

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-07

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

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

NAMENS DIE STAAT:

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

NAMENS DIE VERDEDIGING:

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

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 279

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COURT RESUMES ON 7 SEPTEMBER 1987.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, on Friday we were busy with EXHIBIT S when the complaint was that it is not organisations that are represented on the Vaal Regional Executive Committee meeting. I want an answer to that now and I want to refer to EXHIBIT C102. It is in volume 6. Page 23. It is in the Working Principles of UDF. Paragraph 7.7. It says "Regional Executive Committees. Regional Executive Committee shall consist of those persons(10) who are duly elected to represent the Regional General Council." If we refer to the Regional General Council in paragraph 7.6 it says "Regional General Council shall consist of all affiliates of that region." It is clear from this in my submission ... (Court intervenes)

COURT : Well, now seeing that this point was not raised by this witness but by counsel, why are you cross-examining this witness on it?

MR HANEKOM : That is why I thought I had to address the Court on this. It was an objection by the defence. (20)

COURT : Should you ever in this case get the opportunity of cross-examining counsel, you can do that, but you are wasting your time with this witness.

MR BIZOS : May I say in self-defence that a regional executive committee shall consist of those persons who are duly elected to represent a regional council. So, the regional council elects people to represent it on the executive committee. It does not mean that everyone who is on the Regional Council is on the executive committee. I am prepared to submit to cross-examination on the meaning of the phrase and I submit(30) that/...

that it has been misunderstood.

COURT : Yes, we will do that at the end of all the evidence.

MR HANEKOM : I will leave this exhibit then. We were busy with the S series. We have finished with EXHIBIT S18.

COURT : Are you going back to S18?

MR HANEKOM : No, to S19. Do you have it? -- Yes, I have got it.

It is "United Democratic Front Transvaal Regional Executive Meeting held on 31 January 1985" and present we see W. Bokala. I put it to you that this is a reference (10) to M. Bokala and that he was a representative of the Soweto Civic Association? -- At this time I am unable to account for the SCA activities, more so that after the AGM until the date of my arrest I have not been in a position to attend of the SCA meetings. In fact there had not been any. So, I am unable to say whether the SCA could have ever discussed the question of a delegation to any UDF Executive Meeting and how it would have resolved on that.

You can leave that exhibit. I want to put it to you that members of the Soweto Civic Association represented (20) the Soweto Civic Association on general council meetings of the UDF Transvaal from as early as 17 September 1983 and on that body they actively participated in the general co-ordination and planning of the UDF? -- I want to tell the Court that it is incorrect.

I want to refer you to EXHIBIT K1 page 1 "Minutes of the General Council Meeting of UDF Transvaal" the meeting held on 17 September 1983 and under the organisations present we see the third last one is SCA, Soweto Civic Association. -- I see that.

(30)

And/...

And I put it to you that the Soweto Civic Association did attend that meeting? -- I put it to the Court that the Soweto Civic Association did not attend this meeting.

Well, do you say that the minutes are wrong in this respect? -- I am unable to discuss anything with regard to these minutes, but we at the Soweto Civic Association never discussed any of this, nor did we ever delegate anybody to attend this meeting.

Please turn to page 2 paragraph 7. It is headed "Program of Action." Paragraph 7.1 says "A program of action was (10) adopted" and "see the document attached hereto". I put it to you that the Soweto Civic Association was present on this meeting and that they were part of the planning and of what happened on that meeting and that they accepted the program of action that was adopted at that meeting as well? -- Is that the same meeting in September?

It is the same meeting? -- Yes, I still maintain that the Soweto Civic Association was never a party to these deliberations and to this action program.

Will you turn to EXHIBIT K2 in the same volume. It (20) is headed "United Democratic Front Transvaal, Program of Action" and I put it to you this is the program of action referred to in paragraph 7.1 of EXHIBIT K1. -- I do not deny that. All what I deny is that the Soweto Civic Association was not duly represented at this meeting.

I want to refer to paragraph (A) of that Program of Action under "Aims" and the first aim "To defeat the government's attempts to impose the Koornhof and constitutional proposals." Was that also an aim of the Soweto Civic Association? -- Do you mean the aim of the Soweto Civic

(30)

Association/...

Association right from its foundation?

No, during the relevant times?

COURT : That is at the time of this Program of Action.

That would then be in September.

MR HANEKOM : In September 1983. Was it an aim of the Soweto Civic Association to defeat the government's attempts to impose the Koornhof and constitutional proposals? -- What number is counsel referring to?

Paragraph (A) under "Aims" point 1. -- Right. Yes, around this time the Soweto Civic Association was opposing(10) the Koornhof Bills and this it took as an independent decision.

Point 2 says, one of the aims of the UDF was to "Strive for the maximum possible unity of worker, community, political, student, women, youth and religious organisations for this purpose." Was that also an aim of the Soweto Civic Association? -- That amounts more to an action by a political organisation. Ours was a civic organisation and if it featured anywhere in an aim of that nature, it would be one of those things that because of the nature of things, it would find(20) itself - but that would never be its clearly drawn said aim to get into all those issues that are national in nature.

Point 3 - before I go to point 3. What was the position in Soweto? Did the Soweto Civic Association strive for the maximum possible unity of the workers, students, women, youth, groups in Soweto? -- It did not strive to, but it would have wished to have that kind of a situation in Soweto.

How would the Soweto Civic Association achieve that goal? -- I say it was not its aim. It would have wished, if this could have happened, the Soweto Civic Association (30) would/...

would have been just too happy to see that kind of a situation arising. It may not have been through the efforts of the Soweto Civic Association.

Except for being its wish, did the Soweto Civic Association take any steps to ... -- It did not take such steps.

Well, did the Soweto Civic Association work with youth and other groups, students and workers in Soweto? -- When the need arose, yes, it did, as I have already pointed out.

Point 3 says "To unite our people in action." Was that an aim of the Soweto Civic Association? -- Yes, admittedly, (10) Soweto Civic Association would have loved to see the people united in any action that they have to get into.

What do you understand by uniting people in action? What action do you refer to? -- We refer to any action that can lead to the betterment of the conditions of the people in the said area.

Can you give any examples? Where the people were united in action? -- When they were or an ideal example, because I do not remember where I could say all the people of Soweto were ever united in action, but as I put it, it has always (20) been the aspiration of the Soweto Civic Association where there were specific problems.

What do you understand by action? What kind of action? -- Do you want examples?

Yes, if you can give us examples. -- There is a very poor system of refuse removals and would have loved to see the people in Soweto united in removing the refuse themselves. In Soweto are very poor streets unscrapped, with potholes. One would have seen at certain stages - at certain times in Soweto people uniting to address themselves in such issues. (30)

We/...

We had that kind of a situation that it affected just a portion of Soweto, that is the Orlando West Extension just near the Klipspruit River when the urban foundation offered financial assistance and people in that area united to have three of the streets in that area tarred. They united in action and their task was eventually a success.

COURT : Did they do it themselves? -- They did it themselves.

MR HANEKOM : Do I understand you to mean that the action was geared towards taking over the functions of the local(10) authorities? -- We said that the Soweto Civic Association has never seen itself going to take the functions of the council, but none the less the Soweto Civic Association would not rest on its laurels where it realised that there was a need to do certain issues and those issues were within its powers or within its ambit to do. Where it could get the people together to address themselves to that particular problem, the Soweto Civic Association would gladly do that.

Point 4 of the aims says "To counter the government's propaganda onslaught." Was that an aim of the Soweto (20) Civic Association? -- I would not understand what the propaganda onslaught was. The government's propaganda onslaught was. I do not know what counsel sees as the government's propaganda onslaught.

Well, was it never discussed in Soweto Civic Association meetings? -- It was never discussed at the Soweto Civic Association level.

Point 5 "To consolidate and strengthen the existing grassroots and other organisations of the people", was that an aim of the Soweto Civic Association in Soweto? -- The (30) Soweto/...

Soweto Civic Association itself was an ailing organisation and it needed to be strengthened itself, but for it to have to go out to strengthen other organisations, this need had not arisen yet and the Soweto Civic Association was not strong yet to execute that kind of an aim and objective.

Point number 6 says - just before I go to point 6. What was Soweto Civic Association's role with regard to SOYCO, Soweto Youth Congress? -- The Soweto Civic Association had no role to play towards SOYCO. SOYCO was a completely independent youth organisation. (10)

And the women's organisations in Soweto?-- Some of the women's organisations existed long before the Soweto Civic Association .

And UDF? The Soweto Civic Association tried to strengthen the support for UDF in Soweto? -- Not to my knowledge.

Point 6 of the aims says "To link the Koornhof and constitutional proposals to the day to day struggles of our people." Did the Soweto Civic Association do that in Soweto? -- We opposed the Koornhof and constitutional proposals without necessarily having to link them with anything, (20) because our lot has always been the same.

Well, I put it to you that the Soweto Civic Association did link that proposals to the day to day struggles of the people in Soweto and I will come back to that. I will show you later why I say so. -- I reject that.

Point 7 says it is an aim "To popularise the UDF declaration." Was that an activity of the Soweto Civic Association? -- The Soweto Civic Association has never had that as its task.

Will you look at paragraph (D) on that same page. It says (30)
other/...

"Other issues to be incorporated in the program of action."
Do you see that? -- I see that.

"Other issues to be incorporated in the program of action." The first was removals and resettlement. Did the Soweto Civic Association take up that issue? -- No, the Soweto Civic Association never took that issue up.

And the issue of housing, shortage of housing, sale of houses et cetera? -- Yes, the Soweto Civic Association had that as its perpetual task to look into the housing of the people. (10)

And point 3 education where we had the discussion on the education issue and the Soweto Civic Association did involve itself in that field? -- Correct.

The question of Bantustans, did Soweto Civic Association involve in that? -- That was never the Soweto Civic Association's issue.

And the question of military conscription? -- No.

We will come back to the campaigns of the Soweto Civic Association, but I now want to refer to EXHIBIT M2 "UDF Transvaal Minutes of General Council Meeting held on 12 (20) November 1983. Under present in the first line we see SCA again, Soweto Civic Association. I put it to you that the Soweto Civic Association was represented on that meeting? -- The Soweto Civic Association was not represented at this meeting.

Do you say the minutes are wrong in this respect? -- I have not even gone through the minutes. I never even received these minutes.

But is it wrong to state that the Soweto Civic Association attended the meeting? -- It is wrong. (30)

Please/...

Please turn to page 2 paragraph 9.1 "Black Local Authorities. Verbal progress reports were received from Pretoria, Alexandra, Krugersdorp, Wadeville, Kathlehong, Soweto and Vaal. It was decided that should contact the areas which have not indicated any progress." So, I put it to you that on that meeting there was even a verbal report on the issue of Black Local Authorities in Soweto by the Soweto Civic Association? -- The Soweto Civic Association was not represented at this meeting and we never had a report from anybody regarding this meeting and these minutes. (10)

N2 is "UDF Transvaal Minutes of General Council Meeting held on 10 December 1983." Under the heading "Present" it says "Affiliates" and inter alia SCA, Soweto Civic Association. It is mentioned here as an affiliate and present on that meeting and I put it to you that Soweto Civic Association was in fact present on that meeting? -- The Soweto Civic Association was not an affiliate at this time and it was not present at this meeting.

So, the minutes are wrong again in this respect? -- In this respect the minutes are wrong. (20)

Will you turn to EXHIBIT N3 in the same volume. "Secretarial Report to the General Council Meeting held on 10 December 1983." Turn to page 2 please paragraph 7. It says "The campaign against the Black Local Authorities elections was conducted in all areas, apart from Jouberton in Klerksdorp." I put it to you that the campaign against the Black Local Authorities was conducted in Soweto during that time as well? -- It was done independently, not as part of the UDF program, where the Soweto Civic Association could have had a reason to report at that meeting. (30)

Two/...

Two sentences later it says "The UDF Transvaal played the role of providing information, general co-ordination, assisting organisations in planning activities and producing publications." I put it to you that that did in fact happen in Soweto Civic Association as well? -- It did not happen.

Do you say you received no assistance of whatever kind from UDF in your campaign against the Black Local Authorities? -- Yes, we did avail ourselves of what the UDF offered or had to give. I remember we bought some stickers that were issued by the UDF. (10)

Was that all that you received from UDF? The only assistance? -- As far as I remember.

Please have a look at EXHIBIT O1 "United Democratic Front Transvaal Minutes of General Council Meeting held on 14 January 1984" and present we see "Affiliates" and in the second line SCA, Soweto Civic Association again. I put it to you that the Soweto Civic Association was present on that meeting? -- The SCA was not present at that meeting.

So, in this respect the minutes are wrong again? -- In this respect the minutes are wrong. (20)

Have a look at EXHIBIT P1 please. "United Democratic Front Transvaal Minutes of General Council Meeting held on 14 April 1984." Present the first organisation listed is "SCA", Soweto Civic Association. I put it to you that the Soweto Civic Association was present on that meeting? -- The Soweto Civic Association was not present at this meeting. ASSESSOR (MR KRUGEL) : Are the minutes wrong? -- In this respect I have said the minutes are wrong.

MR HANEKOM : Turn to page 2 please, the last two lines on that page says "UDF Training Committee is planning a (30) workshop/...

workshop for civic associations on 27 to 29 April 1984 at Daleside." Did Soweto Civic Association send delegates to that workshop? -- No, the Soweto Civic Association did not send delegates to this workshop.

We will return to the Daleside workshop, but now have a look at EXHIBIT Q2 please. "Minutes of General Council of the United Democratic Front held on 30 June 1984" and under attendance "Affiliates" we see "Naledi Civic Association". Was Naledi Civic Association a branch of Soweto Civic Association? -- Yes, it was a branch of the Soweto (10) Civic Association.

And I put it to you that Naledi Civic Association did attend that meeting? -- I am not in the Naledi Civic Association branch and I would not say much about the Naledi branch of the Soweto Civic Association.

And under apologies we see "F. Chikane", and I put it to you it was Reverend Frank Chikane who apologised on behalf of the Soweto Civic Association?

ASSESSOR (MR KRUGEL) : Who apologised for?

MR HANEKOM : For? -- I deny that. (20)

I now want to refer you to EXHIBIT 26 21 May 1983. The Attendance Register of the Transvaal General Council Meetings of UDF. On the first page 21 May 1983 item 1, we see Popo Molefe organisation Soweto Civic Association and he attended as an observer. Do you see that? -- Yes, I see that.

Item 11 we see V. Mogane of the SCA who attended as an observer? -- Yes, I see that.

Was Mr Mogane a member of the Soweto Civic Association? -- Yes, he was a member of the Soweto Civic Association. (30)

Item/...

Item 12 we see M. Lephunya SCA as an observer? -- That is correct.

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

Item 24 on the same page says A.M. Masondo SCA, attended as a delegate? -- Yes, Amos Masondo was a member of the Soweto Civic Association.

And it is clear from this that he attended that meeting as a delegate? -- It is an error. He was never delegated by the Soweto Civic Association to attend this meeting. (10)

So, you say this is wrong? -- I say it is an error. It is wrong.

Turn two pages on item 70, it is the same meeting. There appears your own name in your own handwriting? -- Yes, I see that.

In what capacity did you attend that meeting? -- As an observer.

How long were you at that meeting? -- I do not remember how long, but I did not stay any sizeable length of the meeting. (20)

Why did you sign the attendance register? -- Yes, I had gone into the hall and I was - my attention was drawn to the register.

Did you see the other people from Soweto Civic Association, Mr Molefe, Mogane, Lephunya and Masondo? -- Not all, I saw some.

Who did you see? -- I saw Popo Molefe.

Only him? -- I think even Masondo I saw, yes.

And what did you think then, which organisation was Mr Masondo representing there? -- I did not - as I got there(30)
in/...

in my personal capacity, he too was there in his personal capacity perhaps as an observer.

Did you never ask him? -- I never asked him.

COURT : Is Dr Saloojee left-handed? -- I do not know.

MR HANEKOM : Did anyone of the Soweto Civic Association people, Molefe, Mogane, Lephunya or Masondo take any part in the discussions on that meeting? -- I did not take part in the discussions. I do not know whether they took part in the discussions.

Turn to the next one "UDF General Council Meeting (10) 4 June 1983" item 16 we see A.M. Masondo, SCA attended as a delegate and I put it to you that Mr Masondo did attend that meeting, the General Council Meeting of UDF as a delegate from Soweto Civic Association? -- Mr Masondo did not attend this meeting as a Soweto Civic Association delegate.

Do you say this is an error again? -- This is an error.

Who made the error? -- I do not know who made the error.

Turn to the next meeting of 16 July 1983 "UDF General Council Meeting 16 July 1983." We see sixteen lines (20) from the top Mr S Mereyotlhe. Was he a member of the Soweto Civic Association? --Yes, he was a member of the Soweto Civic Association.

And he attended that meeting as an observer of the Soweto Civic Association? -- I do not even know whether he attended this meeting until I saw this register today.

Just two names above his name Mr C. Mokate, SCA attended the meeting as an observer. -- I do not know Mr Mokate, but it is possible we could be having a Mr Mokate as a member of the Soweto Civic Association. (30)

COURT/...

COURT : C. Chikane. Who is C. Chikane? -- I would not know who C. Chikane is.

It seems to be from TCS. What is TCS? That is in Mayfair?-- No, I do not know that.

MR HANEKOM : Turn to the next page. It is the same meeting ... (Mr Bizos intervenes)

MR BIZOS : The T may be a Y Young Christian Society.

MR HANEKOM : The next page four lines from the bottom we see P. Molefe SCA attended as a delegate. -- Yes, I see that.

That is accused no. 19 and I put it to you that he (10) attended as a delegate from the Soweto Civic Association? -- He did not attend as a delegate of the Soweto Civic Association.

So, he made a mistake when he wrote in this register? -- That was a mistake. He wrote a mistake.

We see A. Masondo from Soweto Civic Association also attended as a delegate? -- I see that.

Do you say that he also made a mistake? -- There was a mistake made.

Turn two pages on to the UDF Transvaal General Council (20) Meeting of 6 August 1983. We see four lines from the top Mr Mhlungu from the Soweto Residents Association. Did you know anything about that association? -- I knew nothing about this association.

And almost in the middle of the page we see M. Bokala Naledi Civic Association. Do you see that? -- I see it.

I put it to you that is the Mr Bokala whose name we saw in the S series on the National Executive Committee meetings as well? -- Most possibly. I do not deny that.

He attended that meeting on behalf of the Naledi (30)
Civic/...

Civic Association? -- I do not know that.

Turn the page ten lines from the bottom it is the same meeting, we see Godfrey Mokate, Soweto Civic Association. He attended as an observer. -- Yes, I see that.

Was he a member of the Soweto Civic Association, Mr Mokate? -- It seems he is.

Just beneath that we see P. Molefe, Soweto Civic Association? -- I see that.

And he attended as a delegate of the Soweto Civic Association? -- No, he did not attend as a delegate of (10) the Soweto Civic Association.

Do you say he made a mistake here? -- There is a mistake made here.

Turn to the next page please. That is the "Register of UDF Transvaal General Council Meeting of 17 September 1983". -- Yes, I see that.

On the next page nine lines from the bottom we have A. Masondo Soweto Civic Association who attended the meeting as a delegate. -- Yes, I see that. He was not a delegate of the Soweto Civic Association. (20)

So, he made a mistake? -- A mistake was made.

Turn to the meeting of 12 November 1983 "General Council Meeting"? -- Yes, I have it.

Turn the first page you get the second line from the top A. Masondo, Soweto Civic Association?

COURT : Just a moment. This is 10 December you are referring to, not 12 November 1983?

MR HANEKOM : My page was cut off. I am sorry.

COURT : On 12 November we find a Mr Mokate, who says he is not a delegate and he is from the Naledi Civic Association. (30)

You/...

You are dealing now with the meeting of 10 December 1983.

MR HANEKOM : Thank you. -- Yes, I see Amos Masondo, SCA.

I am sorry, My Lord, what is the date of that meeting?

COURT : 1983/12/10. Observer Mr Masondo.

MR HANEKOM : Five lines down we have a Godfrey of Soweto Civic Association. -- Yes, I see that.

Do you know that person by the name of Godfrey as a member of the Soweto Civic Association? -- No, I do not know him.

Please turn to the date of the 14th ... (Court inter-(10) venes)

COURT : I am sorry, just before we go away. You said Mr Masondo was apparently an observer. It does not appear from this page. Go on.

MR HANEKOM : Turn to the page dated 14 January 1984 four lines from the top M.Bokala SCA and he attended in the capacity as a member of the Executive. -- I see that.

I put it to you that he did attend that meeting as a delegate from the Soweto Civic Association? -- I deny that.

Turn the page please twelve lines from the top we (20) Ramokgopa from the SCA as a delegate. Do you know Mr Ramokgopa? -- Yes, I know Mr Ramokgopa.

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

I put it to you that he did attend that meeting on 14 January as a delegate from the Soweto Civic Association? -- I reject that.

Turn to the next page, please, on the same date almost in the middle of the page. We find Amos from SCA as a delegate. Do you see that? -- I see Amos. (30)

And/...

And I put it to you that this refers to Amos Masondo?
-- Presumably so. I do not know.

He did attend that meeting as a delegate from the Soweto Civic Association?-- Not as a delegate of the Soweto Civic Association.

Turn to the date of 14 April and it must be 1984. It does not say so but it must be, 14 April 1984, the next meeting, two lines from the top we see Popo Molefe, Soweto Civic Association delegate. -- Yes, I see that.

And I put it to you that accused no. 19 did attend (10) that meeting as a delegate from the Soweto Civic Association? -- I reject that.

ASSESSOR (MR KRUGEL) : He was a member of the SCA then? -- He was a member of the SCA.

MR HANEKOM : Seven lines from the bottom we find F. Chikane SCA executive. I put it to you that Reverend Frank Chikane did attend that meeting as a delegate from the Soweto Civic Association? -- Not as a delegate of the Soweto Civic Association.

Please turn to 4 August 1984 almost in the middle of (20) the page P. Lephunya, civic association. -- I see P. Lephunya.

And I put it to you the Civic Association here refers to the Soweto Civic Association? -- Well, presumably so.

And he did represent the Soweto Civic Association on that meeting? -- He did not represent the Soweto Civic Association.

Please turn to the pages of the UDF Special General Council Meeting held on 8 August 1984 item 7 we see Pat Lephunya civic Soweto attended as a delegate. -- Yes, I see that.

(30)

Well/...

Well, I put it to you that Mr Lephunya did in fact represent the Soweto Civic Association on that meeting? -- I deny that.

Turn to the next page, it is the UDF Special General Council Meeting held on 11 September 1984, the first item we G. Malobe, UDF and in brackets (SCA) as a delegate. I put it to you that Mr Malobe did represent the Soweto Civic Association as a delegate on that meeting? -- Mr Malobe did not represent the Soweto Civic Association.

Turn to the next page, please, the same meeting. (10)
We see the second line from the top Jabulani Mazibuko SCA. It does not say in what capacity he attended the meeting. Do you know Mr Mazibuko a member of the Soweto Civic Association ? -- I do not know him.

I put it to you that he represented the Soweto Civic Association on that meeting? -- He did not represent the Soweto Civic Association at this meeting.

How is it possible that there could be so many mistakes in that register of the people who attended the meetings? -- I did not compile this register, therefore I am unable (20) to account for such errors.

And the mistakes we find not only in the attendance register, but also in the minutes of the meetings? So, the mistakes were double? -- Yes, there are double mistakes or treble mistakes how ever we see it.

I put it to you that you are not honest with the Court and that the Soweto Civic Association did attend the meetings that I have referred to and you know that that was the position? -- The minutes that I have written which the Court has bear me out that the Soweto Civic Association became (30)

an/...

an affiliate of the UDF on 17 October 1984. That was a proposal made which was still to be submitted and ratified at the Soweto Civic Association's annual general meeting.

I put it to you that as I pointed out right at the start of the cross-examination that the Soweto Civic Association was one of the founder members of the UDF National at the launch in Cape Town on 20 August 1983 and it never resigned as a founding member of the UDF, it remained a member of the UDF from that date? -- The Soweto Civic Association was never formally so. (10)

COURT : Why do you emphasise the formally to such an extent? Can it be that everybody accepted that the SCA was de facto an affiliate of the UDF Transvaal and that only later on you regularised the position officially? -- It could not have been. If it was so, there would not have been a debate even on the 14th when the whole matter was brought under discussion.

MR HANEKOM : Did the Soweto Civic Association ever resign as an affiliate after the launch of the UDF in Cape Town on 20 August 1983? -- Eversince it affiliated or it proposed (20) to affiliate on 14 October 1984, it never disaffiliated.

And earlier, after the launch of the UDF National? -- It could not have affiliated earlier.

I want to refer you to that letter of affiliation - application for affiliation, AX14 page 69. It is a letter of application for affiliation written by you. It says "The Soweto Civic Association agreed at its interbranch meeting , i.e. meeting of the delegates of the Soweto Civic Association branches held on 14 October 1984 to affiliate to the United Democratic Front officially" and I put it (30) to/...

to you that is why you used the word officially, because de facto the Soweto Civic Association was affiliated to the UDF already? Was a founder member of the United Democratic Front? -- As I have said if it was just a matter of an official step, there would not have been a debate accompanying or going together with the decision that eventually came about to affiliate. It would have been a matter of now the Soweto Civic Association is taking a formal step of an official step to do so.

Why did you use the word officially then in your (10) letter of application? -- You may attach whatever meaning, but that does not necessarily mean it was an endorsement of what happened before.

COURT : Was it your letter? You drafted the letter? Mr Lephunya signed but you drafted it? -- I think I drafted it.

MR HANEKOM : What did you intend to convey by using the word officially? -- Well, I thought an organisation, even if it was affiliation right on the day of the launch, it could have been just the formal - it could have been the affi- (20) liation that takes whatever form. Be it officially, but the fact is, the constituency concerned here was affiliating, was applying to be an affiliate member.

COURT : But normally one writes a letter saying "Our organisation would like to affiliate to the United Democratic Front." One normally does not add the word "officially" unless there has been a different sort of affiliation before? -- I have no other explanation to give as I have said, if it was a matter of an official, giving an official stamp to a thing that was in existence, there would not have been the kind (30)

of/...

of debate that we have had and the kind of confusion that we are having in terms of how should it be presented to the AGM.

What was Mr Lephunya's function in the Committee of Ten?
-- Mr Lephunye was nowhere in the Committee of Ten, but he was an officer in the UDF office.

So, he was not a member of the Soweto Civic Association?
-- He was a member of the Soweto Civic Association.

But not on the executive? -- He was not on the executive.

But now why would he write a letter on your behalf if (10) he is not on the Committee of Ten? -- This I could not understand either when I saw this.

MR HANEKOM : Will you have a look at EXHIBIT A1 please the Working Principles of the UDF. Item 5 Membership. That is at page 8. It says "Membership. All organisations present at the first national conference, otherwise than as observers, shall be members of the UDF subject to their right of withdrawal" and I put it to you that the Soweto Civic Association was present at that first national conference and not as observers and they accepted these working (20) principles? -- First the Soweto Civic Association never took a decision on whether to attend the launch or not.

Well, I am not concerned with whether they took a decision or not, the fact is that they did represent the Soweto Civic Association at the launch? -- Well, I am talking about what I know. The Soweto Civic Association never took a decision even to attend the launch.

And I put it to you that the Soweto Civic Association did become a member of the UDF on that national launch and after that date they never withdrew? -- Our minutes (30)

consistently/...

consistently show that there has always been confusion, people did not know the relationship between the Soweto Civic Association and the UDF.

Well, I put it to you finally that the Soweto Civic Association was part of the UDF even from before the national launch and that they actively participated in the general co-ordination and the planning of the UDF? -- I deny that.

And that you are wrong in your evidence, that they only affiliated in October 1984 and only became a member after that date? -- And I am right in what stands in the minutes. (10)

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, you said the Soweto Civic Association did not send delegates to Daleside for the UDF Education Committee Workshop on Civics on 27 to 29 April 1984? -- Yes.

Will you please have a look at EXHIBIT U4(b) volume 1. This document was found in possession of Amanda Kwadi, Soweto. She was a member of the Soweto Civic Association? (20) -- Correct.

And the document is headed "UDF Education Committee. Education program for civics 27th, 28th, 29th of April, Dale-side"? -- I see that.

Ten or eleven lines from the top we see in brackets - we see "Participants. There were thirty-five participants at the workshops. Another ten people came and went. (Eighteen from Soweto.)" Do you see that? -- I see that.

Eighteen people from Soweto attended that workshop and if you look on the same page under Report it says "The (30)

civics/...

civics that attended were: Alex Civic Association one year old; Soweto Civic Association five years old; Soweto branches: Mzimhlope, Mapetla, Phiri, Pimville, Meadowlands, Naledi, Orlando West." Do you see that? -- Yes, I see that.

Well, what do you say to that? That the Soweto Civic Association did attend that workshop? -- I said the Soweto Civic Association was never delegated at this workshop. There was never a discussion on this workshop who would delegate Soweto and there was never even a report back to the Soweto Civic Association about this workshop. (10)

The people that attended the workshop from the Soweto Civic Association must have received an invitation from the UDF to attend the workshop? -- I do not know how they received the invitation.

COURT : How many branches did you have?-- We had twenty-two branches.

MR HANEKOM : Will you please have a look at EXHIBIT U4(c) the next exhibit. This document was also found in the possession of Amanda Kwadi and I put it to you that this is part of the attendance register of the workshop. (20)

Will you look at the second name from the top Sam Pholotho Soweto Civic Association. Do you know Mr Pholotho? -- Yes, I know Mr Pholotho.

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

And next name - can you read what that name is? Also from Soweto Civic Association? -- No, I cannot read that one.

And the next name M. Lephunya Soweto Civic Association? -- Yes, Lephunya is a member of the Soweto Civic Association.

The next name S. Molekane, Soweto Civic Association?(30)

Yes/...

-- Yes, it stands that way.

Do you know Mr S. Molekane? -- I do not know Molekane.

The next name J. Rantao, Soweto Civic Association? --

Yes, I see him there.

Do you know that person? -- Yes, I know Mr Rantao.

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

The next name Hector Jada? -- Hector Jada was a member of the Soweto Civic Association.

COURT : Was this not the person who was later nominated (10) as a delegate? -- This is the one.

MR HANEKOM : Three names down you see M. Maruping, Soweto Civic Association? -- Yes, I see that.

Was he a member of the Soweto Civic Association -- I am not quite certain who Maruping is.

Then we see E. Molefe, Soweto Civic Association? -- Yes, I see E. Molefe.

Do you know who E. Molefe was? -- I do not seem to know who E. Molefe is.

COURT : Could this not have been cut off in the photostating (20) process?

MR HANEKOM : It may well be. Then five names we see S. Lekhula, Soweto Civic Association. Do you know S. Lekhula? -- I do not know Lekhula.

The next name M. Ramokgopa, Soweto Civic? -- I know M. Ramokgopa.

As a member of the Soweto Civic Association? -- As a member of the Soweto Civic Association.

The next name S. Meroyotlhe? -- Meroyotlhe I know.

As a member of the Soweto Civic Association? -- As a (30)

member/...

member of the Soweto Civic Association.

Then J. Mazibuko, Soweto Civic? -- I do not know.- I am not clear with Mr Mazibuko.

Six lines from the bottom Aubrey Sibiya SCA Pimville. Do you know Mr Sibiya? -- Yes, I know Mr Sibiya.

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

From the people that attended this workshop it seems that the people from the Soweto Civic Association were in the majority. Will you agree to that? -- It seems so. (10)

Were there no report backs after the date this workshop was held? -- We never had any report back to the SCA after this workshop.

Please turn to EXHIBIT U4(b) again page 2 under the item Q4(c), it says "The issues that civics have taken up include transport boycott." Was that an issue taken up by the Soweto Civic Association? -- The Soweto Civic Association took transport issues in terms of negotiating with the transport management, that is the PUTCO management.

Rent? The rent, was that taken up by the Soweto (20) Civic Association? -- The rent and electricity and water issues were taken up by the Soweto Civic Association.

Anti-Communnity Council campaign? Was that taken up by the Soweto Civic Association? -- Yes, in terms of the anti-election.

And after the elections, they continued to campaign against the Community Councils? -- After the elections we continued to serve the community wherever possible.

The question is, did you campaign against the councils? -- It was never a campaign. (30)

The/...

The school problems was an issue? -- The school problems was an issue.

And housing was an issue? -- Housing was an issue in Soweto.

The million signature campaign? -- The same applies to high failure rate. The million signature campaign as the Soweto Civic Association we did not take it up.

The women's day? -- Not as the Soweto Civic Association. As what then? -- I do not know who took it up.

And it says the methods used include mass meetings. (10) The Soweto Civic Association did hold mass meetings? -- Yes, the Soweto Civic Association held mass meetings.

These issues were discussed at the mass meetings? -- Yes, these issues were discussed at the mass meetings.

The next method is pamphlets. Did the Soweto Civic Association make use of pamphlets? -- Yes, we did make use of pamphlets.

Again on the issues affecting the people? -- In particular here the issue was the issue of housing around the demolishing of the shacks. We did have pamphlets issued (20) and distributed.

Fund raising, was taken up by the Soweto Civic Association? -- Yes, we went into fund raising projects.

And petitions? Were petitions drawn up? -- No, we had not - yes, we did draw petitions up, I think to PUTCO.

Yes, to PUTCO. -- Yes, that we did.

On the issue of transport? -- On the issue of transport.

And house meetings? -- Yes, we had house meetings.

These issues were also discussed? -- Yes, and other issues. These issues and other issues. (30)

And/...

And door to door work, was that done? -- I do not think we did get into door to door campaigns up to the time of my arrest, but they were contemplated.

And did Soweto Civic Association use the media like newspapers? -- Yes, we did use the newspapers.

And community papers? -- We did not have a community paper in Soweto.

And the papers like SASPO National and Speak, were they - did Soweto Civic Association make use of them? -- I do not remember us making use of those newspapers, but it is (10) possible that on their own they could have picked up issues that were thorny to the people of Soweto.

Turn to page 3 please the fourth paragraph from the top "The next tasks are to destroy the Black Local Authorities and to strengthen our civics." -- That was never the task of the SCA.

You say it was never the task of the SCA to destroy the Black Local Authorities? -- If I understand task to mean a campaign? We never went all out to seek their destruction.

But what was your attitude against the Black Local Autho-(20) rities then? -- Our attitude was that people must not vote in those local authorities - they must not vote in the elections of the community councils under the Black Local Authorities Act.

And after the elections? -- After the elections we went on with our own projects.

What was the attitude towards the local authorities then? -- Admittedly where the local authorities failed the people, we did make it very clear that here the local authorities are failing the people, they are burdening (30)

the/...

the people.

And you did call on the councillors to resign? -- It is possible in the light of the burdence the people were faced with, that the community councils have failed to acquit themselves to the benefit of the people, to the welfare of the people, therefore they should stand out, they should resign.

And who was to take their place if they did resign? -- Whoever would come in.

Do you mean other councillors elected in their (10) place? -- Well, if the government can bring about a better legislation or a better local authorities act.

And if that did not happen? -- We would keep on saying they are failing the people.

Yes, but who would take over the tasks of the councillors then? -- Our hope would still be on the basis that the government will change the laws and put in laws which would make it possible for the local authorities to function to the interest and to the benefit of the people.

In certain respects the Sowet Civic Association did(20) take over the functions of the local authorities, you testified this morning? -- It never took the functions of the local authorities.

Turn to page 8 of the same exhibit, please. There we find the heading "Where do we go from here?" And under reports "We need to strengthen our civics." Was that an aim of the Soweto Civic Association? -- It has always been the aim of the Soweto Civic Association right from its inception.

And also to strengthen the civics, to follow up the(30) anti/...

anti-community council campaign. Was that an aim of the Soweto Civic Association ? -- I said we have never made the anti-community councils a campaign for the Soweto Civic Association.

We see that the majority of the people on this workshop came from the Soweto Civic Association? -- I do not think that the more the people were there, it necessarily suggests that they were the people who were contributing more at a seminar of this nature.

Item 4 we see "Civic must co-ordinate with other (10) organisations and groupings, churches, taxi associations, hotels etc., these groups should be involved in our work." Was that an aim of the Soweto Civic Association? -- This was the wish of the Soweto Civic Association .

Item 5 says to open an office for advice work so that people can know where to reach us for a regular venue for meetings." The Soweto Civic Association did open advice offices? -- I think we had advice offices even long before this seminar.

K893 Are you not certain? You say you think? -- I am cer-(20) tain we had advice offices before this day.

Where? -- We had one in St Andrews Anglican Church Pimville, two St Margaret's Catholic Church Zone 3, Diepkloof, one at the Congregational Church Centre in Jabulani and we had one in Meadowlands at the Lutheran Church. At that time we already had close to four.

When were they opened, these offices? -- I think two opened late in 1983 and two or three were opened early 1984.

In item 6 we see advice work, legal aid, health advice, rehabilitation for criminals. Did the Soweto Civic (30)

Association/...

Association render that kind of advice? -- Yes, we had that as part of the advice that our advice offices were giving.

Turn to page 9 we see item 7 "Propaganda newsletter." You said that the Soweto Civic Association did make use of a newsletter? -- I said the Soweto Civic Association did not have a newsletter.

And item 9 is the educational work. We have done that. COURT : Well, you are skipping item 8. Is a stokvel a mutual benefit society? -- Yes, it is.

In what sense? -- In the sense that we help one (10) another. If we contribute this month R10,00 towards ... (Court intervenes)

But is it not merely for the limited purpose of drinking? -- No, that is not so. Very decent people and more especially the aged live on the mutual benefit societies.

Yes, but are they called stokvels? -- Here I think, he has made it rather too colloquial. They are not necessarily all stokvels.

I thought that a stokvel is a common drinking group where everybody throws something into the hat? -- I think (20) it is as he has it there. He is just citing e.g. stokvels not that all mutual benefit societies are stokvels.

MR HANEKOM : Item 9 is educational work. We have dealt with that already. Item 12 is "Propagate UDF values." Did you do that? -- No.

Item 13 "Politicise people." Was that one of the activities of the Soweto Civic Association to politicise people? -- In a way, yes. In terms of making the people aware that is as we help each other and as we work collectively on any project, in the course of our action as information (30)

unfolds/...

unfolds people come to realise that some of these problems are linked up with the government policies.

Is that what you understand by the term to politicise the people? -- Yes.

Does it not also involve making the people aware of their power to solve their problems? -- Yes, people where they are beset by a particular problem and they have to work collectively to solve that problem, the power that enabled to solve that problem becomes the people's power and they realise that working together there is a great (10) deal they can achieve.

And is it conveyed to the people that they must actively involve in the broader struggle, the so-called liberation struggle? -- They are made to understand that they must work collectively in terms of the betterment of their lot.

You have not answered me yet. I put it to you that it was conveyed to them that they had to actively participate in the liberation struggle? -- Not at our level.

And it says under politice people "symbolise the (20) links in our struggle for example by using different speakers like students, workers, et cetera on platforms." You held that view in Soweto Civic Association? -- Those are just thoughts that were battered around at the seminar perhaps. I would not go along with that, much as I would have no problems with it.

But what happened in reality in Soweto in your meetings? Did you make use of different speakers, like students and workers? -- We would use students when it affected the students and we would use women if it affected women and (30)

we/...

we would use the aged when it affected the aged. This is how we would go right through our meetings.

Item 13 says "Expose powerlessness of local government using day to day issues." Was the Soweto Civic Association involved in that? -- If people can realise and the councils too can realise that they are unable to address the lot of the people, if they cannot answer positively to the satisfaction of the people and they concede that they are unable to do so because the law restrains them to do so, people will eventually realise the powerlessness of such structures. (10)

Yes, but the question is, was it one of the activities of the Soweto Civic Association? -- It was not a particular way. We were dealing with the issues as they arose and as they affected the people

When you say you used different speakers on meetings, I put it to you that the whole concept of apartheid that affected all the people in the townships, like the workers, the youth, et cetera, they were asked to speak on that? -- The civic association would never had apartheid as an issue. (20) It is completely out.

Was that not part of the fight against the Black Local Authorities? -- We were tackling the problems that affected the people.

Will you please have a look at EXHIBIT AX15 page 2. Minutes of the SCA meeting held on 6 April 1984 at the Dube Ex-Servicemen Memorial Chapel. You were present? -- Yes, I was present.

Turn to page 2 please of that minutes. The last item says "An announcement of the UDF seminar on education for (30)

27 29 April 1984 was made." Is this not a reference to the Daleside workshop? -- This was never referred to as the Daleside workshop. We did have people belonging to other organisations which would make announcements in the hope that people would patronise their organisations, not necessarily as the Soweto Civic Association.

Well, what was the announcement made on this meeting? -- It was announced was going to have a seminar and I do not know whether there were pamphlets at the time or stickers at the time or whether they were referred to the UDF office.(10) I do not know exactly how it went, but an announcement was made.

Who made the announcement? -- I do not remember specifically who made the announcement.

Was it from the people who attended UDF meetings? -- This was an SCA meeting. We did not - I do not know whether they attended the UDF meetings. Or whether they could have seen the pamphlets or they could have read from the UDF publications about the seminar. I do not know.

Well, was anything discussed on this seminar? -- No,(20) it was never discussed. It came just as an announcement.

Why was it made part of the minutes then if it was only an announcement and nothing more? -- Well, I would have recorded anything that was announced at the meeting. It is just that it happened to be the announcement.

I understood your evidence earlier that you knew nothing about this workshop at Daleside? -- I did not know whether this referred to that one. It was just a talk of an education seminar.

Well, it clearly refers to that? -- It is not as clear(30)

as/...

as all that.

Well, the date is 27 to 29 April 1984. -- It looks so.

It can only refer to that UDF seminar on education held at Daleside? -- It is possible.

It is not possible. That is the only interpretation you can put to it? -- As an interpretation, yes.

I now want to deal with something else and that is I want to put it to you that the Soweto Civic Association did take up some of the UDF campaigns in Soweto? -- I do not remember any UDF campaign taken up by the Soweto Civic Association. (10)

I put it to you that the Soweto Civic Association did take up the campaign against the tri-cameral parliament and that was also a UDF campaign? -- The Soweto Civic Association independently of its own took up that issue, not as part of the UDF campaign.

Why did you take up the campaign independently? What could you achieve in Soweto if you took up the campaign independently? -- Just to express our dissatisfaction and our observation. (20)

COURT : Were there no pamphlets or posters or that sort of thing in Soweto of the UDF and did you not participate in putting them up or distributing it? -- Not to my knowledge. There were UDF posters in Soweto.

MR HANEKOM : Will you please have a look at EXHIBIT AX14 page 60. Minutes of the SCA Interbranch meeting held on 5 August 1984 at the Dube Chapel. -- That is correct.

And under matters arising from the minutes it says "The anti-tri-cameral election document. It was read and adopted as the SCA document." To what document is (30)

reference/...

reference made here? -- We are making reference to this document because the Soweto Civic Association was part and parcel of the two or three civics that met to address themselves to the tri-cameral election.

COURT : What document is referred to? -- The document referred to here is AX15 from page 48 up to page 67.

MR HANEKOM : Before we deal with that document that you referred to now, will you please turn to AX14 page 17. This is a letter dated 2 August 1984 addressed to the Secretary, Soweto Civic Association, Soweto and signed (10) by Frank Chikane on behalf of most of the civic associations in the Witwatersrand and a copy was sent to Dr Motlana. What do you know about this document? -- Yes, two, three civics that met mandated where Reverend Chikane was present as a member of the Soweto Civic Association - that is after they had discussed the whole question of the tri-cameral parliament elections, they decided that a public meeting be convened on 12 August at the Roman Catholic Church in Phiri and Reverend Chikane was requested to write a letter of invitation which would be sent to the civics in or (20) around the Reef. This is the letter that Reverend Chikane wrote.

Who initiated that co-operation between the two or three civics? -- That is the two, three civics that met.

Who initiated that? -- It was initiated by the Soweto Civic Association.

Then you are not correct when you said that the Soweto Civic Organisation took up the campaign independently? -- Yes, it was independent. I said the Soweto Civic Association took the initiative. (30)

And/...

And who were the other members - who were the other civic associations? The two or three others? -- That is, we had Krugersdorp Residents Association and I think we had - I am not clear whether it was Atteridgeville, Saulsville Residents Organisation. I think we were the three organisations that came together.

Then it is not correct where this letter says at the bottom signed by Frank Chikane on behalf of most of the civic associations in the borders rank." -- Well, it was supposed to be sent to the civic associations. It is (10) correct in the sense that I think after that meeting we had requested - yes, I mandated to find out whether we could get the response of the leadership of other civic associations and it was on the basis of that, that I went back to Reverend Chikane to say that I think I had got the response from Ratanda and I think I had phoned Lord McCamel and Westonaria was phoned and Mohlakeng. So, the few that we had contacted at that time, seem to have been in majority with regard to the civic associations in the Reef.

Did they mandate you, the Soweto Civic Association to (20) carry on with this project? -- Yes, to phone the other civics.

Why was this letter then addressed to you, to the secretary of Soweto Civic Association? -- I was forwarded a copy of the letter which would be read to the Soweto Civic Association, because at this time it was largely delegates, it was not the entire Soweto Civic Association. So, there had to be a letter directed or addressed to the Soweto Civic Association which would be read at the meeting of the Soweto Civic Association and this is the copy that I was sent.

What was the purpose of the meeting of 12 August 1984? (30)

To/...

-- To show disapproval of the tri-cameral parliament elections.

Will you look at paragraph 3 of the letter, the last sentence "We want to make the decision as to what we shall do with the Hendrickses and the Rajbansi's who claim that they are going to represent Africans in the new system"? Was that also one of the ... -- That is the thing that prompted us to express our views on this because Rajbansi and Allan Hendrickse saw themselves as going to represent the Black people in the tri-cameral parliament and it was incumbent upon the Black people to show their stand with regard to (10) that kind of an allegation or that kind of an assertion. Whether it was correct that they were carrying a mandate from the Black people to be in this tri-cameral parliament.

Did you attend the meeting of 12 August 1984? -- I attended the meeting on 12 August.

And what decision was taken as to what you should do with the Hendrickses and the Rajbansi's? -- All we did was, we read the position statement and that contains our opinions, our concerns and our feelings. Nothing was ever said in terms of a specific action that could be taken, said or (20) done.

Paragraph 4 of this letter says "The draft position statement is enclosed for your consideration and suggestions." Is that draft position statement referred to in this letter the one we find in EXHIBIT AX15 page 37? -- Yes, that is the one, taking into account that that position statement was drawn in their absence and we are accommodated to the fact that they would have to approve, disapprove or amend whatever they wished with this position statement. Hence to them it was a draft. (30)

Who/...

Who drew up the draft? -- The draft was drawn by the group that I have already referred to. Initially Reverend Chikane was mandated to draw the draft which he brought and was amended and which amendment takes the form of the one that I have already referred to, which we at the Soweto Civic Association approved and endorsed as a property of the Soweto Civic Association.

Who mandated Reverend Chikane to draw up the ... -- The three civics that went before the 12th.

COURT : This one was the first draft, AX15 page 37. Is (10) that correct? -- No. The first draft is AX1.

And that was by the Reverend Chikane? -- This was by Reverend Chikane.

AX15, that is the one we are dealing with at the moment, was that the final approved draft? -- That is finally approved by us in the Soweto Civic Association which still had to be approved by other civics on the receipt of it before the 12th.

Was it ever approved? -- Yes, on the 12th it was approved.

And it was on 12 August approved as is, that is at (20) page 37? -- As it is.

MR HANEKOM : Can I just get clarity then, the draft position statement refer to in this letter AX14 page 70 refers to EXHIBIT AX1? -- Sorry?

The draft position statement referred to in this letter AX14 page 70 to which of the two statements is reference made? -- This one refers to the one in AX15 page 48 which we had already adopted. We in the Soweto Civic Association.

COURT : I am not with you. Is it AX1 that is referred to or AX15 page 37 that is referred to in the invitation to a (30) protest/...

protest conference? -- The invitation refers to AX12 page 48. I am sorry, AX15.

MR HANEKOM : I think page 48 is just a copy of 37. -- Yes, it is just a copy.

So, we can work on page 37. You say that AX15 page 37 is the one that was attached to this invitation letter? -- Yes.

And EXHIBIT AX1 was the one that was finally adopted? COURT : No, that is the first draft? -- That is the first draft. (10)

MR HANEKOM : Was there anything in the first draft, AX1 that you disapproved of or was disapproved of by the Soweto Civic Association? -- Yes.

Could you just point out what portions, please? -- It would mean that I must read it over and compare the two documents.

COURT : Can we take it that these portions which have been changed by AX15 page 37 of AX1, are the portions you did not like? -- These are the portions we did not like.

MR HANEKOM : So, in AX1 paragraph 2 where the present (20) government is referred to as an illegal and illegitimate government, you disapproved of that? -- We disapproved of that.

If we turn to AX15 page 37 if we can deal with that now. The first sentence says "We, the confined majority confined within the ghettos and desert of this our motherland through the inhuman and unjust laws of this apartheid regime, executed through the apartheid court, police and the army." That was put it. It did not appear on the draft. What do apartheid courts refer to? -- Section 3 (30) shows/...

shows that this constitution is based on the success of the apartheid regime in confining the African majority within the Bantustans and proclaimed White areas through racist influx control which has resulted in the prosecution of millions. Influx control was - these were some of the laws that we saw as - and the courts, as we put it, the courts that is the Native Commissioner's Court or the Bantu Commissioner's Court that were processing or were responsible for the people arrested under influx control. These are some of the courts that we are referring to here. (10)

So, the question of influx control was linked up with the tri-cameral parliament? To the new constitution? -- I think yes, we linked that with that in the sense that it was still making it further very clear that we are excluded from the so-called industrial areas of this country when we see the Whites, the Coloureds, the Indians going to be together and in their togetherness, in their parliaments, they will be in a position and a far stronger position to execute, to carry out the influx control laws.

You referred to the apartheid courts in paragraph 3(20) but what about the reference to apartheid courts in the first sentence? -- Paragraph 3 clarifies that point.

Paragraph 1 says "all the inhuman and unjust laws executed through the apartheid courts." To which laws do you refer here? -- We have got quite a number of laws in this country. Laws under the Land Act, laws under the Group Areas Act, laws under Separate Amenities Act and there are quite a myriad of laws that rationally, that have their own racial origin.

And the security laws? Do you include them? -- I wonder (30)

how/...

how we see the security laws because when we talk about the security laws, the organisations that are lawful with peaceful means, one eventually comes to say yes. If we are said to be disturbing the peace of the country purely on some uncalled for and on terms that we are unable to understand, this raises a great deal of query too.

The question is simple. Do you include the security laws in the description of inhuman and unjust laws? -- Not necessarily.

Well, what does that mean now? Do you include them(10) or do you exclude them? -- The whole question of security laws - it is not very clear in the sense that we have had people detained under security laws and later released without charges and one wonders whether and some of these refined Black people sometimes are arrested purely for having shown dissatisfaction and shown disapproval of certain laws and in the end when these are interpreted as a threat to the security of the State, we know better whether this was correct or not, so that when it comes to a question of security laws involving perhaps acts of sabotage, then (20) here it becomes a completely different issue.

You used the term "inhuman and unjust laws" in EXHIBIT AX15 page 37. Now, do you include or exclude the security laws under that description? -- Section 29 is inhuman. I cannot say anything more than that.

Do you then say that Section 29 of the Security Law is included? -- It is included.

So, then these apartheid courts that execute those laws cannot refer only to the Native Courts?

MR BIZOS : Is Section 29 applied by the Courts? (30)

MR HANEKOM/...

MR HANEKOM : Well, Section 29 is applied by the Courts. We have had interdicts on Section 29 in numerous cases and not the Native Courts.

COURT : Put your question, let us hear what the witness says.

MR HANEKOM : I put it to you that reference to apartheid Courts in paragraph 1 of this EXHIBIT AX15 page 37 cannot refer only to the Native Courts? -- It refers to the Native Courts.

Can you then list the inhuman and unjust laws that (10) are executed through those courts please? -- I have already referred to the influx control. I am referring here to the squatter laws, that are the shacks. I have referred to the laws that refer to the removals of the people. I may not be a legal man to recite all, but the few that we know are very inhuman, deadly to human soul.

Are all those cases under those laws only dealt with in the Native Courts? -- I would not say exclusively, but primarily most are dealt under separate courts.

Would you then include or exclude the other courts (20) under this term of apartheid courts? -- I would of course exclude other courts.

But how would anyone that reads this paragraph 1 understand the situation? -- I hope you would understand or you would come to those who have drawn this paper.

Will you look at paragraph 4 please. It says that "Thousands of our people have been brutally killed and some tortured to death, others maimed by the police force and army or this apartheid regime for rejecting and resisting apartheid." Is that factually correct? -- This is (30)
factually/...

factually correct. I would not be in a position to recite the whole litany of people who were killed under such conditions but it is a fact, people have died, people have been killed.

Thousands of people? -- Taken the history of this country into account, not only in terms of one year.

COURT : Where do you start your history? 1652 or later?

-- Yes, I would later. In fact I would start right from I do not know whether a year or two after, when the White men met with the Hottentots or with the Bushmen and ever-(10) since there has been these so-called Kaffir wars in our history.

If you look at paragraph 4, does not fit in with apartheid regime in paragraph 4? -- I am referring to that in terms of the numbers.

The numbers killed by the police force and army of this apartheid regime? Would you like to reconsider your date? -- I would find it difficult to reconsider this because apartheid even before it was written down, there was that attitude of master and servant relationship between (20) the Whites and the so-called non-Whites and taking that into account one would say apartheid, whether written or not written, has existed with the advent of the White man into South Africa.

So, you say that this apartheid regime goes back to 1652? -- This is how I would see it.

MR HANEKOM : Paragraph 5 says that many of our leaders are languishing in jail and many others have served long and short sentences in the apartheid prisons, resisting this apartheid regime. What is meant by that? -- Even political(30) prisoners/...

prisoners are kept on the basis of colour. Whites in Pretoria, Blacks in Robben Island, hence we talk of apartheid prisons. In terms of the people languishing, people who are serving life sentences because of their resistance to apartheid.

Who are the leaders referred to here? -- By referring to the people like Mr Mandela, Sisulu and quite a number of all those people who are serving political prison terms.

Do you say that those people, Mr Mandela and Mr Sisulu and others are the accepted leaders, your accepted leaders of the Soweto Civic Association, in the Soweto Civic Association- (10) tion? -- Yes, we call them accepted leaders.

And they were also leaders in the ANC? -- Yes, they were leaders in the ANC. There was a time when the ANC was the organisation for the people in this country.

And although they adhere to violence, do you still accept them as your leaders? Whether they adhere to violence or not? -- Well, they are in prison. They are serving their prison term.

What do you say to the question? I asked you although they adhere to violence, do you still consider them as your (20) leaders? -- They are now serving their prison term and that in itself suffices to say that they are paying for whatever misdeeds or whatever contravention of the laws they have made in this country.

If I put it to you that Mr Mandela is still convinced that the struggle in this country must be an armed struggle, a violent armed struggle, do you still say he is your leader and do you still regard him as your leader? -- The man is in prison and whoever says, whatever opinion this man cherishes, I think that at this stage seems to be more (30)

of/...

of a personal private opinion, but this does not mean that this man is no longer a leader. The most that we are saying is that he is suffering for whatever he has committed.

Mr Mandela's opinion was not a private opinion. It was widely publicised? -- Well, he has been punished for that and to us he is still a leader.

And he still adheres to violence? -- But he is serving his punishment for that.

Well, he was not sentenced on what his views now are? --
May counsel make himself clear? (10)

COURT : You are at cross purposes. You think that counsel is referring to what his views were in 1960 or whatever it was when he was convicted. Counsel is referring to the statement by Zinzi Mandela purporting to be Mr Mandela's views read to a very big meeting I think in a stadium in Soweto. -- Well, admittedly, whether a man is confined, he would still have his own opinions, but the fact of the matter is this that you are still serving your punishment. So, to say that when a person is serving punishment, he should not express his views or his convictions, I would (20) find it a problem, because his views to the community as it were, are almost harmless.

MR HANEKOM : Turn to page 2 of the statement, please.

COURT : Let us call the page by its number, page 38.

MR HANEKOM : Page 38 paragraph A says "We therefore wish to declare to all South Africans, both Black and White to the world at large (a) that there will never be peace in South Africa as long as the majority of the oppressed is not involved in determining their own destiny but confined in a brutal way to 13% of the land." What is the (30) intention/...

intention, what do you want to convey by ... -- I want to convey that the oppressed people will never see peace and if the oppressor does not want to listen, or he is being irritated by the views of the oppressed, he will remain in a state void of peace because the oppressed will continue expressing their viewpoint and their oppression will continue being as hurtful as it was before, expressing their views peacefully.

COURT : The statement says there will never be peace in South Africa. Does that refer to violent conflict or does it (10) not refer to violent conflict? -- It does not refer to violent conflict.

MR HANEKOM : Well, I put it to you that the reference here as it stands here that there will never be peace in South Africa can only refer to that that you accept that your people will always be in violent conflict with the government as their oppressor? -- I reject that.

COURT : But as there is unhappiness all over the world, wherever you go, according to you there is never peace in any country? -- Well, talking of institutionalised lack (20) of peace.

Institutionalised lack of peace? What does that mean? -- That is institutionalised deprivation of peace, if I could put it so.

I can understand if you talk of deprivations liberty or deprivation of the freedom of movement, but I cannot understand when you say deprivation of peace? -- Yes, I am corrected.

Let us come back to the sentence. There will never be peace in South Africa. What does that mean? -- Here we (30) refer/...

refer to - by peace here we refer to the state of life as experienced by the oppressed, that they are not in a state - they are not in a peaceful way of life and this is going to continue as long as apartheid laws are there. Perhaps here in terms of peace I refer to what you might call a normal run of life which people are deprived of or comfort.

But when the phrase peaceloving people is used, which is used so often in these documents, does it then not mean people who do not want violence but it means people who want their comfort? -- That is another context. (10)
That means that. That is when we talk of peaceloving people we mean people who do not want violence.

MR HANEKOM : You have altered the original draft statement. Why did you then not say that there will never be comfort in South Africa. Why did you use the word peace? -- We preferred the word peace.

COURT : So, when one fights for peace, which is a contradiction in terms, it is no longer a contradiction in terms because you fight for your comfort? -- It is no longer a contradiction in the sense that you are fighting peace- (20)
fully.

MR HANEKOM : Paragraph (b) reads that "Those who have chosen to participate in the racist tri-cameral parliament have henceforth crossed the battle-line like all the participants in the Bantustan system and Black Local Authorities to join the White minority and oppression of the Black majority." What is meant by that? -- It means that those who join, the govern oppresses the Black majority and those who go to join the government join the government in the oppression of the Black majority. (30)

Why/...

Why is it referred to that day have henceforth crossed the battle-line? What does that mean? -- Well, there is a line drawn in terms of the oppressed and the oppressor and then we are saying that the oppressors are peacefully fighting for their rights and this is the battle that we are referring to, a peaceful battle for equal rights.

Where do you read peaceful battle into this paragraph? -- That is what it means.

If that is what it is supposed to mean, why was it not said so in clear terms? -- That is why it is not even said(10) in clear terms violent, battle.

COURT : Well, if you now go to the next paragraph where it deals with enemy and blood, is that peaceful blood? -- What paragraph is that?

(c). We were dealing with (b) . I take you to (c). -- Well, that is just a figurative word being used for hard work and sweating for your right. It does not mean blood in the literal sence.

MR HANEKOM : For record purposes I will read this paragraph. It says "All those who are going to put their vote on August,(20) 22 and 27 shall also be declaring their side with the enemy against the oppressed majority and thus will be taking the blame for the evils of this system as perpetrated against the defenceless majority and also for the blood that will be shed in South Africa after August 1984." First of all, why is the term enemy used? Who is referred to? -- The enemy will be used always where there is evil in existence. We have said time and time again that the enemy is apartheid and unavoidably the enemy becomes the government that executes apartheid laws. (30)

Where/...

Where does it say what is meant by the blood that will be shed in South Africa must not be taken literally?-- We were the authors of this draft and the people who read this draft to the people.

And did you explain to the people? -- Of course, yes.

What did you explain to them concerning this paragraph? -- That people are still going to work hard. People are still going to sweat it out.

I put it to you that is quite in clear language that blood will be shed in South Africa after August 1984 and(10) in fact blood was shed in South Africa after August 1984? -- I reject that.

You say there was no violence after August 1984? -- We were not referring to violence here.

The question is, do you say there was no violence after August 1984 in South Africa? -- There was violence in some areas in 1984 and it was not linked with this.

People were killed shortly after August 1984. Do you agree? -- Even long before.

But especially after August 1984, during the uprisings(20) in September 1984? -- This would even go beyond 1984.

Blood of councillors was shed in South Africa after August 1984. Do you agree? -- As a separate statement away from this, yes.

Are they not the people referred to in paragraph (b) as on one side of the line? People joining the White majority - the White minority? -- We are referring to the tri-cameral parliament not to the councillors. We dealt with the councillors when we were talking about the anti-election campaigns.

(30)

Well/...

Well, where it says, all the participants in the Bantustan system and the Black Local Authorities, it is clearly a reference to inter alia the councillors? Or do you disagree?

MR BIZOS : Is it fair in view of the first line of paragraph (c) that all those who are going to put their vote in August 22 and 27, the councillors were not going to vote on the 22nd and the 27th.

COURT : Repeat the question, Mr Hanekom?

MR HANEKOM : The question was with reference to paragraph(10) (b) that those who were participants in a Bantustan system and the Black Local Authorities ... (Court intervenes)

COURT : But is it correct? It is the tri-cameral parliament that is referred to in (b).

MR HANEKOM : It continues and it says participants in a tri-cameral parliament like all participants in the Bantustan system and the Black Local Authorities.

COURT : Then (c) refers to those who are going to vote. That cannot be the Bantustan system, with reference to the Bantustan or to the local authorities. (20)

MR HANEKOM : Yes, I think I mixed it up.

COURT : These are the Indian and the Coloured elections.

MR HANEKOM : No, I mixed it up, I am sorry. Paragraph (d) says "We further wish to warn in the strongest possible terms Hendrickse and Rajbansi and their parties to stop the crime of saying they are going into the system to represent Africans when they are doing so for their own personal gains. We went to make it clear that we do not need their representation. We are here to represent ourselves and our leaders are here to represent us. They are languishing(30) in/...

in prison." Is that a reference to Mr Mandela, Mr Sisulu and the others again? -- I should think so. Does the counsel not want to refer to the last lines?

COURT : If you want to refer him to the last lines do so? What last lines do you want to refer to? -- "We express nevertheless our confidence in our brothers and sisters in both Coloured and Indian communities, that they will never abandon their long tradition of suffering and struggling together and that they will refuse to be co-opted to the system or the election by staying away from the poles (10) in solidarity with the oppressed. We end up with a note of hope to show that we are not a violent group."

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14h00.