

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 2 SEPTEMBER 1987.

THOMAS MADIKWE MANTHATA, still under oath

MR BIZOS : My Lord, I would like to place on record that accused no. 11, Mr Mokoena, is not before Your Lordship this morning, leave having been granted and I am sorry to revert back to the problem of Mr Vilakazi and the course at the Damelin College. The evening courses were cancelled for lack of support. So, there is only the Saturday morning course. I have the receipt. He took the liberty of registering him, but if Your Lordship would be pleased to alter (10) Your Lordship's amendment of the bail conditions to Saturday from 08h15 to 12h30 and to commence on 5 September.

COURT : The leave granted to accused no. 10 to attend the course at the Damelin College is amended to read Saturday at 08h15 to 12h30 commencing from 5 September 1987.

MR BIZOS : I gave Your Lordship reference to AX14 yesterday and gave Your Lordship pages 63 to 65. We have now worked out that we were out by one page. It is 62 to 64.

FURTHER EXAMINATIN BY MR BIZOS : Will you please have a look at EXHIBIT AX14 page 62 right at the bottom of the (20) page. "Rent increases:" Do you see that? -- Yes.

Going on to page 63 I want to read out what appears on these pages and ask you some questions about it. "The meeting needed specific amounts of increases. The R11 flat rate for water, demands utmost vigilance of the SCA in the areas where metres are installed and yet the changes in payments not taken into account. The branches should guide the residents to demand dropping of the R11 flat rate where the water is meted and pay according to the metre reading. Further, the branches should teach the residents how to read the (30) metres/...

metres. The practices of the council offices to announce the rent increases to the people at the offices when the people pay the monthly rents were strongly condemned. It is construed as naked victimisation of a confrontation with the residents. Challenges of this nature can only lead to unrests. The meeting decided to seek even at this late stage legal redress. The meeting concluded that agencies like the Black Sash be contacted to establish whether there can be a legal channel of forcing the council to publicise the rent increases in a manner the residents can respond (10) before the date of the increases. The due date of the increases." If you will have a look at page 60 we will be able to fix the date of this meeting. What date was this meeting? -- This meeting was held on 5 August 1984.

What I want to ask you about this is what do you say to the allegation by the State that the SCA was really performing acts in order to make the township ungovernable and to incite people to revolt? What do you say to that allegation in view of those entries in your minutes? -- I reject his allegation. There is no truth in such alle-(20) gations.

When you say that this leads to confrontations and you wanted legal channels, what was the feeling of the meeting? Did the meeting of the SCA want confrontations or did it want to resolve differences in a lawful manner? -- The SCA wanted to resolve the differences more especially those which may lead to unrest, in a lawful manner.

We will fix the date as 5 August 1984. Was there any talk of an increase of rent in Soweto at that time? -- At that time there was talk of increases in Soweto which were.(30)
due/...

due in September, at the end of September.

You have already told His Lordship that you applied to the Black Sash and Mrs Sheena Duncan in particular from time to time as a result of the discussions and decisions on 5 August. Did you yourself take any step to seek any advice? -- Yes, I went to the Black Sash in the company of one of the branch leaders, Nathaniel Ramakgupa. We sat together with Miss Duncan and I do not remember who, but we had in that meeting three members of the Black Sash and we discussed this whole matter fully and they showed us what (10) steps to take or what steps to watch, namely whether the Community Council follows the said procedures when they announce the rent increase.

Were you informed of the said procedure by these ladies from the Black Sash? -- Yes, they told us - they informed us about the procedures to be followed.

After your meeting with the persons in the Black Sash, did you report back to your committee? -- Yes, I reported back to the interbranch in the next meeting, which was due a fortnight after 5 August. (20)

For the sake of completeness, how often did your executive meet? -- We met every fortnight.

And how often did you have an interbranch meeting? -- That is almost fortnightly because some days we would have the executive meetings in the morning and the interbranch meetings in the afternoon, but always the executive meetings were followed by the interbranch meetings.

You told us yesterday that it was after this visit to the Black Sash that you met accused no. 3? -- Yes, I met accused no. 3 after 12 August. (30)

We/...

We will deal with that later when we deal with what you had to do with the Vaal. We will deal with the details of that later. Was there subsequently, subsequent to August was there any further talk of a rent increase in Soweto? -- Yes, after the increase of September could not be effected, there was talk of an increase the end of December.

Would you please have a look at EXHIBIT AX14 page 8. There is a date there 7 October 1984 Dube Chapel. Is that where the meeting was held? -- That is where we normally held our meetings. (10)

And was this the meeting of 7 October? -- This is the meeting of 7 October.

The third line on that page reads as follows "Finding out the legal position regarding the rent increases. What procedures the Council is to follow before raising the rent. Community efforts/support ..." (Court intervenes)

COURT : This we read yesterday. This whole first part of this page.

MR BIZOS : I am sorry, I did not realise that I was repeating it. I will leave it at that. I will not read it. What (20) did you have in mind, how could the community react in order to support the lawyers? -- What we had in mind and which was discussed was that the community would organise meetings to talk about the rent increase and to show their dissatisfaction about the rent increase.

How would you show that dissatisfaction? -- By enumerating the hardships that they incur and of course to talk about how the rent increase itself has been announced to them and what normally happens if people do not pay the rent in certain areas and they are being called to the (30)

offices/...

offices to account for their reasons being in areas.

Were you concerned with the electricity charges? --
We were deeply concerned with the electricity charges.

Could you please have a look at AX14 page 12 Naledi, in the middle of the page. Is this continuation of the electricity campaign "Meeting with Malan. Those who instal electricity on their own should pay only service charges of R4 and what shall be reflected on the account rather than the flat R17. People who have been ripped off should be credited. House owners rent not R22,16 but the normal(10) plus-minus R30,00. He promised to look into it. He has since flown out to London. R5,00 administration, salaries of the councillors, the staff, cost of the houses being sold plus- minus R1 000,00." Who is this Malan referred to? -- Nico Malan.

What was his position? -- I think he was the town clerk of Soweto Council.

Was this a typical attitude of the SCA in relation to approaching the chief executive officer of the Council? -- This is typical of how we in the SCA dealt with the problems(20) that the people encountered.

Will you please have a look at AX14 page 5. At the bottom of the page there is reference to a sub-committee on the R30,00 electricity and R9,00 monthly Lucky Mtaiwane." What does that refer to? -- This refers to the electricity charges that the people of Soweto were supposed to pay. That is during the chairmanship of Thebehade of the Council. He had borrowed money to instal electricity, whether it was from Germany or not, and then the people who were called upon to repay the debt and this was to come out in (30) instalments/...

instalments. First people would have the R9,00 increase, that is in electricity, which later would be R30,00 but people were not quite clear on how and when this thing would be brought into effect. So, we had to get Lucky Mtaiwane to be a chairman of a committee that would approach the West Rand Administration Board to find conclusive proves of how the West Rand Administration Board intended to go about this whole problem, because it was felt that if this was going to come in the manner it was put, in fact there is a part that is omitted there, there was after the (10) R9,00 monthly increase, it was yet to come I think after the nine months increase there was to be a R12,00 increase before we could even get to the R30,00 increase, but we in the Soweto Civic Association wanted full information, full facts about this so that before we can go and make presentations, we must have full information on the whole matter.

Was the SCA concerned with transport problems? -- It was deeply concerned with the transport more especially the services that PUTCO rendered to the people.

Before we get down to the details of what your con- (20) cerns were, could you please tell His Lordship whether a small or a large percentage of the earnings of people in Soweto is spent on transport to and from work? -- Yes, a large percentage of people of Soweto is wasted largely on transport more especially after the latest increase, both in the railways and in PUTCO and people have to find themselves paying either or buy monthly tickets and sometimes monthly tickets which cannot even be used on certain days and in PUTCO it was worse, in the sense that if you did not use that ticket or that coupon that very day, you can no (30) longer/...

longer use it, nor can you claim the money back. So that you can use the same money on a said day. So that this created a lot of complications and of course over and above that was the kind of services that were being rendered. They were highly dissatisfactory.

COURT : What percentage of your income did you spend on transport, you personally? -- My personal income was about 15%.

MR BIZOS : Would you please have a look at EXHIBIT AX14 pages 60 to 62. This is also the meeting of 5 August (10) 1984 as appears on top of page 60. Sub-paragraph (ii) at the bottom of page 60 "A letter from PUTCO on the fare increases. Diepkloof Branch reported that it had assigned a special group to study the letter and write a letter of acknowledgement to the company. The branch reported further that it is holding house meetings to discuss the implications of the increase. It was suggested that all branches should respond to the PUTCO letter. (3) PUTCO's invitation of Mogase to the committee with the councillors. With this committee the company wants to give an impression that (20) it consults with the community when it increases the fares and on other related issues. The meeting noted that the committee is expressly to approve what the company has resolved to do unilaterally. The meeting noted with disgust that the company lumps the association with the Community Council. The sponsorship of the Amazulu by the same PUTCO that claims to be running at a loss was noted with concern."

ASSESSOR (MR KRUGEL) : What was that?

MR BIZOS : What is Amazulu? -- Amazulu is a football club.

Was it sponsored by PUTCO? -- Yes. We had just (30)
learnt/...

learnt that PUTCO accepted to fund the Amazulus.

And they were running at a loss? -- This is the other version that we were told that it was running at a loss and we could not understand a company who is at a loss, being able to sponsor a club.

I am sure that His Lordship and the Learned Assessor may want to hear from you why were you disgusted with being lumped together with the council in this respect? Could you explain that please? -- This was about the third of the fourth meeting the Soweto Civic Association had had with(10) PUTCO in the company of West Rand Administration Board. At all these meetings the Community Councils were not present and at no time had the Community Councils shown any concern about the PUTCO practices and the fact that PUTCO had already decided and resolved on the increase and now they were calling us together with the Community Councils, we felt that this was not a genuine way. This was not going to be a genuine way of discussing the whole matter of the fare hikes and to resolve on that. We felt that they had brought in the Community Councils to divide us, that is the resi-(20) dents of Soweto and it was for this reason that we felt that PUTCO was not fair, PUTCO was not sincere with the Soweto Civic Association.

During the negotiations and the discussions in relation to the increase, you say that you and representatives of the Board met representatives of PUTCO. What was the attitude of the Board to these increases? Do you recall? -- The Board too was concerned because the Board had most of its staff as the Board had its head offices in New Canada. It had this kind of a problem too with its own (30) staff/...

staff members. PUTCO was very unreliable in terms of time table. It did not have a time table and sometimes the rate at which it had breakdowns, the West Rand Administration Board was having it very difficult because they were all the time forced to deal with the question of absenteeism of late coming to New Canada.

I do not want to read the rest relating to PUTCO about the other problems, but was this the sort of problem that you and your committee were concerned with in August 1984? -- This is one of the problems that we had to contend with. (10) We had to fight, we had to resolve through negotiations with PUTCO over the problems.

Could you please have a look at AX15. That is the next document on page 4. Does that show that even - I am sorry, My Lord. Page 4, item 3 three-quarters of the way down under "PUTCO." Were you concerned with PUTCO problems earlier in the year? -- Yes, PUTCO has always been a real problem to our people who were being served by it right through Soweto.

And was it also, if you look at the next item or (20) under item 2, was the Diepkloof branch concerned and had there been a meeting about it earlier in the year? -- Yes, the Diepkloof meeting - more especially Diepkloof, Pimville and Meadowlands which were served mainly by PUTCO had several meetings and several complaints which the SCA handled with PUTCO.

Will you please have a look at AX14 page 62. Did you only deal with the management of PUTCO or did you also deal with the Bus Drivers Union? -- Yes, we dealt with the PUTCO drivers who had a trade union of their own and at (30) times/...

times we had to discuss some of the matters with them directly.

I will not read it in. It appears on page 62. It was one of the various problems. Why were you concerned to speak to the drivers? -- The problems with PUTCO and the drivers were of such great nature because once people were dissatisfied with PUTCO they tend to vent their anger on the drivers of PUTCO. Sometimes we found PUTCO drivers be subjected to very unfair treatment. I remember one or two in the process died because of stoning and so on, which (10) issues arose out of the anger that the people had, because of the services they get from PUTCO.

What was the purpose of your intervention in the matter? -- Our intervention in the matter was that we needed to have a fair understanding of the problems that the drivers themselves had and be in a position to make it known to the community, that is the residents of Soweto, that there are certain problems which are beyond the drivers' ability to resolve and as such they needed to be treated with sympathy and we can only address all our problems primarily to (20) PUTCO itself but even the drivers themselves, they had reached the stage where, because of this treatment meted out on them, they became ostracised from the community and it was for this reason that we felt that in the sense of acceptance and in the sense of protection, need be given to them.

And in approaching the union as appears from a minute at the bottom of page AX14 page 44 was a directive given out as to how the matter should be approached in the future? -- That is precisely what we did and that was our aim in (30) conducting/...

conducting discussions with the PUTCO drivers.

Did you want confrontations between people and PUTCO drivers? -- We did not want that. We abhorred any confrontation and we wanted things to be solved amicably.

Did the SCA in addition deal with other matters relating to the community of an individual or a general nature? -- Yes, the Soweto Civic Association was acceptable to every resident of Soweto and in turn we went about finding out where people could be in a situation where they are unable to get help from any organisation and/or where people (10) are ignorant of any organisation that could come to their help in their plight.

I just want to draw your attention to a couple of examples in the minutes. Dr. Motlana, what is he a doctor of? -- He is a medical practitioner.

Let us have a look at AX14 page 6. Meeting of 25 November 1984. By the way, is Dr Motlana a busy practitioner or has he got lots of time on his hands? -- He is a very busy practitioner. Sometimes we rarely see him.

Please have a look here on page 6 "Mr Selebe owes (20) plus-minus R100,00. Approach the Mafolo branch. Together with Ntato." Who is Ntato?-- Ntato is Dr Motlana.

"Went to Mafolo superintendent office. Ntato could not understand what was on. Mr Selebe is pensioned." -- What does this refer to? -- This refers to a family of Mr Selebe who was a crippled and he was pensioned and there was no other breadwinner in the family and he was in arrears with his rental. The Soweto Civic Association had paid his rental up to a point and then it was felt that the matter needed an in depth discussion with the Administration (30)

Board/...

Board with regard to how such a problem, like rental can be avoided and/or whether it could not be reduced to a point where perhaps Mr Selebe could pay it out of his own pension, but as reflected, it was a complexed thing with the Administration Board. They could not just understand and their problem - in the end we could not understand what their problem was, because it was a fact that this man was moving on a wheelchair and that there was no other breadwinner and how did they hope to resolve this kind of a problem. (10)

Would you please have a look at AX14 page 12 under the "Orlando West" one-third of the way down the page. Is that Nako or Mako? -- Mako.

Themba. -- Themba and Masoga.

Below that? -- "Education crisis and the care of the aged."

What did the SCA do about the aged? -- The SCA got involved in the plight of the aged. It has been almost the plight all over the way. The pensioners are getting their funds and the distances that they have to travel (20) to the point where they collect their pensions and I was made to serve on the Care for the Aged Committee of Soweto and together with these three gentlemen that I have just cited in this, we were to assist to run a survey on whether the aged of Soweto would avail themselves of the services of an Old Aged Home if it had to be built in Soweto.

COURT : If who would avail themselves? -- That is whether the aged of Soweto would support that.

MR BIZOS : Was such a survey conducted? -- The survey was conducted and when I came out I found that the structure (30)

is/...

is already put up which gives one the impression that it has been widely accepted by the aged of Soweto.

Do you mean when you came out, when you were released on bail. Is it being constructed at the moment? -- It is under construction.

ASSESSOR (MR KRUGEL) : Who is constructing it? -- It is constructed by WRAB with donations - they got a donation from the Department and then there have been donations from the private sector and we were to understand that they have got a donation initially of a R2,6 million for the project(10) and that the community of Soweto is going on raising funds to repay the loan.

Were you on this committee that conducted the survey? -- I served on this committee and I was contacted by Reverend Tom Bagwane, who is the chairman of this committee recently, to tell me of the progress of this committee.

Will you please have a look at AX14 on page 13. In the middle of that page "Clinic problem to be discussed with the superintendent e.g. pensioners charge. R1 health levy services charged in the rent, a stronghold arm ET." Who(20) is ET? -- ET Tshabalala the former mayor of Soweto, the chairman of the Sofasonge Party.

ASSESSOR (MR KRUGEL) : Is Jabavu the stronghold of the mayor? -- Jabavu is the stronghold of the mayor. It is an ex-mayor, but the problem referring to here is that the aged, even in that area were subjected to payment whenever they had to attend the clinic and the Soweto Civic Association could not understand this because when we were given a broken down statement on the rent, we were told that a rand, R1 out of that rental was for health purposes and(30)

in/...

in other areas this was being done that the aged and young children were not made to pay for the assistance they got from the clinics. So, it became our concern and we had to find out how this whole problem can be resolved and it was imperative for us to contact WRAB and find out how does it runs its clinics all over Soweto. Why are there differences in services.

When do you say RAB, do you mean R-A-B and what does it stand for?

COURT : W-R-A-B? -- West Rand Administration Board.

MR BIZOS : Just whilst we are on this page. "Jabavu meets(10) fortnightly mostly SOYCO." Perhaps, whilst we are there, could you just tell us, we have heard about some of the activities of SOYCO at meetings and singing and things. Did SOYCO do anything else in the community that you know of? -- More especially with regard to Jabavu. Anybody who knows Soweto, will know how rough in terms of thuggarism, thefts and what not, in the area of Jabavu is, starting right from the so-called Crossroads and Soweto and SOYCO, that is Soweto Youth Congress was busy trying to solve this(20) whole problem of delinquency, this whole problem of thuggarism around that area and for it to do that, it became unavoidable that it had to involve the branch of the Soweto Civic Association of Jabavu.

Did you have any advice offices in Soweto under the auspices of the SCA? -- We had quite a few advice offices in Soweto.

Where in Soweto? -- We had one in Diepkloof at St Margaret's Catholic Church, one in Pimville at St Andrew's Anglican Church, one in Jabulani Bridge Memorial, that is(30)

a/...

a centre owned by the United Congregationalists, we had one right deep in Zola and we had one in Meadowlands. That is as far as I can remember.

Would you please have a look at AX15 page 4. As an example of the sort of work that - the sort of concern in March 1984 "The Klipspruit public branch meeting held on 11 March 1984: Mr Jada reported on the following. An advice office at St Andrew's Church. He appealed for stationery and furniture. The office functions on Tuesdays, Wednesdays and Saturdays. For more knowledge and (10) experience of how to run an advice office, he was advised to use the services of the personnel of the existing advice offices - the Black Sash, Legal Resources, Law Clinic, Centre for Applied Legal Studies et cetera." We heard about the Black Sash and we do not have to be told about the Legal Resources. What is the Law Clinic? -- The Law Clinic was a centre run by the students who were doing law with the University of Wits and they were offering a number of advices in areas of concern, which are of major concern to the people. (20)

Was it only Wits? -- Not only Wits. I would not know exactly of which other institutions, but those I could remember were those from Wits.

What was the purpose of these advice offices? What did you hope to achieve by that? -- We hoped to help the people in areas of deep concern, more especially areas like the qualifications, the so-called, that is the Section 10(1)(a) and we had to advise people on things like how to get compensations when their relatives have been involved in whatever accidents, primarily car accidents in Soweto, (30) and/...

and there were problems centred around hire purchase where people's furniture were being dispossessed - being repossessed quite often and sometimes with regard to the migrant labourers who would find themselves perhaps having accommodations right in Soweto and sometimes they are raided and threatened with court actions, suspected for being illegal residents and so on, so that we had quite a number of - the Soweto Committee had quite a number of problems were they needed to be enlightened on.

Would you please have a look at AX14 pages 11 and 12(10) under "Pimville." "Establish an office three trained people in the making of posters." Were you concerned in other services and were you working alone or did you work with any youth groups? -- Yes, we worked with any group that came to us seeking advice. Sometimes we did work with the youth.

If you have a look at page 12 still under Pimville. "Youth Groups. Leadership seminars for drop-outs. 23 November 1984. Self-development project for the unemployed, e.g. welding, bricklaying, goals in the craft and (20) skills, Wilgerspruit - Holland", what does that Holland refer to? -- I do not remember exactly what it referred to but I think at the time we were trying to get people and/or some firms which could enable us to have some training for the youth, that is for welding, for bricklaying. I think Holland could have been a firm of bricklayers. I do not quite remember, but it had something to do with the sort of programs that we envisaged, the sort of assistance or education we would give to the unemployed drop-out youths.

(30)

I/...

I have taken you through a number of examples of the activities dealt with in the minutes. What I would like to ask you generally is, what do you say to the allegation that the SCA together with others was really doing this in order to set up alternative structures to take over the government of Soweto? -- I reject that allegation. It is based on no grounds whatsoever.

I now want to turn to the next subject matter of this trial and that is the attitude of the SCA to the Community Councils and the Black Local Authorities. Originally (10) we know that we had Bantu Urban Councils, I think they were called before.

COURT : Urban Bantu Councils.

MR BIZOS : Urban Bantu Councils. You told us how - what the attitude was prior to June 1976 and that for all practical purposes they were no longer functioning. I do not want you to repeat that. Were you able to formulate any attitude to the election of the councillors in 1978, the community councillors? -- Well, 1978 I was in detention and whatever attitude I could have had or the attitude that (20) some of my colleagues in the Committee of Ten could have had, was largely a private matter in the sense that we were in detention.

And you took no part in opposing that election or you could not from Modderbee. Do you know whether the councillors were elected as a result of large participation by the people of Soweto or despite your being locked up in Modderbee was there an effective boycott of those elections? -- We learnt that there was an effective boycott of those elections. The percentage was said to have been very low. (30)

I/...

I want to bring you to 1982 and prior to the formation of the United Democratic Front. Did you hear that the Community Councillors were now to be substituted by a council to be called something, to be called a Town or a City Council with a somewhat different structure and with different powers. Did you hear about that?-- Yes, we heard about that.

And during 1982 did the SCA take notice of any legislation that was being proposed or being debated in relation to these councils? -- The SCA took seriously the law that(10) was promulgated which was said to have been an improvement of the community councillors that were in operation before and the Soweto Civic Association went all out to find all information relating to this Act and by its biennial conference of 1982 they even had to get a person who was more knowledgeable along that line, Mr H. Tucker, who was assisting the Urban Foundation to address our conference primarily on the envisaged law.

I would like to deal with this biennial conference. Do you remember what month in 1982 it was called? -- This(20) was in November 1982.

And you said that you asked Mr H. Tucker, that was connected with the Urban Foundation. Do you know what his occupation is? -- I do not know exactly what his occupation is, but I know that he is attached or he is with the Permanent Building Society.

Is he the chairman of the Permanent Building Society?
-- I suppose he is the chairman.

Did you know that he is a lawyer? -- I did not know before until during the discussions. (30)

Was/...

Was he invited to your conference? -- He was invited to our conference.

Where was that conference held? -- The conference was held at the WYCA Centre in Dube.

And how many people were there? -- The attendance was in the region of 2,000/3,000.

Did Mr Tucker explain what was involved? -- Mr Tucker did explain what was involved with regard to the new law and he found it far better compared to the previous laws and he was suggesting that the Soweto Civic Association (10) should stand for the election under this law and they could be able perhaps to make the law to change to bring about further changes and people who go in without insight into what Soweto needs, may find themselves unable to push the kind of a line that would need the renewal or that would need further amendments into the Black Local Authorities Act, but he considered it something better compared to the previous laws that governed the local authorities for the Black Urban townships.

Who had decided to invite Mr Tucker?-- The Committee (20) of Ten had decided to invite Mr Tucker.

Was the Committee of Ten aware of the fact that - aware of Mr Tucker's views in relation to participation in the new dispensation of local authorities, so to speak? -- Our chairman, Dr Motlana, knew the attitude of Mr Tucker with regard to the council system.

Did Dr Motlana convey the views of Mr Tucker to the meeting before the conference? -- He did convey his knowledge of Mr Tucker to our meeting, to the meeting of the Soweto Civic Association. (30)

Did/...

Did you on the committee know that Mr Tucker would advise participation in the new local authorities? -- What we knew was that Mr Tucker was highly knowledgeable with regard to this law and that we were going to debate the merits and the demerits of this law and he would be the ideal man to give us better and authentic information regarding this law.

Did he come and did he speak? -- He came and spoke. He did advocate the line that the Soweto Civic Association should consider standing for election as I have said. (10)

And was there a debate and a discussion at your conference? -- There was a heated debate and discussion over - not heated actually, but it was a profound debate and discussion over his speech.

Would lively possibly be a better ... -- Lively, yes.

A lively discussion. What was the decision of the conference of the two, two and a half thousand people there present in relation to participation by the SCA in this? -- The decision still noted the limitations of this Act and it felt that until these limitations are addressed to, (20) it would not be proper for the SCA to participate in the elections and in fact the conference took such a line that in the light of all these limitations that are in the Act, it felt that the people of Soweto should be advised not to vote in the forthcoming elections. At that time the elections were - ought to have been some time late 1982, but later it was learnt that they were deferred to 1983.

Was there a vote taken at this conference after this discussion? -- There was a vote and the conference unanimously adopted the stance of non-participation and further.(30)

to/...

to campaign against the elections. That is that the people must not vote in these elections.

COURT : Was the vote by popular acclaim? -- The vote was sledged by popular acclaim.

So, the man who shouts the hardest, has the most voice? -- Not necessarily.

MR BIZOS : This attitude of non-participation in the Black Local Authorities system in November 1982, had you heard of anything called the UDF at that time? -- There was nothing about the UDF that was in the air at that time. (10)

The attitude to the proposed legislation establishing the town councils, was it only the Black Local Authorities Act or ... (Court intervenes)

COURT : Just a moment. Was the legislation passed by that time?

MR BIZOS : I think 1982 it was. The Local Authorities Act was passed.

COURT : Black Local Authorities Act?

MR BIZOS : In terms of which the council was to elected. That was passed and elections were to be expected in 1982. (20) They were deferred to 1983.

COURT : Very well.

MR BIZOS : Were there any other laws which were being debated at the time? -- At the time the other laws debated were the Koornhof bills. People were opposed to the bills.

Were these bills discussed at that conference? -- They were discussed and people were able to resolve on what line to take with regard to these bills.

What was the attitude of the people to those bills? -- The attitude was a rejection of those bills. (30)

WITNESS STANDS DOWN.

COURT/...

COURT ADJOURNS.COURT RESUMES.THOMAS MADIKWE MANTHATA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Manthata, at this meeting in November 1982, was there any discussion or any debate as to what the Soweto Civic Association should view or how it should view the situation that was being created by these laws that were being enacted? -- Yes, there were debates and at certain stages we broke into groups where people in smaller groups could look deeply into the whole law and the Koornhof bills and eventually when what seem to(10) run through all the reports of the groupings that the whole house was broken into, seemed to have been the line that the Soweto problems could not be solved within the apartheid system, because to resolve the Soweto problems, we will need money and as long as there is a problem of the inability of the people of Soweto to buy land, to have rateable property to put up such factories or such business concerns that they themselves could generate the funds for the Soweto maintenance and administration, it would be just too difficult to dream of Soweto being brought to the kind of level that (20) other city communities are that is regardless of colour and it was in the light of this that there was deep concern expressed with regard to suspicions that the government wants forever to tie Soweto to the homelands in such a manner that the people of Soweto must perpetually see themselves as sojourners, and not people there to stay. That in the light of all these problems people felt that there is still a lot that people must cry for from the government and it was due to these observations and discussions that the Soweto Civic Association resolved not to participate in the (30) elections/...

elections. That is based on the Black Local Authorities Act and this is how it viewed too the Koornhof Bills, namely that even if people had to be elected, it was very clear that the council will be seen or will have to enforce the influx control because if they say you can only remain in Soweto if you have accommodation and/or you can remain in Soweto if you have employment, it meant that all these problems, Soweto itself being unable to solve such problems in terms of lack of more land on which to build houses, lack of facilities where they can employ people, it means (10) then that the Soweto council will perpetually be forced to observe or to practise influx control. Even it if might be called a proper urbanisation scheme or what but this is exactly how the people of Soweto viewed the problem that it was settled with if they had to accept the control of Soweto under such laws.

You recall yesterday that we handed in two documents that were part of the Soweto blueprint. I want to show you another document headed "Five year action program." It will be DA53. Do you know this document? When was (20) this document drawn? -- This was drawn in 1977 around July/September. That is together with the two documents that we have had and it is part of what we call the blueprint.

At the time when you were having your conference in 1982, did you consider this document still of any importance? -- This document was of great importance as I have said that the people of Soweto had adopted it early 1979 and this was still guide up to a certain extent even at this conference. (30)

I/...

I would like to refer to certain portions of this.

"In order to run a city of the complexity and size of Soweto it is necessary before the Soweto Local Authority functions and before they could run and a local authority it is necessary because of the history and background of Soweto because very little or no facilities are provided in the main facets of the community. It is felt necessary to bring Soweto up to the standards of the community which has a population in excess of one million people and which forms an important constituent part of the life-blood of (10) the workings of the Industry of the Witwatersrand which is the most industrialised sector of South Africa and which forms an important part of the contribution of the workings of the mines and other industrial outputs in terms of manufacturing the industrial heart of South Africa to the level commensurate with the generation of income into the coffers of the City of the size of Soweto."

COURT : Who drafted this first sentence? -- I would not say who in particular.

He must have been a Latinist. (20)

MR BIZOS : No commas, the whole page. "Therefore to achieve the objective of raising Soweto to fully fledged Municipality with the proper facilities a program has to be worked out which deals first of all with the basic requirements of Soweto in all facets of the community as mentioned in the preamble hereto and a study must be made in detail of what is required and the costs involved in providing the necessary facilities as fore stated." And so it goes on. I do not want to read the whole of it, but do you recall whether there were any estimates at the time of what it (30) would/...

would cost in order to have Soweto as a fully fledged Municipality to be self-sufficient as a Municipality? -- Our initial estimate was R20 million for the upgrading of Soweto into a fully fledged city.

COURT : At some stage there was a very big electrification scheme of Soweto. Was it at this stage or after this? -- It was afterwards.

How long afterwards? -- These documents were drawn in 1977. The electrification came about in 1981/82.

MR BIZOS : Again I merely want to ask you whether this (10) document envisaged any form of UDI for Soweto as alleged by the State? -- Never. It never envisaged Soweto. The Soweto Civic Association declared the UDI for the control of Soweto.

MR BIZOS : In view of some of the time spent during the course of the trial, there is just one small matter that I would like to draw the Court's attention to through you. Would you please have a look at AX14 page 12. It has been suggested that the tail was governing the dog in the situation that the youth really run the show,. I want you (20) to please have a look at page 12, the report of Mofolo. "House meeting. Difficulties with recruiting membership. No youths. Difficulties to reach them." Did you have any problems in - perhaps in common or with other organisations to involve the young people in your affairs? -- Yes, as I have said already that we had certain problem with the youth and which to solve was unavoidable to involve the youth, that is to work together with the youth, but we had a common problem right through our branches, where it was very difficult to get the youths into the civic association(30) and/or/...

and/or even to get the youth properly organised whether they could - where we could meet them whenever the problem arose.

You have told us of the SCA's involvement in local issues. Did it formulate any attitude on matters of political interest or general interest or national questions? -- Well, it is unavoidable that on certain issues we were called upon to make our stance and some, such issues had more national politics involved, like I have said already that the laws that governed Soweto or the laws that governed the local authorities are such that they cannot be divorced from (10) the laws that governed the whole state, so occasionally or invariably we got ourselves discussing certain issues that were of national importance.

You told us about the constitution of the Soweto Civic Association. I want to refer you to document AM21. There is a constitution that is produced "Soweto Civic Association Constitution". What do you know about this document? -- I do not know this document.

Do you know - were you at the Annual General Meeting of the SCA in December 1984? -- I was not at the AGM of (20) Soweto Civic Association 1 Desember 1984.

Was there any special reason for that? -- There was a special reason. On that day it was the burial of Archbishop Tutu's mother and I was requested to delegate the SCA at the funeral.

Did you know whether or not this constitution would be presented to the Annual General Meeting? -- I did expect that a draft constitution will be read or be presented because we have been struggling to have a constitution that would address itself to the issues of Soweto. (30)

You/...

You yourself were not re-elected - did not stand for re-election nor were you re-elected into the SCA after 1 December 1984? -- Yes, I did not stand for re-election.

COURT : Do you know whether this constitution was accepted? -- I do not know.

MR BIZOS : Of your personal knowledge? -- I have not got personal knowledge.

There are two matters that I want to ask you questions about and that is this. Firstly, your personal association with and the SCA's association with the National Forum (10) and the United Democratic Front. When did you first hear about the proposal that there should be a National Forum? -- I heard about the National Forum around April/May 1983.

From whom did you hear? -- I learnt this from Satch Cooper who was the convener of the National Forum.

Did he invite you to participate? -- He invited me to participate in my individual capacity.

Do you know whether he asked any others to participate from the SCA? -- He told me that he had asked Reverend Sibidi. He had asked Dr Motlana. I think those were the (20) two that he had mentioned to me.

Did he tell you whether he had invited any other people from the broader community in Soweto? -- Yes, he told me that he had invited Bishop Manas Buthelezi and Bishop Tutu who at that time was the general secretary of the South African Council of Churches.

I do not recall as to whether Bishop Manas Buthelezi's office has been given to the Court. Would you give that, please? Bishop Manas Buthelezi? -- His offices were in Soweto. (30)

I/...

I mean what his position is, not the physical - we do not want his physical ... -- Bishop Manas Buthelezi is the bishop of the Lutheran Evangelical Church for the Southern region. By Southern I refer to the Southern Transvaal, not Southern Africa.

What precisely were you asked to do? -- Satch Cooper did not ask me to perform anything in particular. He just requested me to be on the committee and he did not specify what the duties of the committee were going to be.

K884 COURT : Was this sort of a pilot committee? -- I would (10) call it that.

ASSESSOR (MR KRUGEL) : What was it called? National Forum Committee? -- National Forum Committee.

MR BIZOS : Were there in 1983 talks about the UDF? -- Yes, almost the same time, there were talks about the need to bring together organisations that are opposed to apartheid in a sort of a front but even at that stage it was not very clear what form that kind of a front would take.

From whom did you hear about this front? -- There were people on our committee that were quite interested on (20) our committee who were quite interested and involved in spreading the idea, discussing the idea. Amongst them were ... (Court intervenes)

COURT : Which committee are you referring to? The Committee of Ten or the National Forum Committee? -- I thought I heard counsel to be referring to the UDF talk at the time?

Yes, the UDF's talk was where? -- It was just a talk, I do not know specifically where.

You said you heard it from people on the committee? -- Individual people who were serving on the executive (30) committee/...

committee of the Soweto Civic Association. Amongst them were Mr Masondo and my co-accused Popo Molefe and quite a few people were talking about this idea about what they would think about the idea.

MR BIZOS : I want to show you an entry in EXHIBIT 26 that is the book in which signatures of attendance are. Did you go to a place where a meeting was being held on 21 May 1983? -- Yes, there was a meeting held in Khotso House around the date mentioned and I happened to be in Khotso House that day. I had another meeting and I did get into(10) the meeting that was held to discuss the whole concept of the UDF at the time.

Did you sign a register? -- Yes, there was a register. I signed as an observer, although I did not stay for the length of the meeting.

Had the meeting really started or did you attend any portion of the meeting? -- I do not remember what length I attended and what portion of the meeting I attended, but I did get into the hall and my mind was pre-occupied with the fact that I had a meeting on the 5th Floor that(20) same day, but I did get in and even talked to one or two of the people who had come to attend that meeting.

What meeting did you have on that day? -- On that day the ABF, that is another department of the South African Council of Church, African Bursary Fund, was holding a meeting of the parents who were benefiting from this bursary fund and I was supposed to attend this meeting.

And at what time was that meeting to take place? -- That meeting was to take place at 14h00.

What time was the UDF meeting to start? Do you (30)

recall/...

recall? -- I do not remember the time the UDF meeting was to start.

Did your meeting start on time? -- No, it did not start on time. Most of the parents are working parents and most of them came late.

Did you go to the meeting of the bursars' parents that afternoon? -- Yes, we did hold the meeting of the parents that afternoon.

Had you been invited to the UDF meeting? -- No, I was not invited to the UDF meeting. My attention was just (10) drawn by the sheer presence of the people that I knew and of course the concept of the UDF itself was quite exciting, much as I did not have time to stay the full length of that meeting.

We will deal with the National Forum a little later. After the meeting of the National Forum and the formation of the Transvaal UDF, did the question of the position of the SCA at one or other of these two bodies become an issue? -- It did become an issue up to a point and of course at that time it affected largely the three people that I have (20) referred to, not that it affected them only. The three people that were affected at the time, that is Dr Motlana, Reverend Sibidi and myself were concerned and we wanted to find out what does it mean, when we have these two what I might call groupings that were coming up at the time, but at that time, we did not see it as anything wrong, except that it was a problem whether to let the SCA to affiliate either if it became necessary. It was felt that let the SCA remain an organisation which could work either - would could benefit from both organisations and all what we (30) needed/...

needed to do is to be abreast of time with those organisations, to know exactly what is happening in those organisations.

Were there people on the Committee of Ten or were the members of the Committee of Ten adherence to just one single philosophy as you have referred to it in this case or tendency or were there members - some of the members in the one and other members in the other? -- Yes, it seemed we had people who belonged to one tendency in the sense that there was marked dissatisfaction from both sides of, sort of a (10) coming together or using the same platform, if one is to put it so, but it is true, there were people who had a marked tendency or a tendency of affiliation to one single group as opposed to the other grouping.

COURT : You mean they were adherence of the National Forum and adherence of the UDF? Is that what you say? -- Something along that line.

Well, if it is not exactly correct, be specific? -- It is not exactly correct.

What is it? -- Because what I thought was the case was (20) that - that is on the committee. Those who were on the National Forum seemed to have been keen to serve on both sides. That is they showed interest on both sides, whilst there were others who - perhaps with them too we cannot say they were outrightly onesided from the onset, but it was later when the people in the offices of or in control of some of these organisations, showed a tendency of being against other groupings, like I would say later after the formation of the Forum or during the formation of the Forum, that is at its first conference, when it became (30) clear/...

clear that the Forum had not invited people right across the spectrum, that is the organisations. There was a tendency of having invited the people with a BC thinking and/or sympathisers with BC. It became unavoidable for the other wheel to accommodate or to put up with an organisation or with a forum that seemed to exclude other people.

Are you in fact saying that you and the other members who were participating in the National Forum were prepared to sit on two chairs whereas the others who were adherence of the UDF were not prepared to sit on two chairs? -- I (10) would put it that way. We were not opposed to both sides

MR BIZOS : Were people from the SCA at the launch of the UDF? -- Yes, there were people from the SCA who were at the launch, but not on the basis of a decision having been taken by the SCA that they shall go to the launch as delegates of the SCA.

Was there unanimity on the SCA as to whether the SCA affiliated to the UDF or not? -- There was never a formal decision of affiliation to the UDF until some time in October.

Of what year? -- Of 1984. (20)

What was your personal view, how would the SCA have to affiliate to the UDF? -- My personal view was influenced by what had happened before, that is at the formation of the - after the formation of the Soweto Civic Association. Around 1981 - 1980/81 there was a tendency by AZAPO to want to own the Soweto Civic Association and we at the committee level of the Soweto Civic Association felt that it would be unwise for the Soweto Civic Association to take a political stance, political in the sense of - you know, ideological stance. We felt that the Soweto Civic Association is an association(30) for/...

for all the residents of Soweto regardless. So, that even when we came to debate the whole question of affiliation, some of us were still tagged down with that belief that because of the decision of the people at the meeting of the 14th I think, the diction was taken which was subject to ratification by the AGM on 1 December the same year. 14 October 1984.

COURT : You decided to affiliate? -- That is on 14 October 1984 the SCA committee decided to affiliate subject to ratification by the AGM. (10)

MR BIZOS : The people that had attended the National launch and people who were on the SCA who attended meetings of the UDF, what was their view? Was their view that this procedure of ratification by the AGM was necessary? What was their view? Did they agree with your view or did they disagree with your view? -- Yes, it cost a great deal of division. There were some times that whenever minutes were read and reference was made to the affiliation, people would come up with certain ideas that it can only be raised in some of the branches, had objections, but if at the (20) AGM no objection could be raised, then it would be assumed that the SCA has affiliated to the UDF.

COURT : I am not clear on that. I do not understand it at all.

MR BIZOS : I will try and clarify it. Were there people from the SCA attending UDF meetings before October 1984? -- There were, like I have said there were some SCA people who had attended the launch. Already there were people of the SCA who were in regular contact or were attending the UDF meetings and to these people the feeling was that the affiliation should be made as simple as possible. That (30) is/...

is why the whole question of having to present the suggestion or the proposition of affiliation before or to the AGM was a little bit of a problem. So, that is why some people were saying it will only be broached or it will only be introduced if there was a branch or if there were branches that queried the affiliation.

During the latter part of 1983 and during 1984 prior to October 1984 were there people in the SCA who took the view that the SCA was already affiliated? -- It is quite possible. Some could have taken that view. (10)

But was it your view that it could not be done without the general meeting? -- My view was that it needed formal adoption.

You say that in the minutes this question was raised from time to time? -- Yes, in our minutes this question came up once or twice.

I want you to please have a look at document AX15 page 3. Other matters on page 3 "Correspondence." Are these the minutes of the meeting of 8 April 1984? -- Yes.

What it says here is "Correspondence. It was main- (20) tained that correspondence directed to the SCA is both never read nor responded to. Members belonging to both the SCA and other organisations felt very strongly about this. It was, however, agreed that correspondence should be handled first by the Executive Committee; that on receipt of correspondence the secretary should intimate the chairman, Dr Motlana about it and the two should then strive to convene a meeting of the Executive Committee where the matter could be considered." Can you recall what correspondence was being referred to in particular? -- Here in particular (30) was/...

was referred to the correspondence that we were supposed to be getting from the UDF and people who already having quite a developed link with the UDF, or a developed presence in the UDF, were feeling let down, that the UDF correspondence is never read at the SCA meetings.

COURT : Well, did you receive it? -- Yes, occasionally I did receive it.

MR BIZOS : In view of your view in relation to the affiliation, did you actually put all the letters and circulars and pamphlets that may have been received by the UDF, (10) to the Executive Committee before this entry was made? -- Yes, I put them to the Executive Committee and this had to be re-stated at this meeting.

COURT : Is this part of the minute not a reflection on your duties as a secretary? -- Yes.

Were you peeved about it? -- Admittedly it was a heavy indictment. One was either inefficient or - either one was partisan against another, the other side.

MR BIZOS : What did you do with the correspondence and pamphlets from the National Forum? Did you give them (20) the same treatment or different treatment? -- They were given the same treatment.

COURT : Did you have two different waste-paper basket? -- I had one waste-paper basket.

MR BIZOS : Do you know whether any branch of the SCA had affiliated to the UDF? -- That had technical problems and as such I would not say that I knew that it had affiliated.

COURT : What were the technical problems? -- The technical problem was largely this of affiliation fee. No branch could have been able to get the R100,00 affiliation fee (30) without/...

without the knowledge of the SCA and this had never been presented to us. So, whether they could have affiliated or not, it was quite a matter that I felt is up to the branches, but technically at SCA level, they have not affiliated.

MR BIZOS : I would like to refer you to AX15 page 36. Are these the minutes of 13 May 1984? -- That is so.

If you would like at the bottom of page 35, you will see that it is the Diepkloof branch that we are dealing with and on top of page 36 does the following appear "The(10) branch expressed the desire to be clarified on the following: (We can leave (a) out for the time being) (b) The stand of the association regarding membership to the UDF." Was this an issue that concerned only you or did it concern others in the UDF as well? I beg your pardon, you or others in the SCA? -- Yes, it affected certain people in the SCA and certain branches in the SCA, but even after this enquiry, no decision was taken in terms of affiliation.

I want you to have a look at AX14 page 10. This is the page on which I wrongly gave Your Lordship the date(20) which is not on the original. Under "Correspondence (2) Relationship with the UDF / NF." That is for National Forum presumably? -- That is correct.

"No formal link yet. We are not a political body but an organisation which could accommodate all sides. The SCA meeting has agreed that the SCA affiliates to the UDF. The meeting urged that the secretary writes a formal letter of formal membership to the UDF. Delegates are Jada and Mogasi." Whose view is being expressed "relation-ship" sorry, whose view is being expressed "We are not a(30) political/...

political body but an organisation which could accommodate all sides"? Whose view was that? -- I am not quite certain whether it was myself, the chairman or Mr Matebathe, but this was almost a preamble before the debate that followed, whether to affiliate or not.

COURT : The heading of that sub-section (1) is the DCA letter it seems. Is that correct? -- DCA letter.

What is DCA letter? -- That is Diepkloof Civic Association Branch.

So, they wrote to you about this matter? -- Yes, they(10) had written to us about this matter and I think the letter was read the same day that a full discussion was opened on whether to affiliate or not and having given people time, I think first the letter was written at committee level and then this was presented once again at the interbranch meeting where a full discussion was taken on the matter and that is where the interbranch decided or resolved to affiliate to the UDF and the secretary was urged to write a letter of formal application for affiliation to the UDF.

MR BIZOS : Will you please have a look at page 69 of AX14. (20) Do you know that letter? -- Yes, I know this letter.

What do you know about this letter?

COURT : It is a rather futuristic letter, is it not?

MR BIZOS : Yes, it says there 1994, the date. -- I see the date.

You wrote this letter? -- I wrote this letter. What I am a little confused about is the signature of Mr Lephunya other than myself, because I had written and even signed mine. But in any way, I know this letter.

This word "officially" "to officially affiliate to the(30)

UDF/...

UDF", was that a word which was deliberately used by you or by accident, at the end of the first paragraph? -- I do not think I used that word "officially". I could have used that word in the light of the conditions surrounding individuals and other branches with regard to their relationship with the UDF.

Do you know what the attitude of the UDF was as to whether the SCA had already affiliated prior to October 1984? -- I do not know what the attitude of the UDF was actually.

(10)

You also told us earlier on that there was some talk of accepting the affiliation and only if a question was raised by a branch. Would you please have a look at AX14 page 52 where there was an apparent correction of the minutes adopted in the middle of the page. "Correction. The recording on the UDF affiliation should read 'the affiliation is done/made except the branch presenting its opposition. Before the AGM. The affiliation will not be discussed at the AGM.'" Is that what you were referring to earlier? -- That was what I was referring to. In fact (20) we still have a confusion there. That is AX14 page 50 where some people would want it to read "The SCA has affiliated to the UDF and that fact will be explained in the presidential report to the AGM." Then the question was or what followed was "This does not sound like what is recently said here." There was that kind of confusion on how it should read and how the whole formal affiliation should be conducted.

Did you take any part in the affairs of the National Forum? -- Yes, I attended the initial conference of the National Forum.

(30)

Where/...

Where was that? -- This was held at St Peters at Hammanskraal.

Other than your attendance at that conference, did you take any other part in the affairs of the National Forum? -- I did not take further part in the activities of the National Forum because there was confusion or there was debate, actually not confusion. There was debate with regard to what form the National Forum should take and (b) I could no longer continue actively with the National Forum, because the National Forum had to be attended or had to be - (10) these people on the committee had to be people who were representative of organisations. There was that departure from the community, from the position that it was on the launch of the National Forum where they had just invited people that they thought could contribute in the Forum.

Do I understand your answer to mean that you did not avail yourself as a representative of any organisation to continue working on the National Forum? -- I did not go into National Forum as a representative of any organisation and there was no organisation that I could represent (20) in the National Forum.

Was there any reason why you did not join AZAPO? -- My basic reason was that I had come to feel that it would be necessary for one to devote much of his efforts at local level, where one grapples with the day to day problems of the people and see how best one could address them or how the people could address themselves to such problems.

Your work for the South African Council of Churches in the Independence Conference, the families of detainees, detainees themselves, helping them, are these detainees (30) from/...

from any particular tendency or philosophy or do they come from all sorts of areas? -- They come from all spectrum of political thinking.

Did you feel whether or not your work could or could not be compromised by you becoming a member of any organisation of a particular tendency? -- That was another strong factor which led me not to take part in any national political organisation that has a clear cut ideological stand.

As part of your job, did people who had been detained or the relatives of people who had been in detention (10) did they have to provide confidential information to you from time to time? -- That is quite true. To provide moral therapy or to talk to any person to a level of confidentiality you needed to free from anything that could cast suspicion on you.

I now want to deal with your association, if that is the correct word, with the Vaal Triangle and people there. Did you go to the launch of the VCA in October, 9 October 1983? -- Yes, I did go to the launch of the VCA on the said date. (20)

How did you come to go there? -- Dr Motlana, the chairman of the SCA had received an invitation to address the launch of the Vaal Civic Association and early that week Dr Motlana approached me and told me of the likelihood of him being unable to attend that meeting and to honour the invitation and he suggested that I do it in his place. So, I went to the VCA launch hoping to represent Dr Motlana and to my pleasant surprise I found him in the hall already.

As a matter of course, does Dr Motlana receive many or a few invitations to civic and political functions? -- Yes, (30)

Dr Motlana/...

Dr Motlana is a person in great demand to deliver speeches at quite a number of organisations, be it cultural or other organisations.

Did you have to deputise for him from time to time as a result of the exigencies of his medical practice and other commitments? -- It is so.

Did you go to the Vaal alone? -- I did not go to the Vaal alone. That Sunday besides the invitation to the VCA I had a church commitment in Pretoria where I was to address a committee of German Lutherans. At that time (10) I did not have a driver's licence. So, I requested my wife's friend, Mr Paul Goller to accompany me or to drive me to the two places. He came early in his car. He parked it at my place in Soweto and we took off to Pretoria together. My commitment in Pretoria went on until after 12h00 and from Pretoria we had to drive straight to Sebokeng to the VCA launch meeting. We got there after 15h00 and the meeting was already on.

Had you known Father Moselane, accused no. 3, prior to this date? -- Yes, I had known Father Moselane a long (20) time before this date. That is for the time he was in Soweto and for the many times that he came to visit the Anglican Church office in Khotso House.

Did you see him at the launch of the VCA? -- Father Moselane found me standing at the door. The hall was already full and of course when first I saw Dr Motlana I felt that it was not necessary for me to go in and also that my friend had already indicated to me that he had another commitment some time that day in the afternoon. So, I just lingered around with a view to going back (30) into/...

into the car where Paul Goller was to drive back and here came Reverend Moselane and we chatted over this and the other which were not significant things. It was at that time that Lord McCamel who was chairing the VCA meeting saw Reverend Moselane and he requested Reverend Moselane to say a word or two to the meeting and Reverend Moselane got me by the hand and said I should accompany him in. We elbowed our way right up to the stage and after that we came out together.

What did Father Moselane say to the people there (10) gathered? -- Father Moselane wished the people of Sebokeng well. He expressed the wish that the meeting be a success and he referred to the fact that people's meetings are normally denied venues at the civic halls, that they used the churches. People should behave themselves in the church halls. They should refrain from smoking and they should be as decent as they possibly can and this is as far as I remember what he said.

For how long did you stay at that meeting? -- It could not have been more than ten minutes. (20)

Save for that brief attendance, did you have any contact with the VCA thereafter? -- No, I did not have contact with the VCA thereafter.

Until? -- Until 3 September 1984.

You told us that the Reverend Lord McCamel was presiding at this meeting. Did you know him before the launch of the VCA? -- Yes, I had known him before the launch of the VCA.

As what? -- I have known him as a church man and he used to visit the South African Council of Churches offices.

The formation of the Soweto Civic Association in the (30) late/...

late seventies, do you know whether or not that started any trend in the formation of civic associations? -- Yes. Quite a number of centres admired the formation - in fact the admiration seemed to have started with the creation of the Committee of Ten and we used to be inundated with calls and letters from various areas requesting us to either furnish them with a copy of the constitution or whenever possible to go and address their centres.

And were there civic associations formed to your (10) knowledge before the formation of the UDF at a regional level during the winter of 1983? I am sorry, my introducing of the season may be confusing. Were there any civic associations formed during the early eighties, 81, 82? -- Yes, there were civic associations formed. That is the Port Elizabeth Civic Association and then we had Mohlakeng Civic Association. Then we had the Ratanda Civic Association and already in the Cape they had formed quite a number of civic associations. Some had exclusively something to do with the housing and there were quite a number. I even addressed one. I think it was around 81,82 and in Kimberley (20) too they had resolved themselves into a civic association and in Bloemfontein there were still efforts to form a civic association. In fact, long before the VCA's formation, other areas had already formed some committees, either action committees or real civic associations.

COURT : Mohlakeng, where is that? -- Randfontein.

And Ratanda? -- Heidelberg.

When were these formed? PE, when was that formed? -- PE was formed 1980.

And Mohlakeng? -- Mohlakeng was around 1981. (30)

Ratanda/...

Ratanda? -- Ratanda was 1983. I think it was early 1983.

MR BIZOS : Did you have any contact with the Western Cape at all? -- Yes, we had contact with the Western Cape.

Do you know whether any civic associations were formed in the Western Cape or had been formed in the Western Cape? -- Civic Associations were formed in the Western Cape around 1980, late 1980, early 1981. As I said I did address a meeting convened by the Action Committee which was in the process of founding a civic association in Guguletu at (10) one stage.

Did you as a member of the Committee of Ten and your chairman Dr Motlana - were you regarded as the pioneers in the formation of civic associations? -- I would say so. We were regarded as sort of a pioneer with the whole concept of the civic associations.

When you were invited to address people at the formation of civic associations, were you invited because of your affiliation or non-affiliation to the UDF or any other national organisation or in your capacities as office (20) bearers of the Pioneer Civic Association? -- We were invited as members of the Soweto Civic Association and not as UDF members.

You told us about the pro forma constitution that had been drawn up by Mr Moseneke. Is there any thought among members of the SCA to form the federation that was envisaged in that draft constitution? -- Not actually to form the federation, but as much as possible to encourage it and to enable that kind of a federation to come into being. This was another resolution that was taken in the AGM (30)

of/...

of 1982.

What was hoped to achieve by the formation of this federation that you were thinking of in 1982? -- We had hoped that once the civic associations are formed, then we would be in a position to help each centre in terms of meeting its problems and how best to solve their problems and as much as possible which organisations had resources to share with such civic organisations.

WITNESS STANDS DOWN.

COURT ADJOURNS.