

ans

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-10 en 11

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 284

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COURT RESUMES AT 14h00 ON 10 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, you as publicity secretary had any responsibility for publications? -- That is correct.

How did it come about that UDF News was decided upon? -- I cannot say precisely, because when I took office the first copy of the UDF had already been produced before the national launch, so I inherited the situation that was already in existence. I assume of course that it would (10) have been decided on by the joint executives earlier.

After you assumed the office of publicity secretary, how was UDF News published? -- It was published by the UDF through the media committees of the various regions. In other words, we had articles from the various regions and it was from those that we selected the ones that went into the particular edition. Sometimes, because it was not a regular publication, there were times when specific directives came from the NEC, there must be an edition produced that should focus on a specific issue because may be it would be (20) an important issue at the time.

I want you to please have a look at D1 page 4 item 11. Are these the minutes of the NEC? -- These are the minutes of the NEC meeting that was held in September 1983.

Reading "Publicity and publications. Progress report to relationship between newspapers was given by the publicity secretary." What was that report about? -- This report concerned our relationship with the newspaper, commercial newspapers. We were a new organisation and one of the things was to attempt to establish some amount of rapport (30) between/...

between the UDF and the commercial papers. So, I had gone around and I had been meeting some of the newspaper editors and newspaper reporters attempting to brief them about the UDF and so on and so on.

Did you do that? -- I did do that.

And did you explain the UDF's policy and objectives to them? -- In the process I had to explain the position of the UDF, its nature, its policies and even their offering to write explanations of the UDF for the particular newspapers if they found it necessary to explain the front to(10) their readership.

It goes on to say "It was agreed that the UDF News national be produced by the end of September. Its contents were to include among other thing a referendum local authorities election." -- That is correct. At the NEC it was also decided that we would have to come out with an edition of the UDF covering amongst others those items which are set out there and for purposes of that, as the minute says, we requested the regions to submit articles and it was from those articles that we made the selections of those which were in-(20) corporated in the edition.

Once we are dealing with this I just want to ask you, in the UDF News if some region or some individual submitted an article for publication and it was what newspaper men or women call reportage, this or that happened, how did you consider your duty? Did you have to censor it or did you have to check it? What did you have to do as publicity secretary? -- Ordinarily because we did not have reporters we had to rely on articles written by people and ordinarily took it in good faith that when people submitted articles (30) to/...

to us, that they were correctly and truthfully written out. So, we did not have the means to go to the spots and go and check it out ourselves of course. So, we could not take the responsibility for each and everyone of the articles that came in the UDF News.

COURT : Did you state that in the publication that you did not take responsibility for that which was in the publication? -- We did not write it out on the publication itself. That we did not do.

MR BIZOS : If someone reported that - let us take for argument sake that a number of people were shot by the police and this came from one of the regions in the form of an article, would you publish it? -- We would publish that. Generally we took it that if any of our regions send us an article or information, that that information and that article would be as accurately as the region knew. We had no reason to doubt it and it is for that reason that we accepted those articles and published them.

Did you have any campaign in relation to the Ciskei? -- No, we had no campaign in relation to the Ciskei. (20)

Did the National Executive concern itself with the events of the Ciskei? -- The Ciskei's issue was one of interest to the UDF, I think starting at the national launch. This was because we had affiliating the region and the NEC was therefore concerned about the situation there. That concern really took the form of making public announcements on the matter and I think it went on to even call a press conference at which the position of the UDF was stated.

Was the UDF the only organisation concerned with the events of the Ciskei at that time? -- No, we were only one/... (30)

one of the organisations that were concerned about the affairs there, but various other organisations were concerned. Indeed, even governments of other countries did express opinions and views on the matter.

You have heard the evidence of accused no. 19 about the events that led you to be concerned about these facts?
-- That is correct.

Were those facts reported widely at the time? -- They were very widely reported, both before and after the national launch of the UDF. (10)

The next matter that the indictment concerns itself with is the relationship between the UDF and AZAPO. What do you say in relation to the allegation that the UDF was in conspiracy with AZAPO? --I immediately deny that allegation. The relationship between the UDF and AZAPO has never been one of co-operation. It has in fact varying degrees, being one of hostility from time to time. On our part we have made attempts to win AZAPO and to win their support for the UDF but they have always been steadfastly opposed to the UDF especially on the aspect of its policy of non-racialism. (20) It has simply not been possible for us to win their support and it was really impossible for us to have any conspiracy of any kind with them. I can deal with the subject a bit more extensively. I do not know to what extent ... (Court intervenes)

COURT : Will you just let yourself be led by Mr Bizos.

MR BIZOS : What was the relationship between UDF and FOSATU?
-- FOSATU was not affiliated to us. I would say though it was cordial, although they were not affiliated to us by any way and they pursued their programs completely independent (30)
of/...

of us.

COURT : Just on FOSATU. At the moment we have COSATU? -- That is correct.

FOSATU has disappeared. Is that correct? Or is FOSATU still in existence? -- It is no longer in existence.

Did FOSATU become COSATU? -- No, no, as I understand it what happened is that FOSATU, the African Food and Canning and a number of other trade unions and some even who were in CUSA, the Council of Union South Africa, all came together and that was now subsequent to our arrest ... (Court inter-(10) venes)

So, COSATU is much bigger than FOSATU was? -- That is correct.

MR BIZOS : Was FOSATU absorbed into the newly formed COSATU? -- That is correct. There was a "samesmelting" there.

ASSESSOR (MR KRUGEL) : A merger? -- Merger.

MR BIZOS : COSATU did not exist before. COSATU was the result of the merger? -- Of the merger, yes.

The result of the merger of a number of federations? -- That is correct. (20)

Were you concerned with matters such as the national minimum wage? -- Yes, we were concerned about matters of that nature. In fact we raised those issues in a session of talks with FOSATU which we had in September 1983. The NEC had considered the meeting and it had suggested that even if FOSATU did not affiliate with the UDF, that is must be suggested to FOSATU that we explore possibilities of periodic co-operation around specific issues. Some of the suggestions that were put forward by the UDF were such issues as the struggle against GST, that is approaching the government or (30)

so/...

so and pleading for the elimination of GST on specific items, especially items of consumption by the working people, that would therefore make those items much cheaper and therefore easily accessible to the working people. There were issues such as the trade union rights for rural workers in which we felt in the UDF that if there were initiatives to organise or to extend those rights to rural workers, we would be willing to throw our weight in with the trade union movement to help the process in whatever way that we could and there was also the issue that we raised - the domestic (10) workers were also mentioned in this connection. The NEC also raised or suggested that the UDF would not be willing and able to assist assuming the unions wanted to organise unemployed workers and do something about their position. At the time also I think the state of economy was beginning to show a sense of a decline and the question of unemployment was also one that was beginning to tell. So, those issues arose and therefore they were of interest to the NEC in that light.

The indictment alleges that you resolved to conduct (20) a door to door campaign, to use church services and vigils and local meetings for the purposes of your organisation in furtherance of this conspiracy. What do you say about that? -- I deny that allegation. I think it is a failure to understand the thinking and operation of the United Democratic Front. We are a non-violent organisation. Issues arise. We have to find forms of action through which we can make known the opinions and feelings of our followers and we had to examine all forms of non-violent forms of action that would express our people, the feelings of our people. (30)

So/...

So, such things as for instance prayer meetings, the tolling of bells, vigils, so as to draw the attention of the government and at the same time make as much noise as possible, so that we can be heard to say that apartheid is unacceptable. It was in that light. That was the thinking behind it. The suggestion was that this was to build for a revolution and so on, is just proposterous.

What was the talk about the people's weekend? What was that about and why was it arranged? -- The people's weekend was a weekend that was set aside by the NEC for purposes (10) of bringing up a lot of opposition and actually expressing that opposition. That was the weekend of 29 and 30 October 1983. It was chosen in view of the fact that on 2 November the White community was going to go to the poles to vote on the referendum question and it was our feeling that it was crucial that we should make our feelings and the feelings of our people publicly well-known in all forms of non-violent action so that when the White electorate goes to vote on the referendum on the new constitution, it must do so knowing very well how we feel about this constitution (20) so that the people's weekend therefore was the weekend that was set aside to climax our activities that attempted to expose our position to the new constitution.

COURT : Before lunch Mr Bizos put the date of the White referendum at 3 November. You now say it is 2 November. Which date was it? I had it it was 2 November.

MR BIZOS : I think it was 2 November. I am sorry. Did I say 3rd? I am sorry, I was speaking on memory. -- I think it was the 2nd, yes. It was one of those days any way.

You said to make noise as possible in order to be (30)
heard/...

heard. Very briefly, how did you personally feel being excluded, that here is a tremendous event taking place about the future of the country and you personally were expressly excluded from expressing an opinion on this. How did you feel? Very briefly. How did you feel about that? -- I felt extremely hurt. I was even more hurt from my own father. I recall asking some of my comrades and saying to them I wonder now at this stage what the difference could be said to be between my father and Bishop Tutu on the one hand and an Alsatian dog that is owned by anyone of our White (10) citizens in this country. My father was in the sixties. Throughout his life he had never voted to decide anyone of the laws that had controlled his life. I was in my thirties myself. I had never been able to participate in a democratic process to decide on anyone of the laws of the country that governed my life and that would govern the lives of my own children and inspite of what we had said, our White compatriots were not responding to the pleas which we had made. For me it was really one of those very dark moments in life. My father's contemporaries, the White ones, had been making (20) laws and they were making another law. They had made laws that he must carry a reference book. They also made a law that an Alsatian dog must have a certain ticket on his neck and he must carry a reference book. That Alsatian dog was going to die without ever deciding a law that governs his life. So was my father. That is the kind of existence that we live. It is the depth of that humiliation that so many of us felt at that point in time and when it is like that, we have no ambitions that we can look back to. The discomfort of prison cells is better than the emptiness of walking (30) in/...

in the streets as if you were free when you are a dog in the land of your birth. I accepted that I would continue to work and work very firmly for the United Democratic Front to take across the objections of my people. If it meant a return to prison, so let it be.

You say that you arranged the people's weekend in order to make your feelings known. Was there going to be an election for the town councils for African people in the townships as the end of November? -- There were already projections at that time that in the African section we would have to (10) vote for the Black Town Councils under the Black Local Authorities Act and once more already we were expressing - our people were expressing their feelings against it and we ourselves were combining that together with our campaign against this new constitution act. We were also stating that his was unacceptable to us.

Did anyone suggest any relation between the vote that the African people were to exercise in their townships in November 1983 with the new dispensation that had been arranged for Indian and Coloured people? -- That is so. I think both (20) government spokesmen at the time and various other public figures within our own communities saw and did express themselves in this way that the government was giving for the African people these town councils et cetera, et cetera, as a substitute for our participation with the rest of the population of the country in the central parliament and that is how all of us saw it. That is how we perceived it. Our objection to the Black Local Authorities Act and other local government's act was not because we wanted to have a situation of anarchy and without the structures of government (30) at/...

at local level, but we realised that those structures were meaningless if we did not have a say there at the source of the laws, because if our lives were going to be governed at local level, the laws which determined that, were being passed in parliament, the structures that were being set up under the Black Local Authorities Act would only be there to implement laws which have already been passed and that was quite clear in our mind that it could not be acceptable that if and unless we could participate, we would not be able to influence the run of events even at local level. (10)

Was there any question about your participating with other bodies such as the PFP for instance? Apparently this is also included in the indictment. Very briefly, what was your attitude in relation to that? --I cannot recall at any stage that the UDF took any specific decision to say that we must not work with the PFP or that we must work with the PFP. I think it was just - on that there was no formal decision that was taken. There has, however, been issues, in fact at that time there was an issue that arose where some of our members addressed public meetings with members (20) of the PFP and as a result of which some of our affiliates were unhappy about this because they felt that there had not been sufficient consultation and that it was important for the UDF to be seen clearly to be opposed to the new dispensation. The complaint really was one of consultation on the question and not one of saying that it was - it was of consultation with the UDF before undertaking of any action with anyone of the other organisations which were not affiliated to it and the PFP happened to be the example in this case, but otherwise where the need arose, we communicated with (30) anyone/...

anyone of the parties and organisations. Indeed I have had occasion to exchange letters also even with some of the leadership people of the PFP and they have taken the initiative and we have had to respond to that. There have never been any problems about a matter like that.

From some of the newspaper commentary that we had this morning, especially the two cuttings from Beeld ... (Court intervenes)

COURT : Let us just put the numbers on record again.

MR BIZOS : DA60 and 61. Was there a perception in some (10) quarters that you were going to fizzle out? -- That is correct. At the time in fact some of the newspaper reporters characterised the UDF as a bubble, one of the bubbles that would just explode within a matter of a short space of time. In fact the criticism there was that we had so many diverse groups of people and organisations, that it would be impossible for us to keep them together. It is true of course that it was not something easy, but we did manage.

As time went on and it appeared that you would not - it may have appeared that you would no fizzle out, were there (20) attacks directed at the United Democratic Front? -- That is correct.

What form did they take? -- As I mentioned earlier on, at some levels we were accused of being a front of the African National Congress. At other times we were accused of being a violent organisation. At other times a lot of bogus pamphlets were distributed all over in an attempt to discredit the front. At other times it was claimed that the million signature campaign of the UDF was being used to recruit for the African National Congress. All kinds of allegations (30)

of/...

of this nature were thrown around, around the UDF and obviously this had the effect of estranging the UDF both from the government and from the public generally and we had to defend ourselves in reply to that in various ways.

What about your own publications? Were they able to counter this? -- Well, our own publications had very little circulation. We relied more on the papers that had wide circulation to respond to them and usually we would take advantage of the allegation. If may be an allegation is made by say Minister Le Grange, it would be - we would take(10) advantage of responding to it so that when the allegation is reported, at the same time our response to it goes in, because sometimes if we just issue a statement of our own, we found that it was not taken into account by the newspapers.

ASSESSOR (MR KRUGEL) : What papers are you referring to?

-- I am talking now about the commercial newspapers. The newspapers Beeld, Star, what not. Anyone of those that we could manage to ... (Mr Krugel intervenes)

You say you relied on other papers to rebut - do you mean the commercial press? -- Yes. When I say we relied (20) on other people, we referred to the commercial newspapers. Obviously, when we had a press conference or if we issued our statement and there were even community papers that were keen on reporting it, we would very gladly make it available to them too.

MR BIZOS :

Was there any interference with your meetings? -- Yes, that happened between the national launch and some time in October. It has covered a pattern whereby all our meetings, public and administrative meetings, were being banned throughout. Each time we called a meeting, it did not (30)

matter/...

matter where, it did not matter how many people were going to be there, it was just getting banned. That was in 1983. In 1983 it began after the national launch building up to about October. These bannings took place inspite of the fact that all the meetings that the UDF have held up to that time had always been very peaceful meetings. Not one of them had ever ended up in any kind of violence of any kind of disrupted action.

Did you ever approach the Court in relation to the banning of your meetings? -- Yes, I think accused no. 19 (10) also testified to this that at some times we had to appeal to the Courts to intervene where some of our meetings were banned.

When did you decide to have T-shirts? -- The decision to produce UDF T-shirts to the best of my knowledge, because I was not there, seems to have been taken at the meeting of July when the joint executives of Transvaal, Western Cape and Natal met because when we went ... (Court intervenes)

COURT : July 1983? -- July 1983, because when we went to the national launch there were already the first sets of T-shirts.(20) We did of course continue to produce others subsequent to that.

MR BIZOS : Did you have to be a member of an affiliate in order to acquire a UDF T-shirt or a member of UDF? -- Ordinarily, no. The UDF T-shirts were sold generally to the public. Sometimes at public meetings or any kind of gathering where there were a lot of people. Some were sold to affiliates who in turn sold to their members. So, we did not have a direct control over the T-shirts. Whilst they were out of our hands, they were gone.

Did the - you wrote a letter to the then Prime Minister.(30)

That/...

-- That is correct.

What were the primary reasons for writing that letter?

COURT : Have I got the letter?

MR BIZOS : Yes. DA21 and 22 are the two letters that I am referring to. Were these letters just done for the purposes of just gaining publicity? -- Oh, yes. These letters were intended to convey the views of the Front to the government about the constitutional processes that were taking place at the time. Also to explain to the government as it would be seen from the first letter what the UDF was, who it (10) represented and so on and also the letter took up the issue of the banning of the UDF. Taking the step of addressing itself to the State President, well, to the Prime Minister that time, the UDF regarded it as a very important and serious matters. It was one of those steps that clearly would show that the front was keen on exchanging views or of presenting to the government its views on the matters. I may just mention that at the time some of the other organisations - we were heavily criticised in some quarters for this step that we took, but we felt it was the correct step to take and there (20) can be no doubt as to how serious we were about this matter. In any event, if we said we were opposing the new dispensation or our people are opposed to it, if we did not tell the government, that opposition would be ineffective if it did not reach the government. One of the reasons of holding public meetings and speaking publicly about the thing, was for the government to hear, but it was even more appropriate to specifically address a letter and state what the position is and this is who we are and this is how we can be found. So, the government knew we were not just playing games and (30) so/...

so on, because the government will also not respond to people who are dancing there in the township and they do not have anything to eat.

The indictment alleges that you conducted the campaign in furtherance of a conspiracy in relation to the Koornhof Laws.in order to bring about revolution and other acts of violence. Before dealing with the details of what steps the UDF took, how common or uncommon was the notion of boycotting elections towards the end of 1983? Was this a UDF idea or was there something novel about it? -- First of all, I (10) must deny this allegation that we were working for a revolution. Secondly I must state that the tactic of boycotting structures which are perceived as unrepresentative within our communities was an old one in 1983. It had been pursued indeed from my reading of our history longer even before some of us were born. The first time that I can immediately think of as I stand here, is the boycott that our forefathers pursued on the Native Representative Council. That boycott initially suggested in 1936 begin to take effect in the 1940's and as a result of the fact that the Native Representative(20) Council had come to be perceived to fail to carry across the feelings of our communities, people amongst whom were Professor Z.K. Matthews, people like the old man Govan Mbeki, Chief Albert Luthuli and Dr Morobe and so on. They boycotted the Native Representative Council. They made the point quite clear that they had tried it, they tried to milk the cow but the cow did not have milk and they said the Native Representative Council had become a toy telephone. That was the language that was used at the time and then they pulled out of it. In any event, even before that time, there were(30) already/...

already sections which had begun to characterise them as sell-outs and collaborators because they had been serving in it. So, then they pulled out of it. That led to the government coming up with what came to be known as the Bantu Authorities Act and then new, kind of new structures with chiefs and so on. Again people continued to resist. There is one of the chiefs, Chief Luthuli himself, who as time went on was deposed from his chieftainship because the government wanted him to serve as a chief and not to be part of the people's organisations and he said the masses of (10) our people are there, the feelings are truly representing the organisations. So, they expelled him, but that did not end there. Campaigns - I mean Bantu Education itself, when it was introduced, they were boycotts against that. People said we cannot go into these things, they are unacceptable to us. In the Coloured communities people had begun to boycott the Coloured Administration Department and they set up a movement at the time that they called the anti-cab movement and again there were boycotts, continuous boycotts of that. We came into the 70's with the UBC's and even (20) at that time people continued to a very large extent - our communities stayed away from those structures because they were perceived as not satisfying the interest of the people. Similarly, with the Coloured Representative Council, with the South African Indian Council. At the time in fact when the government was saying that people must elect people to the South African Indian Council, people refused. The reason being of course that initially when the South African Indian Council was set up, people were just nominated to it. So that the communities did not have a direct role to play in (30) their/...

their setting up, but once they were asked to vote for people into those structures, now they had a direct role to play in setting them up and it was at this time that we found that they are now in a position to express their opposition to them more effectively. They actually campaigned against him and so on. So, when the UDF was set up in 1983 the tactic of boycott is an old one. As it can be seen, earlier than some of us were born, the only way in which people can say to the government this structure is not acceptable to us and therefore we will not go into it, we cannot give it credibility. (10)

At the time when it was decided by the UDF that people should be asked not to vote in the forthcoming council elections which were held at the end of 1983, did you think that there was anything unlawful in that call? -- Not only I, but the UDF leadership as a whole did not consider that there was anything illegal about it. In fact we stated repeatedly that our people must be made to know that not to vote for this project is not against the law. That is how we understood the law at the time.

Did you want to bring about chaos or make the country (20) ungovernable by advising people not to vote at these elections? -- Not at all. We are the last people to advocate disorder and lack of control. Where there is no control, where there is no order, the first communities - when there is disorder in the townships, who suffers? Our own communities, our own children, our own families. We are the last people to want to have a situation of that nature. What we did want to see happening was to see to it that the government gives us new structures who should be more effective and who should command more community support and respect. Destroyance (30)

of/...

of such structures would arise from the fact that people would be loyal to them and once people are loyal to structures that are set up, then those structures are much more effective they can effect more control. If there is disorder, anybody could be knocked down with a kierie on the head and so on. You do not know where to go to and so on. If that is the situation, we cannot advocate such a situation, we do not want such a situation.

The next allegation in the indictment against you is that in furtherance of this conspiracy you encouraged (10) young people to take part in the activities of the UDF. What is your response to that?-- Once more I must deny this. It is just not true that we used young people so that they must create disorder in the townships. Where the youth organisations were involved in the activities of the front, their specific roles which they had to play, specific tasks that were given and they had to act within the discipline of the United Democratic Front.

Did you encourage young people to - or young people's organisations to become members of the front? -- We (20) certainly did so. We encouraged them to join. We sought to incorporate them within the front. This is for the simple reason that the young people in the townships are in fact members of our communities. They are the future members of our communities. within our organisations we begin to be in a position to give them meaningful programs in which they can be involved, which would begin to shape them into responsible men and women of the future, but if they are just left to roam the street and may be get into this shebeen or the other and so on, they would just be (30) directionless/...

directionless and so on. We lose a lot of manpower and we lose a lot of potential members of our communities. So, we certainly encourage them not only to join the UDF. When they had organisations, to strengthen those organisations. Where such organisations were set up, to come into the fold of the United Democratic Front, not for mischief, but so that they can make a meaningful contribution to the better life of our communities. That is why we want them there.

Was the UDF alone amongst political organisations in having an interest in youth organisations? -- Oh, yes, all (10) political organisations take interests in the youth, whether they be White communities, Indian communities, Coloured communities, every community takes interest in its youth. Look into the National Party and so on. They also have their own youth and so on, organised various organisations and so on. History has just started with students organisations which have been part and parcel of the building of the Afrikaner community in our country with other communities. This is a proper thing. It is only correct that a society must shape its own youth. We too attempted to shape our (20) own youth, organise them into organisations, pass onto them the heritage of their own people, both in history and even those squalid houses in the townships. How we have survived in those, how our forefathers have survived in them. They have got to know those things. That is because they are going to have to survive tomorrow. Their experiences in the factories, in the hostels and so on. Those are the things which make us as people, that is the only thing we have for them, we have got to pass it to them. They must be part of the struggle of our people. (30)

Did/...

Did you organise or let regions organise or did you know that regions organised seminars in order to transmit skills to young and other people in relation to the running of meetings and the formation of organisations? -- Yes, periodically I think some of the regions did - I cannot actually detail any of these workshops, but I know there were some workshops sometimes held, may be to teach people how to run meetings, how to do this or the other thing, how to build an organisation, how to strengthen an organisation and so on and so on and I think things like those were done(10) there. I myself had come from the South African Student Organisation in the early seventies. We used to run such programs. They were very useful. Some of the leadership training courses, seminars and so on and to the best of my knowledge they are always without any negative intentions. I have learnt a lot from those that I myself attended in my day and I never heard that the UDF was using them for any dishonourable purpose. Certainly not.

In furtherance of this conspiracy it is alleged in the indictment you also had some acrimonious correspondence (20) with Inkatha. -- It is correct that we did exchange letters with Chief Buthelezi between 1983 and 1984. Whether it was acrimonious is an opinion that I will not tie myself to.

Well, they were not loveletters? -- They were not, but they were not at the same time - I would not describe them as acrimonious.

DA24 and 25. What objection did the UDF have to Inkatha? -- May be I should put the position this way that the UDF has no objection to Inkatha as an organisation except for the fact that the actual character is unacceptable to us.(30)

That/...

That much is unacceptable to us. Our real bone of contention really was to do with the structure of the Bantustans. Its connection with that. That is what concerns us a lot.

Did some difficulties arise as a result of the events at Ngoye University? -- That is correct.

I do not want to ask you any details about that, because accused no. 19, Mr Molefe, has dealt with it. Was that to further any conspiracy against the government or any of its structures? -- That is not so.

I want you to please deal with the question of the (10) school crisis. The allegation is that you used the school crisis as a strategy to organise, mobilise and politically indoctrinate and activate the youth to take part in the affairs of the UDF. What do you say about that allegation? -- The UDF has never held a meeting to take a decision of that nature at all. So, this allegation has nothing to do with the United Democratic Front. When we did pronounce on the education question we attempted to contribute to the resolution of the problem, but even then it was at a given stage because throughout the UDF had much - was (20) much more concerned with other issues other than this one.

Did you want children to remain out of school? -- Not at all. In fact we have always shared the view that the students must be in the schools. The Department of Education and Training should resolve the problems there so as to normalise the situation.

Did you believe whether or not there were any criticisms to be levelled against the education system available to Black people and more particularly the African community? -- Could you repeat the question, please? (30)

Did/...

Did you have reason to believe that the education system providing education for the Black and more particularly the African community was wanting or not? -- That is the view that was held in our communities, that is the view that we held in the UDF. It had been held indeed especially with the African communities since the fifties since the Bantu Education Act was introduced.

In drawing attention to some of these deficiencies, did you intend to create an education crisis or to alleviate the position? -- We intended to alleviate the situation (10) by persuading the government to move towards a system of education, that would be more satisfactory, more acceptable and that would eliminate those aspects of the education system that were unacceptable to our people.

I would like you very briefly to give your perception -- well, first of all, let us deal with your personal attitude. What is your attitude to education, the importance of otherwise for your people to be properly educated? -- My attitude is that education is very important and that it is crucial that as many people as possible are rendered literate. In (20) particular, coming from the African communities, our communities have been lagging behind, because our government policy denied opportunities of education to the extent that they wanted. It is more urgent on their part that in any other section, that they must advance on the educational front. I think that it is very important therefore that we must advance on this front. I cannot of course overlook the fact which my own community raised from as I have said as early as the fifties, that Bantu Education or the present education under apartheid is set aside especially for us, is not (30) the/...

the ideal type. It has got serious shortcomings that must be corrected. The fact that in the fifties the government removed African education and separated it from the education of the rest of the other population groups, stating at that time as it did through the mouth of Dr Verwoerd that it was now giving us the type of education that would only prepare us to have a place in White society only insofar as we satisfied certain services, so to say. I am just paraphrasing it. Stating at the time also, through the mouth of - I think Mr Marais was also the Minister of Education then, that Bantu(10) Education or more specifically the University and Education Act was intended to produce Bantu leaders who would uphold apartheid. Those things we know are known in our communities, those purposes for which this special education for set for us, are unacceptable to us. It was intended therefore - it was not education for children. It was education to produce some menial servants. It is that kind of education that was not there for the interest of our communities. It remains like that and it is always perceived that way. So, those criticisms of the kind of education that is afforded(20) to us, remain. So, if I say that we want education, I do mean we want that type of thing.

During 1983 and the first half of 1984 there were the elections for the town councils and there were to be the elections in 1984 for the Indian and Coloured houses? -- That is correct.

During that period, what did the UDF mainly concern itself with? That is 1983/84? -- For the second part of 1983 we concerned ourselves with the Coloured Management Committee elections. Then there was a Black Local Authorities (30) campaign/...

campaign election. We had the conference in Port Elizabeth on the referendum on the question of the Indian and Coloured communities and moving into the new year, the campaign that took our attention and occupied us that time, was the million signature campaign.

We know that you were detained in August 1984. -- That is correct.

And that the last National Executive meeting that you held during that year was the one held on 21 and 22 July 1984? -- That is correct. (10)

Please have a look at EXHIBIT H. Was there discussion about the future of the UDF in the middle of 1984? -- That is correct.

And where the matters appearing in this document under item 4 on page 1 of H1 and page 2 of the same document discussed? -- These issues were discussed.

Were there any final decisions taken before your detention? -- There were only tentative decisions taken, because the matter was to be finalised really. The body that was to take final decisions on this issue was to be the National (20) General Council. At the time in the middle of 1984 we were hoping to hold the next General Council towards the end of the year in December 1984.

Were there differences of opinion as to what the future of the UDF should be after the elections? -- That is correct. After the elections I was in jail.

Well, you did not expect to be in jail when this meeting was taking place in July? -- Yes, at the time when we discussed the issue there were differences on some of these issues. (30)

Was/...

Was the Vaal Triangle discussed in any way or any of the problems in the Vaal Triangle discussed in any way at the meeting that you attended in July 1984? -- Not at all.

During July and early August of that year, what was most of not all your time devoted to? -- At this time my concentration was on the coming tri-cameral elections and I think the attention of all of us was focussed on that. I cannot at this moment think of any other issue that was more in our minds than that one.

I would like you to please have a look at paragraph(10) 10 of EXHIBIT H1 dealing with "Our political alternatives." Was there a discussion on this issue? -- That is correct.

Was there a discussion about the holding of a national convention? -- There was.

Was this new or was there an idea of a national convention prior to this? -- Do you mean was it new to the UDF?

New to the UDF? -- No, to the UDF it was not a new idea at all. The matter - the issue of the national convention was born with the UDF. It came up right from the national launch and throughout it was repeated from time to time (20) at various meeting. It was alluded to in the letter to the State President, the then Prime Minister, to the State President of course. It was raised both by various members of the NEC and I myself in various public meetings that we addressed around the country.

ASSESSOR (MR KRUGEL) : Are you saying that the idea of a national convention was born with the UDF? -- Oh, yes.

MR BIZOS : I just want to get clarity. Do you say that the UDF was the first body ever to call for a national convention? -- No, no. I sought clarity there. The idea of the(30) call/...

call for a national convention comes long before us. It will be remembered that at the time of the union in 1910, in fact earlier than that, 1908 ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : I just wanted clarity.

MR BIZOS : The Learned Assessor was only putting you right.
-- I misunderstood the question.

This question of the national convention, did it remain within, as an alternative to the politics of boycott - was that kept a secret or did you give publicity to the fact from time to time? (10)

COURT : Just a moment. Did anybody say it was an alternative to the politics of boycott?

MR BIZOS : I will abandon the poetic licence. The idea of a national convention, was that kept a secret by you or did you give it publicity? -- We gave it very wide publicity.

I want you to please have a look at a cutting on 11 November 1983 in Argus. It is only the middle paragraph that I would want you to have a look at.

COURT : It will go in as DA67.

MR BIZOS : Will you please have a look at the middle para-(20) graph of DA67 "The UDF was committed to non-participation in structures created by the government and wanted a national convention to negotiate the future of the country." Do you know about this publication? -- I know about this.

You are in fact mentioned in name in the previous paragraph? -- That is correct.

I want you to please have a look at a cutting from the Sunday Express of 24 February 1985 headed "Terror: The Striker with a special goal.

COURT : It will go in as EXHIBIT DA68. (30)

MR BIZOS/...

MR BIZOS : I only want to read the fifth paragraph. Are you there quoted as having said "The UDF has shown that it has the mandate of the people to pressure the government to abandon the 'new dispensation'. WE do not say that we have the right to prescribe what alternative order should exist, but what we need is a forum of some sort - you can call it a national convention if you like - which will bring together all the people of South Africa, Black and White, in an atmosphere that is conducive to concerted discussion, to hammer out a constitution that will be based on the will (10) of the people. We are not asking White people to abdicate power. We are not looking for revenge. What we are asking is that they must share power. And that is no threat to anybody. It is the only thing that can help reconcile our society." Is that what you said? -- That is what I said.

Is that what you believe? -- That is what I believe and I think it also expresses the position of the UDF.

K909 At the national launch, was there any suggestion that a national convention ought to be called? -- Yes, that was moved at the national launch. (20)

My Lord, I do not want to show it to Your Lordship at this stage, but if Your Lordship can make a note, it is V26 page 69.

What do you say to the suggestion that it was the UDF policy to actually take over power or to introduce people's power? -- I deny that completely. I think indeed as I have stated in DA68 our position is that the government must be persuaded to call a national convention. One does not take power if one sits down to discuss how a new constitution and what kind of new constitution is going to be (30) introduced/...

introduced. Our call has been consistent that the government must call a national convention. Earlier on we read I think DA66 in which I state quite categorically that the government should strive to create an atmosphere necessary for a national convention. That is not the language of taking power. It is a language of negotiation. The forums must be created and we must sit down and debate the matters.

Were there any preconditions for the call or the holding of a national convention as far as you were concerned?-- As far as I was concerned there were three preconditions (10) that the UDF attached to the call for a national convention. The first one was the call for the release of the leaders of our people from prisons, the second one had to do with the unbanning of those of our people who had been banned and for the return of the exiles. Those conditions are the ones which as accused no. 19 accurately stated, really were non-negotiable because they were the ones that were said right from the beginning and they were the ones that we saw as inescapable if the national convention was to enjoy credibility within the Black communities and those are the (20) ones I think, if it is looked across, the various periods when we have mentioned the national conventions, those are the ones which we have repeatedly spoken about and mentioned to the public, mentioned to our membership and so on.

In suggesting the calling of a national convention instead of taking part in the structures created by the government, were you alone in voicing the unacceptability of this? -- We were not the only ones. There were various other groupings including some even in parliament like (30)

the/...

the PFP and other organisations which were not affiliated to the UDF.

Did you receive a letter from the PFP dated 25 January 1985? -- That is correct.

And did you respond to that letter on 1 February 1985? -- I did so.

Would you look at the letters that I tender you written by Mr Ray Swart? -- I received this letter in 1985.

And the resolution that was passed at the Natal Provincial Congress of the Progressive Federal Party, October 1984 "4. Congress deplores the suppression of the peaceful political opposition made by individuals and organisations which prefer not to take part in the structures provided by the new constitution."

COURT : It will go in DA69(a) and 69(b).

MR BIZOS : If Your Lordship receives the response, shall we put it in as DA69(c)?

COURT : We can do that. That is the letter of Mr Lekota to Mr Ray Swart, dated 1 February 1985 will be DA69(c).

MR BIZOS : Did you regard your organisation the UDF as one of the peaceful political bodies that are referred to in this resolution? -- That is correct.

Could you think of any other reason why the resolution was sent to you? No, I was only being factitious. That is alright.

COURT : One cannot always fathom the thoughts of politicians.

MR BIZOS : You responded "Dr Mr Swart. This is to acknowledge receipt of your letter and the resolution of the Natal Provincial Congress of the Progressive Federal Party. (30)

It/...

It was proper for your congress to devote its attention to, as well as to deplore the arbitrary suppression of extra-parliamentary opposition groups. The rate at which anti-apartheid voices are being suppressed today gives rise to a rather chilling feeling that, sooner or later, parliamentary dissenters will themselves come in for hammering. This is very probable if it is taken into account that the present policies of the Nationalist government have already greatly alienated the government from the majority of the people of South Africa, have alienated sections of the people from (10) each other and are directly responsible for the deepening scale of instability and conflict in our society. We of the UDF share your concern for the right of people to voice their opposition to policies and measures they find unacceptable by those in power. We insist on the right of South Africans to express their rejection of a system that is as repugnant as apartheid is. Finally, we thank you for alerting us of your resolution on this question and wish you success in your work. Yours in the struggle for a democratic future. M.P. Lekota." What were you referring to when you said (20) that dissenters were being suppressed? -- It was 1 February 1985. We had expressed our opposition to the new dispensation in 1984 in August that had led to our detention, that is the detention of a number of leadership of the United Democratic Front and other opposition groups. We were detained for a period stretching from August 21st, to December 10th for no crimes that we had committed, no charges that we faced subsequently. It was just an amount of time that we spent sitting in jail for no apparent reason and then when we were released some of the leaders of the (30)

UDF/...

UDF were charged and generally the approach - the atmosphere was such that those of us who were part of these extra-parliamentary organisations that opposed the new dispensation found ourselves in a very, very uncomfortable and insecure position. It was very difficult for us to to do anything in a relaxed fashion.

On the question of the calling of a national convention, what do you say to the suggestion made by the State that you knew or apparently ought to have known, that the government was never going to accede to the call and that therefore (10) there was no prospect of finding any solution through that avenue? What do you say to that? -- I reject that suggestion out of hand. The government had expressed itself and it was expressing itself even at that point in time as interested in finding a way of reforming our society. Apart from that statement, for instance in early 1985 the government continued to express itself as willing to find Black leaders by which it meant of course the African section with whom it could consult. Of course it was then talking about, the government was then talking about the structure, (20) more or less similar to the Native Representative Council because they were talking about it as an advisory structure. That is the Black Forum to which I referred earlier on. We in the UDF have never waived from our conviction that increasing united opposition to the government's measures would persuade the government to seek ways of meeting us halfway. We could not - otherwise, if we did not believe that that was so, we would have just stopped doing what we were doing. It would have been meaningless for us to do it. The reason why we did it, was because we believed in it (30) and/...

and I think we have been borne out by the facts of history, because right up to this point in time the government continues to speak of the possibility of negotiating a settlement, on finding people to talk to and negotiating for change. This allegation that we knew that the government was not going to do so has no basis of any kind. It has not borne out even by fact - even two years after or three years after we had been arrested. It has not been borne out by those facts.

I want to ask you this. You told us that you were in prison with Mr Mandela and you had discussions with him. (10)

-- That is correct.

Did he give you the reasons why he formed Umkhonto we Sizwe?

-- The reasons were mentioned to me. He did say why.

One of the conditions is the release of the leaders of our leaders you say and these are people who have been or some of them are people who have been convicted of committing or having conspired to commit acts of violence? -- That is correct.

What the State put to other witnesses is how do you expect the government to agree to a condition to negotiate (20) with people like that, if I understand the State's argument. Did you believe that the fact that Mr Mandela had called for violence, puts him out of reach in the negotiating process in South Africa? -- As I have understood the situation, no.

You said that events subsequent to your arrest have shown that the government is talking about a settlement and that matters, but what do you say to the suggestion by the State that the condition that these people should be involved in the negotiation process was there in order to make it impossible for a national convention to take place? -- I (30)

deny/...

deny this allegation. Not only am I convinced that this is something that can be done, but government spokesmen themselves have stated that there was a time - at the time when Mr Mandela and his colleagues took the decision to use violence, there were specific conditions then prevailing and they have stated that as far as they were concerned, those conditions have changed and are no longer, the present conditions no longer justify their continuation with this. So, that what I read out of this is that the government - what the government is saying is, it is willing and it realises (10) that it is possible and it is necessary to talk to the African National Congress amongst others to talk to them. So, that this is not something impossible. It is something within reach. It is something that can be done. The very offer of conditional release to Nelson Mandela in 1985 is something which in 1975 or something in 1983 when the UDF was formed, those conditions were not there. The government was not talking like that. In 1985 - early 1985 the government said well, if you do this, we will consider talking to you. 'Before that time the government had not said so. (20) So, it is clear that the attitude of the government is not one of just nothing doing. The government is also looking at the circumstances, it looks at the conditions and it is also prodding its way, trying to find the way. We are part of that process and to suggest that we knew that that would not happen, I do not know what the basis for saying that is because the circumstances do not bear it out.

I want to show you a cutting from Beeld of 26 September 1986 quoting the Minister of Constitutional Development, Mr Heunis. Have you seen this cutting? -- Yes, I have (30)
seen/...

seen this cutting and I saw this in the Beeld and I cut it out and I drew the attention of the defence to this.

Let us see whether what you say your belief was in 1985 may possibly have been partly supported by anything that may have been said in 1986.

COURT : It goes in as DA70.

MR BIZOS : It is headed "Strategie nou teenproduktief - mnr. Heunis. ANC se geweld in '60 is begryplik. Dat die ANC in die vroeë jare sestig geweld voorgestaan het, is begryplik, hoewel dit nie goedgekeur kan word nie, het (10) mnr. Chris Heunis, Minister van Staatskundige Ontwikkeling en Beplanning gister in Johannesburg gesê. Politieke geweld vandag is teenproduktief en het 'n negatiewe invloed op hervorming, het mnr. Heunis gesê. Hy het 'n seminaar van die Sentrum vir die Onderzoek na Revolusionêre Bedrywighede aan die RAU in Johannesburg toegesprek oor die invloed van geweld op die hervormingsbeleid van die Regering. ANC geweld in die jare sestig is verstaanbaar omdat 'daar destyds geen uiting vir Swart politieke deelname was nie.' Die posisie vandag is anders en geweld is nou teenproduktief." (20) What I want to ask you is this, the perception in the community in which you live, does not disqualify Mr Mandela and others from the leadership position that you have spoken of? -- No, their position as leaders within our communities is unassailable. If anything, it has - their credibility has been growing by the day or it has grown by the day.

And this idea of calling on the government to release political prisoners, including Mr Mandela and to allow exiles to return before any meaningful process of (30) negotiation/...

negotiation takes place, did that - is that confined to the UDF or did it find supporters in other quarters? -- Well, the idea of the freeing of these imprisoned leaders - first of all it had been raised before the formation of the UDF by other organisations. We raised it, when the UDF was formed it was raised. The call had been made before us by people like Chief Buthelezi, the Chief Minister Ernest Mabusa. It had been made by the Coloured - by the Labour Party whilst in the Coloured Representative Council. Subsequently it has been made by even students from the University of Stellenbosch and other prominent business men and personalities within our society. So, we have not really done anything that everybody else has not done or we have not even - some people have done it better than us.

Did you ever use green, yellow and black colours in doing it? -- The UDF has not. We have got our own colours.

Are you familiar with the book that I am holding? -- Yes, I am quite familiar with this book. I was given a present of this and I have read it. This is one of the books - in this book here some of the people from Stellenbosch here, (20) various students and personalities including Dominee Nico Smith who serves the African community here in Pretoria also features there. Newspaper editors like Mr Harold Pagandorf(?) also features here and people like Dr Tom Lodge and various other people that I have either read about in the newspapers or heard about who wanted to go to Lusaka, some of them. I am not sure how many went and how many did not go. Some of them went, others did not go.

We intend quoting portions from it in due course when copies have been made, but if Your Lordship wants it, we (30)

will/...

will make the whole book available as an exhibit.

COURT : What is the name of the book?

MR BIZOS : "Praat met die ANC".

COURT : By whom?

MR BIZOS : By Mr Gerrit Olivier. -- It is edited by Gerrit Olivier. I see that even Dr Piet Mulder is also here.

COURT : Am I supposed to know who Dr Piet Mulder is? -- He was one - he was in the editorial staff of Beeld sometime ago. I have read not long ago that he is now editor of a new publication. I have forgotten the title of the (10) publication. He is quite a wellknown newspaper reporter and he has also written extensively articles about the ANC. In 1984/85 when this - when all these various trips were taken to Lusaka by various groups and individuals and business men and so on, he also featured - he also wrote a lot of articles about the subject.

When was this published? -- It was published in 1985.

MR BIZOS : I am tendering it. We do not expect Your Lordship to read the whole of it unless Your Lordship wants to.

COURT : Let us just get clarity. What is it going to prove (20) or disprove?

MR BIZOS : It is going to prove what the legitimate political activity and debate in the country is. The cross-examiners have put to Mr Molefe if you suggest that the ANC should take part in this, you are guilty of treason. Well, if Taurus Publications publishes in those colours booklets like that, it may set a standard of what is permissible and what is not permissible. Whether the publishers and the public life of South Africa is correct or My Learned Friend, Mr Jacobs, is correct. (30)

COURT/...

COURT : I do not think that Taurus can lay down the law for this court.

MR BIZOS : It is not a question of law but a question of fact.

COURT : Well, put it in. Have you got copies of that available?

MR BIZOS : We can make copies available.

MNR. JACOBS : Kan mnr. Bizos net vir my waar ek gesê het dat hierdie drie aspekte - as ek reg onthou was die hele ding(10) het dit gegaan oor die minimum aspekte. Ek dink mnr. Bizos verdraai 'n bietjie wat ek nou sê en wat ek gestel het daarso, want ek het gestel die minimum vereistes soos hier gestel was en ek het nooit net op drie van hulle gekonsentreer nie.

COURT : Well, any way, as we have heard of Taurus, let us put it in as EXHIBIT DA71.

MR BIZOS : Were these three conditions expanded in any way as preconditions for the holding of a national convention?
-- No, they were not expanded.

COURT : Well, let us put it in another way. Were other (20) conditions added to the three preconditions?

MR BIZOS : During the discussions in 1985 were other conditions discussed or suggested or agreed on? -- No, I think I would just like to explain what I mean now. I am holding here H1 now and I just want to explain this as I understood - as I always have understood the position in the UDF. In the period building up to the elections in 1984 and because I was meeting various groups of people and organisations and so on, a number of questions were being raised about the UDF, especially about its alternative to the new (30)
dispensation/...

dispensation. We had stated and restated the national convention matter but when we met at the secretariate between 7 and 8 of July 1984 I raised the issue again with the secretariate that from my contact with various people, it was coming across that a lot of groups were beginning to take the UDF much more serious, they were beginning to ask very probium questions about what we saw as an alternative to the new dispensation, but at the same time I pointed out that although we have been mentioning the question of the national convention, some of the people have asked the (10) question the national convention seems to be a long term affair, is it not possible for the UDF to put forward shorter term demands. That is shorter term in relation to the national convention, put forward things to the government that are achievable, but which are still in any event moving in the same direction of the national convention. That explains how it came about as I understood the position at the time that we set up what we called minimum demands. These minimum demands would be issues on which they UDF could ask the government to make at least just a principled commitment (20) to, not necessarily that they are - whilst we are working towards that, we have a faced situation, a process in which we move towards that point. Thus therefore what was set up here and put forward by the ANC was for instance the call for a non-racial democracy arising out of participating by all. All that one would have asked the government if the matter had been ratified by the regions after it had been sent to them, would have been to ask the government to make a commitment and say we agree that the process, constitutional process must be set in motion, that must work (30) towards/...

towards a non-racial democracy and a non-racial democracy in which everybody will participate. That commitment alone - it is a minimum demand, it is not something that you can do immediately. You can effect non-racial democracy immediately, but at least the government can say no, we accept that our country must or should work towards a non-racial democracy. It is a minimum demand. That the government would make a commitment and say "Look, we have heard this whole thing about your call for a national convention and so on. It cannot be done here and now, but we agree with you that (10) such a process or such a step must be taken at some point. It is a minimum - the government made such a commitment. It is just a minimum demand that you are putting forward and these other things. So, when we came to the second part, we dealt with the question ... (Court intervenes)

COURT : Let me just get clarity on the use of the word "minimum." When you say minimum, does it mean to qualify demand in the sense that that is the bottom line, you would not take anything less as a demand or do you say at least the government must now make a committal eventually to (20) reach that? -- The latter part of what Your Lordship is suggesting. That is at least the government must make a commitment that we will work towards this, eventually we will work towards this. At least that commitment. So, it is minimum in that sense.

Yes? -- So, the whole of that section under minimum demand, my explanation would cover that part there. Then the methods whereby we in the United Democratic Front would use to persuade or to pressure the government to that position would be the methods as set out there. First extra- (30) parliamentary/...

parliamentary opposition and secondly mobilisation, the building of mass action, strong organisations, which would really command respect and therefore which should be audible to the government. Then we went further to deal with now the national convention itself. We now abstracted it from there and we dealt with it in 10.2 of page 5 of H1 and 2. There it is correct that over and above the initial three conditions that we had always been talking about, there was either an expansion of some of them or an additional or newer ones, including a suspension of racist constitution, (10) disarming and disbanding of the current army and police force, repeal of all unjust laws, pass laws, land act and so on and so on. Those were some of them that were thrown in there that were entirely new, that really expanded on the national convention. With regard to section 10.1 I think - I do not know whether as a result of the notes that were written or how it happened, but I think there has been a confusion because the conditions for a national convention some of them are muddled up with the minimum demands there and so on. As I understood it, they would not have been (20) there. They would have fell under conditions of national convention and that they would have had minimum demands, but I was not writing the minutes and I am giving the Court my understanding of the discussions as they were taking place.

What is mixed up with what? Are portions of 10.1 to be read under 10.2? -- As I understood it such conditions as the release of all political prisoners.

Which is found in 10.2, but also found in 10.1? -- That is right. That condition should have featured only (30) in/...

in 10.2. I may be wrong, but that is how I understand the discussions at that point.

MR BIZOS : In the process of the eventual holding of a national convention ... (Court intervenes)

COURT : Are you going on to a different topic?

MR BIZOS : Well, it is a sub-paragraph of the greater topic.

COURT : We will write that book tomorrow.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 11 SEPTEMBER 1987.

K910

COURT RESUMES ON 11 SEPTEMBER 1987.

(10)

MOSIUOA GERARD PATRICK LEKOTA, still onder oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, we were busy with EXHIBIT H1 page 5 yesterday. -- That is correct.

How did the disbanding of the army and the police force come about? How did the suggestion come about in the meeting? -- This point was raised at the time when we were discussing the national convention in detail and when it was raised, it was suggested as one of the conditions that would have to be met in the process of the arranging of the national convention. I recall that it became a contraver-(20)
sial point and that specifically accused no. 19 raised objections against this point. There were other people who also did comment on the point and who were not happy about it. Yet others argued that the perception by the vast bulk of the people in the Black communities of the army made them very uncomfortable and that at least the army would have to take a neutral position so that it would have to come to a point where it would be accepted by everybody or everybody would feel comfortable under the circumstances in which it exists. I did not join the frame, (30)
although/...

although my sympathy lies with the argument of my colleague Accused no. 19. In the process of the debate, however, we accepted the retrenchment of the point on the understanding that in any event it would be subject to the process of negotiation and arrangements and so compromises would always be struck once the process was set in motion. In any event, the discussions themselves were not final discussions. The issues still had to go to the regions to be discussed there and so on. So, there was nothing final about either this point or the other point, except of course the three(10) original conditions attached to the national convention. That is the atmosphere that I can recall at the time when the matter was discussed. I of course I may just mention did not find the suggestion itself as entirely absurd. The reason being that in situations in which peaceful negotiations have set in motion elsewhere, I had heard about peace-keeping, United Nations Peacekeeping Forces, Neutral Forces just to contain the situation that there could be an appropriate atmosphere. I did not find it absurd, although I did not sympathise with the point. (20)

Was it a precondition, we will not talk unless this happens? Did it happen in that spirit? -- It was certainly not discussed in that spirit. The only spirit in which the discussion took place in was one which characterised negotiations generally, where the negotiating parties usually casted their net very wide, but conscious of the fact that whilst the process of negotiation takes place, compromises have to be made, certain conditions which were put, simply fall away, because one has to marry the views and feelings of two opposing sides. One may perhaps use the example (30) of/...

of or I might just use the example of people go on strike say may be at a factory. They put certain conditions that they want so much, their wages must go up with so much, may be 30% or so. When the actual process of negotiation takes place, they may finally settle down for 24% or 25% or even 20%. The point of the matter is that when they initially put their point across, they are conscious of the fact that it may not in fact be fully satisfied, but they do not state in advance that we want 30% but we will accept 20%. That is the outcome of the process itself. (10) I think that that is the spirit in which this discussion here took place.

The other matter that appears in the minutes to have been discussed is that the elected leaders of the people were to participate fully in the planning of the convention. What was the view in relation to that? Page 5. -- The point here was that once the principle of a national convention was accepted or denied, the government would have been persuaded to release the leaders of the people, but we already said in the minimum demands - in that section, the minimum(20) demands, that given the fact that at this point in time if the government was going to do so, we did not have any knowledge as to when it was going to do so. At least for the time being we must persuade the government to at least - to make a commitment at some point this will be done. This is the first step. The second step is that if once they are released ultimately, they would not come there to dictate the terms. It would mean that - first of all, a format would have to be worked out as to who those leaders are, which constituency do they represent, because quite (30) evidently/...

evidently, we always talk about our leaders in prisons, but we obviously think about the people who usually come out to our minds are a certain number of people. May be eight or ten or fifteen or twenty. Some of the people who are arrested for political offences are not necessarily regarded within our communities as political leaders although they were arrested for political activities. They are not really the people that we are thinking about all the time. So, one would have to find a format whereby it would now have to be decided you said we must release your leaders, (10) we have released the people that you have cited and so on but of themselves, they may be not enough, so we need more people to represent the various constituencies. A general format or formula of determining who the leaders are, would then have to be worked out. May be we might say people must campaign and constituencies must elect and say who will represent this constituency and who will represent that constituency.

ASSESSOR (MR KRUGEL) : What type of constituency do you have in mind? -- A normal constituency, like if you have (20) Pretoria for instance and you divide it into a number of constituencies ... (Mr Krugel intervenes)

A geographical one? -- A geographical Pretoria and you divide it into constituencies, depending on the number of people in the areas, the question will be, the people for instance in Atteridgeville, Mamelodi and so on may be my constitute a constituency. A campaigning would take place there. Similar a campaigning would be taking place in various constituencies. People who are elected there, there must be some objective measuring rod ... (Court intervenes) (30)

COURT/...

COURT : Could we just pause there. I understood, not your personal point of view but the point of view of the UDF to be, if I read the documentation correctly that the national convention would consist of elected leaders who would be elected on a non-racial basis by all the people in South Africa. -- That is correct.

If that is so, then you cannot work on a geographic situation, because then of necessity there being group areas you would have an ethnic representation. -- I think our conception is slightly different. May I put the point (10) this way. Let us assume -I do not know Pretoria very well, but I know there is an area that is called Waterkloof, there is an area that is called Sunnyside and then you have the African areas and the Indian areas. If we should determine that Laudium is a constituency, we would not say only for it to be non-racial, the Indian candidates may come and campaign there. Mr Rajbansi may campaign there, but Mr Archie Gumede may campaign there as well. The people of Laudium then vote for their candidate who they accept. If he gets the majority, then that constituency has elected (20) him and he represents that constituency.

It all depends on where you draw the line of the constituency. Whether you take Laudium as a constituency or whether you group Laudium with central Pretoria? -- That is correct.

Now what was the idea? -- Well, we did not go to those nitty-gritties as such, but the idea would be this. If an area is determined to be a constituency, whether it includes Indian people only or African people only, or part of it is African and part of it is Indian, candidates would (30) go/...

go and campaign there and who gets the majority in the constituency, represents the constituency. If I were to campaign in Sunnyside and people elected me there, why should I go and represent them?

So, as I see it, your view differs from the view of accused no. 19, unless I have it entirely wrong. I understood him to say that the elected leaders of the various population groups would come together and hammer out a constitution. I understand you to say that the elected leaders of the people on the basis on constituencies, not necessarily (10) on an ethnic basis, come together and hammer out a constitution? -- Not necessarily, I do not think he - may be I should not interpret his evidence but ... (Court intervenes)

May be I have it wrong. I will have to look at it again. -- Because I think that our conception is that if a constituency is determined and I go and campaign a constituency and Mr Pik Botha campaigns in the constituency and Mr Rajbansi campaigns in the constituency, our conception is that the candidate who is elected by those people there would have been elected on a non-racial ticket, because (20) all the other candidates had access to the constituency to campaign. Naturally, and I expect it is only realistic, that in those constituencies in which for instance the Nationalist Party today is represented has got more support than anybody else. The UDF does not have that much support there as the Nationalist Party. It is unlikely that we would win seats there, but if we would have the right to go and campaign there and we are not able to win the votes the votes there and so on, we cannot complain and say it is racial afterwards. The fact is we have to start with the (30) conditions/...

conditions as they are today. We cannot say "Okay, destroy Sunnyside and mix the people up and destroy Mamelodi and mix the people up and only then would it be non-racial." We have - the conditions are as they are today and we campaign in the constituencies as they are today. The only condition is let everybody have access to every constituency. If anyone of the cabinet, Mr Heunis or anybody wants to go and campaign in Soweto on the Nationalist Party ticket. He must have the right to go and campaign there and if the policies of his party are accepted there, really what(10) complaint will we have. That is the thing. I think what my colleague accused no. 19 was trying to put across was that point. I can see and I do not think that - otherwise I would be misunderstanding the thinking of my colleagues because I have not for once heard that they said we must first destroy the areas as they are, but an objective format would have to be found. This is the point.

ASSESSOR (MR KRUGEL) : Perhaps it is not strictly relevant but while you are on this particular subject, would the UDF as an organisation participate in this type of cam- (20) paigning and put its own candidates? -- In that kind of campaigning?

Yes. -- Oh, yes. I am sure not only would we be willing to do so, if we refuse to participate in a campaign of that nature we would find ourselves in a very weak political position.

I see what you mean, but my problem is this, the UDF is a front for other organisations, as it is? -- That is right.

So, would it not be those organisations who have (30) members/...

members who will get their members to stand? -- I think I misunderstood Your Lordship's question. The Front as it stands at the moment - we have referred to the Working Principles where we already have pointed out that there are varied organisations with a number of ideologies and so on. Those various movements, human what not and so on. Naturally, the point which we have made is that we do not fuse them, we do not say they must abandon their position. If a format was set, I would assume that unless of course - unless the UDF advanced the opposition where all of them reached a (10) decision that we adopt a common format because some of ... (Mr Krugel intervenes)

Common policy? -- Common policy, because others support the Freedom Charter, others do not support the Freedom Charter, others support the ten points program. Unless we reached the position where the UDF subscribed to one program of the nature of say the ten points program or the Freedom Charter or the Azanian Manifesto, in the absence of that condition, I think the non-racial organisations, those which constitute a group and subscribe to the Freedom Charter, would (20) tend to club together because they would then be saying to the people "You vote for us on the basis that here is our program and we think that this is how South Africa must change in this direction." Yet the people in the ten points program also opposed to apartheid would say "Alright, we do not want apartheid, but we think that the ten points program is the program that will do that", so that that clause of the Working Principles which says we will not take the place of the authentic liberation movements, would then come into play and then they would campaign therefore as either NEUM or (30) as/...

as supporters of the Freedom Charter. A grouping of that nature. This is how I see it because the declaration of the UDF is an expressing of objection to the new constitution and the Koornhof Bills. It does not tell us now if the constitution is gone and the government calls for a new constitution, the UDF does not have a blueprint so to say, to say this is now the alternative. The UDF as a whole does not have a blueprint of that nature. That does not make that clause in the Working Principles relevant that the NEUM, Cape Action League and so on they would go for that ten (10) points program. They are within their rights to do so, but there are so many other organisations. The Natal Indian Congress subscribed to the Freedom Charter, so did the TIC and they would campaign if you ask them for an alternative order they would say yes, the Freedom Charter and the other groupings as well. Some of the groupings are just church organisations, sport organisations, which - whose membership therefore would be free to choose outside of those organisations, whether they want to support the Freedom Charter or whether they want to support the ten points (20) program or the Azanian Manifesto or the program of the Nationalist Party or the program of any of the other parties.

MR BIZOS : If I recall the evidence of accused no. 19 correctly, he was asked in this context what about the people who are not in the independent and self-governing areas, would they be asked to take part in the national convention? I think that is the context in which no. 19 was asked about this. Would you regard some of these areas as constituencies in the terms of what you have spoken of? -- Yes, that is correct. I think, reading the declaration of the UDF, (30)

right/...

right at the beginning, we do actually say that as far as we are concerned, South Africa is one unit. So, that even in the areas like the homelands and so on, those would constitute part of the country. The parties which are there themselves would be free to campaign like any other party being free to campaign. That actually draws attention to the point which the NEC made when the discussion on the national convention closed. It said when the matter is presented to our regions for discussion, the point must be made very clear as to what the difference - what we (10) are talking about is not talks, but we are talking about a national convention. In the case of talks as we would have seen it, it would have been a question largely bilateral. Two parties really discussing how they are going to do it so, the UDF would say "Look, we are the people that talk to the government and that is that." But in a national convention various constituent groups and various schools of sort so to say, are pulled together, it is a much more representative organ than talks which is between - which are very restricted. It is this party and that party (20) having talks there and so on and we wanted to underline this point and it was important to underline that point because even at that stage the question was being raised, we were criticised amongst others whether this national convention we were talking about was to include everybody or not and some people were feeling that the UDF must not allow for everybody else and so on and that all that they wanted was they just want to have what they want, but the point we are making is that the country needs a new start and if a new start is to be made, we have to have a forum that is (30) broadly/...

broadly representative sufficient to win the loyalty of as
as many sections of the population of our country as possible.

COURT : Is your problem not that one does not start with a
blank page. One starts with a page that is already written
on. Now you want to change the writing. So, you need the
co-operation of the author. Let me put it practically.
If one wants to do a thing legally and constitutionally
you have to amend the constitution to put something in its
place. Unless you do it illegally, that amendment will have
to be done by parliament. It cannot be done any other way. (10)
Do have it done by parliament you need the co-operation of
those people who are in parliament. Those groups that are
in parliament. So, one cannot change the basis of the
representation before you get your national convention,
because the moment you change the basis of representation
on which you choose your representatives you negate the
existence of the parties who are in parliament and it is
then that you need to change the constitution. So, I have
a practical problem with your method. -- I think I see
the point that the Court is drawing attention to, but I (20)
think may be we have not explained ourselves properly.
We start from the position that the government is at the
moment in power, that parliament in Cape Town is the only
organ in our country that can effect - in other words, unless
we win, parliament in Cape Town, to accept this national
convention, it cannot start off. That was the position also
with the national convention of 19(?). But we are not in
parliament. We are a supplementary organisation. The
vast bulk of our constituent organisations, especially
the African sector are not to be represented there. If (30)

we/ ...

we are going to approach the government and say to the government we think there must a new start, we must work out in our own mind how we think the thing - the suggestion that we are putting forward is going to work out. We come to the government. Let us come to the government as we wrote the letter fo the State President at the time and we say to the State President we represent so many people and these people are not happy with the present situation, their feeling is that there must be constitutional amendment to the situation and that they must be included in it, they (10) are asking for the calling of a national convention. So, we state that to the government now. The first question the government is going to ask us is you want a national convention, what about the Bantustans and so on and so on. Then we say look, this constituency which we represent is not happy with that. Our people do not want that, we think that there must be a new start and that we think that and our constituency wants that South Africa must become one country, the government will say well, let us go to the people of the Transkei or you, the UDF, together with (20) the other parties, let us go to the Transkei and let us say to the people of the Transkei what do you want? Do you want to remain as a homeland - as a Bantustan or do you want to become of South Africa, of the whole of South Africa, wherein of course the UDF together with the parties which are there would then campaign and so on and the people there would then vote for the party with the alternative that they prefer that may be the land the government may take. If that line is taken, we in the UDF say we are confident that we will be able to win majority support in each and everyone of these (30) areas/...

areas. Even if the government is satisfied that we have or the idea that we are putting forward has got sufficient support, it may say well, we think that the idea has got sufficient support. Let us look at the mechanics of putting it into practice. We cannot then say look, we must now go and think what we are going to do. We would have thought about it and we say look, we suggest that in order for this process to take place, this national convention, the government must release the other leaders who are there and that the people who are not banned and so on must be (10) allowed and so on, so that proper parties now exist and so on. All the time there must be control of the situation. There must be a guided process because it cannot survive otherwise. We will have anarchy and the problems. So, it remains there. Even the question of the disbanding of the army or neutralising of the police forces and so on, it cannot be done any time, any how by anybody. It must be - all the time it must be a guided process. Somebody must remain in control all the time. Let us say then that the government moves on to say alright, we have constituencies (20) here, we have divided the country into constituencies and everybody may campaign. If we campaigned and representatives were elected, the government still remains in power. Representatives are elected. The government may place those representatives who had been elected in a certain place for them to debate the question of the constitution and to write it whatever process is agreed upon. Those now are the elected leaders agreed upon by mutual consent and then the process sets in motion. It will begin to develop some of the mechanics of its own. All I was trying to (30) illustrate/...

illustrate is that we did not consider that the national convention should take place without the supervision of the government. Indeed, we did not consider that it was possible to do any one of these conditions attached to the idea without the government consenting to it and itself being in control and piloting the process and this is why I think the Court may have realised that in a number of occasions when for instance I can recall where I myself have raised the issue, I said that the government must be either persuaded to call the national convention or it must be (10) pressured to call the national convention or it must strive to call a national convention, that has been also the thinking and the expression that I have had also from other colleagues in the national executive committee of the UDF and at other levels. We have constantly tried to carry that out, across to our followers.

MR BIZOS : I want to take as an example of what you have just said. EXHIBIT V16 page 43 to 44. Please have a look at the bottom of page 43. Is that you speaking at Kimberley on 28 July 1984? -- That is correct. (20)

Will you please read into the record the last paragraph at the bottom of page 43 and up to the end of the first paragraph on page 44. -- "Our alternatives then, would then? What alternative are we calling for? If we do not want the new constitution, what do we want? What do we say is necessary at this point in time. We have called for a national convention. We have said that we want a national convention in which the people of our country can be allowed to sit together, Black and White and hammer out a constitution that will be acceptable to them. What is the (30) meaning/...

meaning of a call for a national convention? What do we mean when we say we want a national convention? That national convention must be properly understood. It must mean the unconditional release of the leaders of our people from Robben Island and from Pollsmore and other prisons. That national convention must mean the unbanning of those of our leaders who are banned and restricted. That national convention should mean that the borders of our country should be opened and South Africans who have been exiled by the unacceptable apartheid policies should be allowed (10) to march freely into our country." Then it is inaudible there because of the applause.

COURT : You were drowned by the applause. -- That is correct.

ASSESSOR (MR KRUGEL) : You did not say whether or without fire-arms? -- No, I would not have said that. What I would have said there must have been that the leaders of our people should sit down and so on and work it out. I think I must have said something like that.

MR BIZOS : Well, perhaps if you read a portion of the next properly heard "Our people must live in peace." -- "Our (20) people must live in peace and draft a new constitution. That is our demand." The other section is missing there. "The meaning of (something - it is inaudible there) constitution (inaudible) . These are the basis demands. We want those demands. The leaders of our people must be there. There is only that condition. Without that condition, there is no national convention. One national convention. One convention in which our people can be properly represented as they want to and if that is the position, that I must ask you finally. I have made my choice. We in the United (30)

Democratic/...

Democratic Front have made our choice. We will not and we have made it clear (inaudible) I think support apartheid."

Did you speak in Port Elizabeth? -- That is correct, I also spoke in Port Elizabeth.

Is that represented in V8? -- That is represented in V8. It was the 20th and not the 25th.

You say the date is wrong, it was the 20th and not the 25th? -- That was on 20 August 1984, not the 25th.

You are there recorded as having made a speech which only covers three pages. Is that your whole speech? -- (10) No, this is not the whole speech. There are whole sections of the speech which are not here and in fact I may just mention, I have taken a look at this transcript and the video, there were several of us that spoke at this meeting. It is only two portions of two speeches that are covered here. That is mine and that of Dr Allan Boesak. There were other people, there were for instance a representative of the National Automobile and Allied Workers Union, Mr Kettledas who spoke there. Then there was a gentleman that spoke there on behalf of the Eastern Cape Teachers' Association or Teachers' Union. Unfortunately his name escapes me. I cannot recall that. Then there was also the person who was on the chair who represented the Eastern Province Council on Sport, EPCOS. Again I was meeting him for the first time. I cannot recall his name also. He was the chairman of the proceedings.

Is this speech on V8 pages 2 to the end of page 4, is that the whole speech or did you say more? -- I said much more than this. This is only a portion of it.

Do you recall whether you dealt with the question of (30) the/...

the national convention at that meeting?

COURT : Just a moment. Does it start where your speech started? -- Here at the beginning this is where I started.

At page 2? -- That is correct. I started there.

MR BIZOS : You say you spoke about the national convention. There does not appear to be anything directly related to the national convention in the speech but I would like you to please have a look at page 4. In the middle of the page starting with the word "But I must make the point." -- Just before we go on. The first part of the speech, there (10) where it starts is where I started. I started speaking like that. I cannot say that - my impression is that some portions between this and the end of the speech, that portion was left out there.

COURT : This was not the end of the speech at the bottom of page 4. -- That was not the end of the speech in any event. That is correct.

But you say apart from that, that we do not have the end of the speech, also between page 4 and page 2 something has been left out? -- Some portion is missing there. (20)

MR BIZOS : Page 4 you see about halfway down "But I must make the point, as I have already said." Will you read that portion into the record, please? -- "But I must make the point, as I have already said, indeed we are not looking and I must make this point without apology, we are not looking for a Black government. We are not demanding a Black government, no ways. We are asking for a government of the people of South Africa. Let me repeat that we are not looking for a Black Prime Minister. We are not looking for an African Prime Minister. Experience has taught us that among African(30) people/...

people as well, there are rascals and scoundrals. That among African people there are Bantustan leaders, there are men who are committed to apartheid. So, we are not looking for an African Prime Minister." Then there is a section that is inaudible there. "Because we have discovered that even amongst them there are Hendrickses" I think I must have been talking about the Coloured community there "So, we do not want a Coloured Prime Minister, but also we do not want an Indian Prime Minister. We do not want one. Given that such a Prime Minister should be an African or (10) White or Indian, that will just be coincidental. The primary condition for him to lead our country must be that he accepts the humanity of the people of our country, all of them."

Was that your personal feeling at the time in relation to this?-- It was my personal feeling. It remains my personal feeling. It arises from the understanding of the thinking that was prevailing inside the United Democratic Front . I have attempted to illustrate to the Court this morning how I could picture the situation unfolding to this point out of that non-racial election, leading finally (20) to somebody getting elected, not on the basis of what his colour is, but on the basis of the merit, what he stands for and what he represents, because the question of reconciling the people of our country is a very, very sensitive question. It is a primary question for all of us. If we were to demand that we wanted to have a Black Prime Minister, if that was the condition then would leave very many sections of our country uncomfortable and we ourselves would not be comfortable because if he had ensued policies which were not in the interest of the majority of our people of our country, (30) we/...

we would have to stand up and say no, and he would have to lock us up in jail as well. We cannot accept a situation which is unacceptable to us that any person, any man of whatever race should be penalised purely because he is of that race. We cannot accept it.

Would you please have a look at EXHIBIT V17 a meeting held on 1 August 1984 at Ladysmith. Please look at the last line on page 45. -- That is correct. I also addressed a meeting here on 1 August 1984. It was in the evening on a Wednesday. (10)

Please have a look at the last line on page 45. Would you start reading with the words "So our alternative" on page 46? -- "So our alternative is a call for a national convention. We have confidence in the people of South Africa Black and White. We are saying that this government must forget about its new constitution et cetera, et cetera. It must call a national convention, in which South Africans, all of them, including the Afrikaners, indeed including the Afrikaners. Our point is that even though Afrikaners may have been foreigners in terms of arriving here, but (20) together with all and everybody they have also made a contribution side by side with us. We made a contribution. We mind our country. We build the roads. We build the buildings, and whatever else we can think of. This country, we have shaped it to what it is today. It was a combined effort of the people of South Africa. Let us claim South Africa for everybody. Not for this section, or that section. (Inaudible) A national convention therefore in which all the people of South Africa will participate, in which they will hammer out the constitution that will be based on their(30) will/...

will. Therefore a constitution that will be acceptable to all of them, but that constitution in terms of that convention, let the millions of our people who are imprisoned arbitrarily, let them be released from prison, let those who are banned and restricted, including Beyers Naudé, including Helen Joseph, including all of those who are banned and restricted, whatever political affiliation there may be, let them be unbanned and be allowed to roam their country peacefully. Let the exiles, those who could not accept the conditions of apartheid, let them be allowed to come back (10) home without any restriction. Let the people of our country in an atmosphere devoid of suspicion, devoid of racism, let them sit down and work out, hammer out a constitution that will be acceptable to all. We have confidence that that can be done and we have confidence that the people of South Africa given such an opportunity, will not choose revolution, they will not choose bloodshed, they will sit down and work out those things."

Do you recall a short while ago you were asked by His Lordship about the page that already has writing on it, (20) and the writer must agreed. Will you please have a look at the third line on page 64 where you say "We are saying that this government must forget about its new constitution et cetera, et cetera. It must call a national convention." Was there any doubt in your mind and did you propagate the idea that this national convention should be a meeting at the tennis-court or a revolutionary organisation? -- I had no doubt in my mind that the government - such an initiative had to be taken by the government, that was only with the approval of the government that it could be done. In any (30) event/...

event, as I said yesterday, the debates which were taking place, the whole question of reform, was a question that had been raised by the government and our formation of the National Democratic Front was in response to what the government had said. Really we were addressing ourselves to the government at a time when the government was saying that there is need to form our society. So, this is why even there I have to say, the government must call a national convention.

If we take the dates on V16 and V17 were those dates(10) after the meeting minuted on H1 which was on 21 and 22 July? -- That is very correct.

Sorry, V16 ... -- All of them. It was 28 July, It was the week following.

I am sorry for introducing the confusing question. You did not make any mention here of any of the matters alleged by the State to have been preconditions in H1. Why did you not mention them? -- As I said earlier on, discussions that took place at the NEC in Bloemfontein, were still subject to further discussions by the regions(20) and only after synthesised consensus had been reached, only then could one take those conditions as being part of the policy of the organisation and then begin to talk to people about them and so on. As I understood the position at that point in time, the policy of the UDF remained - on the national convention remained the three conditions which we have already indicated to the Court we regarded as non-negotiable, but the rest of the others were issues which had been raised by the NEC, they could not be regarded as final and in all of the meetings that I went onto the (30) platforms/...

platforms with others of my colleagues we did not take those conditions onto the platforms.

We have seen you on video at a number of meetings. How many more meetings than those actually proved in this court did you actually address during 1984? 1983 to 1984? August 1983 to July 1984? Or August 1984? -- I estimate that I must have addressed at the least 40 meetings around the country after the national launch. In very many of those, even before July 1984 in a number of those I would also have picked up this question for instance of the (10) national convention.

At the meetings which you are recorded in evidence before the Court, was your theme more or less the same or did you change the theme of your speeches? -- In a number of meetings the theme was changed. On the whole I would say my approach was generally one of presenting the one or the other aspect of the policy of the United Democratic Front. So, on the whole I am really or I have really spoken much more differently than what the speeches here reflect. (20)

For clarity sake, you say that the speeches in which you are not recorded in evidence, were they substantially different or substantially similar to what is recorded? -- On the main policy issues they remained the same.

This was a week after the meeting evidenced by H1. We have already had in evidence the article that you wrote for the SA Foundation News, exhibited as DA66. Would you please have a look at the last paragraph of that article. ASSESSOR (MR KRUGEL) : We did look at it yesterday "The government should strive to." (30)

MR BIZOS/...

MR BIZOS : Even as late as March 1985, have you changed your view as to who should call the national convention or what the preconditions should be? -- Not all. The position remained the same.

You told us that you were detained on 21 August 1984? -- That is correct.

You are not able to deal with what happened during the period 21 August to December 1984 when you were released? -- To 10 December. That is correct.

When you wrote DA66, did you show it to anyone? -- (10) Yes, before this article went for publication, I presented it to accused no. 19 and sought his opinion on it and he concurred with me that it correctly reflected the position of the front.

After your release when did you again take part fully in the proceedings of the National General Council? --

COURT : Well, let us start of the UDF?

MR BIZOS : Of the UDF, when did you start in the affairs, taking part in the affairs of the UDF? -- On my release I think I went straight to the office of the Front, to the (20) head office in Johannesburg, so I started off at the office.

Your detention did not frighten you away from the offices of the UDF? -- When I was released and there was nothing wrong that I had done, I carried on.

Had others on the National Executive and regional leaders also been detained? -- That is correct.

Were they all released in December? -- Not all released. When we were released in December, three of our comrades were taken to Durban, from here to Durban and they were charged with five others I think in Durban. Not exactly (30) five/...

five, others were added later on. Three were taken there and then they were charged.

COURT : Is that now the Pietermaritzburg treason trial? -- That is correct.

MR BIZOS : Who were the three from the Transvaal? -- From the Transvaal was Dr Jassat, Aubrey Mokoena and Curtis Nkondo.

Were some of the other leaders of the Transvaal detained or arrested after that and added to the list of accused in that case? -- Yes, subsequently in February 1985 additional members - a number of members of the Transvaal and also of (10) the National Executive were arrested and added to the trial there.

What effect did the detention and arrest of the leaders have on the workings of the UDF? -- Well, it really threw us in disarray. There were very members of the NEC who were not available and most of our work was disrupted and our organisation was disrupted. There was general chaos really.

We have a situation that came to mind, I think His Lordship raised the question some time ago during the trial, (20) that it appeared that in November 1984 COSAS has taken some initiative in relation to national questions calling a national stay-away and such other matters. You were of course in detention in November 1984. Could you tell His Lordship what effect the detention and arrest of people in leadership positions has in the political life of the community you live in? -- The situation is that within the communities, when there is an organisation and leadership figures are there, they are able to maintain a certain amount of discipline and to give direction and generally the community (30) has/...

has got points of reference, it has got people to whom it looks up to and it responds generally to the leadership from those quarters. When, however, the leadership figures get arrested and therefore they are removed from the community, the tendency is that first of all it becomes very difficult to find replacements because people are then afraid that if they assume those positions, they may themselves be detained and then the community has nobody, has no point of reference and the very frustration in fact of the detention of leadership figures create a situation which one may (10) call really almost free for all. Anybody comes forward and says now we must do this and somebody comes and says no, that must be done. So, people - communities are thrown in confusion and that exacerbates, it makes the situation very difficult and then quite often, even irresponsible elements may jump onto the wagon and then start their own things. So, it is unfortunate but it does happen and it is a problem that one cannot really always contain. It really takes time also to build new and responsible leadership figures who can then contain the situation again. (20)

After your release and after the arrest of some of the people to be joined to what became known as the Pietermaritzburg trial, did you yourself continue to be involved in the affairs of the UDF? -- I did continue to be involved.

You had been detained and no charge had been brought against you? -- That is correct.

The State has attempted in its opposition in your application for bail to say that you were behaving as a fugitive during this period. What do you say to that? -- I think between 10 December and 18 February 1985, that is December (30) 1984/...

1984 and February 1985 - 18 February 1985 I generally went about the business of UDF work freely and then on the 19th after there had been a raid to the offices of the front and all the documents had been taken and so on, I realised that there was a danger of another detention and many more months sitting in detention. So, I decided to stay away from the office together with accused no. 19, my colleague, but we carried on the normal work of the UDF. On occasions I turned up at offices of the newspapers to give press statements. On occasions I accepted certain duties, going to (10) meet people and talk to them, as long as it was - I was satisfied that I did not run the risk of getting arrested. I just want to make this point that a suggestion or perhaps an impression may have been created that during that period I and especially accused no. 19 were busy with may be something that is illegal and I want to make it clear to the Court that it is correct that I avoided getting arrested but we remained strictly busy with the work of the UDF and did nothing that can be - that was outside the work of the UDF and that can be characterised as illegal. In fact, (20) some - I think in one of the other exhibits somewhere, I cannot recall exactly which one, but I think somewhere it was said that we were underground and I think it is a misnomer to say it is wrong, in fact to say that we were underground, because as I understand it, to suggest that people are underground is to suggest that they are busy with something illegal. We made it quite clear that we were not - we made it quite clear that we were in hiding. I think that is the phrased that we used. We were merely avoiding arrest and not underground, certainly not involved with anything illegal. (30)

We/...

We have not.

You said you accepted invitations to speak to people. Could you give us a couple of examples of the people that you spoke to during this period? -- I think one of the examples is the South African Foundation people, because I think I went to their offices in March. Then I also had an occasion when I was invited by the lecturers in the political science department of Rand Afrikaanse University. I have already address a public meeting there before. I was then invited to a fairly well private meeting by (10) lecturers in that department. It was small meeting. There were not going to be many people and I felt it was safe enough for me to and I went and addressed them and spent a long time discussing the UDF.

ASSESSOR (MR KRUGEL) : When was that? -- That was in about March or end of February, beginning of March.

MR BIZOS : Do you recall any of the people present at this meeting at RAU? -- There were a number of - one of the people that was there was Mr Ian de Vries. I recall Professor Geldenhuys and others. (20)

Did you know when you went there - did you know whether Mr De Vries was an expert witness or not in relation to political matters? -- Well, as I understood the position at that time, he was head of the Department of Revolutionary studies at Rand Afrikaans and that he had acted as a State expert in a number of cases on political trials and so on. I knew that myself, in the first case when I was tried in the other case that I told the Court I was convicted on, the expert who testified in that case for the State had also been the head of the Department of Revolutionary Studies (30) there/...

there. I think that was Mr Stoffel van der Merwe, if I am not wrong.

What did you hope to gain by going to speak to the academics at RAU? -- As I have told the Court yesterday, once we have set up the UDF and it was my task to act amongst others as the public relations officer, one of the most important areas, very difficult for us, is the area of facilitating communication between our section of the community and the Afrikaner section. It is an area that is very, very important in our judgment. So, an occasion, (10) any occasion to have access to our Afrikaner compatriots is for me particularly important. The Court would have realised that even in some of the speeches I made the point from time to time that it is important to reach out to Afrikaner compatriots. I considered that going out to meet academics in an Afrikaans institution, speaking to them, communicating our views on matters and so on, is one way of reaching an important section that has access to very many other people in the Afrikaner community. So, that continuously that will help to make us be understood in (20) those quarters and at the same time to persuade that section of the community to understand that beneath our various shades of skin colour, is not hatred for them, but it is a search for friendship and that we are committed to them just as much as we are committed to anybody else. So, I thought that an occasion such as that one, could not be allowed to go by.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

MOSIUOA/...

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, We were dealing with the period during which you told His Lordship and the Learned Assessor that you tried to keep out of the way of the police? -- That is correct.

You had been detained in December and your colleagues - up to December and your colleagues or some of your colleagues in the national leadership of the UDF were detained in February. Did you believe - and you have told us that you believed that you may be detained. Did you consider (10) leaving the country? -- No, I did not consider leaving the country. My view is that those of us who would like to help the process of change must remain at home in any event. My loyalties are to this country and I cannot consider or I cannot reconcile myself with the idea of leaving my country when I might never be able to come back to it. I have very strong ties with South Africa. As I have grown older, I have grown to understand the various other sections of the population other than the African population of which I form part and my ties to the country are very strong. I (20) think - in my mind it is better perhaps some time even if I got arrested I would still have access to my people, I would still be in my country. If anything happen to me, I would go to the grave-yard of my grand-parents and so on. I belong here at home. The problems of the country are the problems of all of us.

The National General Council Meeting that was held in April 1985, you as the national publicity secretary were to be there? -- That is so.

Did you attend all the meetings? -- Again I was (30) unable/...

unable to do so because I was still staying out of the public eye and I was concerned for myself in case I got arrested. So, there were times when I was there and there were times when I was not there. In fact most of the time I was not there.

Were you kept informed of the deliberations of the conference? -- That is correct.

Did you at about the time that the conference was to be held or was being held, did you give any interviews to any newspaper? -- That is so. As I have said earlier on, even(10) at the time when I was hiding, from time to time I met the press people because it remained my task in any case to speak on behalf of the United Democratic Front and sometimes to make press statements about its work and activities. So, I did grant interviews here and sometimes wrote articles.

I want you to please have a look at a cutting of 6 April 1985 in the Star. It would be DA72. Do you recognise this publication? -- I recognise this article.

You are recorded as having said that "More than 300 delegates will be attending the second national conference of the(20) United Democratic Front on the West Rand this weekend. The theme of the conference 'From protest to challenge - from mobilisation to organisation' reflected that the UDF was facing a crucial new phase, said publicity secretary Mr Terror Lekota. What we are saying is that in its initial phase the UDF protested against the new constitution and mobilised the masses against giving it their democratic approval. But now the Government has gone ahead and imposed the constitution. Our new task is to challenge its implementation. The conference will have to decide on tactics and methods to put (30) into/...

into practice such a challenge, said Mr Lekota. The emphasis would be on 'non-violent means of direct action', he said, adding that the Uitenhage and other township killings would force the conference to ask itself 'In the face of such brutal repression how can the Front continue to organise without risking heavy loss of life?'" Is that what you said? -- That is what I put forward.

What do you understand by the expression "non-violent means of direct action"? -- By this phrase I understand taking forms of non-violent nature, to protest. By (10) direct action I would - I understand making it plain, that the protest is directed against a particular issue. Therefore that if we were protesting against, the example that comes to mind immediately is one of the rugby tour because the issue was also in debate at the time. We would for instance go and protest may be outside the stadium with placards or some form of action of that nature. That would be direct in the sense that you actually be saying this is what the issue is.

Did you make a statement which was published on 12 (20) April 1985 in the Star which I would like to show you. This would be DA73. I would like to read this into the record and then you can put in in perspective for His Lordship. "UDF: We won't harm All Blacks. The United Democratic Front has replied sharply to those who have seen its commitment to direct mass action as a threat of violence. The UDF's recent statement that it will protest in the streets, at airports and sports grounds against any New Zealand rugby tour of South Africa, has been seen by some as a threat to the All Blacks. We have stated that we shall demonstrate (30) our/...

our opposition to the tour but that we do not plan to harm the New Zealand players. That would conflict with our fundamental non-violent stance, UDF publicity secretary Mr Terror Lekota said last night. He said that the UDF's determination to lead mass action was precisely because the conference has noted there was a need to discipline protest in order to avert anarchy. Discipline mass action would correctly channel the energies of the people and effectively demonstrate to the Government where their feelings were, without destruction to property or loss of life." Did you make that statement?(10)

-- That is what I said at the time. I may just add that there was a misunderstanding apparently in some newspapers or some quarters. Some people misinterpreted our commitment to direct action as meaning violent action. It was important for us to put that straight.

Were you there speaking in your personal capacity or were you expressing the views of the UDF in DA73? -- I was speaking on behalf of the United Democratic Front.

And did you in this public statement that you made in relation to the non-violent stance of the UDF reflect the (20) view of those at the conference that had been held in the beginning of April? -- Yes, that is so. The conference in fact had noted that there had been a lot of spontaneous undisciplined action that had been taking place in some of the townships and that it was important that our organisations must attempt to move into the situation and strengthen the organisations so that when people have got a protest or they have got a complaint there must be clearly disciplined action taken, so that first of all the complaints of the people must be clearly stated so that the government can (30)

hear/...

hear what the complaint is. At another level of course there were a lot of unruly elements, people who belonged to no organisations and who were just doing as they pleased and it was important to undercut that kind of thing. There must be clear publicly acknowledged organisations that the people would respond to and not to respond to any Tom, Dick and Harry that came around and said he was a leader. So, the question of disciplined action was the concern of conference. It must be disciplined and in that way first of all, the government can hear clearly, you can state the com- (10) plaints and you can be heard clearly. Secondly people are not then exposed to anarchy and then people lose their lives unnecessarily.

I want to show you a document dated 21 April 1985, which if my memory serves me correctly, appeared two days before your arrest in the Sunday Tribune. Your picture is there for the sake of completeness.

COURT : Where does one find the Sunday Tribune? -- It is a Natal paper. Of course it is also found here.

MR BIZOS : Is it distributed throughout the country? -- (20) Well, it is being distributed in Natal and I know it is being distributed here. I do not know in which other parts of the country.

There are certain statements attributed to you there that I would like to draw His Lordship's attention to. It will be DA74. We can leave the personal history in the first part of this article out for the purposes of the record. What I want to read into the record is halfway down where it says "Mr Lekota is currently immersed in arrangements to protest against the forthcoming tour by New Zealand's All Blacks/... (30)

Blacks. A passionate sports-lover - his nickname comes from the days he was known as a mean soccer player - he believes the Kiwi's should keep away because apartheid is still alive and kicking in South African sport. It is a stance which has earned Mr Lekota and the UDF the hatred of many South African Whites, who have come to regard him in the same light they once saw British anti-apartheid campaigner Peter Haine. Mr Lekota, however, is convinced that he had adopted the correct course of action. 'It is a task of the Front to continue to push the Government to a democratic order, and(10) our campaign against the tour is part of the campaign against apartheid' he said. The campaign has not given him an easy life. Articulate and impressive the leader dubbed a gentle giant spent three months in detention last year. He emerged from hiding earlier this month after lying low since eight other UDF leaders were arrested in February. He said he had come out of hiding because the UDF's work was suffering - not because he thought the danger was over. Besides, as the UDF operated at a non-violent level, it was important for its leaders to be seen acting legally, he said." Did you(20) make those statements? -- That is correct. I do not know whether I should perhaps draw the Court's attention even in this article it does say that "he emerged from hiding" and not from underground as had been suggested elsewhere. "He emerged from hiding earlier this month."

A couple of days before your arrest you decided to put an end to that state of affairs for the reasons that you stated publicly at the time? -- That is correct.

I do not want you to deal with the rights and wrongs of sports boycotts, you are recorded as having said that (30) you/...

you considered it your task to push the government to a democratic order. What is your view, what did you hope to achieve by trying to persuade the New Zealanders not to come and play rugby against the Springboks? -- What I was thinking was that if the international community is seen to refuse to play sport with our country, because other sections, Black sections of the South African society, were not enjoying the same facilities as their White compatriots. That would get the White communities to join us to pressure the government to eliminate discrimination in sport and (10) therefore that that would facilitate the breaking down of racial barriers and we would move quicker in the direction of a non-racial social order. I may just mention perhaps at this stage that I have come from a background that was quite involved in sport in the early sixties. My father ran a football team. It was a small team, but he ran a football team in Kroonstad and that is the team that one of the witnesses in Delmas referred to when he said we used to play for my father's team. At the time of the early sixties, that was at the time when the government was introducing (20) the policies of apartheid, the introduction of these separate sporting bodies was not coming in to play. Before that time there had been a non-racial body and represented in the professional football circles by the South African Soccer League, SASL. That association, the South African Soccer League was generally spoken about as African and the government was now coming with new sporting organisations and they introduced what they call the Bantu Association. Mostly in our communities people were resisting this Bantu Association, because they were happier with this non-racial (30) African/...

African association. In African - Africans, Coloureds, Indians and I think the policy of African in any event was that it was non-racial so that even anyone who wanted to play there in African could play, but at that time any way already it was only these three Black sections that were playing in it. So, in Kroonstad I remember when Bantu came there, our community became divided. There were people who after a while began to work with the local administration and these are the people now that said Bantu, but most of the teams - our team was also in Africa. So, a whole (10) range of local struggles - in fact there were divisions within the community and then there were clashes and so and we in African of course were suffering because as time went on we found ourselves not having access to the grounds and most of the time having to play away games, but again even when we played away games, we had to play against other African teams away and they in turn were also having the problems of the grounds and so on, because the government was taking the football grounds and then those were being given to Bantu. It is one of the very early experiences, (20) that has really being hurtful. I think by 1964 we had to - my father threw in the towel, because the team, we were no longer having places to play and even other teams in areas like Parys, Viljoenskroon, gave in. Stronger teams like Orlando Pirates and Avlon Athletics and others stayed long with the struggle. It was only in the late sixties that they even - because Orlando Pirates could no longer play at Orlando Stadium and a lot of their supporters were not able to back them. Finally Orlando Pirates had to fire their players from the Indian and Coloured communities, (30) people/..

people like Bernard Hutch and others were expelled. So, this whole experience of what apartheid has done, even in South African sport, is one of the things that for me is a very serious matter and when therefore the UDF therefore took the position that now this tour was coming and really when tours like this come, it is only White South Africa playing against some foreign country. We cannot even cheer for the Springboks, because they do not represent us, we are not represented, we do not have a share in them and so they are just there and in fact mos of the time - (10) actually I should not say most of the time. I do not know of people in the Black community who when there is a foreign team that comes here, will support the Springboks. We look forward and we just find ourselves wishing that the Springboks must lose and when they win, we will just get upset. I say this in all honestness. This is what the position is. Even people who do not know anything about politics, it is just a matter of people saying we are not part of it, they do not represent us. That is the position even when it comes to boxing. If it comes to any sport. For (20) instance now, Johnny du Plooy has been winning a lot of fights and I can take the Court in confidence and say, especially when you win against one of these Afro-Americans, I was really keeping down, I was as good as knocked out myself. This is upset. These people, they get all the facilities and so on and we do not get them, but if we have access to them and the Springboks can represent us as well and we can also shout for a national team and we can support it and so on. There is Loftus Versfeld and we all have a chance to play if we cannot make the grade (30) and/...

and Naas Botha is going to represent the country, now we all know that everybody had a chance, the best man is representing the country. That is not the position. That is not how we feel about it. That is not how our communities feel about it. That is another thing that shows that there is something wrong with our society. We need to correct that kind of thing. Part of the resolution of this whole situation is that that must be done. I think most of all our White compatriots do not know about it, because the relationship between people who come from Black communities and those who come from (10) White communities, it is generally one of master and servant. When we come into town, we must adopt a certain attitude. Certain things may not be said, because now we are in the presence of Whites. That is the masters. So, White people do not know what we are thinking. They do not know what we are experiencing. When we go back into the townships, we become completely different. That is why and that also explains why when a man like accused no. 19 or some of the accused says now to the Court no, we do not want this and we do not want that and so on. I am sure that every (20) White person must say where is this Bantu from? Here is an agitator and so on. It is not deliberate but the perception is that every Black person whom you meet is hiding his feeling, he is keeping quiet about this and when there is one that comes out and is just bold and he speaks these things and says that we do not want this and so on, he must appear as an exception and why is he an exception? He must be an agitator or some other thing. That is really what happens and that is a very unfortunate misunderstanding. Because it is a relationship that has been built between (30) the/...

the various sections of our community or the population of our country by the policies of apartheid. In the book that we handed in yesterday Dominee Nico Smith, who is an administrator for an African committee in Mamelodi, speaks about this at some point where he says that when initially he first came into Mamelodi, people would not talk to him or at least they would talk to him, but they would not expose themselves to him, they would just say "Ja" and "Baas" and so on, but as time went on they got used to him, they began to unfold and he was surprised to discover what these people are (10) thinking. I am not talking about young ones. I am talking about elderly people when you meet them there with a broom cleaning the offices of the court here, you will never think that they are thinking about the issues that we are talking about. When they are there in the house they think that there is no danger and then they say "You know, the White people are doing this and are doing that and that. This is what is happening to us and we do not want it." We are not exceptions ... (Court intervenes)

COURT : Let us now get back to the All Blacks. -- The (20) point I was trying to explain is that our objection therefore to the All Blacks is inspired by the fact that we do not find ourselves represented in the national sports of the country and so on and in any event, the facilities are not available to us and that is why we object to that.

MR BIZOS : I just want to ask you one question in relation to this. Everybody knows you as a great soccer player. The sports boycott has prevented people international competition in soccer. Did you have to make any - first of all, would you like South African to have international competition(30) in/...

in soccer and in rugby and everything else, but particularly in soccer in your case? -- Oh, yes, even in rugby now, because I now also play rugby. The thing is that really we would like to see South Africa participating in the World Cup finals, African games are being played, soccer championships played and so on. We have got a lot of talented people in the townships who just play football and so on. They are excellent, brilliant fellows, but they do not have access to international sport, simply because of the policies of the government. In the Eastern Cape there is just abundance of talent in rugby. We would like to see those people getting a chance to match up to Wahl Bartman, if they can match him and if you combine them with him, then they can represent our country. Those are the things we want. So, we suffer as much and perhaps even more than is necessary by this sport isolation. (10)

COURT : Well, should you not take it a little bit further that when a team is brought out from overseas to play soccer here, you do not support it? -- Once we are represented in the national team we have loyalty to it, because (20) it does not mean that if we are going to play international rugby there must a Black face there. A man must qualify on merit. It is automatic. Once we have loyalty to it, it represents us and we will support the team and it will just be natural. I am sure that it will just flow like that. But we will support those teams. We would not support them as long as we do not feel represented in them. It is just like, we do not object to the State President being a State President purely because he is White, but we feel that we are not represented there. He does not (30) represent/...

represent us and that is the thing, not because he is White, not because he is an Afrikaner, but we feel we are not represented. If we felt that we were represented, we would have doubts about where our loyalty lies. We would be the first persons to proudly sing about his name and so on.

MR BIZOS : I want to turn to the Transvaal Regional Executive Committee. Were you an ex officio member of that body? -- That is correct.

Paragraph 18 of the indictment alleges that your participation in the executive of the Transvaal UDF was for the(10) purposes of furthering the conspiracy that we have spoken about in the past. What do you say to this allegation? -- I deny that allegation. As I have stated I have never understood that the UDF at any level, whether it being national or regional was participating in any conspiracy. So, I deny that that was the purpose.

Did you attend two meetings of the Transvaal Executive evidenced by EXHIBITS S1 AND S3? -- That is correct.

I do not intend dealing with any of the proceedings in any detail. I am merely doing it for the purposes of(20) identification. At the meetings that you did attend, did you attend them for the furtherance of any conspiracy or just in the ordinary course of your ... position ... -- I did not attend them for the purpose of promoting any conspiracy. They were just in the ordinary course of business. In fact I had come up to Johannesburg with regard to the meeting of September 1983. I had come up for a press conference and also for a meeting that we had to attend with the Federation of South African Trade Unions (FOSATU) and seeing as it was, I had never met the Transvaal (30) Regional/...

Regional Executive before and it was important for me to familiarise myself with the situation in the Transvaal. I then attended this meeting. No discussion concerning either the African National Congress or the South African Communist Party or any instructions from anyone of those parties or anyone of the other secretive organisations ever arose. The issues that arose and that were discussed were the ordinary business of the United Democratic Front throughout the term that I was there.

The meeting evidenced by S3, was that a meeting on (10) 3 January 1985? -- Yes, that is correct. That meeting - with regard to that meeting I must say that the only part of it I attended was the beginning of the meeting. I went to that meeting together with accused no. 19 and we had really gone to that meeting for a specific purpose which - and that was the purpose that Senator Kennedy was coming to South Africa, the UDF had been invited by the people who had invited him, that is now Bishop Tutu and Dr Allan Boesak and in the case of Natal His Grace Archbishop Hurley to help make the visit a success in terms of (20) helping to organise meetings and so on. We had to discuss the matter. We had first of all to communicate the matter to the Transvaal Executive and also to assess what was their feeling on it, because it had come to us late and the organisation did not have time to discuss it. So, when we got there, a report was presented by accused no. 19 and the Transvaal allowed - give a cautious agreement that we could go and meet them and so on. We then went along. The rest of the proceedings of the meeting I was not there, nor did I - I did not see the minutes subsequent to that (30) either/...

either.

Were you to speak anywhere at that time? -- I noticed from the minutes that I was supposed to - there was a decision taken that I must address a meeting in the Vaal in the weekend after that, but I was never informed about it and consequently I never attended such a meeting. I did not know about it. I got to know about it for the first time now when I see these minutes after the trial had begun.

Did you in fact speak? -- I did not speak.

You are also alleged to have further this conspiracy(10) by virtue of your membership of the secretariate. What do you say to that allegation? -- I deny that allegation.

Were you a member of the secretariate? -- I was a member of the secretariate right through and the secretariate was an organ that in the case of us, the national offices - or let me say the secretariate as a whole had to carry out the decisions of the NEC. It was therefore the administrative arm of the NEC. With regard to the regional secretaries of course they had dual loyalty because they had to carry out the decisions from the NEC and also they were (20) also responsible to their regional executive committees and regional general councils.

Your duties were set out in EXHIBIT G1 - My Lord, this was put to no. 19 in cross-examination and it is already on record, I do not intend doing it again - but is that how you viewed your duties as they appear in G1? -- That is correct.

It is on 1.2. Were you in charge of the national publications? -- That is so.

COURT : 1.2?

(30)

MR BIZOS/...

MR BIZOS : I am sorry, I gave Your Lordship a reference to the indictment instead of to the document. It was annexed to G1.

COURT : I think you can go ahead and come to it back later. -- The job description, at the end of the minutes, there is a job description there.

There is no annexure to mine. -- It is D something.

MR BIZOS : It is an annexure to D1. Did you carry out those duties in that capacity? -- That is correct.

As part of this or in execution of this conspiracy (10) it is alleged against you that workshops were arranged. What do you say about that? -- I know of no workshop that was ever organised by the UDF for purposes of carrying out this alleged conspiracy. I deny therefore that there were any workshops organised for that purpose.

Generally speaking, what were workshops for? -- The purpose of workshops differs from workshop to workshop. It depends what people want to do at the workshop. Sometimes they want to teach each other skills, yet at other times they want to brainstorm a matter or a subject, (20) discuss it. Sometimes it may be called to plan say a campaign, may be a blitz, a million signature blitz or something like that. One cannot say if you hold a workshop it is for this purpose and that is all.

COURT : What is a blitz? Is that something that happens quickly or is it something that shocks people? -- It is called a blitz because it is something that just takes place quickly and then it is over.

So, on a day you go to a place and sort of flooded with pamphlets and collect signatures and you go back the (30)

next/...

next day. Is that a blitz? -- Something like that, yes.

We can actually leave here this morning and then get into Mamelodi, go house to house collecting signatures and so on and may be after about - let me not say million signatures, but collect signatures and then may be after about three, four hours, we stop and then we come back. So, we call it a blitz merely to suggest that it is a quick kind of action and then it is finished.

MR BIZOS : The workshops, were they policy making bodies of the UDF? -- They are by no means - workshops are by no(10) means a decision or policy making gatherings. They are not in the constitution for instance. They would have to have powers, and they would have to be defined and so on. They are not like that kind of thing. They are just as I have said brainstorming sessions of contact with the other.

Were various people invited to these workshops? -- That is correct.

Representing organisations in order to pursue the policies of their organisations or in order to brainstorm them? -- No, it is not for representation of organisations.(20) It is usually, if you are invited to our workshop, it may be somebody who is not legible in a certain field. If you want to impart the knowledge to your membership, you invite this person, he then addresses people on that subject and then he gives them that information as well. May be they would discuss it and so on. That is just about all. One cannot represent an organisation at a workshop.

Did you yourself attend any workshops personally of those alleged in the indictment in paragraph 20? -- No.

22 to 29. Did you attend any of those? -- I did not (30) attend/...

attend any of the workshops. I did, however, write, make arrangements and write a welcome address to one of the workshops, the media workshop of the UDF that was held in the Transvaal. That was in January 1984, but otherwise I had not been able to attend the workshops.

I want you to please look at C29. Did you prepare the document appearing on the last page of C29? -- Yes, this is the welcome address that I was referring to. I prepared this document. It is entitled "Our publicity campaign 1984 by UDF National Publicity Secretary, Terror(10) Lekota."

You prepared it, but did not yourself deliver it? -- I did not myself deliver it. I was not able to attend this workshop because it was held the same weekend that the national executive committee was meeting here in Pretoria. So, I was here at the national executive committee meeting. The address was read on my behalf there.

The deliberations of this conference, did they represent the policy of the UDF? -- Not at all. At most they are recommendations, but they are not the policy of the UDF. (20) I may just say that the document - this document fairly well represents my own attitude and approach to the role of our media.

When you say this document, what are you looking at? -- I am referring to this welcoming address.

The last page of C29? -- Yes, the last page.

What did you say about the last page? -- It represents my outlook, my understanding of what our approach is towards the media.

The UDF media? -- That is correct.

(30)

You/...

You have already told us that you did not attend any of the other workshops. Do you recall whether you studied the reports of these workshops in any detail after reports were drawn up? -- I beg your pardon?

The workshops that were held under the auspices of the UDF but which you did not attend, did you see their reports afterwards? -- No, I cannot recall any of the reports presented to me except the report of this one was represented to me.

COURT : So, what you did see was C29. You did not see the (10) others? -- I did not see the others, but I saw C29. I am sorry I also saw C30, but this of course is not a report. This is a document which was prepared later on.

It is what? -- It is a motivation - it was prepared later on.

MR BIZOS : One of the workshops was on the Freedom Charter. -- That is correct.

I would like to deal with that even though you were not there. Whilst the exhibits are being found, you have told us that the Freedom Charter was not adopted by the (20) UDF? -- That is correct.

But that some of the affiliates had? -- That is so.

You personally, had you studied the Freedom Charter? -- That is correct.

And by the time you came to be an office bearer of the UDF, what was your personal attitude to the Freedom Charter? -- When I joined the UDF I was already subscribing to the Freedom Charter. I was a member of the Release Mandela Committee campaign in Natal which subscribed, which adopted the Freedom Charter and therefore subscribed to it. I was (30) therefore/...

therefore in that position.

One of the allegations against you is that the popularisation of the Freedom Charter was in furtherance of this conspiracy that was alleged against you. What do you say about that? -- I deny that. At no stage did the UDF take a decision that the Freedom Charter should be popularised. However, the organisations which subscribed to the Freedom Charter and which were affiliated to the UDF and individuals who belonged to such affiliates, did from time to time in putting forward their own views of the future South (10) Africa referred to the Freedom Charter or quoted some of the passages of the Freedom Charter. This was not really in conflict with the policy of the UDF, because the UDF has no blueprint of an alternative social order and to mention that for instance the apartheid must go and when apartheid is gone we must have a government in which all the people of South Africa participate, would not conflict with the policy of the UDF and therefore from time to time this did happen, but I may also add that anybody who subscribed to another program, say if some members subscribed (20) to the ten points program, he was also free within his rights to quote or to refer to the ten points program.

COURT : What is the ten points program? -- The ten points program is a program of the Non-European Unity Movement. Of course, unity has split from time to time. So, one finds a number of groupings.

Mainly, how does that differ from the Freedom Charter? Is there any material difference? -- It has got ten points that it makes. It is not as detailed may be as the Freedom Charter. (30)

No/...

No, that is not what I am after, whether it is detailed or not, is there philosophically, any difference between the Freedom Charter and the ten points program? -- Before I comment on that question, I would have to make a much closer study on that.

If you get the answer over the weekend, you can tell me on Monday. -- I can do that.

MR BIZOS : Did Dr Alexander have anything to do with it?

-- Yes, he comes from that tradition. Could I ask the defence to look for a copy of the ten points program so (10) that I could perhaps pass it on to Your Lordship.

COURT : I do not think it is that important. I just wanted to clarify my own mind what the difference was. Is the ten points program more in the BC direction or not? - No. It was drawn up in 1943. So, it is much older than Black Consciousness. In any case, the Unity people would get very angry with me if I say it was next to Black Consciousness, because they see themselves as quite different.

MR BIZOS : Whilst we are dealing with the Freedom Charter, you told us that you were a member of an affiliate who (20) subscribed to it. Judging by the cross-examination and some of the allegations made, do you regard the Freedom Charter as a socialist document? -- No, I do not regard it as a socialist document. To the best of my knowledge in fact even the South African Courts have found that it is not a socialist document.

COURT : Let us leave the Courts out of it. Why do you not regard it as a socialist document? -- Well, first of all, it does not describe itself as such. Secondly, it does make provision for - it actually makes provision for people to (30) trade/...

trade wherever they may choose to trade in the country.

Ordinarily as I understand it, a document that would be socialist would tend to emphasise the control of the means of production by the State. So, I think the Freedom Charter is a different document.

MR BIZOS : The indictment goes further and alleges that it was actually popularised at the behest or on behalf of the African National Congress. What do you say to that allegation? -- We have never received instructions from the African National Congress to popularise the Freedom Charter. (10)
Those of us who today adhere or support the demands that are set out in the Freedom Charter, do so I think because of the nature of the propositions and the demands which are set out there. They are very democratic. They reconcile the people of the country. They attempt to answer questions or problems which are perceived within our society. It is really a product of the problems of the people of our country. It talks about that. It attempts to address each and everyone of the problems that one can perceive within our society. We subscribe to it, because it matches with (20) the reality that we experience. We never got any instructions from anybody to popularise the Freedom Charter.

Was the African National Congress the only organisation that had adopted the Freedom Charter? -- Oh, no. A number of other organisations adopted the Freedom Charter even at a time when it was passed in 1955. There were - the organisations like the South African Indian Congress, the South African Coloured People's Organisation, it later also became Congress, I think the South African Congress of Trade Unions also. (30)

And/...

And having a workshop on it, did you intend doing anything on behalf of the ANC? -- No, in the first place I must immediately say that the workshop was not organised by the UDF. It was not a workshop of the UDF. It was a workshop of some of the affiliates of the UDF who subscribed to the Freedom Charter. We made the point quite clear that the UDF could not, because if the UDF took a task of that nature, it would simply alienate other organisations which were affiliated to it and which subscribed to different programs. If we would popularise the Freedom Charter, then we would also (10) say why should we not now popularise the ten points program for instance or any of the other programs. So, the UDF could not do that kind of thing.

The other aspect of the indictment in relation to workshops is that you actually showed an interest in the organisation of women in furtherance of this conspiracy? -- No, that is not true at all. The question of organising women is much more older than the United Democratic Front nor is it confined to the UDF as a constituency. There are many other organisations which also organised support (20) from among the ranks of women.

Did you welcome the affiliation of organisations of women into the UDF fold?-- That is correct.

Did you do that on behalf of the ANC or any other unlawful organisation? -- We did not do it on behalf of any other organisation. We did it behalf of the UDF, because the UDF needed support and that was also part of the support we needed.

There was a workshop concerned with the problem of conscription. What was the UDF's interest in this? -- The (30) question/...

question of conscription had been raised even before the UDF was formed, but we in the UDF also took a position in relation to this. AS far as we are concerned, to solve the problems of our country we need political action and not the setting up army and drawing people to the army and so on. As we understood the conflict that is taking place in the region, we saw it as a conflict really born of the policies of apartheid. The fact that young South Africans both Black and White were getting involved, was a matter of concern for us. We therefore felt that people should not be forced (10) to go and fight a war which we conceived of as unjust and therefore we felt that it was important to persuade the government to allow young White South Africans not to go into a situation of that nature. Instead that the government must seek a different solution to the constitution. Sometimes people think that apartheid is a problem only for White communities. Indeed, we in the UDF have been criticised for saying that apartheid also imposes oppression on White sections of the population. Our reasoning is that even though White people are privileged under the present (20) order, their lives would become even better without apartheid. Parents would not have to stay behind, lead lives which are full of tension, worried about whether their children who are somewhere in the borders and so on, will come back alive or not. Young White families would not be split for long periods of time, where husbands are out and away, defending policies which really generate opposition to themselves. I will sometimes see when people go to the army, White people to to the army at the stations, at the airports, one sees how loved ones cry tears and so on when they have to part (30) with/...

with their loved ones. I am sure that is not a pleasant thing for White compatriots and that therefore the elimination of policies which continue to keep that situation alive, would bring peace, security and comfort and friendship. It would also release our White compatriots from tasks such as those. Sometimes police come into the townships or members of the force are sent into the townships when there is a protest or some other form of action of that nature and then sometimes they will have to shoot people there and so on. I am sure that they do not want to do it, but what does a (10) man do if either he does it or he goes to jail for six years and so on? It is a difficult situation. Oppression, apartheid is really a heavy burden for all of us, Black and White. It is crucial from the point of the UDF. We feel that it is important, therefore, that even for those purposes that our White compatriots must be freed from this and this is why even I am not forced to go to the army at the moment I am also concerned for them. I said as much in my speech in Kimberley that our concern is also for White young Afrikaners or young White people, that they should be able (20) to stay at home, in the universities with their families and so on.

Was the question of conscription of any interest to any of your affiliates? Of special interest to any of your affiliates? -- Well, at the time - let me say, through the existence of the UDF and because of the new constitution and projections that there was a possibility of the Indian and Coloured young people being drafted into the armed forces and so on, it raised a serious problem for those communities. Those constituencies of the UDF were very much concerned (30) about/...

about it. They were very unhappy about it. Many of them had generations of families that had campaigned against apartheid and they saw themselves just about to be conscripted into the armed forces to defend the policies which generations of their communities had opposed. They would have to go and defend them and they knew, because they had also experienced the political rightlessness of the African people at some point. They knew that they may find themselves in situations where they will have to go into (10) Mamelodi and suppress or silence protest there. These were all obligations and duties that they saw coming their way and they were heavily concerned about that. We ourselves are also very much concerned about them. It would deepen the alienation. It would bring in a lot of alienation between the African section and those sections as well.

What do you say to the suggestion that was made to accused no. 19 in cross-examination that your interest in discussing conscription was really to weaken the South African Defence Force in order to make it an easier pray for the African National Congress? What do you say to that (20) suggestion? -- I deny that flatly. We have never had that as our purpose.

There were a number of other workshops at which various actions of the UDF were to be evaluated at the workshops and that too is alleged to be in the furtherance of this conspiracy. Did you find it necessary from time to time to have workshops to assess what work had been done and what work ought to be done? -- That is correct. One of the most important practices within the UDF that we attempted to - that in fact we followed was from time to time having (30) taken/...

taken action, to sit and review it and we have said from time to time that when we have this campaign, we have made these advances, here we have failed and attempt to find out why we had failed and so on, so that we could improve ourselves. So, a fair amount of our time was also devoted to this and I am aware although I was not at the workshops, I am aware that the regions of the UDF in their preparations building up to the NGC in 1985 did hold - some of them did hold workshops to assess their performance, to look at themselves as they were at the beginning and as they were (10) at the time and to try to see how they would go forward.

You told us a short while ago that from time to time you would ask persons of certain expertise to attend the workshops. Did you ask persons with expertise to write papers for the purposes of discussion? -- Yes, I think that one of the examples that I can think of in this regard is the - at the time when we had invited - the NEC had invited somebody on the question of removals. I think we did make a request of that nature subsequently. I cannot think of other examples just at hand, but this was also done from (20) time to time, we requested persons to write papers on these workshops.

Did sometimes people volunteer or offer you papers? -- That was now in abundance. This is particularly so with students. May be it is because they have got a lot of time, with books and so on, that if a subject is raised and a man goes and sits in his house, if he has got a house, he just writes his thoughts out and so on. In my position as publicity secretary of the UDF I found from time to time people coming to me and say "You must read this" or (30) telling/...

telling me "You did not present that correctly, you must read this." So, there is a lot of that kind of practice that goes on and so on. It is very, very common.

And is it a common heading "Some thoughts on" and then the subjects follow? -- That is correct.

Did those papers represent the views of the UDF? -- They do not at all represent the official views of the organisation. It is individual's views - of course the people who write them would be wishing that they should be incorporated and they should be accepted by the UDF (10) and so on. They would be writing it in all sincerity and there is no doubt about it.

How did something become the UDF policy? Who had the right to determine UDF policy? -- For a document for instance to become UDF policy - I want to start from below. It would have to be - say for instance it were to become a policy of a region. It would have to be accepted perhaps by the RGC or at least by the REC. The ideal position would be of course if the document is accepted by the REC and the RGC because the REC itself is also dependent on (20) the RGC. For a document to become a document of - a national policy document of the UDF, it would have to be accepted by the NEC and the regional councils.

COURT : NGC or NEC? -- NEC. That is if the REC is not sitting. We would have NEC.

And the regional councils? -- And the regional councils. Otherwise it would have to be accepted by the National General Council, the NGC itself. Of course provision is made for the fact that NEC may between NGC's adopt certain policy positions. Those are also of course subject to (30) ratification/...

ratification by the NGC, the National General Council.

MR BIZOS ADDRESSES COURT IN CONNECTION WITH THE CROSS-
EXAMINATION BY THE STATE OF MR HARRIS AFTER THIS WITNESS
HAS GIVEN EVIDENCE.

MNR. JACOBS HET GEEN BESWAAR NIE.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 14 SEPTEMBER 1987.