a struggle for national liberation and not a civil right struggle? (30)

I/...

-- I have dealt with that question previously. My position has not changed in that respect. I can only draw attention to the fact that this I do not regard as a UDF document. It may well be that some of the ideas conflate with the ideas, the views of the UDF.

Is it so that the fundamental challenge that the UDF is undertaking against the government and the unreformable structures, is a struggle for national liberation and it is not a struggle for civil rights? Is it so or not? -- In the context in which I have explained it previously. (10)

Can you tell the Court what are the aims of the UDF in challenging the State? -- In challenging the State we seek to get the State to address those problems that have arisen as a result of the implementation of the policies of the government. One of them would include the extension of a vote to all the people, a common vote to all the people in the country, the creation of those structures which are more representative and are popular in the communities that they are suppose to govern, a system, a common system of education for all the people of the country. It would really (20) include all those kinds of things within the methods and the policy of the UDF of non-violence.

K869 I put it to you that that is not a correct version. Will you look at page 2 of the third paragraph and there we get what is aimed and what the two objectives are in challenging the State and it reads as follows "In challenging the State we have to combine two statement (1) making the State programs and institutions unworkable, (2) and isolating the State from all support," That are the two objectives of the policy of the UDF in challenging - going from protest to (30) challenging/...

challenging the State? -- I would say in the course of that it is true that we would seek to win support from the government. Those who had believed in apartheid, we would seek to win them away from the government in that way that is isolating it. It is isolating it and I think insofar as the whole concept of unworkability is concerned, I have dealt with it extensively in my evidence, that we thought to demonstrate that the kind of structures, the kind of reforms that the government proposed for the Black people were simply unworkable and this was with a view to pressuring the government(10) to go back to the drawing boards and to begin to negotiate seriously with a view to coming up with the kind of solution which would be acceptable to the majority of the people in the country.

And I put it to you that the real meaning of challenging the State is set out on page 2 paragraph 3 and I will read under "Challenging the State." "Challenging the State means far more than responding to the measures of the State in a sporadic way. It means engaging the State on as many fronts as possible, fragmenting and dispersing its forces at the(20) same time as strengthening and broadening our forces. It means frustrating the State's efforts, preventing its advances, forcing it to retreat and if possible cutting its lines of retreat." That is the real meaning of challenging the State? -- I understand this - may be if I have to deal with the whole paragraph ... (Court intervenes)

COURT : Could we just pause there. Is that paragraph, does that conform to UDF policy? If you have answered that question, then you can tell me how it is to be interpreted? -- Well, I recall that I saw a part of this in one of the (30) official/...

official documents of the UDF. I think the section where that starts with it means frustrating the State's efforts, preventing its advances, forcing it to retreat, if possible cutting off its lines of retreat. I think I saw that part in one of the official documents of the UDF.

So, it is UDF policy? -- I think that part, yes, in the sense that it is an official document of the UDF where I saw it.

You wanted to explain it? -- Yes. I understand it then the paragraph where it deals with the sporadic way really to mean that it is something that is not well organised, that(10) is not properly planned, whose goals are not clearly determined so that the UDF sought really to define clearly its campaign that it took up and what it hoped to achieve with that campaign. Where it talks about engaging the State on as many fronts as possible, I think I would understand that to mean that the UDF would now take up issues which extend far beyond the new constitution and the Koornhof bills in a much more systematic way, say things like removals, housing, education and so on. It may have to be addressed much more seriously. Fragmenting and dispersing its forces at the (20) same time as strengthening and broadening our forces. I think this really refers to what one could say creating as much divisions as possible between say the government and those who had been co-opted as junior partners like those in the house of delegates, those in the house of representatives, community councillors, getting them to begin to accept that those structures are not the kind of structures that are fully addressing the real problems of the people and debating these issues between them and the government. So, that in that process it may well mean that either the government (30) accepts/...

accepts the popular views and support them or they as the junior partners withdraw from those structures. I think an immediate example one can cite would have been say for instance the example of - two of examples, the debates that took place in parliament regarding amendment to certain sections of the internal security act, extending, I think what was previously a fourteen days detention to ninety days detention. The houses of the junior partners refused to support that as I understand it and a similar situation would be a situation where the State President says we will now not have the (10) elections in 1989 and the junior partners say we do not just accept that as it is, it has got to be debated and the mandate we have is that one up to 1989 only, not to 1992 and in the course of that, broadening our forces would really mean that winning those of the junior partners over to our organisations or into the UDF.

MR JACOBS : Do I understand you correctly that broadening your ... -- I have not finished yet.

I am sorry. -- I think really the section that deals with frustrating the State's efforts really means making it (20) impossible for apartheid to continue operating as apartheid and refusing to co-operate, making it impossible to proceed and forcing the government to retreat on that and if they retreat, not making it possible for them to come up with something that is similar to what they have offered, but something that would be fundamentally different and that would meet the aspirations of the majority. That is my interpretation of that paragraph.

Just before I go to the other question I wanted to ask you. What do you mean making it impossible for the government (30

to/...

to carry on? -- Refusion to co-operate.

Refusion to co-operate in what way? Be specific? -- Not participating in the programs of local authorities. Persuading those who are there already to refuse to go on, to implement the policies of apartheid. Refusing to implement stringent influx control laws and so on. To the point where the government accepts that it does not work and it cannot proceed. Something like what really happened with the Coloured representative council when it ended in 1980 and what happened with the South African Indian Council. Also with the Native (10) Representative Council when in 1946 they refused to proceed participating. Then the government had to ... (Court intervenes)

COURT : Now that is not different from the position that was before. So, what is the difference then from the position in 1983 to the position in 1985? -- Well, I think really it is a further development in argument that - of how really to make - that we essentially remained a protest organisation, but essentially I think the tactics were developed in a period of time and then you intensify your work to ensure that you achieved the objectives. (20)

MR JACOBS : I still cannot understand your answer, because if I understand you correctly, when you tried the Black Local Authorities not be operative and - so that the boards, the Administration Boards can take over and carry on, how are you going to make it impossible for the government to go on? If I understand what was said here on your behalf on this page that the duties of the Black Local Authorities can be taken over by the Administration Board and all that, how are you going to make it impossible for the government to go on, because the government will still go on? -- (30)

It/...

It was not my intention to give the Court the impression that when we say the Administration Boards should take over we would have accepted that situation permanently like that. We would accept it as a short term measure, whilst the government addresses fully a properly constituted and a structure that is acceptable to the people, that is operating on a basis that it would be effective, so that even the Development Board, it would really be a short term measure accepting the fact that at the present, as at the present we do not want to participate in structures that caus divi-(10) sions in our own communities, that discredit us in our own communities and that we end up losing the respect of our communities, because of the very nature of those structures. It is true that the government might have decided that it was not going to listen, but we would go on, any way carry on organising, building pressure, winning the support from those governments which were partners or friends of South Africa and get them to pressure it to change.

I put it to you that that is quite different from making it impossible for the government to go on? This government(20) can still go on and I do not understand your answer then and you did not tell the Court what you would do to make it impossible for the government to go on? -- Well, I have dealt with that in my explanation.

And the second point that I would like to raise with you out of your answer is you said it was an intention of broadening the struggle to challenge the State - does it mean to challenge the State on all fronts? Is that what you said? -- Well, I would say on many fronts or at many levels. I had indicated that the primary focus of the UDF as its (30) formation/...

formation was the opposition to the new constitution and the Koornhof bills and in the course of time many problems arose in the development of the UDF relating to removals, education, GST, this and that and each one of them, every time affiliates proposing that the UDF must take up this, the UDF must take up that. So that this NGC was really saying that our scope will now broaden, we will now begin to focus beyond the new constitutional proposals and the Koornhof bills and address these other problems who - we have developed a strategy of dealing with that. We would set up these (10) sub-committees on labour, sub-committee on rural areas and so on. This is what I mean by those many fronts and this is what I understand the writer of the paper had in mind.

I would like to read the next paragraph then "At the same time we must be able to realistically assess our strength and the State's weaknesses (and vice versa) and deploy our forces accordingly. There is no point in challenging the State on a terrain where it is strongest and we are weakest. This does not mean lapsing into passivity since we must seek at all times to seize the initiative and retain it, even (20) if we are sometimes forced to fight battles on terrains which are not of our choosing. This means that we have to constantly adopt the flexible and creative approach to the struggle in accordance with the concrete conditions facing us at any particular point." I put it to you that what you have just explained to the Court is in contradiction with what is said here? -- I do not understand it to be that.

So, what is meant there "there is no point in challenging the State on a terrain where it is strongest and we are weakest"? -- If one may give an example. If for instance we say (30)

we/...

we do not want to participate in the tri-cameral parliament or we do not want to be party to the Black Local Authorities, the government depends on us to make those structures work, but we cannot for instance take up an issue like - let me say take up a campaign and try to say - to get the government to stop something that does not really depend on us to work. I cannot think of any other thing now at this stage. Let us take for instance the SABC ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Municipality of Pretoria. -- Alright, may be the Municipality of Pretoria and we say we want to (10) make it unworkable. We cannot. It is simply not possible. It is a terrain in which the State is strong or we say the SABC may be - that we want the SABC to say - we want to be on the board in control of the SABC. We would not unless the government accepts that it has got to change the policies of apartheid. We would not be able to do anything about that. That would be a waste of time. In fact we can do certain things which can influence the government to change, which can for instance influence the Black inspectors, a Black educationist to say look, we do not want to serve in these (20) education committees that you create which are inferior and in which we, although they pertain to the education of the African people, of the Black people, we do not have power to influence the policies of - if they say we do not want to be party to that, they are able to influence the government to change. It is a terrain in which the government is weak.
MR JACOBS :

Would you regard the Black Local Authorities as a terrain where the government is weak? -- In the sense that the government relies on the Black people for the support for that thing to operate I would think so in terms of (voice drops) (30)

That/...

That is how I understand it. I assume that the writer of the paper understood it in that context.

I put it to you what is actually meant in this is that to fight the government in the places where the government is the weakest, is to fight in the Local Authorities and to use the community organisations to replace the government structures, like the Black Local Authorities as alternative constructions in those places. That is what is indicated here. -- If that means those organisations being organisations that would liaise with the government or with the (10) authorities in the event that the councillors resign and the government accepts that it cannot proceed with that, I would agree with that sentiment but if it means that it is intended to set up a government of the UDF, or affiliates of the UDF, that has certainly not been the policy of the UDF.

The bottom part of that same paragraph, it is marked with a 1 there "Struggles of popular organisations must develop to the point where the State can no longer impose its undemocratic structures on oppressed communities in an (20) area. Conversely democratic organs of the people must start to replace the structures as embryos of a future democratic people's South Africa." -- If this is intended to mean what I have said I have got no problems with it, but if it means that these must become a government within the government of South Africa but separately controlled by the UDF, that is not the policy of the UDF.

That it means that the UDF and its affiliates must control the communities, the Black communities in South Africa? -- That is not the policy of the UDF. If it means the organisations (30) winning/...

winning the allegiance of the people and those organisations acting as representatives of the people in liaison with the authorities set up by the government, apart from Black Local Authorities, I have got no problem with that.

And that they must take over the power in those places? -- It is not the policy of the UDF to set up each own government within the existing government.

COURT : Well, not within the existing government, but in opposition with the existing government? -- That is not the policy of the UDF. We have stated very clearly that a (10) future order here, system of government that would satisfy all the people of South Africa would be a government that would be negotiated at the national convention and agreed upon at that level. It would also deal with matters pertaining to local government.

That is not what it says here. What is said here is "we start with embryos of a future democratic people's South Africa." This means then that it is before a national convention and we set up democratic organs of the people to replace the existing structures. That is for starters. (20) Later on we can have a democratic people's South Africa? -- That is not the policy of the UDF, unless the writer means that our organisations must prove to be different from the existing structures in the sense that our organisations must allow democratic participation by the ordinary people in decision making to begin to lay the basis for democratic processes if it means that democracy must begin in our organisations through participation in the decision making. I have got no problem with that. I do not accept that it is the policy of the UDF to set up its alternative local (30) government/...

government structures.

Is democratic people's South Africa the term which is invoked, generally used in the UDF? -- I do not know. I have not noticed that. It may well have been used by certain individuals, but I do not know. It is a term that has been used for many, many years. I believe somebody in the UDF could have used it.

MR JACOBS : Is it not a term in principle accepted by the UDF that they are working for a democratic people's South Africa? -- Well, I do not know if we have used people's (10) South Africa. We have said that we were working for a democratic government, a people's government where all the people of South Africa would participate. I think I might have used that myself in the past.

Is there a difference between what you have just now said and what is standing here? Democratic people's South Africa? -- Well, it may well mean the same thing, but the way it is written, it is different obviously. I am saying a people's government, where all the people participate, a democratic government in a single South Africa. This person (20) is saying a democratic South Africa.

COURT : Is there any relationship between the use of this term and the use of that term when the socialist states are referred to? -- I do not know.

MR JACOBS : I would like to refer you to page 4 of the same document and there we get more clarity on this whole issue. Paragraph 6 with the heading "From challenge to alternative." "Having established the illegitimacy of the South African regime it is necessary to project a popular alternative based on both the present and the future. The present in (30) the/...

the sense that our organisations have to become living and viable alternative organs of people's power, therefore for example situations where the apartheid puppets are no longer able to effectively function in the townships. A stage could be reached where the people's organisations assumed responsibility for organising the community, to govern itself in a variety of ways from setting up health clinics and crime prevention as examples. I put it to you it is quite clear this is not referring to the future but to the present and setting up alternative structures in (10) townships, Black townships? -- Setting up health clinics?

Alternative people's structures? That is in a variety of ways, I put it to you health clinics and crime prevention and all that stuff? The embryos referred to previously? -- Well, the whole question of crime prevention, it is a very old thing. I know already by the seventies there was an organisation called Magotla which - at the head of which were two people. In Meadowlands it was Mr Siegfried - in Naledi it was Mr Siegfried Manthata and in Meadowlands it was Mrs Sina Madipe . She was called Madipe . It is a nickname.(20) Her first name is Sina. I cannot remember the second name. They set up crime prevention organisations called Magotla. They went about disciplining and ruling young people but they also went beyond that. They started dealing with matters pertaining to disputes between husband and wife, they held their courts there at the headquarters of the leaders of those groups. I think those organisations really started from about 1975/76 in the townships and during 1976 or so, 1977 the Commissioner of Police was even considering extending powers to those organisations. So that I think may be the (30) writer/...

writer of this thing had that in mind and in respect of clinics, we had had mobile clinics set up by the communities. For instance we had the BCDP The Black Communities Development Program I think under amongst others Mr Aubrey Mokoena. I think accused no. 3 also in his evidence referred to that. It was set up by the - it was a project which was intended to have alternative health programs for the communities. I think in Winterveld also they started building a clinic there. So that these are things that have been done in our communities in the past and I think the writer simply (10) sought to say that people must begin to participate and take control of such a project and run them themselves.

COURT : Why only when the apartheid puppets are no longer able to effectively function? -- I do not ... (Court intervenes)

Why not put up the health clinics now? -- I do not know it is linked to that. All I can say is that this is simply not UDF policy. If it is intended to say that the UDF wanted to get rid of everybody and then it should govern the townships, that is not the policy of the UDF. (20)

MR JACOBS : Was it ever the policy of the UDF to set up alternative structures in the townships? -- What alternative structures? We have recommended that people must begin to set up their own projects like I think mobile clinics and so on, but alternative structures that would govern at a local level.

If it is policy of the UDF to set up alternative structures alternative to what? -- Look, if it is mobile clinics, we do not have mobile clinics. What the government offers us is one clinic for instance when I grew up in Mdeni in deep (30) Soweto/...

Soweto, we had the Kladi Clinic, Poli-Clinic. It was catering for people from Naledi, it was catering for people from Mdeni, it was catering for people from Zola, Jabulane, Molotsoane, Kladi and Naledi extension. All those places. There were about seven townships catered for by one clinic. So, that when one talks about an alternative in that instance, it means we could have our own also .

COURT : Why not call it a supplementary? Why an alternative? -- It may be an unfortunate use of language. Unfortunately we who went through Bantu education, it is quite(10) an effort for us to speak English.

You have not done so badly in this case. -- It is a compliment.

MR JACOBS : I cannot understand if there are alternative structures, why there must be viable alternative structures of people's power?

COURT : It is not structures. It says organs.

MR JACOBS : Organs then. -- Well, I do not know. I can only say that I understand it really to mean that those would be the kind of structures that the ordinary people would be(20) participating in taking decisions. I do not know what the writer had in mind.

Can you then explain these projects that you referred to, it was not projects with a purpose to govern themselves and not as part of the liberation struggle? The clinics that you refer to, you mentioned a lot of places with clinics and I put it to you that these projects like clinics that you referred to was not with the purpose to govern themselves and not as part of a liberation struggle. You referred to a lot of clinics at other places. -- Well, they may well be(30)

part/...

part of the liberation struggle that they are projects where people are taught to begin to do things for themselves, to take decisions and participate so that they learn that in providing services to the community - providing services to the community is a very serious matter. It is not something that drops just like manna from heaven. In that sense it may be part of the liberation struggle.

Do you say that all those clinics that you referred to or projects that you referred to of the past, they were all set up as part of the freedom struggle? -- Yes, those that (10) I have referred to.

And then further on this the second paragraph in the middle "It is for this reason that we must be very careful of the use of the notion of liberated zones, how ever attractive it may seem, as long as Eutopian illusions are not created amongst the people (leading to inevitable disillusionment)." What these embryos of democracy will give birth to, is a vision of a totally alternative society and base on the realisation that to be ultimately meaningful, popular control of society as a whole will have to be asserted." (20) This I put to you, also indicated that what is meant here is set up - the set up of alternative structures to replace the existing government in the townships between the Black people and to take over the power from the government in those places? -- May I just be given time to read quickly through this. I may well be trying to understand things that I do not know. (Witness reads through paragraph) All I can say then in respect of what counsel has put to me is that I understand this simply to mean that active participation in a democratic way relating to decision making (30)

and/...

and implementation of decisions in organisations or in whatever - in organisations, of those projects referred to earlier on, will begin to show - give a vision of a totally alternative society, a society based on popular control, popular decision making in matters that affect the people nationally. So, I think it really means that it laid the basis for the understanding of processes of democracy.

I understand it to mean that. I think this person is really warning against the concepts like liberated zones. I think he is really saying that you must not try to create that (10) kind of a thing. You must not talk about those kind of things.

COURT : What do you understand by liberated zone? -- I have read in the past that I think during the war that involved really armed struggle, I think in Mozambique or Zimbabwe, that there were certain areas which were controlled by those forces which were fighting for liberation and those areas where they were staying they called them the liberated zones. A similar place - area occupied by UNITA, I think it is called Chamb or something. UNITA call them liberated (20) zones.

And transposed to the South African situation, would that then mean that a certain section of a certain township or possibly a whole township be placed beyond control by the authorities? That is beyond police control? Would that be a liberated zone? -- I think in the case of South Africa a place where for instance may be the ANC or the PAC has taken control and it may well be called that.

ASSESSOR (MR KRUGEL) : I have read it but I could not find it for the moment, but this portion I have marked. In (30)

some/...

some UDF publications I believe it was either the UDF Up Date or the UDF News - do you recollect reading this somewhere else?

MR BIZOS : Your Lordship is correct because a summary of this document I think that Mr Molefe tried to get that across is AAD2 under the caption "This is a summary of a discussion paper which was spread by the Transvaal Education Committee. The views expressed in this paper are not the official views of the UDF." Passages of what My Learned has been reading are being - are reproduced in AAD2. (10)

MR JACOBS : I put it to you that the phrase "Challenge to alternative is indicative of the next phase of the liberation struggle. After the collapse of the State's structures, UDF envisaged that alternative structures would be put up so that the people can govern themselves. -- That is not so.

And I put it to you also that this whole concept that is set out in this document, is in accordance with the ANC policy and the M-plan of your leader Nelson Mandela? -- I do not know the M-plan and I do not know the policy of the ANC in that respect. I must also indicate that as at(20) the time of my arrest I had indicated that the issue, the discussion on the Black Local Authorities and the tri-cameral parliament was a matter that was still to be discussed to receive attention of the NEC and it was really - it indicates very clearly that the UDF did not have a strategy or a policy or a program of developing his own alternative structures and that appears again in really the minutes of the NEC of 21 and 22 January 1984 where we were really asked to set up a meeting of organisations to discuss housing and the Black Local Authorities and that did not take place (30)

up/...

up until the time of my arrest. That is EXHIBIT E1 and again here on EXHIBIT AAA8 which is really a notice of the meeting of the national executive due to take place on 4 and 5 May, the issue of Black Local Authority and tri-cameral parliament is put there for discussion and that meeting - I was arrested before that meeting took place.

To what passage are you referring to in E1?-I have not got E1 with me but there is a decision there that the secretariate must bring together organisations that campaigned against the BLA, I think something like that. (10)

But was that not altogether from the start the idea of the UDF to bring together organisations? -- To discuss the idea of what our proposals as to the alternative to local authorities, but that did not happen up until my arrest.

Which paragraph are you referring to? -- I am sorry, it should be F. I used the correct date, but I referred to a wrong exhibit. EXHIBIT F. That would be at page 1 item 5.2. It does not tell us much.

Where does it refer to alternatives? -- I think this had arisen out of ... (Mr Jacobs intervenes) (20)

No, but I want you to point out where does it refer to alternatives? --It had arisen out of secretarial report which appears as EXHIBIT T2. I think T2 will talk about the whole question about the campaign of the Black Local Authorities.where I was suggesting that the UDF should develop proposals for alternatives.

I put it to you in this F that you referred to paragraph 5 what stands there is "Black Local Authorities/CC. It was noted that consultation amongst organisations which campaigned against Administration Boards, Black Local Authorities (30)

and/or/...

and/of CC was necessary to ensure ongoing work on this front." There is nothing referring to alternatives and in actual that the struggle is continuing and they are urged to continue with the struggle on this front? -- That is so. It is arose out of the discussion of EXHIBIT T2 at page 2 item 2.2.

Just before we go to that one, it is also a campaign against Administration Boards referred to in this other one? In EXHIBIT F? -- I think this really was intended to mean the bill on the Development Board.

In T2? -- In T2 a statement is made that - may be I (10) should read the whole paragraph "The UDF and its affiliates succeeded in calling for an effective boycott of the BLA's and Community Councils. The next phase of the campaign is to challenge the support and therefore legitimacy of each councillor in each ward. The secretariate is putting together information relating to the number of councillors wards and people who voted per ward in each township. Once that has been done affiliates will go a signature campaign to prove that those councillors are unpopular and therefore unrepresentative of the residents. On the basis of the concrete (20) support shown in the signature forms, affiliates will call for the resignation of those serving in the Black Local Authorities and the Community Councils. The challenge to the UDF and its affiliates is to provide an alternative to these structures. We had hoped then that once these organisations came together specifically to discuss the issue of the BLA, they would work out proposals as to how best they thought the government - a local government at a local level could be developed by the government.

COURT : What is the date of that report? -- It was in (30)

January/...

January 1984. On 21 January 1984.

MR JACOBS : Where do you find it that the government must work out the alternatives? -- Well, we operated on the basis that the government, the South African government is in power and if there has got to be change, there is no way in which the government would not participate.

Do you agree there is nothing in that referring to the government? -- There may well be.

Then I put it to you that what is stated here and what is put here is a general statement of the challenge that (10) the UDF must address? The UDF and its affiliates? -- That is so. What I am saying is that up until the time of my arrest there had not been a proper discussion on the BLA and the decision taken by the UDF on precisely what alternative it proposes at a local level.

I put it to you that what is referred to here as a challenge, the challenge to the UDF and its affiliates is to provide an alternative to these structures. "We need to develop a common understanding of this alternative on crucial issues like this one. We cannot a defensive position. The (20) people have shown that they are with us. We need to be on the offensive. We need to take the struggle forward, taking with us the masses of the people who have shown their rejection of the new deal." I put it to you, this is in actual fact in line with the new policy of the now openly declared new direction of going from protest to challenge and to get the people and to set up what is called here alternative structures in opposition to the government and in opposition fo the structures of the government? -- That is not so. That offensive simply means that we must (30)

begin/...

begin to take the initiative, we must begin to challenge the government on the basis of the proposals that we have. That is the kind of offensive we have in mind. The people have supported us. We must now begin to say, indicate to them the better structures that we thought could serve their interest at a local level.

And I put it to you that there is nothing here that says that there was a body of affiliates altogether to discuss this. This is only a general statement that is one of the things that the UDF must face in the future?-- What(10) I am saying is this report was presented at that meeting. There was a brief discussion on that report. Arising out of that specific point the NEC says the secretariate must now encourage affiliates which were involved in the BLA to come together to discuss the matter further. I agree that it is not contained in T2. What is contained in EXHIBIT F arose out of the discussion of the first paragraph at page 2 of T2.

I put it to you further that the UDF at the beginning did not come clean with the people and the other because they all the time knew what the actual struggle was, but (20) at first the opposition part was in order to get the people firstly to assist the UDF and to follow the UDF and when they got the following, then they start going over to this new concept of from protest to challenge? -- I do not understand what counsel is putting to me.

You did not come clean with the people and tell them right from the start that you are going to oppose the government and try to bring in your own structures and to take over the government. It was only - the people were told it was opposing the new constitution, opposing the Black Local (30)

Authorities/...

Authorities and the whole truth was not exposed to the people?
-- What counsel is saying is the truth, is not the truth.
It is true that we did not tell the people that we wanted to take over the government, because that has never been the intention of the UDF and it has never been the policy of the UDF. Our call for a national convention testifies abundantly to that position.

But is it not so that it is the UDF's policy that the government cannot come with alternatives? Not the government itself, but the masses themselves must come with the alternatives? -- We are saying that the best method of dealing with the problem is that of a national convention and in which the government would be a key participant. The convention that would be called by the government.

I would like to refer you now to EXHIBIT 111. It will be in volume 7. This was a document found in the offices of the UDF Johannesburg. -- I believe there is that admission, an admission to that effect.

And I put it to you it was found in the offices of the UDF Johannesburg on 19 February 1985 at the time when you (20) were still operating as the general secretary of the UDF? -- I thought we were looking at EXHIBIT 111? C111?

That is correct. -- I was a bit misled by what is written on the envelope here. 1985 July, 23. I do not know. It may well be that - I do not know what the admission in respect of the date is. All I can say is that I have not seen it before.

COURT : When was it found?

MR JACOBS : 19 February 1985.

COURT : Do you get that from the second page of C111 or (30)
from/...

from elsewhere?

MR JACOBS : He requested me earlier that I must state to him when the documents were found and that is what I am doing now.

COURT : Do you rely for this statement on the second page of C111 or on some different information?

MR JACOBS : No, it is information from what I got from the statement.

MR BIZOS : Where does My Learned Friend say he got the information from? I did not hear him? Did he say anything?(10

MR JACOBS : He has his own private sources it seems.

MR BIZOS : He better check them.

MR JACOBS : I will bring the course and give it to My Learned Friend.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

K870

POPO SIMON MOLEFE, still under oath

MNR. JACOBS : U Edele, ek moet om verskoning vra. Die datum wat aan my gegee is, is verkeerd aan my gegee deur my mense wat my gehelp het hier agter. Die datum wat daardie doku-(20) ment gekry was in UDF se kantoor is 23 Julie 1985. Dit is soos op die tweede dokument van C111 verskyn.

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I would like to refer you to C111. That is a document with the heading, that is the third document in C111 "ANC call to the Nation. The future is within our grasp." I would like to refer to the first paragraph "Events in our country are moving with astonishing speed. In our January, 8th message you issued a call for the intensification of our liberation offensives on all fronts, the transformation of more and (30)

more/...

more localities into mass revolutionary basis and the need to take further strides towards rendering the country ungovernable." And then I would also read the next passage that is on page 2 and in the middle of that page, the fifth paragraph in the middle of that "It is the urgent task of our liberation movement and all its patriots to stimulate the further growth of those conditions which could bring the day of the people's seizure of power within our sight. It is against this background that we once again call on all sections of our people to make the apartheid system (10) more and more unworkable and the country less and less governable. At the same time we must work endlessly to strengthen all levels of mass and underground organisation and to create the beginning of popular power." Then on the next page, page 3 the first paragraph at the top "We call on our communities in the Black ghettos to replace the collapsing government stooge councils with people's committees in every block which could become the embryos of people's power." I put it to you that from what I have read out to you, it is clear that what the ANC is asking (20) is what the UDF is bringing forth in this change from protest to challenge? -- Before I respond to the question. I want to state here and clearly, firstly I have never seen this document before and I saw it for the first time as an exhibit in this case. Secondly, that the UDF did not have any arrangement with the ANC to receive pamphlets or publications of the ANC and in respect of what counsel has put to me, that is not so. What the ANC is saying here is not the policy of the UDF.

But I put it to you it is identical to that of the (30)

UDF/...

UDF? -- That is not so.

I would also like to refer you to C106.

COURT : Is there a UDF Labour office? -- We intended to set up a UDF sub-committee on labour. At the time of my arrest we did not have it.

So, you did not have a labour officer? -- That is correct.

MR JACOBS : And in C106 that is the same volume page 9 I would like to read from the second paragraph on page 9 the heading of that "From protest to challenge. From mobilisation to organisation. What we mean by these words. By(10) protest we mean a state of affairs where one articulates disapproval of a particular issue or even a system. There is a proud tradition of protest in this country, going back to the end of the nineteenth century. By challenge we mean a situation where one takes on the State in certain arenas where one attempts as far as possible to frustrate its efforts, prevents its advances, forces it to retreat and if possible, cut off all its lines of retreat. Recent examples are the Anti-SAIC campaign, Anti-Constitution campaign, the Soweto uprisings, the resistance in Langa, Crossroads, the Vaal,(20) the boycott of gutter education. Where that challenge has sometimes been spontaneous, our job is to transform it into a conscious process planned as part of coherent strategy. We need also to expand the base of our challenge. We have not yet developed a sufficient coherent approach to take up the issues most affecting the African people, especially the working class and the people on the land or those being forced off the land. This conference needs to pay particular attention to these issues." I would like to put it to you that what is stated here is in conformity with what is said(30)

in/...

in EXHIBIT AAD5 and that challenge, the meaning of challenge is where the government must be taken on at all fronts and to frustrate its efforts and to prevent its advances? -- I had previously said that this document I had not seen before and the ANC in its documents is talking about making the country ungovernable. That is not the policy of the UDF. COURT : Is it the ANC that talks of ... -- In C111 , counsel is putting to me ... (Court intervenes)

He is referring to C106 at the moment? -- Yes, C106 I had not seen before. I do not know it and secondly, (10) counsel is saying what is contained in C106 is the same as what is contained in C111.

MR JACOBS : I referred you to AAD5. -- Oh, AAD5? I was not aware of it. I think it is true that parts of this - the language - I think part of the language used there appears in AAD5 as well.

And also in C102 there is an official adoption, I put it to you that what is stated in AAD5? -- Part of this language, it is true, used here is similar to the language which appears in EXHIBIT C100. The one document being the (20) statement of the NGC I think.

MR JACOBS : I would like to refer you in C102 again to the statement of the national general council of the UDF. On page 2 of the statement of the UDF National General Council. There we get the same language as in AAD5. The fourth paragraph "Finally, we pledge to organise the masses of our people to affective challenge the apartheid State by frustrating its efforts, preventing its advances, forcing its retreat and if possible to cut off all its lines of retreat. We therefore then make the following immediately demands (30)

as/...

as the beginning of a process of transition from prevailing oppression and exploitation in order to a democratic State." That is also, I put it to you, a clear indication that what is said in AAD5 is accepted in principle by the UDF NGC? -- I would say I would accept what counsel is putting to me in respect of the following. I think effective challenging the apartheid State by frustrating its efforts, preventing its advances, forcing its retreat and if possible to cut off all its lines of retreat." I think that part is contained in this exhibit C106 as well as in EXHIBIT AAD5. I cannot (10) accept the general proposition that these documents are the same, what is said here is the same as what is said in each of the - what is said in C106 is the same as what is said in the NGC statement as a whole and in AAD5 as a whole.

COURT : What would be the origin of AAD5 then? -- I do not know. One may say that possibly a person who participated mainly in the drafting of the NGC statement might have participated there or at least a person who might have discussed the sentence that I had just read with others was responsible for AAD5, for the production of or the offer (20) of AAD5.

MR JACOBS :

Who are they? -- I do not know.

So, it is only speculation on your part saying that? -- Your Lordship was asking me to give an opinion on that. I had already stated that I do not know this document.

Then I would like to refer you to ... (Court intervenes)

COURT : And 106, C106, do you know the origin of that document? -- I do not know.

The education committee, is that a sort of a thinktank of the region of the UDF ? -- I would not call it that. (30)

It/...

It was really I think intended to stimulate discussion and to organise workshops. So, I would not really call it the thinktank of the UDF. Perhaps what one can call the thinktank of the UDF would have been really the national working committee which was only formed I think subsequent to the recommendations of the NGC held in April 1985.

MR JACOBS : The General Council meeting on 6 and 7 April, from when did you attend that meeting? -- I attended from I think on Saturday at about 10h00 or so. I cannot remember, but at the time when I was to deliver the secretarial (10) report.

Is that on the 6th now? -- That is so.

For how long did you attend the meeting? -- I was really on and off. I delivered that address, questions were raised pertaining to the secretarial report. I answered those questions and then I left. I think the other time when I was there was when they were elections. I think I heard part of the financial report or so.

But before you gave that secretarial report, where were you? -- I came from home. I travelled from home and I think (20) I went from home to JISWA Centre where I was finalising my report.

COURT : To what centre? -- JISWA, Johannesburg Indian Social Welfare Association Centre.

MR JACOBS : At what time did you arrive at the meeting? -- I am not sure. I think it was - I cannot remember.

COURT : Where was this meeting held then? Also in the JISWA centre? -- No, it was in Krugersdorp, Azaadville.

MR JACOBS : Were there more than one session? -- There were several, I think. (30)

In/...

In which session did you deliver your report? -- I believe it must have been the first session. I am not sure. It was some time in the morning. I think it was just before 12h00 or so.

Did they wait for you for your report or what was the position? -- When I got there, there were some discussions taking place, but I did not join in those discussions. I had to meet the secretaries to have a look at the copy of the Working Principles and make sure that each one of them had recommendations from the regions in respect of the pro-(10) posed amendments.

Did you compile the minutes of that meeting? -- I did not.

I would like to refer you to AAD10, that is the minutes of that first National General Council meeting of the United Democratic Front held on 6 and 7 April 1985. On page 1 under session 1 we have got there the opening address by President Oscar Mpetha and in the third paragraph it says "Comrade Mpetha reiterated that the apartheid regime and their puppets had to take responsibility for the state of (20) civil war in which our country is gripped." So, I put it to you that it is accepted in the UDF that there is a civil war in the country? -- I would not say accepted by the UDF. It is the perception of certain people in the UDF.

Is he not as the president of the UDF expressing what is accepted in the UDF? -- Well, he can use his own phrases. He has his own individual perceptions. Although he is the president of the UDF, he has got his individual perceptions. I cannot tie the UDF to that. I cannot remember specific situations where the UDF said and decided that we accept (30)

that/...

that as an organisation that there is a civil war.

So, are you saying that what he is expressing here is not the standpoint of the UDF but his own personal experience and his own person thoughts? -- I believe in respect of the civil war. I cannot remember. It may well be that the UDF if it was called upon to debate and decide whether there has developed a situation of civil war, it may well be that it might have arrived at that conclusion, but I cannot remember a situation where that decision was taken.

COURT : Did you hear of any of the delegates or other (10) people present repudating this statement by Comrade Mpetha? -- I was not there when he spoke.

Did you hear that anybody had done so? -- I have not heard. I may just say, this is really the way people normally talk about the whole question of the civil war and so on.

MR JACOBS : At the bottom of that same page "Comrade Mpetha delegated each delegate with the responsibility to participate fully in discussions and to conduct themselves in such a way that the NGC will lay the basis for a program of (20) action which will give life to our NGC theme from protest to challenge, from mobilisation to organisation. This would ensure yet another step towards South Africa where the people shall govern." What was the program of action that was decided on? -- No program was decided on. I think EXHIBIT AAA2 gives an indication there at point 6, that would be page 7 of that exhibit and it is clear from that that the whole question of program of action are still to be attended to. I just want to quickly check if it was not on the agenda for the NEC that was due to take place in May 1984. It was (30) on/...

on the agenda for discussion. There was no program. No recommendations were due to be discussed at the NEC due on 4 and 5 April 1985.

Where do you find that? -- That appears on EXHIBIT AAA8 which is a notice of the meeting.

To which part are you referring? -- It is on the first page item 4.

Where does it say that program of action to challenge the State? -- What counsel was putting to me, counsel was asking me what program of action was decided upon by the (10) NGC and I said the NGC did not decide on the - did not draw a program of action. The NEC that was due to meet on 4 and 5 April was to formulate proposals in respect of the program of action. It would obviously have taken into account the discussions at the NGC.

What is the basis for the program of action with regard to the move from protest to challenge that was made at this NGC meeting? -- This is merely a recommendation. The person opening the conference is saying - may be I should go back to that exhibit. As I understand it the speaker is really (20) calling upon those present to participate in the discussions and to conduct themselves in the course of those discussions in such a way that they lay the basis for a program of action which would give life to our NGC theme. It is really a recommendation. It is really saying your participation must be such that it is aimed at assisting us to develop that program of action and that would enable us to implement our theme. I understand it to be that.

Where can we find that? -- Find that?

The recommendations of the NGC for a program of action? (30)

I/...

I do not know. Those at the time of my arrest really were handwritten notes and I was expecting to be typed out. I do not know what happened. It may well be that they are amongst the documents which were seized from the office.

Is it so that they are kept hush-hush and not openly stated in the minutes? -- Oh, no, that is not so. That program would obviously have taken into account also the recommendations as far instance set out in the reports of various commissions. If you look at page 4 for instance, he lists a number of commissions that discussed, each one(10) of those commissions made certain recommendations. So, that in discussing how to formulate a program of action, those points made there would have been taken into account.

I would like you to turn to page 3 in regard to this alternative structures. We are still busy with AAA10 under "Secretarial report." Especially point (b) "The alternative structures which a democratic movement has to develop. Comrade Molefe explained that this referred to democratic organisations operating outside the framework of the government. He stressed the need for these to become organisa-(20) tions of people, of the people through which they could determine their own lives." I put it to you that these alternative structures that is envisaged here, they are the structures referred to as those to be formed in the communities and to take over as the running of the communities contra the Black Local Authorities? -- That is not so. They are alternative structures insofar as they allow democratic participation by the communities. The decisions that they take are the decisions of the people. They do not run rough-shods over the heads of the people. (30)

COURT/...

COURT : That is of course also applicable to the Black Local Authorities in the sense that those bodies are voted on, are elected? -- Well, they were elected by a minority. Let us take Soweto 10%.

It was open for everybody to participate in the elections. The democratic organisations here would also not entail that everybody in the whole community comes along and voices its opinion? -- Well, what we had in mind was going house to house. Those people who are not able to come to meetings, could be consulted in their homes and in fact that has been the (10) style of work of the UDF. I think there is a section really in this exhibit which indicates that we are really saying that those organisations must liaise with the authorities, not that they should take over as a local government. I must just quickly look for that. It is set out at page 6 of EXHIBIT AAA10. Just after the wording (e.g. advise office). It says "Unrepresentative local structures must be destroyed and authorities must be forced to liaise with the democratic organisations."

That means that you replace them? -- What we are (20) saying is that we were calling for the resignation of councillors. We were refusing to participate. That would have led to those structures completely becoming unworkable and the authorities then having to liaise directly with democratic organisations which should then have a broad mandate while the government has got the opportunity to develop much more acceptable structures, arising out of proper consultations and the views from both sides. So that if one is taking the whole concept of ungovernability that counsel has been putting to me, if you want to become ungovernable, you do(30)

not/...

not liaise with the authorities. In fact it is a situation of chaos, where nobody is in control, but it is clear here that we wanted order to be maintained and we were prepared to accept - our organisations were prepared to liaise on a broad popular mandate with the authorities.

MR JACOBS : Are you referring to page 8 you say? -- No, no, page 6.

And which paragraph are you referring to? -- It is really the line immediately after the wording in brackets (e.g. advise offices), immediately below that. (10)

And again is it correct, it is only after the local structures have been destroyed? -- In the context in which I have explained it previously, yes. Once the government accepts that those structures are unworkable, can no longer continue to rely on them, then they would be forced to talk to other people.

And the government will be forced to allow the organisations of the people to take over the running of the townships? -- That is not so.

COURT : For what purpose would there be liaison? -- It (20) would be for purposes of the day to day services in the townships. Obviously if the Development Board has got to carry on, it would need to liaise with a number of other people who could then on a popular decision in each community appoint experts in various fields in which those in authority would have liked assistance in. Of course that would be ... (Court intervenes)

Would you not be back to square one and become another Black Local Authority? -- No, no, it would be pending further consideration of more acceptable structures. It may (30)

well/...

well have meant that in the course of time, may be an agreement would have been reached that we think that we need a kind of local authority that becomes a complete part of the Johannesburg Metropolitan local authority with a non-racial structure and funds raised in the cities, channelled to develop the areas underdeveloped.

ASSESSOR (MR KRUGEL) : Not if the NGC's standing rule number 12(b) is adhered to? -- Which one is that?

"A person will be allowed to speak only once on a topic." -- (Witness laughs) That is a bit problematic in the sense(10) that sometimes we have thousands of people and you have a meeting of working people who have got to be at work on Monday or so and if you allow thousands of people, each one of them to talk ten times, you will never finish with the discussions at the meeting.

COURT : While looking at that page, why is it that the Western Cape and then thereafter Natal had most votes on the NGC? Is it because they had more affiliates? -- I think so, yes.

Would each affiliate count for one vote or not? -- (20) I cannot remember how it was developed. I was not there when this was really worked out, but I do not think it is in accordance with affiliates, because representations were really on a regional basis. I cannot remember specifically how it was worked out.

MR JACOBS : I just want to read on page 6 the part to you. "Gains made in these campaigns, particularly in the Anti-BLA these structures were totally discredited and people's political awarenesses raised. Democratic local organisations were recognised as representing the people. Repression (30) and/...

and lack of venues in the townships presented some problems in developing organisations as alternatives." Again it is referred to here developing the organisations as alternatives and I put it to you it is again alternatives to the existing bodies, like the Black Local Authorities and - yes, like the Black Local Authorities? -- That is not so. It is as summed up in the sentence I referred the Court to earlier on.

Alternatives to what? -- Well, in the sense ... (Mr Jacobs intervenes)

Not in the sense, just tell the Court ... -- I am dealing(10 with that question. In the sense that once you have a local authority discredited and those in that authority accept that they can no longer continue with that kind of a structure, and the government also accepts that, then there become an alternative in the sense that it is a - they become structures through which decisions will be taken through which the residents would expressed themselves and those decisions would be made known to the authorities and in the sense that the authorities would liaise with them, whereas in the past they relied only on the Black Local Authorities. (20)

You have not explained yet, as an alternative to what? -- I have explained that.

Is that your answer? -- That is so.

And I put it to you that what you in the UDF stated in regard to changing from protest to challenge and the kind of organisation that you want, that that is a true reflection of what is meant by people's power and not what you have stated earlier to the Court that it is only for the right to vote? -- What is it that counsel is putting? I do not understand. (30)

People's/...

People's power referred to is in accordance with the change over from protest to challenge clearly refracted that the people's power referred to is the taking over of the functions of government bodies. That is the people's power? -- That is not so. People's power is understood in the manner in which I have explained it previously.

I put it to you that people's power is generally propagated by the UDF to the people? The UDF and its affiliates? -- I would not say the UDF. I have used that concept in 1984 and I think one is fortunate because it does appear(10) like the ANC only used it in 1985, otherwise I would have been accused of having learnt it from the ANC.

I would like to refer you to a few of the documents, just to point out that it is clear that it is generally propagated that the people must go over to people's power. Firstly I would like you to have a look at EXHIBIT Z1. This is a pamphlet that was found in the offices of the UDF Johannesburg. -- If the admission is to that effect, I cannot dispute it.

And this was issued by a number of affiliates of the (20) UDF Transvaal Stay-away Committee. It is on page 2 of this pamphlet. "Issued by the Transvaal Stay-away Committee composed of organisations from the following areas: Soweto, Krugersdorp, Randfontein, Germiston, Alexandra, Kemptonpark, Pretoria, Boksburg, Benoni, Brakpan, Springs, Pietersburg, Heidelberg, Vaal, Bronkhorstspruit, Leandra, Middelburg, Nigel, Potgietersrus, Delmas and Bethal." We already referred to a previous exhibit of this Stay-away Committee where you identified some of the names of these affiliated organisations from UDF. Is that correct? Do you remember?(30)

I/...

-- I recall doing so.

At the bottom of this on page 1 there is in big bold letters "Power to the people"? -- But I thought counsel was going to refer me to the concept people's power.

I put it to you that this is in line with it, people's power and power to the people, that is the same meaning? -- Well, I do not know. That is a very, very old slogan. When I started learning really to read and seeing people, talking to people, they were talking about power to the people. It is a very, very old slogan. We used it in (10) AZAPO. I believe it would have been found in documents of AZAPO at its founding conference in 1978. BPC were used then. It is really a very old slogan. It is used in trade unions and in quite a number of places. I recall very well prior to the banning of SASU, the then Minister of Justice I think he was Minister of Justice and Police, Mr Jimmy Kruger, used to accuse the Black Consciousness Movement, especially SASU and BPC of being a Black Power movement that found its origin, the Black Power movement, in the United States and he was saying that because that slogan(20) was used at the time, power to the people.

I put it to you in this pamphlet there is nothing about power to the people, explaining to the people that what is meant is that it is a right to vote? -- It is true, that is not written here, but concepts that are used in a community or in an organisation are understood best by the people in that organisation.

Then I would like you to have a look at EXHIBIT AE25. It was found in the UDF office of Johannesburg. This is a letter written by you? -- That is correct. (30)

In/...

In your capacity as general secretary of the UDF? -- That is so.

On the second page you will find "The call to you is organise, mobilise for the establishment of a people's power." -- That is so.

"Long live the proud tradition of women's resistance. Long live the Federation of South African Women. Long live the gallant women of Soweto. UDF unites. Apartheid divides." Whilst we are on this exhibit. Is it not so that this is now a clear indication that the UDF did take up the matter(10) of unification of the women and did actually address that issue? -- No, no, it is just a message of support in a call, the recommendation to women to organise, to build their organisations. That does not constitute a deliberate effort by the UDF to form women's organisations. Or to take up campaigns pertaining to women issues. Issues affecting women.

And I see again that there is also the work embryo on page 1 the second paragraph. "The birth of this embryo may herald an era of the revival of the proud tradition (20) of women's struggle." -- Yes, there is that word. I do not know what counsel is putting to me.

What is the clear message or what do you mean by the establishment of people's power? -- Establishment of a government where people would have a vote. Establishment of political rights for all the people. I think that is really explaining - it must be read in conjunction with the last sentence of paragraph 4 at page 1 "Our call for political right for all must be loud and clear."

And AM41. This seems to be pamphlet issued by (30)
Soweto/...

Soweto Civic Association and it was found in the offices of the UDF in Johannesburg. Again we have got here We demand houses and facilities. Down with Community Councils. Forward to freedom. People's unity brings people's power." The heading is "The Anti-Community Council Committee." Then the last paragraph of this I will read.

COURT : What are you reading from? Which document?

MR JACOBS : AM43.

COURT : It will help if you announce the documents that you are reading from. Where was this found? (10)

MR JACOBS : In the UDF offices Johannesburg. The heading of it is "The Anti-Community Council Committee". I would like to read the last part "It is important to note that our struggle shall not end up with the destruction of the councils, but will continue until the realisation of a free non-racial and justified power to the residence." I put it to you that this is the same to power to the people. Do you agree? -- Well, if it means that the people must decide on matters which affect them, yes, but if it means something else, no. I may just indicate that I know this (20) pamphlet. I have seen it before, but it is a pamphlet that was produced I think towards - either towards the end of 1982 or some time early 1983. I think so. It is not a UDF pamphlet. It is a pamphlet that was produced by the Anti-Community Councils Committee.

And this committee, who were the members of that committee? -- I was a member of that committee.

Which other organisations? -- AZASO was a member, COSAS, General Workers Union, I think the Federation of South African Women. Earlier on AZAPO was part of it, (30)

but/...

but they withdrew.

They were all affiliates of the UDF? -- They later affiliated to the UDF when the UDF was formed.

Then I would like to refer you to ABA50. This was handed in in the evidence of Mr S. Muller. I have not got the volume of the evidence but I have got the page, page 5 786. It is a program of the Commemoration Service Duduza Gymnasium Hall, South African National Day June 16, 1985. Starting time 12h00 noon. Program." The Duduza Civic Association is an affiliate of the UDF? -- It was not. (10)

Was it never an affiliate of the UDF? -- To my knowledge it was not at the time of my arrest. It may well be that may be now or later on it affiliated.

Duduza Youth Congress? -- It was not an affiliate of the UDF.

Never? -- It was not an affiliate of the UDF.

COSAS? -- Duduza COSAS never was affiliated to the UDF.

Was COSAS affiliated to the UDF? The COSAS organisation? In this document I also put it to you that the Duduza Youth Congress, was that affiliated? -- It was not. (20)

And COSAS at all, COSAS general? -- COSAS was, but we were dealing I thought here with Duduza and I indicated in my evidence-in-chief that they were affiliating as regions. We had Soweto, Pretoria. I think Tembisa also. I cannot remember.

COURT : Was COSAS affiliating on the basis of COSAS Mamelodi, COSAS Atteridgeville, COSAS Mankweng, et cetera or was COSAS just affiliating as COSAS? -- It seems that is how they affiliated.

Just as COSAS? -- I think as those regions. I think(30)
they/...

they had representation as those regions Pretoria, Johannesburg and so on. I think may be no. 21 can deal in much details with that. I cannot. I know for a fact that there were other regions of COSAS which were not participating in the activities of the UDF.

MR JACOBS : I put it to you that in this it is also stated at the bottom "Power to the people. Power to the people."

-- Yes, I see that.

Propagating the same thing? -- Yes, I see that and still insist that this is a very old slogan. It has been there (10) for many, many years.

Again on ABA51 June 16. It is also a commemoration. It was handed in by S. Muller on page 5 787 and this was issued by COSAS National Executive Committee and in this itself it mentions on page 2 on the back page "COSAS, a UDF affiliate, reiterates its call for unity in action with all those fighting apartheid and its allies." Then the last paragraph "Let us struggle forward. Let us not mourn. Mobilise until our struggles for democratic SBC's, withdrawal of South African Defence Force from our schools (20) and townships, resignation of community councils, drop price increase to bread are not met, we will never rest. There is no going back." -- I am not with counsel. I thought we were dealing with ABA51.

Yes, that is so. -- I am sorry, I was looking at the wrong side.

COURT : Last paragraph on the reverse side.

MR JACOBS : "For ever forward. Backwards never. Victory or death. The SBC's shall mushroom in our schools. March forward with the education charter campaign. Long live (30)

the/...

the Freedom Charter. Amandla Awethu. Power to the people." This is even linked up with the struggle being violent? -- Where is the struggle being violent?

"For ever forward, backwards never. Victory or death." -- Well, I do not know if we can conclude that they mean the struggle is violent. I do not know if one can conclude from that - it may well be that he is saying that whether we die, whether some of us die in the course of struggling for our rights, we will continue to strive for. I do not know. I met this slogan for the first time in this trial. I had(10) never heard it before.

Somebody on the street that sees this, I put it to you will clearly understand it, that there is a message that there is a struggle going on and this struggle, if you are struggling, then it is either for victory or you are going to die in the struggle and it means that ... -- That is so. That would be understood like that, but that does not mean that you are waging a violent struggle.

And connected to that is that in the struggle, you are struggling for power to the people? -- Yes, a vote. The (20) right to decide on matters affecting you.

Then I would like you to have a look at EXHIBIT ABA57. That is a - I can only read the translation. I cannot read it on the front page. Will you please read the heading for me? -- "Ga re Nyake Makgotla Toropo." I think it is correctly translated in the handwritten version, the English version.

Just that first word, can you tell the Court what is the missing letter there? -- Where?

Not missing. There is a word but it did not come out clearly on this letter. The letter did not come out clearly(30) in/...

in this word. -- That is what is translated as "want" "Nyake".

This is a pamphlet issued by again COSAS and Mankweng Youth Congress, MAYCO, both affiliates of the UDF? -- COSAS was an affiliate of the UDF. I am not certain of Mankweng Youth Congress was.

On the last page of the translation "We are calling upon those who are candidates in this satanic institution to immediately resign. All power to the people. Down with the council. Issued by Mankweng Youth Congress" and as I have already said COSAS. Again the call down with councils(10) and a call for power to the people. A call for power to the people propagated. Is that correct? -- Yes, I can see that.

Then ABA62. These were documents found by the witness Van Dyk and it was handed and his evidence appears on page 6 059 and 6 060? -- Yes, I remember the document. It seems like it is a document we had a problem with, because it was really talking about matters that were taking place in 1981.

And this is an ANC document that was found? -- It seems - it purports to have been issued by the underground voice of the African National Congress. (20)

Message from the ANC underground and also we find the same in this ANC document "Power to the people" on the second page of this document with the heading "Message from the underground - from the ANC underground." ABA62. -- Yes, I see that.

And ABA63 page 6. This is an AZASO newsletter. This is also a document handed in by Mr Van Dyk on pages 6 059 to 6 060 of the record and on ABA63 page 6. This document is an AZASO document, Azanian Students Organisation Regional newsletter Transvaal, a newsletter of an affiliate of the (30)

UDF/...

UDF and again at page 6 on the bottom there "Forward to the Education Charter Campaign. Forward to People's Education and forward to - and all power to the people." What is meant by People's Education? -- Well, I do not know what they had in mind, but I would understand that to be the education that is catering for the general, the interest of all the people in which all racial groups as one society has a say. I think it refers really to a non-racial system of education.

I would like to refer you also to AA1. This is a document found at the person by the name of Joosuf Dadoo in Krugers-(10) dorp and this was a pamphlet issued by the UDF West-Rand area committee? -- Well, I do not know it. It is a pamphlet we had previously. It is true that it purports to have been issued by UDF West-Rand area committee.

The heading of it is "UDF West-Rand rally. Black Christmas and Anti-repression. Also here we find it, we say there is no easy way to freedom. Amandla Awethu. All power to the people. -- I see that, yes.

I want to put my statement to you that even in the speeches there is always a reference for the people to under-(20) stand that you are striving towards power for the people. Do you agree to that? -- I have said so, in the context that I have explained it and I had understood that slogan over many, many years to simply mean that all people must have power, they must participate in the decisions that affect their lives including the highest decision making structure, government level.

And I put it to you that what is meant by this power to the people is a taking over of the government of this country and by force? -- That is not so. It may well be (30) that/...

that the ANC or something else, when he talks about that, has that in mind, but we are committed to a call for a national convention and it is not a situation of the take over of power. We have also dealt with our attitude to the White people in this country that we see ourselves as one people, who should participate all in a single government of the country as equals, as citizens all of us.

Is it not so that the UDF although it is trying to get the Whites or some Whites to agree with the UDF, that it is in actual fact concentrating on the Black masses? -- The (10) UDF is a front, a non-racial front. It is true that because of the nature of our society where the African people, not Blacks, the African people are in the majority. By and large the emphasis would be that they must participate because they are in the majority and that it is true that in the final analysis they would be the majority in the UDF just in the same way that they are the majority in the country. They are the majority on the mines. They are the majority in the big factories and so on. It is the reality of the situation. We are not talking about the Black masses, (20 the whole question of the Black majority vote. We are talking about a government for all the people of South Africa. Because we have come to accept that. All of us belong here.

But I put it to you that in actual fact, that the UDF is in actual fact concentrating on the African masses to mobilise and politicise them to become active in the struggle? -- That is not so. I do not think we are concentrating ... (Mr Jacobs intervenes)

Will you have a look again ... -- to the exclusion of other racial groups. (30)

I/...

I never suggested at the exclusion of others. I made a plain statement and I would like you to have a look at AAA10 again, the minutes of the First National General Council meeting of the United Democratic Front at page 3. I will read from page 2. "Comrade Ndlovu was asked to explain. (a) The task of the national democratic forces in organising the African majority for national liberation. (b) The balance of forces in the rural areas," Then on page 3 "Point (b) was referred to the commission on rural areas and Bantustans. In response to point (a) Comrade (10) Ndlovu explained that the African people form the overwhelming majority of our nation and that they suffered the most oppression and exploitation in the country. For these reasons the struggles of the African masses had to be central future of our struggle for liberation. The explanation was accepted." -- Well, I seem to understand it in the context in which I have explained that the African people must participate in a sense that they would correlate, in a manner that would correlate with their numbers. It is not a question of concentrating. It is simply accepted (20) reality that when we really talk about blatant oppression, we are talking about the African people in our organisations they have got to line with the fact that they are in the majority and that they are suffering the most they have got to be participating, but we remain essentially a non-racial organisation and in our work in the UDF we have projected that approach throughout. We have spoken in meetings in White areas. We have gone to White Universities and so on. Ordinary White working class areas we went to.

While we have got this document in front of us. I (30)

have/...

have got to refer you to another document here. Firstly, I want to put to you that your explanation was that accredited liberation movement is not correct and will you have a look at EXHIBIT AAA12 that it is only misspelt in that. I put it to you that there was a deliberate alteration of the Working Principles of the UDF referring to only one liberation movement, accredited liberation movement. What do you say to that? -- What page are we referring to?

AAA12 at the top first. "Proposed working principles presented for adoption at the UDF NGC on 7 April 1985 (10) with final amendments in paragraph 3.2." There we have got the following "Not purport to substitute for the accredited liberation movement." -- I do not accept the proposition.

And you can go back to EXHIBIT AAA10, that is the previous one and you will find acceptance of this adopted version of the Working Principles on page 10 of that document. There is a reference 3.2 "Amendments to national working principles. The draft amended working principles were read." Clarification was sought on certain of them. That does not include this one and then acceptance of the national working (20) principles as amended at the NGC on 7 April 1985 was moved by the Transvaal and seconded by Natal. This was unanimously accepted by the NGC. Copy of these national working principles is included in the NGC booklet. So, I put it to you that there was a deliberate alteration of the working principles in regard to the accredited liberation movement of the UDF and it was accepted as such at the NGC? -- I do not accept the proposition and that explanation, that cannot be explained by what counsel has read here. I had made it clear that as far as I was concerned that was a typing (30)

error/...

error. What was accepted here is the amendments as appeared in the handwritten draft. I think that was the position.

COURT : Do we have a copy of the NGC booklet before Court?

-- That is so.

Where is that copy? -- It is C102.

MR JACOBS : Just before we go to C102, can you just tell the Court on EXHIBIT AAA12 at the top where "final amendments" was written in, is that your handwriting and did you write that? -- No, I did not.

Whose handwriting is that? -- I do not know whose hand-(10) writing it is.

Have you got C102? -- I have got that. I would just like to draw attention immediately to page 2 of that document, just the first sentence there. It says "Note: This booklet in its present form is not complete, but has been made available to you at this point in time for purposes of convenience."

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What do you try to convey by this so that we could just get what you mean clearly? -- What I am meaning is that it does not follow that what is in this booklet has been (20) finalised, everything has been corrected, it is a final copy.

Do you say that it is also conveying that what is said and what the general NGC accepted is not correctly stated? -- No, what I am saying is that there are a lot of errors in this booklet itself. It was not a final copy.

I cannot understand you then. It is just saying it is not complete, that there must come something with it now. It is possible that there is still a statement to come, but where does it say that it is not correct? -- It might well(30) have/...

have included that, but I know that it carries a lot of errors. When I spoke about typing errors, I was referring to this specific exhibit previously when I was cross-examined because I may also indicate that I personally had not read the book when it was taken from me. That is the reason why I carried it around with me

Except for this paragraph on page 1 that you want to draw the Court's attention to, what else do you want to draw the Court's attention to in regard to the accredited liberation movements? -- No, my position remains the same. (10) I have explained it. I do not change that position.

Does it appear the same on this, the proposed working principles? -- I believe so.

Presented for adoption at the UDF NGC? -- I believe so. What I was saying was that it should actually be movements but here it is typed as movement. I think that is just the only problem we had in respect of that part of the Working Principles.

Do you say then that there are two mistakes, typing mistakes? -- No, I do not understand the question. (20) There are so many mistakes here, if I am given time I can actually go and look for each one of them and show them.

Is it not correct that the working principles as included in the booklet, EXHIBIT C102 is quite a different document from this one, EXHIBIT AAA12? Altogether a different document? -- I do not know. I have not compared them. May be one has to do that. I thought it was the same thing.

COURT : Are you putting it that the contents are different or are you putting it that it is a different piece of paper?

MR JACOBS : A different piece of paper, different typing. (30)

It/...

-- It does seem like the typing is different. All one can say is that possibly the booklet because in these minutes there is a reference to the booklet, that the booklet was typed out of the typed version that is before this Court as EXHIBIT AAA12 and AAA10.

Will you go to AAA13. -- I have got it.

This is a document that emanates from the National office of the UDF? -- I would not say so. I thought it was one of the documents found in my possession and I had received this document I think on the night before my - (10) the day before my arrest together with another one that has figures of money on it and I received it from Daniël Monshitsi. I had not read it at the time of my arrest.

But it is a document under the letterhead of the UDF national? -- Yes, it is on the letterhead of UDF National.

So, I put it to you that this emanates from the UDF National office? -- I would not say so. It is clearly not a thing that was done by the UDF National office. These people involved, a committee that calls itself UDF IYY National Co-ordinating Committee which used the office (20) of the UDF at that time, printed a document on a letterhead of the UDF.

I see the heading is "UDF - IYY National Co-ordinating Committee SA Working document." -- I see that.

So, it is a joint effort by the UDF and the IYY National and they formed a National Co-ordinating Committee? -- No, no, I do not understand it that way. I think earlier on we had referred to an exhibit here which was a letter by me asking regions of the UDF to persuade those affiliates to take up the campaign under the banner of the UDF. I had (30) not/...

not received any feedback in that respect and as far as my knowledge of the matter is concerned, up until the time of my arrest, we had not received an indication from the IYY National Co-ordinating Committee as to whether they would conduct their campaign under the banner of the UDF or not.

Must we understand you then that there is no such a thing as a UDF IYY National Co-ordinating Committee? -- To my knowledge it was not set up by the UDF. They might have decided to include the name UDF there, but I do not know about that committee. (10)

So, why would they include the name UDF then? -- It may well be a way of identifying with the UDF, because if one looks at the secretarial report which was EXHIBIT C102 contained in EXHIBIT C102 whilst there is a mention of the IYY campaign, it states clearly that it is may be conducted by the UDF affiliates. Yes, it does not say IYY - UDF IYY national Co-ordinating Committee.

Which document are you referring to now? -- I was referring to C102, the secretarial report, I should have mentioned the item on that. The item is 3.5 at page 3 (20) of the secretarial report.

To what are you referring to in this? -- Item 3.5 at page 3 of the secretarial report contained in EXHIBIT C102 under the heading "International Youth Year."

Will you read out what you are specifically referring to? -- What I am referring to here is that up until this time I understood it really to be a matter that was handled by the affiliates of the UDF, not the UDF and the UDF was not in control of that and the second sentence in that paragraph says "In some regions our youth affiliates have(30) already/...

already launched the international youth year campaign. Areas that will be focused on in the campaign, are conscription, unemployment, education, oppression and exploitation et cet. Generally the campaign is progressing fairly well, but here we need to mention that it is not our affiliates alone who are taking up this campaign." So, that up until that time I did not know of UDF IYY National Co-ordinating Committee. I would have specifically used that name and said our national co-ordinating committee is taking up this campaign. (10)

Where you refer here to not our affiliates alone who are taking up this campaign, what do you mean? -- Well, it is explained in that sentence. I think the next sentence immediately after that will explain that. "The South African government is pouring thousands of rands into each youth campaign and it is essential that the way in which we conduct this campaign leaves no doubt as to who represents the people of our country."

I put it to you that the statement and the reference to the UDF IYY National Co-ordinating Committee is referring to the committee of the UDF and not to some other people or someone else? And what is said here is the policy of the UDF itself and not somebody else? -- That is not so. It may well be that later on the youth affiliates decided that they want to conduct their campaign under the banner of the UDF, but that was not discussed with the national executive of the UDF and in this period I myself was not at the office and I had not had the opportunity to read this thing by the time I was arrested. I would have possibly been able to clarify issues with Daniel Monshitsi and others (30) who/...

who were involved in that committee.

On your own evidence that you did not attend a lot of UDF Executive Council meetings, how can you say that this did not emanate from the UDF? How can you say that? -- That is not my evidence. I have never said I did not attend a lot of NEC meetings. That is not my evidence. I simply said the last NEC I attended was in July 1984.

And from 1984 until when? -- In relation to the meetings that the UDF held, the NEC meetings that it held in that period, I would not say that it is a lot of meetings that (10) I did not attend.

Do I understand you correctly then that you did not attend any National Executive meetings after July 1984? -- That is so.

So, how can you come to this Court and say what was decided on National Executive meetings that were held after July 1984? -- I can say by at least January 1985 the IYY campaign was not conducted under the banner of the UDF. We have an exhibit here which is a letter written by me on or about that time, indicating that the IYY campaign was (20) not conducted under the banner of the UDF. If counsel wants to refer me to the minutes of the NEC which took place where I was not present, where it is indicated that the UDF had set up this committee, I will be glad to see it.

COURT : Was it not, if I remember your evidence correctly, an in/out sort of situation. They were first under the UDF and then they decided not to continue under the UDF? -- Yes, I understood it that way. Later on they changed that decision.

What are the relevant dates? When were they in and (30) when/...

when were they out? -- When one reads EXHIBIT - I think it is EXHIBIT J1 and related documents, there is mention of the IYY here. It seems at that stage that there was a general acceptance that they would conduct it under the banner of the UDF, but then they held a meeting in Natal in January 1985. I think it was on 12 and 13 of that month. They reversed that decision. They then decided at that meeting that they were not going to conduct it under the banner of the UDF and I attended to persuade them to change that view, but up to the time of my arrest I had never (10) received any feedback from them in that respect.

Then they must have changed that decision again, because this document is under the banner of the UDF, very much so? -- It is so written.

This is on 16 March 1985. -- That is how it is written. All I am saying is that I do not know of that change. It may well be that the person who wrote it, was one who was in favour of the idea and then he wrote what he liked.

MR BIZOS : Before My Learned Friend continues with another topic and if it is convenient, there are two short applications (20) that we want to address to Your Lordship before the end of the day.

COURT : Will they be short?

MR BIZOS : I hope so.

COURT : Why are they in such a hurry?

MR BIZOS : Well, the one is the relaxation of the bail conditions of one of the accused and arrangements have to be made and the other is for leave to hand the document over to the witness overnight which was procured during the course of the day and we would give a copy to our (30)

Learned/...

Learned Friend so that we can - The first application is to allow Mr Tlhopane, accused no. 14 to go to the Vaal. The investigating officer has given his consent. Mr Tlhopane understands English and in any event he will be given a copy of the paper. I do not know if Your Lordship wants to read it out in open court.

COURT : I will have to read it out into the record.

What is your attitude, Mr Jacobs?

MNR. JACOBS : Ek het nog nie gesien wat is die ooreenkoms nie. As dit dieselfde is as die vorige, dan sal ek nie (10) beswaar hê nie.

COURT : Can this not be done tomorrow morning, because it is only for the period of the 29th and the 30th. Tomorrow is still the 28th.

MR BIZOS : I think that telephone calls have to be made in order to meet a number of people that he has to meet about some family business.

MNR. JACOBS : Mag ek dit so stel, dit is blykbaar tussen ... (Court intervenes)

COURT : Well, this has been arranged with Captain Botes. (20)

MNR. JACOBS : Kaptein Botes. Ek weet nie wat is die reëls nie, maar blykbaar het hulle toegestem en onder die omstandighede het ek nie beswaar nie. Ek dink die borg se voorwaardes het gesê met die ondersoekbeampte se goedkeuring dan kan dit gewysig word.

COURT : I will put this on record then.

IN THE SUPREME COURT OF SOUTH AFRICA(TRANSVAAL PROVINCIAL DIVISION)

PRETORIA

1987-08-27

THE STATE

versus

PATRICK MABUYA BALEKA AND 21 OTHERSO R D E R

VAN DIJKHORST, J. : In accordance with paragraph 2 of the conditions of bail, accused no. 14, Pelamotse Jerry (10) Tlhopane is granted permission to visit the Vaal for the period 29 and 30 August 1987, subject to the following conditions:

1. He reports at Orlando police station between 06h00 and 09h00 on 29 August 1987 immediately before leaving for the Vaal.
2. He reports at Sebokeng police station immediately on arrival in the Vaal and thereafter between 18h00 and 21h00 on 29 August 1987, between 06h00 and 09h00 on 30 August 1987 and again immediately before his departure (2) from the Vaal on the same day.
3. He reports at Orlando police station as usual between 18h00 and 21h00 on 30 August 1987.
4. During his visit to the Vaal he limits his movements to House 2078 in Zone 13, Sebokeng, the home of

Mr Lerapedi/...

Mr Lerapedi in Zone 11, Sebokeng, the home of Mr Mokgotla in West Street, Evaton, the Presbyterian Church in Adams Road, Evaton and his reports to the Sebokeng police station.

5. He does not enter the residential areas of Boipatong, Bophelong or Sharpeville during the abovementioned period.
6. All other conditions of bail stand and are strictly to be adhered to.

MR BIZOS : The other application arises out of what was put to the witness by My Learned Friend in cross-examination, what report was made to him as to what the president's speech was on 19 April. As a result of the witness's word being put in issue in relation to the mention of Mr Mali and others, we took good precaution of getting a copy of the Hansard from the State Library. I would like Your Lordship's leave to hand a copy of this to the witness and I will hand a copy to My Learned Friend and My Learned Friend can do whatever he wants to do with it, more (10) especially as he put the witness's word in issue tomorrow morning or at any other time that is convenient to him. We have no objections to handing them to Your Lordship - copies to Your Lordship ... (Court intervenes)

COURT : I would rather not see them. This is not before Court and when it is dealt with, I will probably get my copy. I take it that you will deal with that in re-examination?

MR BIZOS : I have a problem with that. If I understand correctly, one cannot really read into any record outside (20) parliament without the leave of the clerk of parliament or the speaker, any portion of Hansard.

COURT : May one not refer to Hansard outside parliament?

MR BIZOS : Not outside parliament without leave. I think that My Learned Friend will be able to deal with the matter without ... (Court intervenes)

COURT : How is the witness going to refer to Hansard if you may not refer to Hansard?

MR BIZOS : As long as you do not refer to it in public. You cannot really publish it verbatim in newspapers or in (30) court/...

court proceedings.

COURT : You mean he can have a private tête à tête with the prosecutor about it?

MR BIZOS : If they have the same document, then I think that the ball will be in My Learned Friend's court. If we could have leave to hand a copy of this ... (Court intervenes)

COURT : Any objection, Mr Jacobs?

MNR. JACOBS : Ek maak beswaar, want ek kan nie onthou dat ek gevra het wat het mnr. Botha gevra nie. Ek het vir hom gevra die verslaggewer. Ek het die geloofwaardigheid op (10) daardie aspek aangeval, wat het die verslaggewer vir hom gesê, nie wat mnr. Botha gesê het nie. Ek kan nie sien, om nou 'n Hansard te kom inhandig, dit het mnr. Botha gesê nie. Dit help nie op die getuienis waaroor ek hom gekruisvra het oor wat daardie spesifieke persoon aan hom sou gesê het en wie die persoon is wat aan hom sekere dinge oorgedra het nie. Dit is waarom dit gegaan het.

HOF : Ja, maar dit gaan oor die geloofwaardigheid in elk geval van sy berig oor wat 'n persoon aan hom gesê het, maar ek sal die probleem so oplos. Lees u nou maar eers die (20) Hansard en dan sê u vir my môre wat u houding is.

MRN. JACOBS : Ek sal so maak en dan vra ek net dat dit nie in die tussentyd vir iemand anders gegee word nie.

HOF : Wel, mnr. Bizos kan die dokument seker gee vir wie hy wil, mits dit nie aan hierdie getuie is nie.

MNR. JACOBS : Ek het gedink die getuie is nou nog onder kruisondervraging. Daar kan nie kommunikasie kom op hierdie basis nie.

HOF : Dit is so, maar hy het darem seker 'n junior of 'n prokureur. U sê aan niemand anders mag hy die dokument (30) gee/...

gee nie?

MNR. JACOBS : Nee, wat ek na verwys het is die beskuldigde op hierdie stadium. Hy kan dit nie kry nie.

HOF : Mōreoggend sal ons daardie aspek behandel.

MR BIZOS : May I just say that it was specifically put, that doubt was created as to whether the name of Mr Mali was ever mentioned and that his explanation about the writing down of Mr Mali's name was not correct and other matters.

HOF : Mnr. Jacobs, as dit iets is wat u gestel het wat verkeerd is, dan neem ek aan dat u dit mōreoggend sal regmaak?(10)

MNR. JACOBS : Ek sal dit regmaak.

WITNESS STANDS DOWN.

COURT RESUMES UNTIL 28 AUGUST 1987.