

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

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-01

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

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

NAMENS DIE STAAT:

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

NAMENS DIE VERDEDIGING:

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

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 274

(Bladsye 14 898 - 14 979)

COURT RESUMES ON 1 SEPTEMBER 1987.

POPO SIMON MOLEFE, still under oath

MR BIZOS : My Lord, before I continue, accused no. 11, Mr Mokoena, went to the hospital on Saturday morning and apparently not very much happens there on Friday afternoons and Saturday mornings. He was told that the person that is likely to deal more effectively with his problem, is there as a consultant on Wednesdays and we would ask Your Lordship for leave for accused no.11, Mr Mokoena, for leave of absence tomorrow to attend the Hillbrow Hospital in (10) Johannesburg and to report both during the morning and in the evening sessions.

COURT : Yes, leave is granted.

FURTHER RE-EXAMINATION BY MR BIZOS : Mr Molefe, will you please have a look at EXHIBIT T25. This is the UDF report dated March 1985 of the Transvaal region, found in the possession of one D. Nkosi in Ratanda. Have you seen that document before it was produced as an exhibit in this case? -- I had not seen it before.

During the seventh day of your cross-examination (20) 18 August 1987, you told His Lordship that you were not the only one in the UDF that referred to the disastrous effects that the new constitutional proposals may have? -- That is correct.

And you mentioned that Chief Buthelezi had warned of the same thing. Can you recall whether any publicity was given to Chief Buthelezi's views in relation to that? -- That is so. I read about it in the newspapers.

I want you to please have a look at a newspaper cutting from the Rand Daily Mail of 23 October 1982. Is that (30) the/...

the cutting that you had seen before? -- That is correct.

COURT : It will go in as DA41.

MR BIZOS : There are only portions of this that I want to read out to you, starting at the top of the left-hand column. "The Kwazulu leader, Chief Gatsha Buthelezi, has made a scathing attack on the Minister of Law and Order, Mr Louis le Grange and repeated his warning that the government's constitutional plan is a recipe for violence. Anyone who has anything between his two ears, would know that this plan is nothing more than a recipe for violence. I have a (10) duty to warn the people of South Africa as to where the present government is leading them with its half baked plans, Chief Buthelezi said in a statement to the Rand Daily Mail. I speak for millions of people who are voiceless and I will continue doing so as long as there is life in me, he said." Then I want to refer you to the second paragraph on the right-hand column "Mr Heunis's remarks were seen as a clear reference to Chief Buthelezi who told the conference of the Black Alliance their last chance of peace would be removed if the government proceeded to implement its present con-(20) stitutional plan." What I want to ask you about this is this. In the UDF documents from time to time are there similar predictions made? -- That is so.

And are there similar predictions made in the various speeches that were made by speakers opposed to the constitutional proposals that were put forward during 1983? -- That is so.

In your evidence you referred to a distinction between inciting violence and analysing the situation and warning of the possibility of violence if things happen. Would you(30)

in/...

in your own words explain what you meant by that distinction that you drew? -- What I simply meant is that in a case where one intends to incite people to go on acts of violence, one would actually be saying that we have got no other solution except opting for this method of violence or saying to people what are you waiting for? Why do you not engage in acts of violence? Why do you not adopt violence as a strategy to resolve your problems? But throughout history warning has proved to be different in the sense that it is really drawing the attention of those either involved in the perpetuation(10) of what is considered to be a dangerous plan or a course or those who might not have been aware as to where those perpetuating those plans are leading the country to or the organisation to or the society to. It seeks to get them to raise their voice against what is being done and what is seemed to be dangerous. It is really intended to dissuade those pursuing that which is considered to be a dangerous course, to desist from doing so and we have had really several people who had done these kind of warnings throughout history. It is intended as more reason why the steps should(20) not be taken which are contemplated.

Was this sort of warning confined to what were referred to as UDF circles during the cross-examination and people like Chief Buthelezi? Have other people either - well, have any other people to your knowledge made warnings that unless there are fundamental - that unless steps are taken, violence may be forthcoming?-- There had been very several people. Some of them inside the government, others outside government circles, who had nothing to do with the UDF. Very many people made these warnings. (30)

Have/...

Have you ever heard the expression that the consequences of not moving forward would be too ghastly to contemplate? -- Well, I have used that expression myself in the past and I heard other people using it.

Do you know who was the father of that phrase?

COURT : Are you sure that that is exactly the phrase? The last part of the whole phrase ?

MR BIZOS : The phrase "to ghastly to contemplate."

COURT : Well, you put it differently.

MR BIZOS : I think it was in that context. (10)

COURT : Moving forward. Not moving forward would be too ghastly to contemplate? I think you can stick to too ghastly to contemplate.

MR BIZOS : Have you heard the expression "too ghastly to contemplate"? You have told us that you have used it yourself. Do you know who actually used that expression? -- If my memory serves me well the former Prime Minister and State President, Mr B.J. Vorster, had used that previously many years ago. I recall that. I think really for the very first time I read that phrase was when it was issued by him. (20)

In relation to the accusations that the UDF had contacts with the ANC, do you know whether any statement was made by anyone on behalf of the UDF in answer to the present accusations? -- In respect of the allegations, in response to the allegations that the UDF had any contact with the ANC?

Yes? -- I remember several statements were made by the National Publicity Secretary of the UDF, Mr Lekota, accused no. 20 in this matter.

I want you to please have a look at a newspaper cutting in The Star of 20 April 1985 headed "Make up your mind, (30)

Mr Botha/...

Mr Botha." Do you recall that in your cross-examination you were asked whether any statement was made and you said that you and Mr Lekota worked on a statement together. He had written something and you came in. Do you recall that? -- That is so. I think at one stage learned counsel was asking me to clarify certain points which were noted in my handwritten notes and I indicated that I had received a call from one of the journalists informing about what the State President had said about the UDF in the House of Assembly and that I was busy trying to respond to that and my (10) colleague, Lekota, no. 20, came in. This is the statement that was issued in response to those allegations by the State President.

COURT : It will go in as DA42.

MR BIZOS : I would like to read the whole of it. "Only the unconditional dismantling of apartheid can bring about peace in South Africa, the National Publicity Secretary of the United Democratic Front, Mr Terror Lekota, said in a statement yesterday. Mr Botha and his NP colleagues must make up their minds whether they would seek a peaceful (20) solution to South Africa's problems or not. In the past the UDF stated that it had no formal or informal link with the ANC, other than the historical fact that both organisations were of South African origin and were opposed to apartheid, he said. It is irrelevant whether the UDF and the ANC called for a national convention. What matters is whether that situation can bring about a democratic and non-racial constitution for this country in a reasonably peaceful fashion or whether Mr Botha would allow his army and police to continue to shoot and kill Black children for (30)

the/...

the preservation of apartheid. Mr Botha has conceded that 'real grievances existed which created unrest among Black people.' The UDF has asserted that this, his new dispensation, fails to solve those problems. It is a lie that the UDF is intend on precipitating a revolution. We are determined to see real change rather than such massacres as at Uitenhage. Nor could the UDF be blamed for the deteriorating economic situation, he said." You recall that you were asked by His Lordship whether - why did you think that Mrs Sisulu and/or Mr Saloojee did not outright say (10) we have nothing to do with the ANC but their statements appear to be merely answering of - that it would not help the government to make these accusations. In this document in this statement you and - well, Mr Lekota is reported to having said that you often said that you had nothing to do with the ANC. Was that correct? Was this said? -- That is so. Very many times I have said it in public meetings. I believe I said it again addressing a public meeting in Port Elizabeth. I said it in an interview with the Financial Mail. I have said it in several other meetings and it was (20) stated in several other statements by both the National Publicity Secretary and other officials of the UDF, Mr Archie Gumede and so on. I think also in the course of my - when I responded to the questions that Your Lordship had raised in respect of statements made by the UDF on the question of violence, I did refer to one such statement.

I want you to please have a look at a cutting from The Star dated 20 July 1984 headed "New system blamed for violence in Parys. Do you know anything about that? This would be DA43. -- That is so. This is what I referred to in relation (30)

to/...

to the statement made by no. 20 subsequent to the events of Thumahole.

I want to read portions of this into the record. "The week of violence intention in the Parys township of Thumahole is a direct result of the new Black local authority system and action should be taken against those who served on the new council, says the United Democratic Front Publicity Secretary, Terror Lekota. We will not burn councillors houses and we will not burn their cars. We will boycott their businesses, he told people who gathered at Khotso (10) House, Johannesburg yesterday to show solidarity with Thumahole residents. People should stay out of the shops and premises of councillors because they have made common cause with apartheid and to use only taxi's of men who had nothing to do with the local authorities, he said. Mr Lekota said ..." I am sorry . Is there a clearer copy?

COURT : What is stated at the top? The name of whom is deleted? -- That is Joe-Anne Collinge.

MR BIZOS : "Mr Lekota said that it had been predicted at the national launch of the UDF a year ago that Black resi-(20) dents would find it impossible to afford new Municipalities. These areas simply did not have the business income of White areas and have to rely on pushing up rentals. There is no way that the masses of people can meet these expenses. Mr Lekota called for the immediate resignation of councillors, stressing that the time is now." Was this published at the time and did it represent the view of the UDF at that time? -- That is correct.

Just whilst we are on this, you told us that you really were surprised by the events of 3 September 1984. After (30)

the/...

the detentions of August 1984, was there really a national or a regional structure of the UDF working properly during the first or second week after those detentions in August/September 1984? -- As I indicated there was really a lot of disorganisation and different individuals went to the office to try and help and there was no proper co-ordination. The officials of the UDF could not operate at that stage.

On the question of non-violence, I want to show you a cutting that appeared in The Star on 6 April 1985. Do you know anything about this? -- (Witness reads newspaper (10) cutting) I did see this report, but I was not present when no. 20 delivered his speech. Partly this is the report of - part of his key note address which was delivered on Friday, 5 April. I was not present when it was delivered, but I had had discussions with him in our understanding of protest to challenge.

COURT : Can you hand it in?

MR BIZOS : If he saw it published at the time.

COURT : We are not dealing now with perceptions and the way words are used. We are dealing with factual issues (20) about which no. 20 can give evidence or Joe-Anne Collinge who heard it. He was not there.

MR BIZOS : I will leave it for no. 20. It was put to the witness that there were no calls for non-violent action.

COURT : Then the person who can give that evidence, can give that evidence, not somebody else. This is not going to be an exhibit.

MR BIZOS : I want to ask you about a typed statement on EXHIBIT AD8, which is the central calender which during the month of July or rather on the calender for the month(30)

of July Thumahole uprising is typed on the printed calender.

COURT : I am sorry, I have something else as AB8. AB8 is a COSAS publication 7 October 1984. Could it be AAB?

MR BIZOS : It is the calender.

COURT : There are so many documents. I would not be able to find the calender. -- I think the documents relating to the activities of women are contained in EXHIBIT AE series.

ASSESSOR (MNR. KRUGEL) : Ja, dit is.

MR BIZOS : Look for the ones of July and see whether there is typed on it Thumahole uprising? July, 15 1984. -- I have(10) got the section.

This appears to be typed on a printed calender. Have you heard this expression "Thumahole uprising" before your attention was drawn to this endorsement on the printed calender? -- I cannot recall having heard it before.

You spoke on the ninth day of your cross-examination on 20 August of the harrassment of your activists and/or workers, I think that there was some dispute between you and Mr Jacobs about the correct use of the word, but be that as it may, were any steps taken by you to seek relief in (20) relation to the harrassment that you representatives met? -- That is so.

Do you know anything about the document that I am about to show you? A resolution taken by the National Executive Committee of the United Democratic Front on 1 July 1984? -- I know the document.

Was it signed by you and Mrs Albertina Sisulu? -- That is correct.

In order to enable you to institute action against the South African Police? -- That is so.

(30)

Will/...

Will Your Lordship receive it?

COURT : Yes, it will go in as EXHIBIT DA44.

MR BIZOS : Was the action in fact instituted? -- It was not because there was an undertaking from the side of the police. Firstly they returned the documents and they made an undertaking that they would no longer worry the UDF in its collection of signatures and other businesses.

You recall that you gave evidence that often or at times false documents were put up in the name of the UDF?

-- I did.

(10)

COURT : Was there cross-examination on this?

MR BIZOS : Yes.

COURT : Was there?

MR BIZOS : Yes, when he was shown a number of documents he said I do not know this document as a UDF document and they were a number of documents which were put out. I have a distinct recollection. It seems that Mr Jacobs is shaking his head, but I do have a distinct recollection of that. that it had been said. I want to show you a document. Is that the date on the bottom of the right-hand corner, I am(20) not sure? -- It is the date. It is 30 January 1984.

Do you know anything about this document? -- This was a press release written by myself and released to the newspapers by me.

COURT : It will go in as EXHIBIT DA45.

MR BIZOS : I do not want to read it into the record, but was this as a result of - why was this issued? -- It was really issued as a result of the smear pamphlets which had been distributed.

May I indicate, My Lord, that this is a document that(30)

comes/...

comes out of the police's possession. The document is not used by the State. We were given access to it. I want to ask you about the evidence that you gave that the Working Principles of the UDF were not amended by deleting the letter S from "Accredited Liberation Movements." Will you please have a look at EXHIBIT C102 and C119. In C102 it is the portion Working Principles adopted by the UDF National Assembly on 7 April 1985. -- Mine is written "Working Principles adopted by the UDF National General Council" not "General Assembly." (10)

I am sorry. General Council. Firstly, would you describe what C119 is? Particularly the document "Motivation for amendment to the Working Principles of the UDF National." Is there anything in that motivation suggesting the change from National Movements to National Movement? -- May I just be given a few seconds to read the document. (Witness reads document) There is nothing pertaining to amendment on movements.

COURT : The amendments are not set out. This is merely a covering motivation, it seems. -- That is so. (20)

No amendments are referred to. Just general statements. -- There are really instances where it is clear that it deals with the size of the NEC, whether we should have a smaller NEC or not.

It does not say "Paragraph so and so must be amended from this to that"? -- That is so.

MR BIZOS : Does it deal with what had to be amended and why? -- That is so.

And is there anything in it that the relationship with the National Liberation Movement or Movements had to be (30)
dealt/...

dealt with as an amendment? -- There was nothing here. That was simply not an issue in the UDF. It was not one of the areas to be amended.

You also said in your evidence that at the time that the amendments were considered, they were actually handwritten. -- That is so.

I would like you to please look at document AAA2 page 7 item 37. The item reads "Type out Working Principles." What does that refer to? What was supposed to be typed out? -- The amendments, the handwritten Working Principles (10) which were adopted by the NGC were to be typed out.

You say that the S was left out and that it was a typing mistake. I want you to please have a look at the Working Principles in C102 and instead of asking you to look for the spelling mistakes, may I draw your attention to the other spelling mistakes in this document. Spelling and other mistakes. In the name there appears UDF9 that is on page 1. The name will be UDF9. Would you please look at page 2. Even though you were apologetic to His Lordship about the type of education you have had, would you please (20) look at 7.1.1. Is the word "review" correctly spelt? -- It is written twice and the second one is not correctly spelt.

Would you please have a look at paragraph 7.8.2. Is there an e missing from the word "the"? -- That is so.

If we look at paragraph 12.2 will you have a look that the d has been dropped in "two-thirds". -- That is so. I can see that.

ASSESSOR (MR KRUGEL) : And how do you spell supersede?

MR BIZOS : Oh, yes, I missed that one. -- It may well be a typing error or a problem with our education. (30)

COURT : While I am on the point, how do you spell "pawn", pawn is on a chess-board. -- It is supposed to be p-a-w-n. But it appears as "porn" for pornography.

MR BIZOS : Whilst we are on C102 will you please look at page 10.

COURT : Of the Working Principles?

MR BIZOS : The Secretarial Report. The middle paragraph there. "Enemy" has got an r in it and "hundreds" has got a couple extra letters. That appears in 8.1 third last line. I am informed that there are others. I do not intend (10) drawing attention to it. There is another copy of the amended Working Principles AAA12. There are two copies. We are dealing with the second one. There are to AAA12's. Please look at paragraph 3 "Objects. Articulate opposition to the legislative program of the government insofar as such programs conflicts." Which s do you want to drop? -- The one "conflicts" the one on the word "conflicts".

Would you have a look at the word "ancillary". Is "ancillary" correctly spelt? -- I think there is an i missing.

Please look at 4.5. "Delegate from time to time any(20) or all of its powers to any subsidiary organ of the UDF or any committee or officials of the UDF appointed by National Executive Committee." Is the article missing there? -- That is so. The National Executive.

Please look at page 2 under "Legal status". "The UDF shall have the capacity to sue or be be sued". There is an extra be there. -- I see that. It is not supposed to be there. The second be is not supposed to be there.

Again in 7.1.1 the word "review". Will you please go to page 3 and have a look at 7.2.2(e) there the chair person(30)

is/...

is hyphenated. If you compare it with 7.2.1 on the previous page where it is not hyphenated. So, we do not have to decide which one is in fact correct, but it is at least not consistent.

Please have a look at 7.5.3. It says "The NGC shall convene a general meeting at least once every two years at the time determined by the NEC. The NEC shall determine in what way proceedings at the NGC shall be conducted." Please compare that with the first set of Working Principles where it says ... (Court intervenes) (10)

COURT : Which is the first set? Still in AAA12?

MR BIZOS : AAA12. Does it there say that "The REC"? No, I am sorry it is the "The NEC."

COURT : No, it says "NGC" but it has been deleted and "NEC" has been written on top of it.

MR BIZOS : Yes. I presume that that is the state of the original.

COURT : Well, this is an amendment by somebody who worked on it, because there are other amendments to it too?

MR BIZOS : Yes. (20)

COURT : This cannot go through as a typing error.

MR BIZOS : No, well, perhaps not as a typing error. -- I think I am no longer following. I cannot make out what we are looking for.

We will leave it at that, because as His Lordship has pointed out, that is not really a typing error. Also on page 5 as pointed out by the Learned Assessor in 12.2 "supersede" is spelt with an s instead of a c. I will leave it at that. Does this document - how does this document compare with the state of accuracy with other documents (30)

you/...

you yourself prepared? -- Official documents like for instance the A series, the Working Principles and Working Declaration, it is clear that this document has got two meanings which are not there in those other documents.

We have had examples of your correspondence and other documents. Would you have allowed these sort of mistakes in a document such as the Working Principles if you had applied your mind to it? -- No, I would not have allowed that and in fact as I indicated earlier on, even the (10) booklet that was prepared was not prepared as a final document. It was merely for perusal by any C members. The final document was still to be worked out.

You were asked by the Learned Assessor whether you ever gave the government credit for anything and you said you did not remember. Do you remember the government ever giving credit to the UDF for anything? -- No, except one instance that I read about whilst in jail. I read recently about a stay-away. I think there had been confusion. There were suggestions that the UDF and COSATU as well as AZAPO(20) had called for a stay-away and in fact the UDF and these other organisations had made public statements, saying that they had not called for a stay-away and called for calm in the townships. A senior police officer called a press conference where he thanked the UDF and the other responsible community leaders. That was the only time really I saw this, but I had never heard anything from the government.

COURT : So, the government is one up at the moment? -- The police force.

MR BIZOS : You cannot remember any other occasion? -- No.(30)

Not/...

Not when you said that you were going to conduct a non-violent campaign against the tri-cameral system? -- I cannot remember that.

You remember when you were asked about - when it was put to you that the UDF really came into being as a result of Mr Tambo's call on 8 January 1983 and you said no, that there had been at a date before that and you yourself had taken part in it, you also said that there were allegations by people connected with the National Forum that the idea of a united front had been hijacked. -- That is so. I (10) recall making that statement.

I want you please to have a look at W9 page 19. You actually referred to this, but no actual reference was made to the passage which I would like to draw His Lordship's attention to. What is the Cape Action League which appears on the previous page, on page 18? -- It is a sort of an umbrella body, regional umbrella body of several organisations. It is based in the Western Cape. It is a highly leftist organisation, very critical of the UDF.

This is an interview with Mr Abrahams. What is the (20) first name? Arcin or what is it?

COURT : Armin.

MR BIZOS : Do you know the person whose photograph appears on page 19? Do you know this Mr Abrahams? -- That is so.

Does he speak on behalf of anyone? -- He is a member - he was a member of the Cape Action League, but I cannot remember what position he held in that organisation.

I want to read the question that is asked at the bottom of page 19 "What happened after the unions withdrew from the DBAC?" What is the DBAC? -- It is an umbrella body that (30)

was/...

was formed in 1982 in the Western Cape. It was called the Disorderly Bill Action Committee.

And I would like to read what Mr Abrahams says into the record "At that stage things were really bogged down. People were not able to take any serious action." The time referred to will become obvious later, My Lord. Then "In early November 1982 certain AZAPO leaders talked to some of us here and it was suggested that there was a need for national political organisation. We suggested that they take the initiative along the lines of the DBAC (10) to call together people to discuss the new deal and to prepare some sort of joint strategy. They thought it was a very good idea and went back to discuss it in the AZAPO general council. After discussing the matter they said that AZAPO should not call for the conference, because they were stigmatised as a BC organisation and inevitably it meant that the charterists and other groups would not participate. They suggested that we rather form a committee of notables and use that committee as a catalyst to bring the organisations together. At the first conference the democratic (20) committee would be elected. The AZAPO group then took the initiative and invited people from all tendencies including the charterists who initially agreed to service on such a committee of notables." Presumably to serve, but we do not worry about that. "Towards the end of the year some of these people remained. We did not realise then what was happening, that the charterists felt it was not a good idea to allow BC to take this important initiative. Boesak, who by that time had agreed to serve on the National Forum Committee, like of us, had quietly and publicly put (30)

forward/...

forward the idea of a united front on a national basis to oppose the new deal. What Boesak did at the Transvaal Anti-SAIC conference was no more than no less than and completely in line with the National Forum Committee. The idea of a national united front was hijacked at the Transvaal Anti-SAIC conference. While all of that is history now, it is important to note that the idea of a national united front - of a national forum was born before the United Democratic Front. The idea was hijacked by charterists to steal a march on the Black Consciousness Movement, to prevent them(10) going into the prestige which such an initiative would have led to. At this stage charterist organisations withdrew from the DBAC. We thought at the time that this was because, like all of us, they were dissatisfied with the squabbling in DBAC, but already there was murmuring about the forming of a Cape United Front. That put an onus on the remaining bodies of the DBAC to reconsider the form of the DBAC. It was out of those discussions that the DBAC was renamed the Cape Action League." What I want to ask you is this. You told His Lordship that if Mr Tambo did make that call on (20) 8 January 1983, he was, I think you used the word, belated? -- That is so.

Are you able to tell His Lordship of your own knowledge of these talks of the formation of a front during 1982? -- That is so. In my evidence-in-chief I alluded to a paper that was written by Dr Alexander on the need for a united front and in fact making a call that ... (Court intervenes)

COURT : Do we have to have that evidence all over again, Mr Bizos?

MR BIZOS : No, with respect. I will ask you one (30)
supplementary/...

supplementary question. You have given that evidence. -- May be what one can say is that the PC proposals for the new constitution, the report of the PC, the Presidents Council, was I think released in May 1982 and subsequent to that there were debates right through into the beginning of 1983. Discussions on the need to oppose those reforms and the need to pull together all organisations into a sort of a front organisation. So, that it was really subject of debate throughout and I think in the speech that Reverend Chikane delivered at the national launch of the UDF, he alluded (10) to those discussions on the need for a front and I myself participated in those discussions.

The next matter that I want to deal with is the meeting at which Mr Mandela's statement was read rejecting the conditional offer made by the State President. You have told us what the nature of the meeting was. I would like to show you a memorandum dated 30 January 1985 with your name on it. Do you know about this document? -- I wrote the document. It was an invitation to various organisations and individuals. (20)

Was this written before or after before there was any talk of any statement being made by or on behalf of Mr Mandela? -- It was long before that. We did not know anything about the statement at this stage.

COURT : It will go in as DA46.

MR BIZOS : I do not propose reading it into the record. We will refer to it in argument if need be. The offer that was made to Mr Mandela by the State President, was that an offer made to Mr Mandela privately or was it made publicly? -- It was made publicly. As we understood it, it had (30)

not/...

not been made directly to him. It was released - reported in newspapers.

Did the offer excite any public interest in South Africa and elsewhere? -- It did. There were a lot of comments made in the newspapers. There were a lot of talks about it generally.

COURT : What were the terms of the offer? -- As I understood it, I am trying to recall now, it was that the government was prepared to release him, considering releasing him provided he renounced violence, I think. I am not sure if at this(10) stage there was also an indication that provided he was prepared to go to the homeland. Several offers had been really made in the past. Some of them tied him to the Transkei and so on.

If you look at the statement itself, the statement by accused no. 20 and the statement by Mr Mandela's daughter, it does not appear that there was a condition that he be limited to a residence in the homeland? -- I cannot recall now. It happened some time ago.

MR BIZOS : I think that factually Your Lordship is correct(20) in relation to that offer. You told us that there was wide publicity about this. Was there speculation as to what Mr Mandela might or might not do in response to this offer? -- There was speculation.

It was suggested to you that you really made a platform available to the Mandela's to make this statement. Was this statement, once it was read out by Miss Zinzi Mandela, was it kept a secret to the people that it was read out or was it published? -- It was widely reported in all the newspapers. Sowetan, the City Press, Citizen, Afrikaans (30) newspapers/...

newspapers, the Rand Daily Mail, The Star, Sunday newspapers. All sorts of papers and later on one would find it in journals and publications of student organisations and church groups. It was widely written in those newspapers and reported.

Just paraphrased or was it published verbatim as it appears in the exhibit? -- The full text.

Was the full text published in any of the commercial newspapers? -- That is so.

Do you know of any suggestions that it was wrong (10) for the newspapers to publish Mr Mandela's response to the President? -- I had never heard of that suggestion. In fact I met this problem for the first time in this court.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

FURTHER RE-EXAMINATION BY MR BIZOS : Mr Molefe, you recall that you were asked questions and part of your answer was that the Federated Chamber of Industries had consulted with the African National Congress? -- I recall making that (20) statement.

I want you to please have a look at a cutting from The Star of 22 January 1986. Do you recall seeing this? -- I recall reading it. This is what I referred to.

COURT : DA47.

MR BIZOS : The first paragraph "The Federated Chamber of Industries had in formal talks with the African National Congress, the government and various organisations after drafting its business charter of social economic and political rights and its accompanying action program. This was (30)

disclosed/...

disclosed by members of the FCI at the press conference in Johannesburg yesterday. The representatives were reluctant to give details of their meetings with the ANC." I would also like, in view of Your Lordship's remark which really showed that Your Lordship had some knowledge of it, to the second paragraph in the last column "The FCI's constitutional legal adviser, Dr Marinus Wiechers, described the chamber's charter as being similar to the ANC Freedom Charter. Although the two charters differ in strategy and detail, they share similar principles, he said. We (10) believe that our charter, as a freedom charter, have a similar core of values and that these form common grounds on which negotiations can take place, said FCI director of economic affairs, Mr Arthur Hammondtooke", if I pronounce it correctly. Did you see this report? -- I did.

Apropos this report I want to ask you one or two questions. In 1983 and 1984 and before your arrest in 1985 was there the possibility of negotiations between the government and the ANC taking place? Was it a current issue at the time? -- That is so. There were reports also to the (20) effect that certain members of the Nationalist Party had been in contact with the ANC.

Does the Eminent Persons Group mean anything to you? -- That is so. I did testify to the effect that the commonwealth countries had appointed a group of highly respectable states men to lay the basis for negotiations between the South African government and the African National Congress. Later on the matter was taken up by the British Foreign Office, Geoffrey Howe.

Was this at a time when the UDF was calling for a (30)
national/...

national convention? -- It was in the context in which the UDF was calling for a national convention. I may also indicate that - I do not know how far to go in this respect, but one may say that I had also had the occasion of reading a publication by the Eminent Persons Group arising out of the discussion they had with various individuals including the ANC on the issue of negotiations and their impression was that both the ANC and the government were seeing the need for those negotiations.

In relation to the attitude of Black people in South(10) Africa or portions, or substantial portions of some portion of the Black people in South Africa, to the ANC, whether they preferred to condemn it or not or support it, did you ever see an publication of an article by Dr Ndlomo? -- I recall reading such an article.

You actually made reference to it in your evidence. -- That is so.

I want to show you this and I want to refer you to a number of passages. Is this the article ... (Court intervenes)

COURT : In what publication? (20)

MR BIZOS : In Leadership SA First Quarter 1984. "In view of your cross-examination about liberation movement and liberation struggle and other political ... (Court intervenes)

COURT : This will go in as EXHIBIT DA48.

MR BIZOS : And other political appellations, I want to ask you firstly, this article is headed "Inkatha and the ANC" and it is by Dr Oscar Ndlomo, Secretary General of Inkatha and then "Yenkululeko Ye Sizwe." Will you please tell His Lordship what "Yenkululeko Ye Sizwe" means? -- For the liberation of the nation. (30)

Is/...

Is that how Inkatha describes itself? -- That is so.

I would like you to please have a look at the second paragraph on the first column on page 45 of the publication. "It was Prince Mangosuthu Gatsha Buthelezi himself, a former youth league member, who in 1975 founded a genuine people's movement." It was suggested to you that a people's movement or a people's democracy or government by the people may have connotations of the socialist countries of Eastern Europe. Does Inkatha associate himself with those countries, in calling itself a people's movement? -- To my knowledge (10) Inkatha is diametrically opposed to the Eastern Countries. As such one cannot even begin to say that it is associating itself with the Eastern Countries. I have also indicated earlier on in response to certain questions raised in this court that the Afrikaner people also in the course of their struggle against British Imperialism, consistently spoke about "die volk - die volk" which really means the people and they used concepts such as people's united front and so on, people's united movement, "Verenigde beweging." This is a concept that is used ... (Court intervenes) (20)

COURT : You seemed to have moved in many circles?-- I tend to come across part of our history in the course of the 35 years that I ... (sentence is not completed)

MR BIZOS : I would like you to have a look please at the last paragraph in that column "Chief Buthelezi quickly instilled in his followers a belief that a lethal weapon in the struggle for liberation, was a tightly organised and highly disciplined people working in unison and non-violently for the liberation of their fatherland." Are there similar statements in UDF documents? -- That is so. (30)

The/...

The second paragraph in column 2 firstly "Since 1975 Inkatha has grown phenominally into the largest Black liberation movement in the history of South Africa." I am not going to ask you whether you agree or disagree with the claim, but is it a language used by the UDF Black liberation movement or largest Black Liberation Movement? -- Well, the UDF would not say Black, because it is a non-racial movement, but liberation movement is a concept that is used in circles of the UDF, not referring to the UDF as a liberation movement, because the UDF had taken a clear decision(10) in that respect, that it does not regard itself a liberation movement.

COURT : Do you regard Inkatha as a liberation movement? -- Well, I do not regard it as such.

MR BIZOS : You have given the reason before, but just in case you have not, what is the reason for that, very, very briefly? -- Firstly that it is participating in the perpetuation of the policy of separate development and secondly it is tribally orientated. I think those are the key reasons.

I want to deal with the first paragraph in column 3.(20) "Since the founding of Inkatha, its leadership has patiently promoted the idea that a liberation struggle will be fought and won internally using internal strategies and internal political bases. On numerous occasions Chief Buthelezi has declared 'We do not expect any foreign country to fight our wars for us. Neither do we need to shelter beneath foreign flags to win our liberation in South Africa.'" Would the UDF or has the UDF used similar language? -- That is correct.

Please turn to the bottom right-hand corner of page 46.(30)

"Every/...

"Every oppressed person, be he in jail, in exile, or allegedly working within so-called government created institutions, is an heir to the liberation struggle and must be afforded every opportunity to contribute his share in the struggle. The history of the struggle for liberation and other parts of the world notably Vietnam, teaches us that whilst the struggle continues, the oppressed masses cannot afford the luxury of choosing from amongst their fellow freedom fighters who the so-called authentic and non-authentic freedom fighters are." It was put to you in cross-examination (10) that - it was suggested in cross-examination that freedom fighters would only refer to the people actually who despised violence. When using the word freedom fighter in the UDF, do you use it in any different sense to that used by Dr Ndlomo in this article? -- No, we are using it in the same sense that he is using it, save to say that we have been critically of those who accepted participation in the government structures which feathered apartheid policies.

K879

And expressions such as liberation struggle?-- Those are expressions that are really commonly used in the UDF (20) and other circles.

I would like you to please have a look at the second paragraph on the third column of page 47. "Contrary to expectations the external mission of the ANC has now installed itself as the sole and authentic representative of the oppressed people of South Africa, to exclusion of all other internally based liberation movements like Inkatha. That is why Chief Buthelezi always refers to the external mission of the ANC as the proverbial tail that wags the dog. Nevertheless, there are no genuine political differences (30)

between/...

between Inkatha and the external mission of the ANC. Both movements are struggling for the overthrow of apartheid and the establishment of a non-racial democratic state in South Africa. Both movements are vehemently opposed to South African government's policies of fragmenting South Africa into so-called independent homelands. Inkatha won 100% of the seats in the last election of the Kwazulu legislative assembly on a ticket of rejecting independence of Kwazulu. Further Inkatha supported the Buthelezi Commission report which advocated inter alia that Kwazulu and Natal should(10) be regarded as one geographical and political region of South Africa. Both movements also believe that every South African who upholds apartheid and who subscribes to the principles of democracy and non-racialism is a freedom fighter and a comrade, regardless of the colour of his skin. That is probably the reason why thousands of former members of the ANC including former prisoners from Robben Island as well as Soviet trained former guerrillas have joined Inkatha without any problems. However, there are clear differences of strategy between the two movements when it(20) comes to ways and means of achieving Black liberation. The ANC has chosen violence as a strategy whereas Inkatha has chosen non-violence." You recall that you were cross-examined at length about what the ANC is supposed to have said and what you in the UDF said on matters substantially similar to those referred to in this portion of this article? -- I recall that.

You also told His Lordship that you in the UDF were not the only people seeking the end of apartheid and used that sort of language? -- That is so. (30)

Leaving/...

Leaving aside whatever political differences may exist between the UDF and Inkatha, the attitude expressed to the ANC by Inkatha as set out by the secretary general, does it differ fundamentally to that of the UDF? -- Well, we, the ANC - it does not. It does not differ fundamentally. In the sense that we have people who had been members of the ANC previously. I think the really fundamental difference we have is that we may not really have people who had been trained as guerrillas outside who have joined us.

You mean Inkatha is one ahead? -- Yes, in that sense. (10)

Do you know as a fact whether people who have spent time on Robben Island have in fact joined Inkatha? -- I recall one person. I think he is called Joshua Zulu. He did eight years for sabotage at Robben Island and on his release, after being released he later joined Inkatha and he became their urban representative in Durban based in Umlazi. I had read also that he was on the delegation that met the ANC in 1979. That is one person I can recall who had been on Robben Island and had been sentenced for acts of sabotage and who was a member of the ANC. (20)

COURT : When was the meeting of the delegates? -- I think it was in 1979.

MR BIZOS : Would you please have a look at page 49 the bottom of the first column. "Up to the 1979 ANC/Inkatha summit meeting in London, the derogatory terms 'sell-out, puppet and stooge' were seldomly used except in respect of leaders who had accepted homeland independence." I just want to ask you as a matter of the use of political language. Are you able to confirm or not that the words "sell-out, puppet and stooge" were used in relation to those who had (30) accepted/...

accepted homeland independence prior to 1979? -- That is so.

And did it continue thereafter? -- I may also say that it was used even long before that, long before people had really accepted the homeland independence. Those people who sat in the structures which were regarded as unworkable, useless, ineffective, were regarded as puppets, stooges and so on.

I want to place on record the views of Dr Ndlomo in relation to the UDF by reading from the middle of the first column on page 50 - perhaps I should start from "Some (10) political observers." "Some political observers believe that the external mission of the ANC has now found that movement in the United Democratic Front. This view is strengthened by the fact that most senior officials and patrons of the UDF are former ANC members and also that the ANC has gone out of its way to lend full international support to the UDF. The UDF spokesmen have, however, denied the existence of any links between their movement and the external movement of the ANC. However, given the facts that the association that binds the affiliates of the UDF is too weak to be (20) meaningful, that a movement itself does not appear to have a clearly defined long term political program other than its stated opposition to the so-called Koornhof bills, which are already before the select committee of parliament and the new constitution which is already law. That a movement is manifestly weak at the grassroots level from where the real struggle is normally waged and that many of its affiliates do not even subscribe to the Freedom Charter. It is doubtful that the UDF will ever achieve the necessary internal discipline and cohesion that the liberation (30) struggle/...

struggle demands." I have read this out. Is there any love lost between Inkatha and the UDF? -- There is no love lost between the two.

I want you to please have a look at the last paragraph in the middle column of page 50 which deals with another part of your evidence. "Further to argue as Dr Caris does, that the attendance at so-called ANC funerals and political trials indicates massive ANC support, shows a lamentable ignorance of African custom and tradition. African people regard funerals as occasions when they should display solidarity and forget about their political and other differences. There is even a Zulu proverb to the effect that funerals bring bitter enemies together. For that reason it is a fact that thousands of Inkatha members as well as members of other political groups, always attend funerals of ANC members and sing freedom songs together with other mourners as African custom dictates." You yourself have given evidence about the custom of singing. Will you agree with this view of Dr Ndlomo in relation to the singing at funerals and other places? -- I agree with the view of Dr Ndlomo. I may by way of addition indicate also that I had read recently about how at a boxing match involving Arthur Mayisela and Volbrecht, I think it was Volbrecht, people started singing freedom songs there.

COURT : Do you want this on record?

MR BIZOS : For what it is worth.

COURT : Well, it is deleted.

MR BIZOS : And what Dr Ndlomo says in relation to funerals? -- That is so. People come together. I think one example we have here is on the issue of the students who have died at Ngoye/...

at Ngoye. There had been serious differences between UDF and AZAPO but the official of AZAPO had come to address that meeting, because as a way of display of solidarity with the families concerned.

Your cross-examiner in cross-examining you in relation to the notes on the contents of AAA2, those are the notes of the things that you had to do. You remember where you noted that UDF extension of ANC SACP and the other matters and you told His Lordship that this is the information that the newspaper man communicated to you as having been (10) said by the president in the House of Assembly?

COURT : I had a look at that act, Mr Bizos and I am not so sure that one cannot repeat in court what the President said in parliament. My interpretation would be, prima facie that you cannot repeat evidence given to select committees or to parliament itself in court without a certificate, but as at presently advised I cannot see why you cannot repeat what the President said.

MR BIZOS : I am only too happy to do it. I was being extra careful. (20)

COURT : Well, let us do it at your risk?

MR BIZOS : I will accept that. At least I will have a good plea in mitigation.

ASSESSOR (MR KRUGEL) : And then I believe that the question relating to AA2 and what these notes were for, did not emanate from the cross-examination, but I took it up with Mr Molefe.

MR BIZOS : I recall that. We have no quarrel with Your Lordship's question. What I am dealing with is that there is an implied suggestion in cross-examination that some (30)

of the information did not come from the newspaper man. That is what I am really dealing with. We will hand in the Debate of the House of Assembly for Friday, 19 April 1985 columns 3797 to 3813.

COURT : DA49. As recorded in Hansard?

MR BIZOS : That is correct. As recorded in Hansard. I do not think that we need ask the witness anything about it. Your Lordship will be able to compare if need be whether the newspaper man accurately referred Mr Molefe to the german portions of it. It may be that in view of Your (10) Lordship's prima facie that we should hand in the other when we handed in the newspaper reports about the list of crimes against apartheid, we have got that as well.

COURT : I think it would be safer.

MR BIZOS : It would be safer rather than the newspaper report. We put that in as DA50.

COURT : What is it? What column?

MR BIZOS : This is also House of Assembly Debates on 27 to 30 June 1983 and we are handing in columns 10 596 to 10 602. I do not want to ask any more questions about it. (20) A question that I would like to put to you, you were asked about the grants that the UDF National made to the regionals and you said that you recall that approximately one-third of the money to the regions was diverted from the national, UDF National and then you were then asked about control. I do not know what control was in mind at the time, but what I want to ask you is this. Having made the grant to the regions, did you in the national office have any control as to how that money was to be spent? Would they require for instance your authority to print a particular document or (30)

to/...

to pay a particular salary or to pay the expenses of any particular speaker or hiring the hall? Would they require your consent in relation to that? -- That was not the position. The National office did not have control in respect of those matters. All the National office really asked for is just a statement of how the money was spent in order to enable the national treasurer really to keep his books in order. That is all.

It was an accounting procedure and not giving - was it an accounting procedure or did it exercise any other (10) control? -- No, no, it was really a matter of accounting procedure.

COURT : Well, if it was granted for the purchase of a Combi, it could not be used for a trip to Durban, for a holiday? -- Well, they might have decided that. In view of new circumstances that have developed, we are now shelving the issue of the Combi we spent it for, what we consider to be an emergency matter. The National office would not be able to stop that, but it may well say "Look, now we will not give you any other money. We will see how you (20) will raise it.

MR BIZOS : I do not know whether the answer came out clearly. You say - well, let me ask you. Which videos were for sale by the UDF head office? -- As I indicated it was the videos for the National launch. That is the only video that the national office ... (Court intervenes)

COURT : That is videos V1 and V26, those two transcripts? The videos of them? -- That is so, but what we have here is obviously the audio tape. But even in that respect, once we had given a copy to a region, a region would be (30) free/...

free to reproduce it and have it sent to affiliates. The national office would not take control of that. We took control insofar as what we had in the national office was concerned.

Was this a complete video of the proceedings or an edited version? -- Initially we had a complete - we had both. We had it complete and the edited version.

Did you sell any other videos of any other event or collect videos of any other event by the UDF on behalf of the UDF? -- No, the national office did not sell any other (10) videos.

Or did it collect any other videos for any purpose? -- I cannot recall that.

It was suggested to you in cross-examination that the UDF really had an open agenda and a secret agenda, if I understood the cross-examination correctly. Do you recall that Mr Jacobs put to you that up to a certain stage you wanted to do this and then you changed your mind when AZAPO did something and you told the people one thing until they were persuaded to join you and then you did other (20) things. Did you proper records of your activities? -- We did keep records of our activities and we did not hide anything. As far as we were concerned we were a lawful organisation and we were prepared to give our reports to anybody who wanted to see them. There were a number of students who used to come to the office from the University of RAU. They used to get documents of the UDF.

Was that the only university that they came from or did you single them out for any particular reason? -- They used to come quite often, many times. I am singling them (30)

out/...

out, because they seem to be quite interested.

Did you ever attend any secret meeting of the UDF? --
The UDF has never held a secret meeting. We do not hold secret meetings. We have got no reason to hold secret meetings. We never had any reason to do that. In fact I think one may also find that in some minutes, we are even talking of telephone conferences, we were thinking of a situation where we would sit and discuss matters of the NEC over the telephones with people sitting in Cape Town and other sitting in Durban, others in the Free State, Northern(10) Cape and so on. It shows the openness of the UDF.

Did you know whether or not the police were able to monitor your public meetings or your meetings of your national executive or your regional executive by mechanical or electronic means? -- I knew about that and by 1983 already I knew that the police were interested in the telephone calls coming into the UDF offices and in the houses of certain senior officials of the UDF including President Oscar Mpetha.

Did you continue operating in the same manner despite(20) that knowledge? -- That is so.

I want you to please have a look at EXHIBIT G29. This is the letter that you wrote to Mr and Mrs Curtis. AG29, I am sorry. You described the late Jeanette Curtis as a president of the National Union of South African Students. Are you sure that she was president? -- I do not know if I described her as a president, but I remember saying that she had been in NUSAS. I do not know if I said president. But any way, as I understood it, I was told that she had been in that organisation and she had been quite active. (30)

I did not know her personally and I did say so.

You were asked questions in cross-examination as to how she met her death and you said that she died as a result of a parcel bomb that blew up in her home somewhere in Angola. Your cross-examiner said well, this was an ANC house. Do you know whether Jeannette Curtis was the only person that died in that explosion? -- My recollection is that a child also died there. I think it was her baby. I cannot remember whether it was one or two, but I know she died with a child. (10)

Whether it was an ANC house or not, did anyone who supports the government's policies expressed regret for the death of that child? -- I cannot recall reading any statement to that effect.

NO FURTHER QUESTIONS.

- - - - -

MR BIZOS CALLS ACCUSED NO. 16 :

THOMAS MADIKWE MANTHATA, d.s.s.

EXAMINATIN BY MR BIZOS : Mr Manthata, what is your age?

-- 47 years of age.

And what occupation were you trained originally? (20)

-- I was trained as a teacher originally.

Did you become a teacher? -- I became a teacher.

For how long were you a teacher? -- About seven to eight years.

How did it come about that you ceased being a teacher?

-- I was dismissed.

When? -- The end of 1973.

COURT : Where did you teach? -- I taught in Sekano-Ntoane High School in Soweto.

MR BIZOS/...

MR BIZOS : Were any reasons given for your dismissal? --
There were no reasons given.

COURT : Were you on the permanent staff? -- I was on the
permanent staff.

But did you not ask for reasons? -- No, they never give
reasons.

MR BIZOS : Did you do any study after you were dismissed
as a teacher? -- Yes, in fact it was even whilst I was a
teacher that I had enrolled with the University of South
Africa and I collect Political Science 1 and the theory (10)
of law.

Did you continue with your studies or did you give them
up? -- I continued with my studies, although I had to give
it up because of the sort of life history that I got involved
in.

It will be made clear, My Lord. You are married? -- I
am married.

Have children? -- I have got three kids.

Of schoolgoing age? -- Two are at school, one is still
at the crèche. (20)

Are you a member of any church? -- I am a member of the
Roman Catholic Church.

Did you take an active part in your church's organisa-
tions? -- I took my church affiliations seriously and I
took part in various church organisations.

We will come to some of the details in relation to that.
By whom were you employed after you ceased being a teacher?
-- I was employed by the South African Council of Churches
in 1974.

In what capacity? -- I was employed in the labour (30)
department/...

department of the justice and reconciliation of South African - Department of South African Churches.

Did you remain in that department or did you change departments? -- I changed later in 1980.

To what? -- To the Dependence Conference.

In view of some of the things that you did in 1984, would you describe to His Lordship what the Dependence Conference of the South African Council of Churches is? -- The Dependence Conference of the South African Council of Churches is a division that caters for the dependence of (10) the political prisoners.

And what does it do about the political prisoners? -- Or the dependence of political prisoners? -- Where the breadwinner is a political victim or he is serving a sentence, the Dependence Conference considers a grant for the family. Where there are children who are schoolgoing, the Dependence Conference considers the tuition of the children and since prisons for the political prisoners are mainly in the Cape, that is Robben Island, Pollsmore, Victor Verster, Helderstroom, it becomes difficult for the (20) families up country to visit their relatives in these prisons and the South African Council of Churches, the Dependence Conference, has a guest house, Cowley House in Cape Town where it receives the families as they go to visit their members in prisons.

As a result of your work for the South African Council of Churches, have you moved about in the African townships of South Africa? -- I moved frequently, extensively in all areas where there could have been a political victim, that is one who is in detention, one banned, one serving (30) prison/...

prison sentence.

You have a health problem? -- Yes, I have a health problem.

With your eyes? -- That is with my eyes. I have got glaucoma.

My Lord, I am mentioning this because the witness will from time to time have to close his eyes even whilst he is in the witness-box. Your Lordship might have noticed that during periods in court he has to close his eyes, which is the little comfort that he gets from that. (10)
Let us deal with as briefly as we can in order to give His Lordship and the Learned Assessor some idea. You say you became involved in your church's organisations and institutions. -- Yes.

What sort of involvement did you become involved in?
-- I got involved as a youth - that is the Dube Catholic Youth when we were primarily interested in the study of the catechism. We got involved in the church choir and later this drew attention of some of the prominent academics in the Catholic Church where we moved further to establish (20) what we called CARE. That is Catholic Association for Racial Education. Amongst these people were Professor Ian Thompson and Mrs Julia Boyde-Harvey who was an attorney and Ann Hope who was the head of the Gray Nuns. The thrust of this association was to bridge the racial gap within the church and through involvement we got ourselves working together with the Catholic Students Federation which I became a member of and hereafter this Catholic Students Federation affiliated to the University Christian Movement.

Were you involved in what became known as the UCM? -- (30)

That/...

That is the UCM, the University Christian Movement.

What were its programs? -- It had varied programs which largely for the community development. In the rural areas it used to involve itself with sinking boreholes where there was no water or there was a scarcity of water. In certain areas where the churches were willing, it put up schools and amongst some of its prime projects, was the literacy campaign and it was later deeply involved with the introduction and the study of the Black Theology.

Were you interested in taking orders as a priest at (10) any stage whilst you were studying as a teacher? -- Yes, I had a great interest to study as a priest, but this was very early and I had to be at the miners seminary which was initially in Rustenburg and later was moved to Hammanskraal, That is St Paul's Miners Seminary.

Did you become interested in theology? -- I became interested in theology.

COURT : Did you attend the seminary? -- I did attend the seminary.

MR BIZOS : But did you then change your mind? -- I later (20) changed my mind because I realised that there were certain demands which I could not meet within the Catholic Church as a priest.

Did you come across the philosophy of Black Consciousness? -- It was whilst we were in UCM and it became more involved in the Black Theology, that at that time too Black Consciousness had evolved and had already taken shape as the Black students had begun to regroup.

Regrouping to what? -- They regrouped into the South African Students Organisation, SASO, which is now banned. (30)

To/...

To which organisation had Black students been affiliated or connected with prior to the formation of SASO? -- Prior to the formation of SASO almost all the students belonged to NUSAS. That is the National Union of South African Students.

COURT : When was SASO formed? -- SASO was formed late in the sixties. I think in 1968.

What was first? Black Theology or Black Consciousness? -- They almost came up the same time.

They are basically the same underlying philosophy? -- Yes. (10)

MR BIZOS : We might as well start - have it now. Did you become a member of AZAPO? -- No, I never became a member of AZAPO.

Did you - how did you regard the notion of Black Consciousness? Did you regard it as a political - as the tool of a political organisation or did you regard it in some other way? -- I saw Black Consciousness as a philosophy that is concerned with the psychological liberation of a Black man. It seeks to eradicate the sense of inferiority in the Black man, which is a product of centuries of being (20) treated as an inferior being with inferior rights. BC seeks to redevelop the Black man's sense of self-awareness, self-respect, self-assertion, such that it would enable him to negotiate with a White man on an equal level to obtain justice and a fair deal, both for himself and for everybody in South Africa. It is for this reason that BC to me together with the non-racialism become - they cannot be seen to be mutually exclusive, because of them are geared towards a non-racial Colourless society of South Africa.

Did everybody agree with your definition of Black (30) Consciousness/...

Consciousness or were there differences of opinion and were there people regarding them as mutually exclusive? -- Yes, there are people who believe that BC is racial, that is racialism in reverse in the sense that it seems to exclude the Whites, but otherwise one gets the impression that people have not given a thorough study and observation of how South Africa can be transformed into a Colourless community, because presently the imbalances are so immense, are so grave, that at some point or other the Blacks will have to be seen to exact themselves the more in order to(10) measure up with the Whites to produce or to help the kind of society where men shall be men, regardless of colour, regardless of creed.

COURT : I see you leave women out? -- By men I mean mankind.

But now, apart from levity, I am not entirely clear. Is your concept of Black Consciousness different from the concept of certain other adherence of the Black Consciousness philosophy or are you saying that people regard Black Consciousness in a wrong light, that is third parties standing outside the movement? -- Yes. (20)

Well, apart from that, apart from misconceptions about Black Consciousness, are you saying that every adherent of Black Consciousness feels exactly as you do and is therefore a supporter of a non-racial South African society? -- Basically supporters of Black Consciousness support the concept of a non-racial South Africa.

AZAPO too? -- AZAPO too.

MR BIZOS : You told us that you became involved in the youth group, I do not want any detail in relation to this, but as a result of your involvement with the youth groups(30) coming/...

coming across Black Theology and Black Consciousness, did you become a member of any organisation? -- Yes I became a member of another organisation that is in 1975. In 1974 we got detained and we were held for quite a long time. When we got released in 1975 we discovered that there was a great deal of confusion amongst the relatives of those who were detained and for this, to restore them a bit of balance and moral therapy, we had to convene regularly meetings of families of the detainees and at such meetings we have as many people as possible, in fact such meetings (10) were open to the public. This was called Charge Or Release Detainees, CORD.

When you say we were detained who is the we that you refer to? -- The we I am referring to here is myself and my fellow accused no. 20 and the leadership of SASO and BPC 1974, September.

For how long did you remain in detention? -- I was in detention or we were in detention roughly eight months.

Were any charges brought against you? -- There were no charges against us. (20)

And then you became involved in CORD you say, in the Charge Or Release Detainees? -- Yes, I became involved in CORD.

Did you become a member of any other organisation? --
COURT : By that time when you became a member, had the people been released or were they still in detention? -- The people were still in detention and the detentions were still continuing.

But you had been released? -- I had been released.

MR BIZOS : Did you join any other organisation? -- After (30)

1974 I became a member of BPC, that is - by becoming a member of BPC I mean one was initially in the leadership of SASO, that is up to 1974.

COURT : Were you in the leadership of SASO? -- I was in the leadership of SASO.

MR BIZOS : What was your position in SASO? -- I was the vice-president of SASO.

COURT : In 1974? -- In 1974.

And then you formed BPC? -- BPC was formed already.

When had it been formed? When had BPC been formed? (10)
-- BPC had been formed in 1972. I had become active in BPC until I got detained in 1976 and whilst in detention I was elected to an executive position of BPC and in 1977 when we got released, it was then that we had - the situation in Soweto had become so confused, that the residents of Soweto had - they formed, they came together, the concerned residents of Soweto where they formed the Committee of Ten and I became a member of the Committee of Ten, but before that, in 1976 before our detention, I had become a member of the Black Parents Association. (20)

Before 1976? -- That was in 1976 shortly before one's detention of 1976.

But were you a parent by that time? -- Well, I was a parent in the sense that the people who got involved at the time were students and I was a guardian to one or two students.

It is the Black Parents Association? -- Black Parents Association, BPA.

MR BIZOS : Let us just enumerate your detentions. You told us that you were detained for eight months in 1974 and no (30)
charges/...

charges were brought against you? -- Correct.

In 1975 were you detained? -- I was detained for about two months.

Were any charges brought against you? -- No charges were brought against me.

In 1976/77 were you again detained? -- I was again detained 1976 and released 1977 March.

For how long? -- I was detained for seven months.

Were any charges brought against you then? -- No charges were brought against me. (10)

Any other detentions without any charges being brought? -- Detained October, 19 1977, released December 1978.

Were any charges brought against you? -- No charges were brought against me.

There was one charge that was brought against you in 1981. Who were your co-accused? In 1981, were you charged in court? -- I do not remember.

In the early eighties, were you charged together with anybody with any offence? -- Yes, in the early eighties - I was charged 1984 not 1981. I was charged 1984 for (20) having demonstrated in court, the allegation was that we had demonstrated in court.

COURT : Inside court? -- Inside court.

As a visitor? -- People sang in the court and I was amongst those people and I was said to have been amongst those who were singing in court.

MR BIZOS : Leaving that aside, do you recall or have you ever been charged together with Dr Motlana? -- Yes, I forgot about that. In 1981 I was charged with Dr Motlana and Mr Mosala as the leaders of the Soweto Civic Association. (30)

Do/...

Do you recall who gave evidence in that case? -- In that case it was Mr Moagi of the security police in Vereeniging and he was the only witness.

Did you see Mr Moagi in Delmas? -- Yes, I saw him several times in Delmas.

Was that the Moagi? -- That was the Moagi.

You say he was the only witness. What was the result of the case? -- We were acquitted.

COURT : What was the charge? Was the charge that you belonged to the SCA? -- Excuse, My Lord? (10)

What was the charge? -- I cannot just phrase it, but the charge arose out of a meeting that the Soweto Civic Association had convened after the announcement of rent increases and at that time there was a ban on meetings of more than ten people, but before our meeting, the Soweto Urban Banto Councils or the Community Councils at the time, sorry, had had a meeting and we felt that because that we too were going to discuss civil matters, we had to convene that meeting and indeed even in court it was ruled that there was no politics discussed at that meeting. That (20) meeting was purely on civic matters.

MR BIZOS : What was the result of the case? -- We were acquitted.

We will deal with Mr Moagi later in other respects. You say that you became a member of the Committee of Ten. -- Correct.

How did that come about? -- The Urban Bantu Councils which were in control of Soweto at the time, happened to realise that the powers they had were too limited and this they had realised when the unrest broke in 1976 and some(30)

of/...

of them particularly, Mr Leonard Mosala, seemed to foresee what was going to happen because before the unrest started already at several schools there was great expression of concern about the usage of Afrikaans as a media of instruction and the Community Councils found themselves unable to intervene meaningfully, nor were they given the latitude, if one could put it so, to intervene, but what they did was they tried to stick to the Department without success and some of them got frustrated and resigned even in 1976, so that by the end of - towards mid 1977 when there was (10) an announcement for the rent increase and then the people started querying that, the Community Councils themselves had realised how discredited they were and for whatever reasons, some resigned and in 1977 almost all of them had resigned. So, the people of Soweto got concerned about the situation and quite a number - it became the talk around Soweto, that is the talk of what can be done under the circumstances. As a result there was a meeting convened in Industria and the offices of the World and Sunday World which later became banned and at this meeting there (20) were quite a number of people, in the region of 200 or so, amongst them were some of the Urban Committee Councils who had resigned. At this meeting people discussed various ways whereby they could make the local authority acceptable to the people, where the local authority can be seen to be democratic and can be seen to carry out the basic needs of the people of Soweto. After throwing the ideas around the thought came that they would need a committee which could synthesise all these thoughts that were brought about, that were thrown around and they ended up electing ten (30) people/...

people and these people were later called the Committee of Ten. At this meeting Dr Motlana presided and he was even made the chairman of the ten people that were elected. The ten people were elected expressly to find out how a local authority can be acceptable or can serve the people, how we could get a credible local authority and they were to submit their findings to the people of Soweto at a later stage.

Sorry to interrupt you. You spoke of Community Councils in 1977. Were they called Community Councils at that stage? -- At that stage they were called Urban Bantu Councils. (10)

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Manthata, we were dealing with the meeting at which there were discussions for the formation of the Committee of Ten? -- Yes.

Were you one of the persons selected to this committee? -- I was one of the persons selected to this Committee of Ten. (20)

Who were the others and what were their backgrounds? -- Their backgrounds varied from local shop dealers, ex-urban Bantu councils, social workers and people like Dr Motlana and the Ministers, church ministers.

I think you have given us the date on which this meeting was held. Would you mind repeating it? -- This meeting was held in September 1977.

Was that after the trouble times of June 1976 in Soweto and thereafter?

COURT : September 1977 normally would be after June 1976. (30)

MR BIZOS/...

MR BIZOS : The 1976/77 troubles. What happened shortly after the election of the committee, to the members of the committee? -- On 19 October 1977 they were all detained.

I want to ask you this. We heard talk in this court of alternative structures in the sense of taking over the local government. Was the Committee of Ten such a body? -- No, the Committee of Ten was not an alternative structure, nor was it to look into the possibilities of an alternative structure for Soweto.

Was any work done by the Committee of Ten in relation(10) to Soweto before its detention? -- The Committee of Ten brought together all the ideas that were thrown around at this meeting, solicited the opinions of prominent people in the Johannesburg City Council, met with some of the top people in the senatial circles, that is the Urban Foundation and from all these consultations they came out with a blueprint for Soweto.

Was it known as the Soweto blueprint? -- It was just known as the blueprint.

COURT : Did the Urban Foundation exist at the time? -- (20) Yes.

MR BIZOS : Was any formal blueprint done before your detention in October 1977? -- The blueprint was produced before our detention. It was given wide publicity. It was distributed to all organisations, that is the cultural organisations in Soweto, the churches and even some prominent individuals in Soweto.

I want to show you a copy of a document headed "The structure and functions of Soweto Local Authority" and ask you whether you know anything about this document. (30)

This/...

This document, is this a document that was drawn at the time? -- This document is similar to the document that was drawn at the time.

COURT : When you say similar, it means it is a copy of that document? -- I mean it is a copy of the document.

It goes in as EXHIBIT DA51.

ASSESSOR (MR KRUGEL) : Is that the blueprint now?

MR BIZOS : That is one of the blueprints. It consists of a number of documents.

MR BIZOS : Is there anything in this document or in any(10) of the discussions that the Committee of Ten was going to take over the running of Soweto as a local authority, as an alternative structure? -- The Committee of Ten was not going to take up anything in this to run the affairs of Soweto as an alternative structure.

I want you to please have a look at page 16, the last page. It says "Wards. The city of Soweto shall be divided into fifty wards for electoral purposes. Councillors shall represent the wards and be elected after three years by voters who shall be over eighteen years of age and shall be registered tenants of the City of Soweto." How did you intend having fifty councillors? -- We wished that Soweto could have fifty wards, but we did not work towards the creation of those fifty wards as the Committee of Ten.

This document, was it something that was just someone's idea or did you discuss it with the people that you mentioned? -- We discussed it with the people that I have mentioned.

COURT : Without studying the document in detail, what difference would there be between this document and the existing system at the time? -- The difference would be - (30)

do you mean the difference between the documents as it is, because we went beyond what the document would like.

Yes. -- We were not envisaging the powers of the Minister as they are with regard to the local authorities where the Minister has the power to dissolve them or so, because we felt that it is almost a distortion of truth where you would find that the Minister - that we have not had the powers to elect into the central government, would have the powers over us.

Yes, but now you are arguing reasons. Just give me (10) the differences between the existing situation at the time and what you envisaged of the blueprint? -- The differences that we saw at the time were largely the differences in technicality, that the constitution of the Black Local Authorities or the local authorities at the time could have had all these things, but in actual operation, we did not realise, we did not see what these things were like, because like we are saying, it had the town clerk. The town clerk was still a White man and we still had the City Treasurer. All these were what you might call seconded (20) officials from the government.

MR BIZOS : Could I refer you to page 13 of the document DA51 page 13 under finances. "The revenue of the council will come from rates and taxes." What was behind that thought? -- Behind this thought was this that our council should be able to raise funds itself, should be able to create institutions would can enable it to raise funds, should have certain powers within the administration of its council to raise funds from, like motor licensing and so on.

COURT : Yes, but that is not rates and taxes. That is (30)

fees/...

fees and taxes? -- Okay, fine. None the less you are saying that the local authorities as they existed then, did not have the powers to raise funds.

MR BIZOS : Do you know or not know whether others knew at the time - what was the position in relation to freehold property in Soweto at the time? -- There was none. Areas like Pimville which once had freehold, were destroyed and re-established under the system that is obtained in all Black urban areas, as we have seen with the demolition of areas like Sophiatown and so on, so that there was the (10) kind of uniform situation where there was no freehold rights for anybody within ... (Court intervenes)

COURT : How could you then get taxes and rates? If there is no ownership there is no rateable property? -- That was one element that we were going to campaign for, that is freehold rights.

MR BIZOS : I want to show you another document, also headed "Soweto Local Authority." Please tell us whether you ever saw this document? Just identify the document first. -- Yes, I identify this document as the copy of (20) the blueprint that was issued by the Committee of Ten.

COURT : This will go in as EXHIBIT DA52. Are you saying that this is the blueprint or are both these documents the blueprint or are these documents and other documents the blueprint? -- These documents and another document are the blueprint, that is produced by the Committee of Ten.

MR BIZOS : You referred to another document. How many documents were there in all? Do you recall? -- There were three documents in all.

The one The Local Authorities that was handed in as (30)

DA51/...

DA51 and this one is DA52. Do you recall what the third document was? -- The third document was the preamble.

COURT : Is this not the preamble? -- The other one was on the five year plan. The first thing the local authority of Soweto like to get into was the crash program of developing Soweto.

MR BIZOS : Could you have a look at the fourth and fifth pages of DA52. "It is now resolved that the people of Soweto will formulate and control the Soweto local authority, but because of the history of Soweto and its facilities, it is(10) necessary to have a five year plan to bring up the city of Soweto to a proper function in entity with proper facilities, roadworks, health services, administration of justice, social amenities, places of entertainment, plane field, academic training facilities, industrial and technical training facilities and all things that are necessary to continue to function as proper Municipalities. That giving the spirit and goodwill of the Black concept of sharing communalism, that the affairs of Soweto must be run by the people for the people and that the people of Soweto should(20) elect their own representatives. That this manifesto is taken to the people and that they should decide on the wisdom of it and vor the carrying out of the action program and ultimately for the running of the affairs of Soweto. -- I see that.

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Is this the five year plan you are referring to or is this the preamble? -- This is the preamble to the five year plan.

MR BIZOS : And this five year plan that you are mentioning, was that drawn up on your own or in consultation with (30) various/...

various people? -- It was drawn up in consultation with various people.

You have told us that you consulted with people in the Municipality in Johannesburg, City of Johannesburg? -- Yes. Even with the business sector.

Did you consult any financial experts? -- Yes.

Did you get any advice as to how you could finance Soweto as a city , administer it as a proper local authority? -- This was the reason for consulting with people in the business sector. (10)

Who was running Soweto at that time? -- Soweto at that time was run by the Urban Bantu Councils.

Were they still functioning or had they resigned? -- At the time of the meeting that we are referring to and the issuing of the blueprint, Soweto was administered directly by the West Rand Administration Board, since all the members of the Urban Bantu Councils had resigned.

Were any public meetings held in order to discuss this blueprint? -- Before public meetings could be held for open discussions on this blueprint, all the members of the (20) Committee of Ten were detained. That is on 19 October 1977.

Was any publicity given to the blueprint? -- Yes, a wide publicity was given to this blueprint.

Had the City Council of Johannesburg, the business sector, the urban foundation, shown any interest in at least the investigation of the feasibility of this plan? -- All these bodies showed great interest and support for the blueprint.

And you told us that you were detained. Had the meetings that were called for been held by the time your detention (30) took/...

took place? -- The meetings were not held at the time of our detention, simply because the response of the department was highly negative and they had on the contrary tried to say that they have created committees, there was talk of the Committee of Thirteen, Committee of what not, to show that the Committee of Ten and what it has produced were not popularly supported by the people in Soweto.

ASSESSOR (MR KRUGEL) : You referred to the department.

What department do you mean? -- The Department of (10)
Development and Co-operation. By that time it was called other names.

MR BIZOS : Was one meeting held before your detention? -- All efforts, direct efforts to have these meetings held, were largely on our release. To meetings that we had tried to hold before our detention were all banned.

For how long were you in detention again this period?
-- Thirteen months.

Whilst you were in detention, were there any elections in Soweto?-- Yes, the 1978 elections were held. That was for the Community Councils. There was a change in name (20) from the Urban Bantu Council to the Community Councils.

On your release, did you continue as the Committee of Ten? -- We continued as the Committee of Ten although at this time two of our members were served with banning orders but we had to replace them.

Who was served with banning orders and who were they replaced by? --Mr Sedupe Ramakgopa was served with a banning order.

COURT : He was replaced with? -- He was replaced with Reverend Sibidi.

(30)

Who/...

Who else was banned? -- Thandesizwe Mazibuko.

She was replaced with? -- With George Wauchuope.

MR BIZOS : On your release did you - when you got together again, did you hold any meeting in relation to the blueprint? -- We did eventually hold a meeting early 1979.

COURT : A public meeting? -- A public meeting.

MR BIZOS : Where? -- Orlando Donaldson Community Centre, DOCC.

How many people present? -- People were in the region of four thousand, five thousand. (10)

Was the idea of the blueprint of upgrading Soweto into an urban area of its own and a city, received well or rejected? -- It was accepted and adopted. That is the blueprint for the people of Soweto and the meetings mandated the Committee of Ten this time to go on to found the Soweto Civic Association.

Was there any criticism of the Committee of Ten? -- Yes, we had a lot of criticism, even from the Black communities. Some communities thought that we wanted to turn Soweto into a Bantustan and people felt that the people (20) of Soweto seemed to have forgotten the general plight of the Black people.

Were any steps taken to form the Soweto Civic Association? -- Yes, steps were taken to establish Soweto Civic Association and the launching meeting took place around September 1979.

Was anything done about a constitution? -- The constitution was drawn and this was presented to the people at the launch of the Soweto Civic Association and it was accepted. (30)

Is that constitution which was accepted at the meeting available as far as you know? -- No, the original constitution is not available, but we have a copy of an abridged draft of the original copy.

COURT : A draft of the constitution or an abridged constitution? -- We had the constitution itself, but it was so long, so heavy, that it was felt that it need to be abridged and the abridged copy is what we have and that abridged copy has not been presented to the people yet.

MR BIZOS : I want you to please have a look at the bundle(10) of documents marked AX. Would you please have a look at document AX14. EXHIBIT AX14 consists of a great number of documents and quite a lot of that is in handwriting. I will refer specifically to page 18 in due course, but I merely want to establish the handwriting and the nature of these documents. Do you see there meeting of 28 October 1984? -- Yes, I see it.

Look at pages 1 and 2 of AX14. -- Yes, I have it.

These handwritten notes, what are they? -- These are the minutes of our meetings, the sort of drafts that I (20) would make and which I would later require or request someone to type them out.

What became the official minutes of the Soweto Civic Association? -- That became the official minutes of the Soweto Civic Association.

COURT : Were you the secretary? -- I was the secretary.

MR BIZOS : These are the drafts. What happened to the official minutes of the SCA over the years? -- I had some with me and some were distributed at various meetings that we held. I do not know what happened to all of them when(30)

the/...

the security police raided me on 19 February 1985. They simply have taken everything.

Were there raids in which documents belonging to the SCA were taken before your arrest in 1985? -- Yes, there were. My minutes were taken before 1985.

Are these - these drafts are admitted to have been in your possession? -- These drafts are admitted to be in my possession.

In the main, are they in your handwriting? -- Yes, they are in my handwriting. (10)

Please have a look at page 18? -- I have it.

What is this document on page 18 and subsequent pages? -- This is the draft abridged constitution of the Black Civic Association.

Why is it called Black Civic Association? -- This was actually made in response to the fears that the public had all over the country, so the Soweto Civic Association drew a general constitution which would be available to any centre that required it which in turn would have to make it adapt to their local situation. They would make what-(20) ever amendments that would would be suitable to their local situation.

COURT : Is this a blueprint of a constitution for civics?

-- Yes.

MR BIZOS : Do you know who actually drew this document? -- Yes, Mr Digale Moseneke was requested to make this abridged copy. D.E. Mosekene. E stands for Ernest.

Is he a member of the bar? Was he an attorney at the time? -- At the time he was an attorney.

Was this adopted at any meeting? -- This abridged (30)

copy/...

copy had not been read to any meeting.

What do you say to the suggestion by the State that civic associations were really intended to become alternative structures to take over the government of local authorities, former thought of UDI? --I reject that notion or that allegation. It is incorrect.

You told us that you had hoped that other people would form civic associations. Did you envisaged what would happen if these civic associations were formed? -- Yes, we had drawn this constitution and we had made it available (10) to whoever would want it and availed ourselves over and above, that is members of the Committee of Ten and those in Soweto were knowledgeable about the whole history, starting from the meeting at Industria to talk at whatever meeting they were requested to, the whole country through and what we had in mind in this direction, was that once such areas have resolved themselves into civic associations, however they would name them, it would be imperative for those organisations to form a sort of a federal structure where they could meet occasionally to debate or to discuss (20) the various problems that they were having.

MR BIZOS : Was a meeting held to launch the civic association? -- A meeting was held to launch the civic association.

Where was that? -- This was at Holy Cross Anglican Church Soweto.

Was an executive committee of the civic association formed? -- An executive committee was elected with acclamation that the people at that time were still very grateful to the people who served on the Committee of Ten and they re-elected them into Soweto Civic Association executive (30)

committee/....

committee.

COURT : Did the proposed constitution provide for just ten members of the executive? -- It had made provision for ten people and this is how the ten were elected into office.

MR BIZOS : Have a look at page 21 of EXHIBIT AX14 "The National Executive Committee sal also be known as the Committee of Ten whose members shall occupy the following positions" and then the positions are set out.-- It is so.

COURT : Why is it called the National Executive Committee? Is it not supposed to be a local civic association? -- As (10) I have already said that the constitution was already providing or was already making provision for the federal structure and it was for this reason that Soweto - it was still a very heavy document and we needed it abridged.

So, this is not the constitution of a civic? This is the constitution of a federation of civics? -- I would say so, although we operated under it.

So, in fact the Committee of Ten was the executive of a proposed federation of civics, not of a civic of Soweto? -- Well, that would be should the federation takes place, (20) but I think before and until the federation took place, the Committee of Ten remained the executive committee of the Soweto Civic Association.

MR BIZOS : This document drawn by Mr Moseneke, was this drawn before the launch or after the launch of the Soweto Civic Association? -- This was drawn after the launch. As I said the original draft was very heavy and it was the one that was still providing for the federal structure, but we were still going to work and which eventually became, we were still going to work out the constitution to apply (30)

strictly/...

strictly for Soweto.

COURT : Could I just get clarity. The very heavy constitution, as you call it, that provided for a federation of civics, then you had to apply that to Soweto? -- Yes.

This draft abridged version seems to apply also to a federation? -- In fact it was from - yes.

And then you also had to apply this, should it be accepted in Soweto? -- The abridging was actually meant to find out whether we could - what is it that would - what is left to make it a constitution for Soweto. It was going (10) to be from this abridged copy that we were going to get into constitution for Soweto which eventually happened but at that time I was no longer on the executive committee of Soweto Civic Association.

MR BIZOS : Once the Soweto Civic Association was formed, in view of the allegations in this case that the Civic Association was only there for the purposes of disorganising and creating a revolutionary climate, I am going to ask you to deal in some detail with reference to the draft minutes that still exist with some of the activities of (20) the SCA whilst you were its secretary. From its inception, did you have a sort of relationship with any other working body? -- Right from its inception we had working relations with organisations like Urban Foundation as I have said, the Johannesburg City Council, the Black Sash and quite a number of other organisations.

What was its attitude towards negotiating on issues with the officials of the Department? -- As it shall be shown in the minutes or as it stands in the minutes, we have negotiated on several occasions on quite funny (30) issues/...

issues with the people in the West Rand Administration Board and even up to a certain extent with the community councils themselves.

Let us deal with 1980. Was there talk of an increase in rent in 1980 in Soweto? -- In 1980 there was talk of increase in Soweto and there was a widespread concern about whether the people would afford or not, as the increase was quite high. I do not remember at this stage exactly what it was and out of the meeting that was held at Holy Cross Anglican Church, because we had felt that there was no (10) step that the executive committee could take or the Soweto Civic Association itself could take without consulting with the people of Soweto. The people of Soweto at that meeting endorsed or approved the suggestion that the Soweto Community Council and the West Rand Administration Board should be taken to court over the rent increase and this was the first task that the Soweto Civic Association undertook. They took the council and rep to court over the rent increase.

Did that action or application succeed? -- Our efforts failed. (20)

Was there any problem in Kliptown in the early part of 1981? -- There was a problem in Kliptown not in 1981 but in 1976.

COURT : Just tell me where exactly Kliptown is located? -- To the south of Soweto.

South of Lenasia? -- Before you reach Lenasia.

Between Lenasia and Soweto? -- Between Lenasia and Soweto.

MR BIZOS : You say the trouble started in 1976? -- The problem started in 1976. We had very heavy rains and (30)
the/.....

the Klipspruit was in spate and people were flooded in and the people were then removed from Kliptown to male hostels in Zintlope and they were placed there - that is in transit and they stayed there for quite a long time until 1981 we felt or they themselves felt that the West Rand Administration Board should fulfil its promise because it was said that they are going to stay there temporarily. Soon or later they would be housed. So, the Soweto Civic Association campaigned that they be housed. We had discussions with the Urban Foundation whether it could provide with funds(10) and it agreed to our request. Then we had to go to different Administration Boards over the question of sites and they referred us to the Community Council of Deep Meadow and the Community Council of Soweto for sites and this is where we consulted with these two councils and the sites were granted but until I was detained, the whole scheme had not taken off.

Were there people living in shacks in the early eighties in Soweto? -- That is 1983. There were many people in Orlando East who stayed in shacks. Orlando East is one of(20) the oldest townships of Soweto and the residents there are mainly the aged with children and grandchildren and since most of the children and grandchildren were still on the waiting list, that is for houses, most of them pitched shacks within the yards and in 1983 the Administration Board decided to destroy the shacks. So, the Soweto Civic Association consulted with the West Rand Administration Board over this issue and they told us that they disapproved the destruction of the shacks and that the people who were doing that task, were largely the police instructed by the (30) Soweto Community Councils. It was for this reason that a committee/...

committee was elected to approach the then chairman of the Soweto community council, Mr Thebehade over the hardships of the people whose shacks were being destroyed. We ended up taking the matter to court, that is ourselves and Sofesonge party (?) and it was through the courts that we realised or we were told and we got informed that the Community Councils had no powers over the houses, but the powers over the houses were with the Administration Board which the Administration Board could delegate to the Community Councils or they could send the Community Councils(10) to carry out their orders. This was another thing that we got into and the people who were eventually left or some who left without homes, I remember around that time it was not only Orlando East affected, but even parts of White City and some of them had to find accommodation for at Regina Mundi which ended up in the Soweto Civic Association having to negotiate for a plot on a farm called the Chicken farm and eventually we with the help of the South African Council of Churches, which donated tents - after these people were later accepted as bona fide residents (20) of Soweto and a place was given them at Fred Clark, where most of them still are this day.

COURT : Fred Clark? -- Fred Clark.

What is that? -- Fred Clark is a portion that was owned by the church, that is the Salvation Army. That is in Soweto.

MR BIZOS : That is in the township? -- It is part of an area.

Because you were a school teacher and because of your involvement in what has been described as the education crisis, I want to ask you to please give to His Lordship (30)

and/...

and the Learned Assessor your perception of what crisis was at the end of 1983, beginning of 1984 and the Soweto Civic Association's involvement in it. When did this crisis start in the eighties? -- This crisis started the end of 1983 when the matric results were very poor and there were a lot of speculations, suspicions that the students failed because of what you might call the quota system, how many Black children should be allowed into the universities; how many should remain, but crime amongst the complaints of the people that time or the beginning of 1984(10) was the fact that exam papers had leaked and early in February some, long after the results were published, some scripts, the final matric scripts of 1983 were discovered in Atteridgeville in Pretoria and then this led to a lot of dissatisfaction ... (Mr Bizos intervenes)

Forgive me for interrupting. You say the scripts were discovered. What discovery was made about these scripts? -- The discovery made about the scripts was that there was foul play, that the results could have come out whilst there were scripts that were unmarked and this caused a (20) great deal of controversy, but we in Soweto still felt that perhaps we need, that is the parents, to interest ourselves and involve ourselves more in the education of the children. So, we organised meetings at the Funda Centre ... (Mr Bizos intervenes)

I want to interrupt you again. You say that scripts were found written by whom? -- The scripts were written by students.

And the results had come out? -- And the results had come out already and most of them had failed. (30)

And/...

And the scripts were found unmarked? -- The scripts were found unmarked.

In Atteridgeville? -- In Atteridgeville. So, we in Soweto, that is the Soweto Civic Association took up the matter because your parents were quite confused, parents were scared, parents were concerned, some of them did not know what to do, whether to send the children to school or - so, we decided at the Soweto Civic Association to convene meetings with all interested organisations, teachers included, inspectors included, where we would discuss the whole (10) plight of the students or the whole problem that we were faced with and these meetings became an ongoing thing, but the most important thing that we wanted to get into was to evolve a sort of a plan, a sort of a strategy where we could be able to meet such problems as parents to be able to reassure the children in terms of going back to school read intensively or study more seriously if possible, but the idea was that the school program, that is the schooling of the children shall never be interfered with and if it has been so, it could have been largely because of the (20) more involvement of the parents and it was during these meetings too that it became very important that the Department need to be consulted with. That is how we got the chairman of the Soweto Civic Association to organise a meeting with Engelbrecht who was the director of education for the Southern region.

As an example of what you were doing in March 1984 in relation to education, would you please have a look at AX15 page 5. -- I have it.

I want you to please look at item 4 on page 5. (30)

COURT : Could you just identify the document?

MR BIZOS : It is "Meeting of 25 March 1984 held at the Ex-Servicemen Memorial Chapel, Dube." What meeting was this?

-- This was an interbranch meeting.

COURT : Interbranch of what? Interbranch of the SCA?

-- Of the SCA.

MR BIZOS : Had by this time the SCA formed branches almost throughout Soweto in the areas appearing in the middle column? -- The Soweto Civic Association had formed branches immediately after it was instructed by the people who (10) adopted the blueprint at Donaldson Community Centre to found the Civic Association. Then the Committee of Ten already went all out to establish branches in Soweto. That is areas that were later called branches.

Please have a look at item 4 on page 5. "Meeting on education held at Fund Centre." Should this read Funda Centre? -- This should read Funda Centra. There should be an a after the d.

"On 24 March 1984. The meeting was attended by eighteen organisations. Minutes are being typed. It was reported (20) that a committee of seven members was elected to convene the next meeting for a follow up, an involvement of more organisations. The committee was further mandated to provide an agenda and an introductory paper. The meeting of 24 March 1984 expressed concern about the active school teachers and inspectors' absence in wuch vital meetings. The chairman offered to speak to Mr Engelbrecht to allow the teachers to attend, should the Committee of Seven deem it necessary. The seven are" and then the names are set out. Were you among them? -- I was among them. (30)

The/...

The last name appearing on it. What do you say to the allegation by the State that the SCA was bent upon disrupting education? What do you say to that allegation? -- I reject that allegation. It is without substance.

Did you leave your negotiations at a local level or did you go above that? -- We went above that. That is the same year that the home problem faced the people.

COURT : 1984 or 1983? -- This is 1984. A meeting was requested which the then Minister of Education and Development, Mr Barend Du Plessis, at which even the South African(10) Council of Churches was present, this meeting was expressly on the education crisis.

MR BIZOS : Was that in order to do what? -- In order to address ourselves to this plight and with the view to resolving the problem.

COURT : The meeting was between the Minister, the SACC and whom? -- Delegates from the Soweto Civic Association.

MR BIZOS : Were you among them? -- I could not attend. I was substituted by one, our colleague, the late Deliza Machoba. (20)

Insofar as any impression may have been created that the education crisis was brought about because pupils at a school sometimes are called students, sometimes they are called children, wanting to run the schools, to have a say in the currucilum, to have a say in the appointment of teachers and to go to school when they wanted to and that sort of thing, were those the issues that you were concerned with or what were they?-- It is wrong to say that those were the issues that we were interested in or involved in. All what we were interested in was a proper run of the (30) schools/...

schools, like one has said already, that when the exam paper leaked, that is the matric exam paper of 1983 leaked and later children discovered their unmarked scripts, the whole credibility of the administration of schools had gone down the drain. Our children could not trust the teachers and it was at this time that students felt that perhaps given a chance they could be in a position to discipline themselves only if they could have structures democratically elected by them, that is the beginning of the cry for the SRC's and there was quite a great deal (10) which could be done by the children which the children had felt had been missed by perhaps both the parents and the teachers.

What sort of SRC's did the pupils at the schools want? -- They wanted the SRC's, where they could have a hand in the administration of the school, rather than having the prefects as nominees of the teachers, they could be elected by them and then, even to be in a position to look into the whole situation where perhaps sometimes some time is wasted in extramural activities (20) which was done at the expense of school work and quite a number things, but not in such matters as the determining the syllabus, appointment of teachers. The students would see that as the role and I think even with us when we had to discuss some of these things with them, we never encouraged the children to ever dream that they could have a hand in such vital matters.

When did a school boycott start? -- In 1984 to my memory the school boycott started in Atteridgeville. It is after, as I have said, this dreadful discovery was made. (30)

It/...

It look like the wave of boycotts set in in support or in sympathy actually of the students in Atteridgeville and this whole thing I remember in Soweto it caught up with us late in the year. That is around August/September and it was around that time that now we had the twin problems of having to get the children and the parents, to devote their time onto the desk work, that is the school work itself and then having to get the children to understand that school boycotts are not the things that can be encouraged. The students must stop it and go back to classes. (10)

Whose views are you now expressing that the children should not boycott schools, but they should be at their desks? -- I am expressing the view of the Soweto Civic Association.

And was that view made public at the time? -- It was made public and shared by other organisations. I think UDF was amongst the organisations that were opposed to the kind of class boycotts that took place.

Did the SCA ever support class boycotts? -- SCA never supported class boycotts. (20)

Did it co-operate with anyone to try and bring to an end the class boycotts? -- The SCA tried to solícite support from other organisations as I have already pointed out from the beginning and then around this time, September/October and so on, the SCA realised that it would be vital for it to co-operate with COSAS, AZASUM, UDF, AZAPO in an effort to get the children back to class.

COURT : It was September/October 1984? -- In Soweto it was round that time.

MR BIZOS : I would like you to please have a look at AX14(30)

page 10. -- I have it.

Is that a meeting of 14 October 1984 of which organisation?

COURT : Where do you find the date?

MR BIZOS : Right on top of page 10 of AX14.

COURT : I see no date on page 10.

MR BIZOS : Could we leave over the date. Perhaps the witness may remember. Do you remember - has yours got anything there in your handwriting? -- It has not got the date. It is only "Matters arising. (10)

Alright, let us take it as "Matters arising". Do you recall when this was? -- This was in October. I may not ... (Court intervenes)

COURT : October of which year? -- 1984. I may not ... (Mr Bizos intervenes)

MR BIZOS : We will look at the original for the date. Could I just read to you and ask you what was dealt with and what the attitude of the SCA was. "Meetings with the students organisation COSAS and SCA. Students decided to continue with a boycott. Consult with the students on the (20) issue of boycott. AZASUM no meeting yet. COSAS would like the SCA to play a part. COSAS desires to discuss the type of SRC. COSAS was once with the SCA. Western Cape has its own SCR's. The Transvaal COSAS executive is in detention 'all the members'. Continued contact with others. COSAS/SCA relationship not part of the brief. Committee comprised of Dr Motlana, Mogase, Baloweni, Ramakgupa, Vusi, PAT and NIC."

And the "sec" who does that refer to? -- This refers to me.

The secretary. "AZASUM PAT to see Ndabeni" is it? -- (30)

Yes/...

Yes, Patrick was to see Mr Ndabeni who was a member of the civic association, but a full time employee of AZAPO and AZAPO and AZASUM were sharing an office. So, it was felt that Thabo was in a better position to meet with the AZASUM leadership.

Did you have meetings with COSAS?

COURT : Just a moment now. A committee is referred to.

The committee comprises certain members. Is this a committee of the SCA or a joint committee of COSAS and the SCA or is it a different committee? -- It is a committee of the (10) SCA.

It is a committee of the SCA? -- Yes.

Doing what? -- To meet with the students organisation that is COSAS, AZASUM over the school boycotts.

MR BIZOS : With a view to what? -- With a view of telling the students to go back to school, to go back to classes.

Was the view of the SCA known in the community before October 1984 as to whether students should or should not return back to classes? -- It was popularly known in the township. (20)

Are these your notes? -- These are the minutes that I compiled in this meeting.

Would you have dictated or written out the fair copy of the minutes? -- I would have dictated the fair copy of the minutes.

There is a matter there that perhaps requires explanation. "COSAS/SCA relationship not part of the brief." What does that refer to? -- At this time there was - the relationship between COSAS and the SCA was not of the best and we felt that despite all that set back, we cannot stop(30) urging/...

urging the students to go back to classes. We can rather not discuss the relationship per se but rather discuss with the students the possibility, that is our stand of them having to go back to classes.

How bad was the relationship? Could you give His Lordship an example of any event or any fact which will give His Lordship some idea of how good or bad the relationship was at the time? -- Yes, the relationship was bad, in this that we had a student who died, who was shot at. The rumour went that he was shot by the police, that is Bonguani (10) Khumalo and then the parents requested that a person from the SCA should talk at the funeral, but when Dr Motlana, the chairman of the civic association had to speak at this funeral, he was stopped by some members of COSAS.

Did Dr Motlana manage to speak? -- He could not speak, he was not given platform. He was stopped right before the microphone.

COURT : This committee, could this not be a joint committee? -- At this stage as it stands it is not a joint committee.

But now, matters arising is, this is a meeting of the (20) SCA, not a meeting of the SCA and the students? -- What comes out of the meeting with the students is that part where the committee reported that even after talking to the students, the students still resolved to continue with the boycott. That is the report that this committee gave, but we none the less felt that consultations must go on.

MR BIZOS : Could you please have a look at the same exhibit and turn to page 14 and 15. The bottom of page 14. "New matters. Students boycott. The meeting was informed about the parents committee on which some of the SCA members (30) are/...

are serving. The report that that committee would be reporting at the Regina Mundi meeting of that day in the afternoon was corrected, that is that the committee will not reporting. Re the examinations" on top of page 15. "It was agreed that the SCA campaigns that the students should be allowed to write in February 1985. The SCA was further to consider organising crash tautorial aids for the students in preparation for the February 1985 examinations. It was suggested that SCA members serving on the parents committee suggests to the committee to invite the SCA to its (committee) meetings (10) chaired by Bishop Manas Buthelezi." Was this chaired by Bishop Manas Buthelezi? -- This was chaired by Bishop Manas Buthelezi. (Chaired by - written in pencil)

COURT : Is that not a leading question now in the circumstances?

MR BIZOS : I do not know whether it is or not.

COURT : It surely is, because it is not part of the document before the witness. There is no "Chaired by Bishop Manas Buthelezi."

MR BIZOS : I wanted to clear up the mistery.

COURT : There is no mistery. (20)

MR BIZOS : I will leave it at that. Could you please try and forget about this who it was chaired by. Can we leave that out for a moment. Could you please tell His Lordship what this refers to? -- The whole matter of school boycotts became so grave that eventually it was said that it would be important to have a committee that would compress students. This was the feeling even outside the Soweto civic association and fortunately at a meeting which I do not know of, where Bishop Manas Buthelezi was, the people, this was the meeting at Regina Mundi, decided to elect a committee what (30) they/...

they called parents student committee and some of the members of the Soweto Civic Association were elected into that committee. So, the parents student committee took the whole responsibility now and the Soweto Civic Association could come in like any other organisation in support of the efforts of the parents student committee. So, at this meeting that was held on 28, the people who were serving on that committee spoke about ... (Court intervenes)

COURT : Just for clarity sake and record purpose, the meeting you are now referring to, is the meeting of which the minutes (10) start at page 14 of AX14? -- Yes. The people who were in the parents student committee reported about their efforts to meet with De Beer, that is the man in the Department of Education and Training and the impression given that day, it was on a Sunday, was that they had already met Mr De Beer and they were going to hold a meeting where they would be reporting to the people of Soweto the outcome of their meeting with Mr De Beer, but those who were members of that committee reported that it was incorrect, they had not yet spoke to Mr De Beer. This is the information that I am referring (20) to here, that the reporting would not be that day.

I am sorry, what words are you now referring to? -- I am referring to the report that the committee would be reporting at the Regina Mundi meeting of that day in the afternoon was corrected.

I see, bottom of page 14. -- Right.

MR BIZOS : Will you please have a look at pages 2 to 3 of the same document. "Campaigned by the SCA ..." (Court intervenes)

COURT : Just a moment. Let we just sort this out. (30)

MR BIZOS/...

MR BIZOS : I do not think I will give any more dates.

COURT : No, no, we might solve the problem. If you look at page 14 you find the minutes of the interbranch of the Soweto Civic Association held on 28 October 1984. If you now turn to page 2 you also find a meeting of 28 October 1984. Is this the same meeting or a different meeting? -- This is the same meeting. In fact, this is what I was just about to say. The reference that we had made before where there was no date, it just started with "Matters arising". It was the meeting of 28 October 1984. (10)

Well, if you look at page 14 you will find under "Matters arising" "Affiliation to UDF." That is the first matter arising and then "SCA delegations meeting with AZASUM." At page 2 we find "UDF affiliation", but we do not find AZASUM.

MR BIZOS : Could I try and be of assistance. Was it the same meeting or were they different meetings? -- We are referring to what page?

COURT : We are comparing page 14 with page 2.

MR BIZOS : Did your executive meet from time to time? -- Yes, we did meet from time to time. (20)

And did your branches meet from time to time? -- The branches met from time to time.

Did they meet together or in separate meetings? -- Branches met in separate meetings but the interbranch meetings were held together with the executive committee.

Was the business of the executive and the interbranch precisely the same or did they overlap only to a certain extent? -- They overlapped up to a certain extent. They were not exactly the same.

Were they held on the same day or on different days?(30)

On/...

-- On certain days we would hold the executive meetings in the morning and in the afternoon we would have the inter-branch meetings.

Are you able to tell His Lordship whether - what sort of meeting you were having on page 2 and what sort of meeting you were having on page 14 or whether it was the same meeting? -- To my recollection now the two meetings - on this day we had two meetings. One of the executive committee and one of the interbranch.

Could we turn to page 2 "Campaigned by the SCA that (10) the students write in February. Crash program for preparing the students the exams. Whether the SCA has another grouping of the parents to campaign for the admission of students for the February examination. The members of the SCA and the parents student committee should suggest to the committee to invite the SCA." -- That is correct. We saw the SCA as separate from the parents student committee.

"And the secretary to contact Thabo with a view to meet him. AZASUM." What does that refer to? -- That refers to the need to invite AZASUM to a meeting with the Soweto (20) Civic Association.

I may say, My Lord, that we will in due course deal with the relationship with the UDF, the matter that Your Lordship referred to under a separate heading, because that in itself is not quite a matter. Let us have a look at page 6 of the same document. At the bottom of page 6 "Parents committee meeting with De Beer. Report on 2 December 1984." -- Yes, this took place - the meeting was held in Diepkloof at St Michael's Catholic Church.

What was the purpose of the meeting with the Minister?(30)

The/...

-- The purpose of the meeting with the Minister was to discuss a variety of issues that were quite funny, which were making it difficult to get the students back into classes and the students had mandated the committee to make some representations, but otherwise the basic aim was that of getting the students back to classes.

You ceased being the secretary of the SCA in December 1984? -- Yes.

Despite that, I want to ask you this. It would appear that in 1984 the problem was to try and persuade the (10) students or the pupils to go back to class. Do you know whether the government or the Department changed its view towards the end of 1984 in relation to the opening or closing of schools? -- No. 1984, fortunately in Soweto I think wisdom prevailed because the students went to classes and they wrote their end of the year normally. Up to the end of the year. There were no problems. Students sat for their end of the year examinations.

Had some of them lost any ground during the boycott period? -- That is quite true. Quite a number lost quite (20) a lot of ground during the boycotts of early 1984.

And these efforts on your part to get people to write - who have lost out during the boycott - their examinations in February 1985 and to provide crash courses for them, was that for the purpose of making the land ungovernable as alleged in the indictment? -- It could not have been and it was not meant to make the country ungovernable.

The other area of activity of the SCA, did you have anything to do in relation to the rent charges or electricity charges? -- Yes, we had problems, not especially with (30) electricity/...

electricity. People were settled with very heavy accounts some of them up to R200,00 and people who were worried about this, more so that it was even difficult to establish or to determine how the council came to that account or to that amount. So, people made - that is the SCA - representations to Mr Nico Malan, who was the main officer in the Council offices over the electricity rates and we even had to go beyond that to try to teach the community how to read the metres themselves. We had some people who were serving in the electricity department of the Soweto Community Council, telling us how the bills were determined, that is how they arrived at certain charges and so on, but it was very difficult to get this solved, because despite all the guidance we were unable all the time to understand how they could come to such heavy charges of R150/180/200 when people do not have so many gadgets that operate on electricity. (10)

I am not going to read out the draft minutes, but would merely refer His Lordship to pages 63 to 65 of AX14. Would you have a look at those pages and tell His Lordship whether what is described in there are the sort of problems that you concerned yourselves with? -- Yes, these were some of the issues that we were concerned with. (20)

Will you please also look at AX14 page 49. -- Yes.

COURT : There is very little on AX14 49, only two sentences.

MR BIZOS : That is my page 50. May I refer Your Lordship to the page that starts off with "The unknown rent increase."

COURT : That is page 48.

MR BIZOS : That is the page that I am referring to. In view of your dealings with Father Moselane later on in your (30)

evidence/...

evidence, I want you to please have a look at page 48 one-third of the way down "Rent increases no longer publicised but confronting individuals. The need for public application to the Minister for rent and related increases payment of loans Naledi branch involving the labour research and Black Sash. We welcome the services offered by other research bodies."

K881 COURT : Barbara. Who is Barbara? -- I do not know who this lady is. This was a report from the Naledi branch.

MR BIZOS : Does the name Barbara Wait mean anything to (10) you? -- No.

"Need for a document demanding that the councillors inform the people - the councils inform the people ..."

(Court intervenes)

COURT : The Community Councils, C Councils.

MR BIZOS : "Community Councils inform the people rather than victimising them at the individual level when paying the rent by the clerks." What does all this refer to? -- This refers to that whenever rents increased, there was never sufficient information made to circulate within in (20) Soweto and people went to pay that particular month's rent ignorant of the increases that could have been made and when they paid the month's rental, they were told that rent has since increased and that they were owing.

Was there talk of a rent increase in Soweto in mid 1984? -- I remember - yes, there was talk of increase mid 1984 which was deferred to the end of September and later deferred to the beginning of December and up to the end of 1984 there was - we never had rent increase in Soweto.

When there was talk of an increase, did you do (30)
anything/...

anything about it?-- Yes. When there was talk of increase we got concerned and wanted to know what we could do and it was for this reason that we contacted bodies like the Black Sash, The Legal Resources Centre, any other organisation that could give us information on the powers and what the law says with regard to rent increases by the Community Councils and what they told us invariably was that the Community Councils had the powers to raise the increase but what mattered was the procedure made to announce the rent increase before it could be actually raised. (10)

I want you to please have a look at AX14 page 8.

COURT : This is now 7 October 1984?

MR BIZOS : 7 October 1984. Dube Chapel is it? -- Yes, Dube Chapel.

There is where it starts. The second paragraph "Finding out the legal position regarding the rent increase, what procedures the council is to follow before raising the rent. Community efforts/support to the lawyers through signatures and public protest meetings. The local authorities act empowers the council to raise the rents. The SCA cannot (20) fight the council on the basis of the act." Whose report was that?-- This is the report given by me at this meeting after meeting with the Black Sash.

Did you make use of the services of the Black Sash only on this occasion or had you been to them prior to that? -- We used them on many occasions whenever we had problems which we felt could involve the law.

And when there was talk of an increase in rent in the middle of August, did you go to the Black Sash? -- Yes, I went to the Black Sash. (30)

Had/...

Had you been to the Black Sash - sorry, do you recall whether accused no. 3 approached you in August 1984 for advice about the rent increase in Sharpeville? -- Father Moselane approached me the week after 12 August and by this time I had already been with the Black Sash seeking advice on matters related to rent.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 2 SEPTEMBER 1987.