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

A

SAAKNUMMER: CC 482/85

PRETORIA

1987-09-04

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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THE COURT RESUMES ON 1987-09-04:

THOMAS M MANTHATA, duly sworn states:

FURTHER CROSS-EXAMINATION BY MR HANEKOM: Mr Manthata, we were busy yesterday with the education campaign. -- Correct.

I refer you to EXHIBIT "AB1" again, page 50 paragraph 3. It reads as follows:

"The student movement since 1977 has developed differently from AZAPO. In 1979 after a two year period of reassessment Black high school students came together to form the Congress of South African Students. Students were able to reflect back on the mistakes of the past and realised that during the uprising not enough ground work had been laid. So when students realised that students alone could not challenge the system and that there was a need to rally the workers as well, there was not any ground work laid for this."

Do you have the place? -- I cannot see where counsel is reading.

Page 50.

MR BIZOS: We only numbered up to 51 yesterday. Could I hand in a copy? Since reference was made to page 50 I have started marking them.

MR HANEKOM: Page 50, the third paragraph, in the middle of that paragraph we find:

"So when students realised that students alone could not challenge the system and that there was a need to rally the workers as well, there was not any ground work laid for this."

Do you have the place? -- Yes, I have the place.

I put it to you that the true struggle in the education sphere/...

sphere was not on school matters alone but it was a challenge of the system? -- Does counsel expect me to say yes or no? We say that these are the efforts of the students.

What do you say to that? I am putting it to you that the struggle in the education sphere was not merely on school matters but it was a challenge of the system? -- Admittedly if we take that, if we observe that Bantu education is a product of the system, yes, it is against the system.

And we also see that the students alone could not challenge the system and that there was a need to rally the workers; the workers had to come into the struggle as well? -- That is the observation and the concern of the students.

COURT: Were there clashes between students and workers? -- Not to my knowledge.

Who is Joe Phaahla? -- Joe Phaahla was one time the president of AZASO, I think.

MR HANEKOM: And the next paragraph we see:

"Later in 1979 AZASO was formed. Initially it was formed as a supposed university student wing of AZAPO, but the university students also took a new direction. There was the possibility then of going to the other extreme of students emphasising more of a student/worker relationship and actually ignoring the important fact that as students we are still primarily needed to challenge the education system."

We see again that there was emphasis on the student/worker relationship in this struggle. Do you agree to that? -- Yes, we see that.

Do you agree that that is the position in the struggle?

-- That/...

-- That is what the students say here.

Do you agree with that or do you want to differ from that? -- I have got no problem with what the students are saying.

Did you observe this happening in practice? Did you see that there were links between the students' struggle and the workers' struggle? -- No, I never observed that.

The Soweto Civic Association did support the students in their struggle in Soweto? -- Which struggle?

Their struggle against the so-called inferior education? -- What we observed was that students at certain time boycotted classes, and we as the parents were concerned about that. We wanted them back behind the desks.

Yes, we will shortly come to the position of the Soweto Civic Association with regard to boycotts. If you look at the next paragraph. It reads:

"Therefore we see especially after the 1980 boycotts a steady emphasis of student movements, both COSAS and AZASO and to a certain extent within NUSAS also there was the type of emphasis on worker issues."

I am putting it to you that there were strong links between the struggles of the workers and the struggles of the students? -- The students would answer positively on that question.

COURT: Would you go along with that answer? -- As I have stated, I have not observed any link between the students and the workers.

MR HANEKOM: Will you turn in the same volume to EXHIBIT "ABB"? M'Lord, it was admitted that this document was found in the offices of UDF in Johannesburg.

With/...

MR BIZOS: With Your Lordship's leave, when I find that I exchanged - they are both unmarked.

MR HANEKOM: This is a letter from COSAS dated 7 October 1984. In the first paragraph it reads as follows:

"The academic year of 1984 started with students of our country waging their educational struggle nationwide and showing their rejection of apartheid gutter education, and dissatisfaction as a result of problems they encountered because of this colonial Bantu education."

I put it to you that during the year 1984 the struggle of the students was not confined to Soweto alone but it was countrywide and it was against the so-called gutter education? -- I have never said it was confined to Soweto in the first instance, and that it is true that there was students unrest or students boycott. 10

Countrywide? -- It is possible they were countrywide.

In the last paragraph on this page we see, it reads as follows:

"At such a crucial time in our struggle for justice and better education, we find it important to inform all our people that only in united action shall we be in a position to win our struggle for people's education and power, and have the genuine demands of the students of our country." 20

Do you have the place? -- Yes, I have the paragraph.

Who is "all our people" referred to in this paragraph? -- I do not know what the students are referring to in that paragraph.

How do you understand it when you read this? -- Well, my understanding is that all the people, as it stands there. 30

All/...

All our people, are the White people included? -- Yes, it should be because COSAS is non-racial or was non-racial.

And it says only in united action shall we be in a position to win our struggle for people's education and power.

COURT: Are you saying COSAS was unracial because it changed its stance or because it was banned? -- I say it was because it is banned.

When was it banned? -- I think it was banned in 1985.

MR HANEKOM: What do you understand by united action, when the students refer to united action? -- I understand the students to say a massive majority rejection, the present system of education will eventually make it clear for those who are in control of education or who are in control of the State to know that the people are dissatisfied with this and there is the need for a change of the education system. 10

And what power do you think the students are referring to? What power do they want? They want to win their struggle for people's education and power? -- Well, I think the schools being institutions and being said to be run by the people, it was the running of the schools by the people, signifies power itself. That is control of the schools by the people, is the power of some kind. 20

Is this view that you now express in accordance with the perception of the Soweto Civic Association, that the people must be in control? -- It was my personal perception, my personal opinion.

And what was the opinion of the Soweto Civic Association? -- The Soweto Civic Association has always wanted things to be run by the people. That is the only democratic 30

basis/...

basis. All what the people want, what the majority of the people want should be done according to the will of the people.

So do I understand you correctly then that it was the view of the Soweto Civic Association that they had to support the students in their struggle for education controlled by the people? -- That is incorrect.

Well, what was the position then? -- I am talking of the position of the Soweto Civic Association with regard to matters or issues that concerned the people of Soweto. If education is one of them, it is true, the people of Soweto would love to have control, a measure of power in the administration of their schools. 10

Why do you say if education in Soweto is one? Was it not an issue? -- Because we are talking in general terms about the power of the people and which arises from the unity of the people.

But the question was specific, was that the position in Soweto or was it not the position? -- The position with what? 20

That the Soweto Civic Association supported the students in their struggle for an education system controlled by the people? -- The people of Soweto wanted education controlled by the people independent of their own decision and of their own willpower, and if the children too want a similar thing, it would be a happy coincidence, it would be a pleasant coincidence.

You refer now to the people of Soweto. I am asking you about the Soweto Civic Association? -- I am referring to the Soweto Civic Association. 30

Will/...

Will you please turn to the next exhibit "AB9" on page 2. This document was found in the UDF offices in Johannesburg and it is headed "COSAS NEC Statement on Department of Education and Training's Response to Students' Legitimate Demands". In the middle of that page, page 2 we find:

"And believing that further the education which is forced to our people has long been proved to be a failure, ever since its inception in 1954 and that it will never take our forefathers' land South Africa to anywhere."

10

What do you understand by that? -- Is that page 2 of that document?

Page 2 in the middle of the page. -- And believing that.

And then the last sentence under that heading:

"The education which is forced to our people has long been proved to be a failure, ever since its inception in 1954 and that it will never take our forefathers' land South Africa to anywhere."

What do you understand by that, that the present education system will never take our forefathers' land South Africa to anywhere? -- First I do not know, the sentiments of the students here, what they meant by further and where they want their fathers to be taken to.

20

Was that not also the perception in the Soweto Civic Association, that the present education system was a failure and that it will never take South Africa to anywhere? -- That is correct. We in Soweto deplore Bantu education.

And lower down on that same page, we find ..

COURT: Can I just get clarity on what you have against Bantu/...

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Bantu education? Is it the curriculum, is it the facilities or is it the standard of the teachers? -- It is quite a number of issues involved, because taking off from the point of the control of the education, and we are going to find the whole situation, the position of the financing of the education, is not going to be similar with those of other education systems, that is the funding of the Bantu education is not similar to the funding of the White education, and from that flows a lot of imbalances in terms of the equipment, in terms of the quality of the teachers, in terms of the number of the children at schools, the number of schools, equipment at schools. There are just a lot of things that are wrong in the whole system of Bantu education. All those elements go to make it horribly inferior. 10

Now, the curriculum, is there a complaint against the curriculum? -- The curriculum could be as good or it may compare with other schools, but the question is, the curriculum itself cannot teach itself. The curriculum itself still needs a number of issues to make it a worthwhile curriculum. 20

How do you mean, it needs issues? -- Like I said, in terms of funding, in terms of qualified teachers, in terms of the schools, the number of schools, in terms of equipment.

But that is the method of presentation and of support of the curriculum. The curriculum itself you are satisfied with? -- I would not say one is satisfied with it. These things sometimes change as time goes on, and even the curriculum, one has to study it very carefully in sort of comparative terms. 30

Well/...

Well, as you stand there, you cannot quickly think of anything that you are dissatisfied with? -- I have thought about this, that I am dissatisfied.

What? -- The whole mode of carrying that curriculum or making that curriculum work.

Yes, that is a different thing. You are evading the question. The question is, the curriculum, that is what is supposed to be taught to the children, are you happy with that or dissatisfied with that? Not the way in which it is taught? -- In the end I would be unhappy with it.

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Why? -- Simply because it is inoperative.

It is inoperative? -- You cannot get it going.

MR HANEKOM: Do you say that since the inception of Bantu education in 1954 there were no changes for the better? Nothing improved? -- What improved?

The conditions, more schools, more facilities, better qualified teachers? Were there no changes at all or no improvements? -- There have been no improvements. We do not need improvement of Bantu education, but removal of Bantu education. We want only one system of education equally funded.

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I refer you now to the next portion on the same page:

"And therefore resolved that"

and then point 2:

"All town community councillors must resign immediately and unconditionally because they are responsible for the killing of students in the Vaal and other areas."

What do you say about that demand of the students, that the town councillors and community councillors must resign? -- I have no comment on that.

30

Where/...

ASSESSOR (MR KRUGEL): Where are you now, Mr Hanekom?

MR HANEKOM: The very next sentence on the same page, page 2.

Was that also the perception of the Soweto Civic Association, that the school children should demand for the resignation of the community councillors? -- That the Soweto Civic Association demanded that the students should demand the resignation of the community councillors? Is that counsel's question?

Yes? -- It was no concern of the Soweto Civic Association of how the students viewed the whole situation, and how they resolve at their own meetings. 10

This is a clear indication again that the struggle, the so-called struggle in the education sphere was not confined to school matters alone. They involved themselves with other matters, political matters like the resignation of community councillors, and I put it to you that they were assisted in that by the Soweto Civic Association? -- Do point out how the Soweto Civic Association assisted them in that, but if it is a proposition, it is false. 20

Did the Soweto Civic Association on any occasion convey to the students that they should stick to their own school matters and leave the political side to the civic and political organisations? -- We told the students in no uncertain terms to go back to school. Their whole existential being is that of being students and that is all.

Are you sincere with the Court with that answer of yours, that the Soweto Civic Association's only interest was to get the scholars to go back to school? -- That is what I am saying. 30

We/...

We will come back to that. What do you say about this that the students claim that the community councillors were responsible for killing of the students in the Vaal and other areas? -- I do not know how they come to that conclusion.

What was your view? Were the community councillors in any way responsible for killing of any students in the Vaal or other areas? -- I do not know.

What was the perception of the Soweto Civic Association in this regard? Was it ever discussed? -- We never discussed that. 10

And point 8 on that same page, the last point on the page reads:

"All the people of our land must rally behind the move by AZASO and COSAS in campaign for an education charter, which will be a yardstick around the struggles in education. We further believe that the envisaged character of the education charter will be one of a democratic nature as an alternative to the present racist and degrading education." 20

What do you say about the call by the students on all the people of the land to rally behind them in their campaign? -- I think it is one of the wishes of all the organisations to gain as much support as possible.

Did the Soweto Civic Association rally behind AZASO and COSAS in their campaign for an education charter? -- I do not remember whether the Soweto Civic Association has ever taken a decision on that.

And what is the position in actual life, in the practice? -- In practice with regard to the education charter? 30

Yes/...

Yes, what was the stance of the Soweto Civic Association?
-- I do not even know when the whole question of the education charter came about and whether the education charter itself exists.

You can put down that exhibit. I want to refer you to EXHIBIT "AB17", that is in Volume 2. M'Lord, it was admitted that this document was found in the possession of accused no 2. It is headed "Eighth Anniversary". I want you to turn to page 3 with the heading "Eight Years Later".

COURT: Are you going to refer only to this page? 10

MR HANEKOM: Yes, M'Lord.

COURT: The heading of the page is "Eight Years Later".

MR HANEKOM: If we look at the first sentence:

"95 months later after the uprisings of 1976 .."
then this paper is referring to the position in 1984. Under the heading "Atteridgeville" we see:

"Over 6 000 schoolchildren have been arrogantly forced into the streets by Barend du Plessis because their demands could not be met."

This is another indication that the problems in Atteridgeville 20 were not - the question of the examination papers that were found there, but it was because the demands of the students were not yet that they took to boycott of the schools. Do you want to comment on that? -- I thought I made it very clear, that after the discovery of the unmarked scripts, and the case against civil servants in the Bantu Education Department for having leaked the newspaper questions and having sold them all over, it became very clear to the students that there was a great lack of discipline in the whole machinery of running the education of the children, 30
even/...

even at schools, so that the students started campaigning for a share in the whole system of trying to maintain discipline at school. It is for this reason that the students felt that they were not happy with the prefect system, because the prefect system rested entirely on appointees, that is children were appointed to be prefects, so they felt that if there could be students of their own choice, on the basis of their knowledge, of those that they elected to that together with the teachers, together with the parents, there can be a fair deal in the discipline sphere of the school, 10 in the running of the schools. It is for this reason that the students started campaigning for the SRC's.

COURT: You mean there was not enough discipline in the schools, or you mean the organisation was not running properly? -- The organisation was not run properly.

Because the complaint was that there was too much discipline in the form of corporal punishment? -- Here are people administering such severe corporal punishment, and yet when it comes to the main issues of examination scripts, they are unable to maintain control. So this weighed heavily 20 against them.

So were the SRC's to maintain security of examination scripts? -- It would not necessarily mean that, but at least if together with the teachers, there is close observation of certain practices, perhaps the teachers in turn would know that they have to execute their duties within the correct ethics, so that at least they themselves must not find themselves embarrassed by whatever disclosures that may come out later.

So would that amount to students' control over teachers? 30

-- It/...

-- It may be immediately or remotely, but while we are aware of the kind of discipline structure, we felt this could have been the ideal for students, that perhaps the teachers would know, the administration would know the concern of the students.

MR HANEKOM: I put it to you that in this paper there is no reference to examination papers that caused the trouble in Atteridgeville, but it was the main problem, there was that the demands of the students were not met? That caused the boycotts? -- Perhaps we would have to know who drew this paper, and whether there are other papers that were drawn at a meeting of this nature, but it is true as it is on this page, that reference is not made, but this does not mean that this did not exist. M'Lord, we are not going to close our eyes to real facts, just to make people believe that some of these things are not there, and this is the entire situation that is obtained in this country, a lot of facts being hidden away from the people and people being made to live in complete ignorance of certain basic facts. To say that these things are not here, it is correct, they are not here, but it does not mean that they never existed. 10 20

Turn to EXHIBIT "A820" in the same volume. M'Lord, this document was found in the possession of Amanda Kwadi. The heading of the document is "Facing the Crisis in Black Education" and it was - if you look at page 4, it was compiled by Reverend Frank Chikane on behalf of the steering committee on the Crisis in Black Education. Was Amanda Kwadi a member of the Soweto Civic Association? -- Yes, she was an ordinary member of the Soweto Civic Association.

And Reverend Frank Chikane? -- He too was an ordinary member/... 30

member of the Soweto Civic Association.

Was Reverend Chikane only an ordinary member? Did he not hold any office? -- He held an office, he was elected on the executive on 1 December 1984.

Now, please have a look at page 2, paragraph 1.6.

COURT: Could we just get some clarity. What is the steering committee? Do you know that committee? -- I do not know that committee.

MR HANEKOM: Paragraph 1.6 is headed "Corruption in the Department itself".

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"Most parents suspect that there is corruption within the Department of Education and Training itself, and thus have suspicion that the pass rate is being controlled for political reasons on the one hand and for the benefit of the economy on the other; that some or most of the papers of children are not marked with marks allocated; that the administration itself may be so poor that there is no way of avoiding errors in the process of examining children."

Now, Reverend Chikane is referring here to suspicion on the part of the parents about corruption? -- Correct.

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Is this not strange, if .. (INTERVENTION)

COURT: Why do you ask this witness that? He is not the author.

MR HANEKOM: I will rephrase my question, M'Lord.

Do you not think if there were facts, grounds for this allegation, Reverend Chikane would have referred to the facts and not referred to mere suspicion? -- If we look at 1.5 on the same page, it refers to leakages of question papers. That is a fact that would arouse suspicion.

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Paragraph/...

Paragraph 1.5 is also in general terms; it does not refer to any specific incident. It reads:

"Lately there is almost a constant in history a leakage of examination papers every year."

It is only a general statement? -- That is how you would see it, but taking into account the fact that this paper is issued on 24 March 1984, it refers to the problem that I have just referred to, namely that the high percentage of failures of the matric students in 1980, that is the end of 1983, had to be addressed in early 1984, and it was the leakages of the examination papers of 1983 that resulted in this kind of suspicion, and this is the reference that is - this reference, that is 1.5 refers to that in particular. 10

What I lastly on this document want to put to you is that there was no factual basis for the statement that there was a leakage of examination papers. It was all suspicion, based on suspicion? -- Reference to the leakages, if we are saying that the leakages were a suspicion and not a fact, I would go all the hog with you, since for the reference to the leakages on this page. 20

COURT: While we are discussing this, was it a leakage of the history paper or was it other papers as well, because if one reads that sentence, I cannot make much sense of the word "history" unless it refers to a history paper? -- Correct. There were quite a number of subjects whose exam papers leaked, but I am not quite certain, it looks like the examination scripts that were discovered, were actually the history examination papers.

MR HANEKOM: Would you please turn to EXHIBIT "AB26" in the same volume? M'Lord, this document was found in the offices of/... 30

of the UDF, Khotso House, Johannesburg. The heading of the document is "Towards an Education Charter". Paragraph 1 reads as follows:

"The time has come when democrats should begin to discuss very seriously the kind of education that is required to replace the present system. We have long been critical of the nature of our education, and we have long demanded a system that opens the door of learning and culture to all."

What do you understand by that sentence, that the system is demanded that opens the door of learning and culture to all? -- Yes, that is if I understand well, the demand is that education must be one kind of education for all people, that is the doors of the schools or whatever, all education departments must be accessible to everybody, that is that there should be equality in the field of education. 10

This phrase "opens the door of learning and culture to all" is in inverted commas. Do you know why, where this phrase comes from? -- I do not know.

Is it not taken from the Freedom Charter or do you not know? -- It is possible it could be from the Freedom Charter. 20

If you continue with that paragraph, it reads:

"While it is necessary that we continue this task of criticism, it is also important that we start to talk about the ways in which education must change in order that the doors of learning and culture will indeed be open to all. The processes by which women, workers and students are to take control of their education are a vital part of the wider struggle to control all aspects of their lives." 30

Do/...

Do you agree with that? -- Yes, I would agree, I do agree with that, taking into account the fact of education, that education possesses the people's mind, you know, it opens their minds, their entire mode of thinking, their entire sight to all the issues, they can see things clearly once they have been educated and they can see it in a certain perspective once they have got one system of education. That is people's minds would be together, that is people's minds would be one, even if they differ, they will differ on issues that people can understand and be able to remedy if they are that crucial. 10

Do you then agree that the taking of control of their own education is a vital part of the wider struggle? The wider liberation struggle? -- Well, if we take in terms of - like the adage goes, knowledge is power, once people have been educated and educated equally and they have had equal opportunities, this almost presupposes that people are in control, that is those who give that education and those products of that education, they have almost control of their whole life. 20

And then it says:

"The following principles are suggested for discussion, as representing what we think may be the basic preconditions for the transition to a South Africa where democratic education is guaranteed and the cultural heritage of all our people is respected."

What do you understand by democratic education? -- I think it means education for all people, one system of education for all people.

And then the preconditions are listed and the second one/... 30

one reads:

"Examination and revision of existing courses and methods in the spreading of literacy with a view both to improving their effectivity and extending their scope."

So do you say that is part of the control that the people want, to have a say in the courses and the methods? -- I think first before you can say people have control, people must be able to understand what is involved, and those who are illiterate need to be taught, parents who are illiterate need to be enabled to cope with what is expected, and until they reach that stage of being able, of being in a position to understand everything, we cannot say that they are with us and therefore it is going to be difficult to say that the education is the education for the people. 10

And then poing 6 reads, as one of the preconditions:

"Scrutiny of existing school teacher training and university courses and the development of curricula which are aimed at enhancing the participation of all in political, economic and social life." 20

What do you understand by that? -- Well, I understand this to mean, there would be the need to scrutinise all these things to make a thorough study of all these things, and see whether they are in consonant with what the people aspire for.

What do you understand by curricula which are aimed at enhancing the participation of all in political, economic and social life? -- Yes, I would think for an example, if the curricula have say nothing on computer science, and computer science is very important in the economic sphere, 30

it/...

it becomes imperative that this must be given to the people. So until they have got that, they would not be in a better position to equip themselves even in that economic sphere.

That goes for the economic side. What about the political side, enhancing the participation of all in political life? -- Yes, it means just that, that there is a bias, a political bias in education, and that bias must be understood and people must know whether it is for the good of the country or for the good of the nation, and as a result once they are able to understand all those political vibes which might be inherent in education, then they are not in a position to run their lives better.

So this all boils down to one thing and that is that the people want control over the curricula? -- I do not know whether here they want it for themselves or whether they say, this is what would be ideal in the country, but if this means, it is a thing that they would envisage for the entire country, then well and good, but if it is confined to the students, one would wonder whether they would be in a position to understand what is meant and what is needed when it comes to the drawing of the curriculum and all this, whether they are even in a position to understand all those finer points of political bias.

Another precondition is point 8:

"The reintegration of Bantustan structures into a democratic national system."

How do you see that as a precondition for the transition to a South Africa where there will be a democratic education system? -- I do not know how the students saw it themselves.

How do you understand this? -- What I understand is that/...

that there has always been a call for one undivided South Africa.

Do you think this is a condition that is possible to fulfil? -- Well, that is the aspiration. Whether it is possible or not possible shall be seen later.

Well, this is stated not as something that will be seen later. It is stated as a basic precondition. How do you understand it in the light of a basic precondition? -- I would once more refer to - these are the resolutions of the students. I do not see, I do not understand the urgency they attach to this and whether even at their meetings they did discuss this and went into the mechanism. 10

ASSESSOR (MR KRUGEL): Mr Manthata, it is not clear why you say that these are the decisions of the students? -- Perhaps I might be mistaken. That is what one would have wanted to know, who was producing, who was presenting this Freedom Charter - or this education charter.

The document? -- The document.

We have long been critical, we demand etcetera, we - do you see any way in which this is coupled with students, with students' demands? -- Yes, as I have said, I withdraw that. I do not know in the first place who drew this paper and where was this paper being read. 20

It originates from Khotso House, it was found there, and there is also the small note at the end of the page:

"Would you please send any ideas on the above as well as details about methods and processes by which they were developed in your organisation. To UDF Khotso House, Fourth Floor, De Villiers Street, Johannesburg."

-- Yes, I see that. 30

You/...

You were, if I may put it that way, a resident of Khotso House. What is on the fourth floor? -- On the fourth floor is the Evangelical Lutheran Church.

COURT: Only that? -- That is the main occupant, and then there was a small office which had something to do with the removals, that is Trek, which was a Black Sash project.

Were there UDF offices? -- UDF offices were on the sixth floor.

Here it is stated they are on the fourth floor? There is some UDF presence on the fourth floor? -- No. 10

Where was your office? -- My office was on the fifth floor.

On the fifth floor? -- Yes.

MR HANEKOM: Mr Mathata, please turn to EXHIBIT "AB29" in the same volume. M'Lord, this document was found in the possession of Dora Sasing in Thumahole. Do you know a person by the name of Dora Sasing? -- I do not know her.

If you look at the second page of this document, it was published by COSAS, NEC. It is a document with the heading "Congress of South African Students, United Action for Democratic Education". Will you turn to the numbered page 6 of that document? The last paragraph on page 6 reads as follows: 20

"Most branches reported that they have close contact with organisations in their area."

COURT: I am sorry. What is your page 6? My page 6 is the National Executive Committee report.

MR HANEKOM: My numbered page 6 is headed "Branch Report".

COURT: Well, the pages have been numbered.

MR HANEKOM: Then it will be on page 7, M'Lord. The last paragraph/... 30

paragraph in the second column:

"Most branches reported that they have close contact with organisations in their areas. Some branches are engaged in the same programs, 16 June commemoration days etc. The branches work hand-in-hand with their organisations, for example the Soweto branch with SOYCO; Grahamstown branch, SACCOS, YCW etc. Most of the organisations are affiliates of UDF as COSAS is."

Where this refers to the co-operation between COSAS and organisations in Soweto, would that include the Soweto Civic Association? -- I would think so, as I have already pointed out. 10

Will you turn to page 10 please? It is the typed page 12. -- Are we still at the same "29"?

Yes.

MR BIZOS: M'Lord, are we to understand that it is being put that the words "the Soweto branch" refers to the SCA?

COURT: No, I do not think so. It was put on the basis that there is a reference to SOYCO working with COSAS and is the SCA also possibly working with COSAS. 20

MR BIZOS: Well, on that basis I have nothing further to say.

MR HANEKOM: Do you have the page? -- Page 10 I have.

In the first column, the last sentence, "the idea of the education charter", do you have that? -- The heading of page 10 is "Women continue". Is that correct?

COURT: No, the first word is "zombies".

MR HANEKOM: It is the next page. Do you have the place now?

"The idea of an education charter emerged at an AZASO 30

GC/...

GC and later got endorsed by the COSAS National Council. The education charter can be used as a guide in the struggle for a free and democratic education. It could contain short term, medium term and long term demands of the oppressed for a new education. The charter could also serve as the mobilising point for a free democratic education."

Would you agree with me that the education charter was used for mobilising the people, the students, one of its aims was to mobilise the students? -- Can you rephrase your question? 10

Would you agree with me that the education charter initiated by AZASO and also taken up by COSAS was inter alia used to mobilise the students? -- I can only express an opinion, that it could have been.

Did the Soweto Civic Association assist the students in the campaign around the education charter? -- No, the Soweto Civic Association did not help the students in doing this.

Would you turn to page 13 please of the same exhibit? It is the typed numbered page 18. In the second column in the middle of the page is the heading "Our Aim is Democratic Education". Do you have the place? -- Yes, I have got the place. That is at page 18, yes. 20

And that paragraph reads:

"This will be the main issue in the education charter campaign. The demand for democratic education has been fought for, boycotted for, organised for. The events of June 1976, the boycott of 1980, the protests of 1981 have all centred around the need for alternative education, democratic education."

This again shows that the real struggle and the real issue was/... 30

was a need for the so-called alternative education. That was the real nature of the struggle in the education sphere. Do you agree with me? -- That is how the students see it.

Well, how was it seen by you in the Soweto Civic Association? -- Yes, we have never in the Soweto Civic Association stopped saying Bantu education is bad, but we have never gone onto a campaign for that.

But you never supported the students in their campaign for this alternative education system? -- I would not understand what support counsel is referring to. 10

Support of any nature? -- I do not think we ever got directly involved, much as I would say we would not have been against what the students consider the right thing to campaign for.

Will you have a look at the last paragraph on that same page:

"Democratic too because we do not separate education from society. A repressive exploited society will have an education that glorifies repression, that justifies exploitation. A democratic society alone can have democratic education in form (who will control it), the relationship between students, parents and teachers and content (what we are taught). The struggle for democratic education itself will assist and contribute to the broader struggle for a democratic society, and the education charter campaign will reflect demands for and the form of that education which is democratic." 20

So this again, it is a reference to the fact that the education struggle was part and parcel of the broader struggle, the liberation struggle? -- This is what the students are saying/... 30

saying.

And this is not only what the students are saying, but this is also what happened in practice, that the struggles of the students were linked to the broader struggles in society? -- In practice I would not say I have been observant of the actions or activities of the students in this direction.

Were all the protests and boycotts of the students not done as part of the broader struggle? -- As a parent I do not know. 10

And in your capacity as a member or secretary of the Soweto Civic Association, do you know? -- We never meddled into the activities of schoolchildren except when they were out of school in the streets.

Would you have a look at EXHIBIT "A845", it is in Volume 3. M'Lord, this was found in the possession of one Abram Mbongo in Vereeniging, and it is a pamphlet headed "COSAS calls on Students to Unite". Mr Manthata, do you know an Abram Mbongo in Vereeniging? -- I do not know Abram Mbongo. 20

M'Lord, I can just point out that this exhibit is similar to EXHIBIT "AAW2", and that document was handed in by Sergeant Mong, and he testified in Volume 96 on page 4647 that he found these pamphlets near the Jabulane Technical College on 17 August 1984. I am putting it to you, Mr Manthata, that this document was inter alia distributed in Soweto? -- I do not know of this document.

Will you have a look at page 2, the first paragraph in the first column reads, under the heading "COSAS/AZASO supports Students' Demands": 30

"1984/...

"1984 has seen the most student struggles since 1976. These struggles emanate from our realisation of the inferior education which we get at our schools and universities."

A reference to the fact that the struggle in the education sphere was against the inferior education; that was the main problem. Do you agree? -- That is how it reads.

If we continue with that paragraph:

"These struggles further reaffirm our opposition to the age limit regulations, fraudulent PRC's, uncontrolled corporal punishment. As a response to these crises, we as students in South Africa have demanded democratic SRC's and the establishment of parent/student associations. We demand SRC's because we realise that SRC's would take students' demands effectively than the prefect system or PRC's. They will be able to make students to politically understand the problems we face at school and link them with the general struggle outside schools."

I am putting it to you that this is the true or the only reason why the students demanded SRC's. This is the reason as given here? -- Yes, I understand it as we read what is given here.

What do you say to that? Do you agree that this was the sole reason for demanding SRC's? -- Perhaps we would have to go back to understand what would the students refer to:

"We demand SRC's because we realise that SRC's will take students' demands effectively than the prefect system .."

whatever/...

whatever they call it. But here too one wonders, one observes that the students have not tabulated their demands, and I would find it difficult to say, then let us read into this. That is why I said, as it stands and if you are referring to what stands in this paper, yes, this is what we read.

THE COURT ADJOURNS. THE COURT RESUMES:

THOMAS M MANTHATA, still under oath:

FURTHER CROSS-EXAMINATION BY MR HANEKOM: Mr Manthata, we were busy with EXHIBIT "AB45" on page 2. Do you have the exhibit? -- Yes, I have it. 10

What I am putting to you is that ..

COURT: Whose exhibit do you have there? Is it your own? Is it the witness's exhibit? I see it has been marked.

MR HANEKOM: What I am putting to you is that in this paragraph we find the true and the only reason why the students demanded SRC's, namely that the SRC's will be able to make students to politically understand the problems we face at school and link them with the general struggle outside schools. That was the reason for demanding SRC's? -- This is what we read. 20

And what do you say to that? -- I would have no comment until I know, as I said, you know, they talk of understanding the problems. I do not know what the problems are. They talk about - I would find it difficult to comment on this. It is the students' viewpoint and I have no quarrels with it.

Well, I am putting it to you that this is the sole reason for the demand, and it is not as you testified that the demand for SRC's was for the students to have control? 30

-- That/...

-- That is how it came through to us. That is what I gave, but what is in here, it does not even exclude that, if students refer to their problems.

Do you mean to say that you asked the students why they demanded SRC's? -- I asked them?

Yes? -- That is incorrect.

Well, on what do you base your opinion that the demand for SRC's was for the students to have control? -- I said this is what came through to us when we were talking to them to go back to school.

10

If we continue with that paragraph, it reads:

"Parent/student involvement in student struggles further strengthen our long-established relationship to struggle side-by-side until we get our demands. This will also prove the fact that we are members of the community before we are students. Our parents are important also in supporting our rightful demands at school, and therefore we urge students to explain to parents what we are struggling for."

Do you agree that this was the importance of the parents involving in the struggle of the students? -- Which are the importance?

20

That the students could not go into the struggle alone and that they needed the support of the parents to support them in their struggle? -- To support them in their rightful demands. That is if the parents sit down together with the students or the parents sit down alone and reassess what the children seem to see as a problem, or as a demand, and if the parents eventually can come to the realisation that this is a rightful demand, I do not think the parents can withhold

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their/...

their support for the students on that.

Please look at the second column, the first sentence:

"The only way that we can use to win our demands is to unite with our parents, workers and all members of our community, to demonstrate our strength and hatred we have towards things imposed on us without our consultation."

-- That is their wish, the ideal way they think they can go about their problems.

And this paragraph shows us two things, namely that the students needed the support of the parents and the workers in their struggle. Do you agree with that? -- That is the wish, that is the desire of the students. 10

If we continue:

"The resistance of our people will not stop until there is free and compulsory dynamic education for all in a non-racial and undivided South Africa."

Do you agree with that? -- What paragraph are you reading?

Just the next sentence, the first paragraph in the second column. 20

"The resistance of our people will not stop until there is a free and compulsory, dynamic education for all in a non-racial and undivided South Africa."

-- Yes, I see that.

Do you agree with that? -- I wonder whether the children or the students would understand the resistance of their parents and that of the rest of the people, whether here they are talking primarily with the resistance that they as students are involved in.

But do you agree that nothing in the education sphere will/... 30

will satisfy you unless there is a non-racial and undivided South Africa? -- I see that they talk about compulsory, dynamic education for all in a non-racial and undivided South Africa. This is what the students are saying.

Yes, and what is your view? -- I have no problem with that.

The sixth line from the bottom reads:

"Finally we want to say that as students of South Africa we will continue to boycott as long as our demands are not met."

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What do you say to that? -- It sounds like a resolution taken at a students' conference.

And what happened in the reality? -- I do not know how they executed that resolution.

You can put down that exhibit. I am now referring you to EXHIBIT "W74". It is in Volume 12. M'Lord, this document was found in the possession of J Khasu in Vryburg. Do you know Mr Khasu of Vryburg? -- No, I do not know Mr Khasu.

Do you know this document? It is headed "Soweto Civic Association Annual General Meeting 1 December 1984". -- Yes, I have seen it whilst in detention as we were going through these documents.

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COURT: You mean while under arrest for this case? -- While under arrest for this case.

MR HANEKOM: You have not seen it before? -- I had not seen it before.

Please turn to page 5. This is an article with the heading "Motlana organise at Grassroots".

COURT: Page 4 or page 5?

MR HANEKOM: No, I am going to refer to page 5, M'Lord.

30

In/...

In the last column, the first paragraph - actually the last sentence in the middle paragraph, we start from there, and this is what Dr Motlana has to say:

"We would like to make our position in the Civic Association crystal clear. We most certainly would like to see our children back in school."

Do you have the place? -- Yes.

Do you agree with Dr Motlana that that was your wish?
-- Yes, we want to see the children back in school.

And then he continues:

"We would not like to see schools burnt down, but we are in total agreement with the students in their demand for a just education system. When they say they cannot go back because of the injustices of the system, we cannot, we will not force them back even if we could."

What do you say to that? -- Yes, I have said it earlier on that even at the Soweto Civic Association we are against Bantu education.

I put it to you that this is in conflict with your earlier evidence. As I understood you, your evidence was that you urged the children to go back to school? -- Correct.

Is that not in conflict with what Dr Motlana is saying here, that when they say they cannot go back because of the injustices of the system, we cannot and we will not force them back, even if we could? -- Yes, but we are not saying we will urge them to stay back. We are just saying it will be impossible to force the children into a situation where the following day they will be out. I mean, we experienced these things in 1976, 1977, when we would have to urge

students/...

students to go back to school, and then the police come and beat them out of classes and out of the school yard, rendering our efforts futile.

COURT: Yes, but now, what are you attempting to say? -- I am trying to say there would be occasions, that it is not general - the stand is, the children must go back to school, and if they are there, the Department must make the situation or the condition conducive at school for learning, for the children to be there.

Yes, but I still do not understand clearly. Was your attitude and did you express the attitude, children, you must go back to school, or was your attitude, we would like the children to go back to school but it will not help at all because the moment they get there, they get chased out of the classes by the police? -- Precisely, M'Lord, that is the moment they got chased out of the class, it rendered our efforts useless and it would be at that time we would say, we want the children to go back to school, but please make it possible for them to remain at school. 10

So your attitude was not towards the children, go back to school. Your attitude was, we would like you to go back to school, but it will not help at all because you will be chased out of the classes? -- I thought the fact that we said, go back to school and then the problem comes back to us in the form of what it is, then admittedly every parent will be sympathetic, will feel for the children. 20

Now, were the children chased out of school in 1984? -- We had such incidents.

Where? -- In Soweto.

Where? -- We had such incidents in Bongo, we had such instances/... 30

instances, I think it was Orlando West Junior Secondary School. I would not be able to cite all the cases, but we had some such cases, I think even at Orlando High.

Was that an instance where the children were inside the school for the purpose of getting taught, or were these instances where they were outside in the playgrounds demonstrating? -- The children were demonstrating, is this what Your Lordship is saying? Is that the question that M'Lord is raising?

I want to know, they were chased out by the police, you say. Were they chased out of the school after they had demonstrated on the playground, or were they chased out of the classrooms while attending lectures? -- What we were told was that they were chased out of the classrooms whilst they were being taught. In fact this we even heard in Matulata what is supposed to be a private school.

MR HANEKOM: Do you have personal knowledge of those incidents? Where did you get your information? -- I got this information from some of the teachers, of personal knowledge, yes, I do not have.

Who are the teachers that told you that? Could you name them please? -- We had a Mr Habedi, I have forgotten the name of the teacher at Bongo, and Mrs Robertson who was teaching here at Matulata. I may not remember them all, but this has happened.

Where was Mr Habedi teaching? -- Orlando High.

Please turn to page 4 of that same document, in the middle column, the first sentence, Dr Motlana says:

"While in the urban areas there is open revolt against the inferior education system, and the oppressed have
decided/...

decided to show their rejection of the local government system in concrete ways."

Do you agree with Dr Motlana that there was open revolt against the inferior education system in 1984? -- I would find that a general statement. That does not give out specific issues, but in general terms, perhaps one would see that as a sort of summary of the events of the time, but it does not follow that the basic reasons do not exist.

You can put down that exhibit.

ASSESSOR (MR KRUGEL): Before you go away from this exhibit, 10
Mr Hanekom. Mr Manthata, I realise that this is a generalisation to a large extent, but we had Dr Motlana here saying that there is in urban areas open revolt against the inferior education system. He also says, when the oppressed have decided to show their rejection of the local government system in concrete ways. What happened in the townships during this revolt or during this education crisis? What happened in the schools? -- Like I said, at schools, the children stayed away, they staged boycotts.

Yes, but what about the destruction of schools that we 20
heard about? We have had evidence about that? -- During that time there was no destruction of schools at all.

COURT: You are talking of what time? -- 1984, that is early 1984. I am referring to Soweto in particular, unless we are referring to schools all over the country.

ASSESSOR (MR KRUGEL): And since then? -- Since then, coming to 1985, the bulk of which I was in detention.

This of course was in December 1984? -- Right.

At the AGM? -- At the AGM.

Was the position then in Soweto that there was no 30
destruction/...

destruction in the schools? -- At that school there was no destruction in the school to my memory.

And in the Vaal? -- I do not know what the position was in the Vaal.

So you say the reference here to concrete ways in which the oppressed have decided to show their rejection refers to staying away from school and only that? -- If we refer to the students issue, yes, this is what I am saying.

MR HANEKOM: Mr Manthata, I am referring you now to EXHIBIT "AAW1". M'Lord, I think I will leave this for the moment. I will come back to it. M'Lord, this document was handed in by Sergeant Mong in Volume 96 page 4647, and he testified that this document, this pamphlet was found near the Jabulane Technical College on 17 August 1984. 10

Mr Manthata, this document was issued by the Committee of Concerned, Soweto. Do you see that? It is not a very good copy. -- Yes, I see that on page 2.

Do you know anything about this committee? -- I know nothing about this committee.

Sergeang Mong testified that the Committee of Concerned consisted of members of the Soweto Civic Association mostly. What do you say to that? -- I think on page 2 they give the constituent members of that committee. They say it is representing students from 24 high schools in Soweto. It calls on students, teachers, parents to act now and demonstrate rejection. There is no reference to the Soweto Civic Association there. 20

Was any member of the Soweto Civic Association involved in this committee or do you not know? -- I said I know nothing about this committee. 30

Please/...

Please look at page 2 of this document, the first column. The second paragraph:

"There are so many problems and corruption in our schools that you are not allowed to know. It is only when we stand together that we can solve problems of high rents, low wages, GST, expensive uniforms etc."

Do you agree that this was a call, the call that was made on the parents in Soweto? -- I do not know. I just see it in this pamphlet that the students - a call on students and so on.

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In the second column in the middle it says:

"We are made to believe that the teachers are our enemies, not allowed to discuss the problems we face at school with our parents."

What do you say about that? -- I do not know that either.

Have you ever heard this allegation that the students were made to believe that the teachers were their enemies? -- I do not remember hearing that.

What do you think is it referring to when it says they are not allowed to discuss the problems they face at school with their parents? Have you experienced that? -- Who does not allow them to speak to their parents? Who forbids them from speaking to their parents?

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I do not know. I am asking you. -- I do not know either.

Have you never experienced this? -- I have never experienced this.

At the bottom of that same page it says:

"Rejection of the rotten apartheid education which is meant to keep us inferior, divided, to breed suspicion, violence/...

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violence and racial hatred."

Do you see that? -- Which paragraph?

The second-last sentence on this document, just above "an injury to one is an injury to all". -- Page 2?

Yes, on the bottom of that page? -- Oh yes, I see that.

Would you describe the education system as a rotten apartheid education system? -- Well, we have always said it is an apartheid system. That does not mean well for the Black people.

What is meant by this system which is meant to keep us inferior, divided, to breed suspicion, violence and racial hatred? What do you understand by that? -- Well, I think they refer to Bantu education. 10

But how was that linked to violence? -- I would not understand what the students refer to here, but we have had occasions where violence has followed, when the students have tried to show their dissatisfaction on quite a number of issues that affected them, that were of immediate concern to the students. So I do not know whether this is what this paper is referring to. 20

What is your own perception? Do you say that the Bantu education system was responsible for violence and racial hatred? -- Racial hatred, yes, but violence I would not be in a position to say, because unless we are referring to those moments that I have referred to, that when students wanted to express their dissatisfaction on issues that affected them immediately, there has always been violence thereafter.

We can leave that document. M'Lord, just for clarity sake, document "AAW2" that I have already referred to, as 30
being/...

being similar to "AB45", was according to Sergeant Mong found on the same day and the same place as this "AAW1".

MR BIZOS: M'Lord, I find it necessary once every two weeks or so to say that our silence in relation to the admissibility of some of these documents is not to mislead My Learned Friends into any sort of acquiescence.

COURT: Neither is my silence to be taken that I regard every document here as absolutely admissible against every accused.

MR HANEKOM: I am referring now to EXHIBIT "AAW3". 10

COURT: Was it on your list?

MR HANEKOM: I am almost certain it was. If it will be of assistance, Mr Fick will be able to fetch it if it is not here. I think the misunderstanding came in at this, maybe on the list for yesterday.

COURT: Will you ask Mr Fick just to bring - my registrar is at the top there, room 69, to tell him to bring the documents down.

MR HANEKOM: Sergeant Mong testified in Volume 96 4651 that he found these pamphlets in the streets in Morokka on 9 20 October 1984.

COURT: Is that a suburb of Soweto?

MR HANEKOM: Yes, M'Lord.

Mr Manthata, this pamphlet was distributed in Morokka on 9 October 1984. Have you seen this before? -- I have not seen this document before.

This EXHIBIT "AAW3" is a pamphlet headed "Black Student Workers Solidarity" and it is issued by AZASO, and the demands of the students are listed here. It is first:

"The creation of a climate conducive to productive 30
learning/...

learning by (1) the immediate withdrawal of police from school premises and the townships as their presence has shown to be aggravating the situation."

Was this one of the demands that you got from the students in 1984? -- Yes, this was one of our concerns as parents, that the presence of the police at schools was not conducive to learning.

In what way was the presence of the police aggravating the situation? -- First, I am not a student. I can only report on what we heard from the students, and I do not know whether that .. 10

The second demand:

"Dropping the age limit regulation and restrictions on pre-school admittance."

Was this one of the demands that you learnt in 1984 from the students? -- Yes, there was a rule restricting children of a certain age limit - a certain age level not to be full-time students.

COURT: What do you understand by restrictions on pre-school admittance? -- This I do not know. 20

This would be before the primary school? Can it be? -- This would be before the primary school. This demand I do not know of. The demand that was publicised and was of public concern was this of the age limit with regard to children at the secondary and the high school level.

MR HANEKOM: And the third demand:

"The release of all students detained during the height of upheavals."

-- Yes, there was that demand too.

What upheavals are referred to here? -- I think they 30
refer/...

refer to school boycotts.

This demand was made at the time for the release of all the students detained during that time? -- Yes, the students were very firm on that, very articulate on that, that is the release of their leadership.

Irrespective of what the cause for the detentions was? -- Normally it was understood when we say release, we are saying that they must be released from Section 29, they must be either charged or be left free. So those who could have done - in terms of infraction of the law, they would have to be prosecuted. 10

And the fourth demand:

"The unconditional reopening of all schools closed in the face of unrelenting demands from students and intransigence on the part of the authorities."

-- Yes, this was the students' demand.

Were schools closed in 1984? -- Yes, there were certain schools that were closed down.

For what reason? -- I would not know what the reason was, what reason the Department gave. I think one could say perhaps because of the boycott, there were no children and therefore conducting full education was almost unproductive, more so that the Department might have considered it worthless to be paying teachers who would go to school and not have students to teach. 20

The fifth demand:

"The extension of the academic year through postponement of dates of the writing of examinations."

Was this a demand? -- This was the demand that the students made. 30

The/...

The sixth demand:

"The redress of student grievances at various institutions of learning."

-- Yes, this was another demand that the students raised.

COURT: But now, this AZASO, this was for university and college students, was it not? -- I am not quite conversant with the nature of the constitution of AZASO. It is quite possible it could have included students at secondary high school, university and technical schools.

But then they would overlap with COSAS, because COSAS is on the secondary high school? -- Yes, there were these two strands. This one subscribed to Black Consciousness and COSAS was non-racial. 10

MR HANEKOM: The last demand on this exhibit is:

"The acceptance of free democratically elected independent SRC's."

-- This was the call that the students raised.

And what is meant by democratically elected and independent SRC's? -- I do not know what the students understood by that. 20

Well, they conveyed this demand to you. What did you understand at the time? -- I think I have already said that this should be seen in contrast with the student prefect system where the class leader, that is the prefect, was nominated by the class teacher or was normally nominated by the principal, so the students wanted such leaders that they will have elected themselves.

COURT: Was this such a serious thing that a boycott could result from the refusal thereof, whether you have a prefect that is appointed by the teacher or a prefect that you elect yourself/... 30

yourself? -- The seriousness of this could be viewed in terms of what was obtained at school with regard to how the teachers were behaving, because sometimes it used to happen that teachers would behave sometimes in a highly unethical manner. You would find that at the beginning of the subject, a teacher perhaps remains in the staffroom for the best part of the time and gets into the class late, sometimes the children's books are not marked for the rest of the week, and sometimes - quite a lot of things that had an impact, that had effect on the children's learning, so that perhaps students could have seen it in terms of such teachers need to be reminded consistently and the only .. 10

By the students? -- By the students.

Would not a parent body be better equipped to remind the teachers of their duties? -- The parents would - this would not exclude the parents, but sometimes it does happen at our schools that the school committees comprise people who work and most of the time they have not got time to go to school and see what actually is taking place. They depend largely on the reports issued by the school principal. 20

MR HANEKOM: Mr Manthata, at the bottom of this document it says:

"Students, parents, workers, we have reached a turning point in history."

What do you understand by that? -- I would not - I would find it difficult to understand. To me it is just a slogan or a catch phrase.

I now refer you to ..

MR BIZOS: M'Lord, before My Learned Friend goes on to the next one, it may be convenient if I place on record what was put/... 30

put about Mr Mong's evidence in relation to the previous exhibit. Your Lordship was referred to page 4686, that the evidence ..

COURT: The previous one is "AAW1", is that the one you refer to?

MR BIZOS: Yes.

COURT: We were referred to 4649.

MR BIZOS: It is actually 4686, M'Lord, where he says that they were mainly members of the SCA. Your Lordship was referred to 4648, is that correct? 10

COURT: 4649.

MR BIZOS: 4648 is actually where it actually appears. But M'Lord, the reason why I stand is not for that wrong page, but the cross-examination at 4686, it became apparent that the witness's evidence was on, to use his own words:

"Uit die aard van my werk en uit die aard van die inligting wat ek ontvang het, op 'n vertroulike inligting oorgedra.."

and he was then asked whether he had any personal knowledge of this and he said no, he did not have any. That appears 20 on 4686, line 16 to line 27, where he says that he has no knowledge at all of the composition of the committee.

COURT: Well, the document says that it consists of students from 24 high schools.

MR BIZOS: Yes, but what was put to the witness was that this committee consisted mainly of people of the SCA. I was concerned as to whether we left that unchallenged or not, and having found the passage I thought I would draw Your Lordship's attention to that.

COURT: Thank you, Mr Bizos. 30

MR HANEKOM: I am referring to EXHIBIT "AAW4", and Sergeant Mong testified in Volume 96 pages 4651 and 4652 that he found this pamphlet on 30 November 1984 in Senoane in Soweto. This document is headed "Soweto Parent Meeting" and is issued by the Soweto Parents Committee. Do you have any knowledge of the Soweto Parents Committee? -- I do not know whether it is the same, the Soweto Parent Student Committee, so I would not say with certainty that I know that committee.

You can put that down. I am referring to the last document, I am referring to in this regard is EXHIBIT "ABA49". 10
M'Lord, I must apologise, I do not think that this exhibit was on the list. The witness that testified on this was Mr Muller in Volume 115 on page 5786 and he said that this document was found in the first week of June 1985 in Duduza. Mr Manthata, I am referring you to the translation of this pamphlet, it is page 3. The heading of the pamphlet is "Tenth Commemoration Service" issued by UDF, Khotso House, Johannesburg, and I am referring to the translation, the third paragraph:

"Many of these organisations come together under the 20
organisation known as the UDF which brought together
the whole struggle in schools, that of the residents in
locations and that of the workers and the Government."

-- Yes, I see that.

What do you say to this that it was actually the UDF that brought together the whole struggle in the education sphere? -- Are we referring to the call to attend commemoration services?

No, the struggle ..

COURT: The document is, attend commemoration service Sunday 30

16 June/...

16 June. -- Correct.

That is the document. Counsel is referring you to the translation thereof which is written out in longhand, and is referring you to the middle of the first page of that translation. -- Correct.

MR HANEKOM: What do you say to that, that it was actually the UDF that brought .. -- This time I was in detention, June 1985.

I appreciate that, but what do you say to that? -- Second, in Soweto it used not to be the UDF at the time before my arrest. 10

You say UDF was not involved? -- It was not the organising body.

COURT: Who was? -- It was organised by a group of ministers.

MR HANEKOM: How did they refer to themselves? Were they a committee? -- They addressed themselves as MUCO - I think accused no 19 did give the full name.

COURT: MUCA or MUCO? -- MUCO.

Not Christian Action, Ministers United Christian Action? I am not sure. Maybe I am misleading you. I cannot remember. 20 -- Yes, I do not remember.

MR HANEKOM: You can put down that exhibit. Mr Manthata, in conclusion ..

COURT: But now, they were organising what? What are you referring to? -- I am referring to the period before my arrest. That is 1984, 1983, 1982, 1981, I think even 1980, I am not quite certain.

They organised the commemoration services? -- They could organise the commemorative services of 16 June.

MR HANEKOM: Then I misunderstood you, Mr Manthata. What I 30 put/...

put to you was that it was the UDF that co-ordinated the struggle in the education sphere. What do you say to that?

-- I do not know that.

Was UDF involved in your education struggle in Soweto?

-- Not to my knowledge.

In conclusion then on this subject of the education campaign, I put it to you that as I pointed out, that what COSAS and AZASO were fighting for, the parents and the Soweto Civic Association supported them and assisted them in their struggle to achieve what they were demanding? -- We 10 supported the students in specific demands or in specific problems that faced the students, and primarily that of class boycotts. We have never supported the students on that and it has always been our point that students must keep at school.

Mr Manthata, I am going back to the relationship between the Soweto Civic Association and the United Democratic Front, and I put it to you that members of the Soweto Civic Association served and they represented the Soweto Civic Association on the Transvaal Regional Executive Committee 20 meetings of the United Democratic Front? -- It is incorrect, until after their affiliation, but all the time they never represented the Soweto Civic Association.

COURT: You say it did not happen until the time of affiliation? -- Until after the affiliation.

That is the formal affiliation? -- After the formal affiliation.

Of which we had a letter? -- Of which we have the letter.

MR HANEKOM: M'Lord, just to clarify that, the ministers' 30 group/...

group I am informed was called the Ministers United for Christian Co-Responsibility.

Mr Manthata, I am referring you to the "S" series, and I am referring to EXHIBIT "S1". "S1" is minutes of the Executive Committee meeting of UDF Transvaal held on 15 September 1983, and present at that meeting was Mr Bokala. Do you see that, the third name under the heading "Present"? -- Present I see Elijah Bokala, Lloyd Shabango, Cassim Valli, yes, I see that.

Mr Bokala was a member of the Soweto Civic Association? 10
-- Yes, he was a member of the Soweto Civic Association.

And I put it to you that he represented the Soweto Civic Association on this meeting? -- He never represented the Soweto Civic Association at any meeting.

What do you say, which organisation did he represent?
-- I do not know.

Did he belong to any other organisation? -- It is possible he did.

Do you know or do you not know? -- I do not know.

I am referring you now to EXHIBIT "S2", it is UDF 20
Transvaal, minutes of the REC meeting held on 8 December 1983, and you see that Mr Bokala was present again? -- Yes, I see Mr Bokala again.

And I put it to you that he represented the Soweto Civic Association? -- He never represented the Soweto Civic Association.

Please turn to EXHIBIT "S3". This is minutes of Regional Executive Committee of the UDF Transvaal, meeting held on 3 January 1984. There we see present, the first name, E Molobi? -- Right.

Was he a member of the Soweto Civic Association? -- He was a member of the Soweto Civic Association.

Do you know whether he was a member of any other organisation? -- I do not know the organisations that he might have belonged to.

In the same line we see P Lephunya? -- Yes, I see P Lephunya.

Was Mr Lephunya a member of the Soweto Civic Association? -- Yes, he was a member of the Soweto Civic Association.

Do you know whether he was a member of any other organisation? -- I have never queried nor conducted an investigation into which other organisations he belongs to. 10

I put it to you that both Mr Molobi and Mr Lephunya represented the Soweto Civic Association on this meeting? -- They did not.

Turn to EXHIBIT "S4" please. EXHIBIT "S4" is minutes of a Regional Executive Committee meeting held on 5 January 1984, UDF Transvaal, and we see present M Bokala? -- Yes, I see M Bokala.

Was Mr E Shabangu a member of the Soweto Civic Association, the second name there? -- Up to the time of my arrest Shabangu was not a member of the Soweto Civic Association. 20

I put it to you that Mr Bokala again represented the Soweto Civic Association on this meeting? -- It is incorrect.

Will you turn to EXHIBIT "S5" please? This is minutes of REC meeting held on 22/3/84, United Democratic Front Transvaal. Do you see under the names listed there, of people present, any member of the Soweto Civic Association? -- Do I see any?

Yes? -- If that Frank refers to Reverend Frank Chikane, 30

I/...

I would say yes, he was a member of the Soweto Civic Association.

COURT: And apologies, Eric would be Eric Molobi? -- That would be Eric Molobi. What are you saying about Molobi, sorry?

I say he was not present. -- Oh, I see.

MR HANEKOM: I put it to you, Mr Manthata, that this Frank referred to here was indeed Reverend Frank Chikane and that he represented the Soweto Civic Association? -- No, he did not represent Soweto Civic Association. 10

COURT: Was he a member of the Civic Association at that time? -- Yes.

MR HANEKOM: He was indeed on the executive of the Soweto Civic Association? -- He became - he was elected onto the executive of the Soweto Civic Association on 1 December 1984.

And have a look at EXHIBIT "S6" please. This is Regional Executive Committee meeting of the United Democratic Front held on 10 May 1984, and under the apologies we see again F Chikane, and I put it to you that this is Reverend Frank Chikane and he apologised on behalf of the Soweto Civic Association? -- No. 20

Will you have a look at EXHIBIT "S7" please? This is UDF Transvaal, minutes of REC meeting held on 14 June 1984, and present we see Bokala again? -- Which Bokala is this? The other one we saw M Bokala and now it is W Bokala.

Do you know any W Bokala? -- I have never known the initials in any way.

What were the initials of the Mr Bokala on the Soweto Civic Association? -- I do not know his initials. 30

I/...

I put it to you that it was Mr M Bokala, was a member of the Soweto Civic Association? -- It is incorrect.

COURT: Was M Bokala a member of the Soweto Civic Association -- I do not know his initials.

You do not know at all? -- I do not know his initials.

MR HANEKOM: For clarity sake I can only refer to EXHIBIT "W74", that is that booklet on the Soweto Civic Association, General Council meeting that we have referred to earlier, on page 15 we find the name of M Bokala representing Naledi on the Soweto Civic Association. You need not look at that. 10
In relation to EXHIBIT "S7" I am putting to you that the W Bokala referred to here was actually M Bokala and he represented Soweto Civic Association? -- No, it is incorrect.

Was accused no 19, Mr Molefe, a member of the Soweto Civic Association at that time, 14 June 1984? -- Yes, he was a member of the Soweto Civic Association. He was on the executive committee of the Soweto Civic Association.

And we see that he apologised for not being present at that meeting. Turn to EXHIBIT "S8" please. That is United Democratic Front Transvaal, minutes of Regional Executive Committee meeting held on 21 June 1984, and present we see W Bokala and P Molefe? -- Yes, I see the names. 20

I put it to you that the W Bokala referred to was actually Mr M Bokala and that he represented the Soweto Civic Association on that meeting, and accused no 19 also represented the Soweto Civic Association? -- No, the Soweto Civic Association was never represented at these council meetings.

Was Mr Aubrey Mokoena a member of the Soweto Civic Association at that time? -- Yes, I think so, he was a 30
member/...

member of the Soweto Civic Association.

He was also present, A Mokoena, and I put it to you that it is Mr Aubrey Mokoena and that he also represented the Soweto Civic Association? -- No, he did not represent the Soweto Civic Association.

Turn to EXHIBIT "S9" please. That is minutes of the Regional Executive meeting held on 28 June 1984, Transvaal region of UDF, and present we see W Bokala and A Mokoena? -- Yes, I see those two names.

And I put it to you that the W Bokala is referring actually to M Bokala and that he and A Mokoena represented the Soweto Civic Association at that meeting?

COURT: On what strength do you put it that A Mokoena represented the SCA? I seem to remember that he was the chief person in the RMC, and I seem to remember that the RMC was affiliated.

MR HANEKOM: Yes, I withdraw that statement.

COURT: I am not sure, but it may well be that the RMC was not affiliated.

MR HANEKOM: No, I think it was affiliated, M'Lord.

I put it to you then that only Mr Bokala represented the Soweto Civic Association at that meeting? -- It is incorrect.

Turn to EXHIBIT "S10" please. "S10" is the minutes of the Regional Executive meeting held on Thursday 11 September 1984, and I put it to you that this was the meeting, the Regional Executive meeting of the UDF Transvaal, and present - I will leave that out. Under apologies are absent, under absent we see Dr Motlana, and I put it to you that Dr Motlana was absent, he had to represent the Soweto Civic Association

on/...

on that meeting but he was absent? -- It is incorrect.

Turn to EXHIBIT "S12" please. Before we go to "S12", "S11" please. This is the meeting of Regional Executive of UDF held on 4 October 1984 and present we see F Chikane, and I put it to you that this is referring to Reverend Frank Chikane and that he represented the Soweto Civic Association on this meeting? -- He did not represent the Soweto Civic Association.

Turn to EXHIBIT "S12" please. It is the Regional Executive of UDF meeting held on 1984/10/22. 10

COURT: Let us call it 22 October 1984, then everyone knows what you are talking about.

MR HANEKOM: Under apologies we see Reverend Chikane and E Molobi, and I put it to you that they ..

COURT: You are not referring to Mr Bokala's brother?

MR HANEKOM: I am not certain about this Bokala, M'Lord.

I put it to you that Reverend Chikane and Mr E Molobi apologised on behalf of the Soweto Civic Association? -- If there could have been delegates from the Soweto Civic Association at this stage, they could have been either Mogase or Mr Jada. Those are the people that we had said would represent - I do not know whether - these are the people we had said would represent the Soweto Civic Association. 20

I am not sure now, but were they not only to represent the Soweto Civic Association on the General Council meetings of UDF Transvaal? -- Those are the people that we said would represent the Soweto Civic Association, that is at UDF meetings.

And back to EXHIBIT "S12" again, we see absent, Dr Motlana. I put it to you that he had to be there but he was absent/... 30

absent, and he had to be there on behalf of the Soweto Civic Association? -- I would repeat that at this time, if there were people to represent the SCA, it would have been Mr Jada and Mr Mogase.

Turn to EXHIBIT "S14". This is the minutes of the Regional Executive Committee meeting of UDF held on 1 November 1984 at Khotso House, Johannesburg. We see present F Chikane. I put it to you that this refers to Reverend Frank Chikane and that he represented the Soweto Civic Association. -- It is incorrect. 10

And under apologies we see M Bokala and E Molobi, and I put it to you that both of them apologised on behalf of the Soweto Civic Association? -- It is incorrect.

I will turn then to EXHIBIT "S15", the Transvaal Regional Executive Committee meeting held on 15 November 1984. We see present F Chikane, M Bokala, E Molobi, and I put it to you that they represented the Soweto Civic Association at that meeting? -- Incorrect.

COURT: When did you say you formally affiliated? -- Well, I am referring to the day when the resolution - the committee, that is the interbranch, decided to affiliate, that is on 14 October, which was subject to rectification by the AGM on 1 December. So it is possible that the two could have attended the UDF meeting although it would still be subject to - it would not give them the full powers that are needed which comes from the AGM. 20

MR HANEKOM: Turn to EXHIBIT "S16" please. "S16" is the meeting of the REC held on 22 November 1984, and we see under apologies, Reverend Chikane and E Molobi, and I put it to you that they apologised on behalf of the Soweto Civic Association/... 30

Association? -- It is not so.

Turn to EXHIBIT "S17" please. "S17" is UDF Transvaal minutes of the REC meeting held on 7 December 1984. We see present W Bokala again, and I put it to you that actually it was Mr M Bokala and also we see P Lephunya, and I put it to you that both of them represented the Soweto Civic Association at that meeting? -- It is incorrect.

And under apologies we see F Chikane, and I put it to you that he apologised on behalf of the Soweto Civic Association? -- It is incorrect. 10

Turn to EXHIBIT "S18", it is minutes of the Regional Executive meeting held on 17 January 1985, and under apologies we see M Bokala, E Molobi, and I put it to you that both of them apologised on behalf of the Soweto Civic Association? -- It is incorrect.

COURT: Now, this is beyond the Annual General Meeting, and still these two representatives of yours do not turn up. Are you then saying that the SCA was never represented right through up to 17 January 1985? -- I would find it difficult because now I would be saying what I have heard, because the report I got was that the issue of affiliation was not even discussed at this conference, and which seemed it was never even endorsed by the AGM of 1 December. 20

MR BIZOS: M'Lord, we have listened patiently to this recitation, but I think that the evidence - there is no evidence that at the Regional Executive people represented organisations. At the Regional Council they represented organisations, but not the Regional Executive. Mr Frank Chikane was vice-president of the UDF. I am sorry, I want to draw attention to it at this stage, I did not want to interfere whilst the 30

questions/...

questions were being asked, but I submit with respect that they have been asked on a wrong premise.

MR HANEKOM: M'Lord, I was under the impression that it was organisations that were represented on the Regional Executive Committee meetings.

COURT: You will have to look at the constitution again.

THE COURT ADJOURNS TO 1987-09-07