

Ass:

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-14

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 285

(Bladsye 15 634 - 15 733)

COURT RESUMES ON 14 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Mr Lekota you are alleged in the indictment to have attended a number of mass meetings and I would like to deal with those meetings that you attended. Firstly let us start with one which you touched upon. Did you attend the launch of the UDF in Natal? -- No I did not attend the launch of the Natal UDF.

Do you admit that you spoke at a number of other meetings? -- I admit that I spoke at a number of public meetings. (10)

And you have also told us that not all the meetings that you attended and spoke at are represented by the V series of documents before His Lordship? -- That is correct.

Now let us deal with the ones that you did attend and speak at which are represented in the V series. Firstly did you attend the National Launch Conference? You have already told us that you were there? -- That is correct.

Is that V26? -- That is V26.

Did you attend a meeting in Port Elizabeth on Monday 20 August 1984, is that referred to in EXHIBIT V8? Would (20) you please have a look at it, it is before you. That is said in paragraph 37 of the indictment to have been on 25 August, is Monday the 20th the correct date? -- Monday the 20th is the correct date.

Did you attend the meeting of the Transvaal Indian Congress held on 28 February? -- That is correct.

1984? -- That is so.

Described in paragraph 38 of the indictment and referred to in EXHIBIT V9 before His Lordship? -- That is so.

Did you attend the meeting held on 1 July 1984 held (30)

in/...

in Gugude in Vryburg, alleged in paragraph 41 of the indictment and recorded in Volume V12 before His Lordship? -- That is so.

I may indicate My Lord that I will come to the contents of this, of some of these in due course. It is merely to get a clear admission of the documents as a whole that I am doing it in this way. Did you attend the meeting held at Selborne Hall on 18 July 1984 alleged in paragraph 43 of the indictment and referred to in V14? -- That is correct.

Did you attend a meeting held on 24 July 1983, the (10) indictment incorrectly has the date as 1984, is 1983 the correct date? -- That is correct.

Was that to commemorate Chief Albert Luthuli which is set out on page 37 of the Further Particulars and represented by volume V24 before His Lordship? -- Yes that is so.

Did you attend a meeting at Kimberley on 28 July 1984 alleged in paragraph 45 of the indictment and referred to in Volume V16 of the documents before His Lordship? -- That is correct.

Did you attend a meeting at Ladysmith on 1 August (20) 1984 alleged in paragraph 46 of the indictment and referred to in volume, in EXHIBIT V17 before His Lordship? -- That is correct.

Now you have already referred to the fact that you attended many more meetings which are not alleged in the indictment nor are they referred to in any of the exhibits in the V series. -- That is so.

Can you remember some of the other meetings that you attended at which you spoke? -- In about September 1983 I addressed a public meeting at the University of Cape Town. (30)

I/....

I also addressed a public meeting in that same year at the end of October, I think 30 October, in Port Elizabeth. I addressed a number of other meetings in 1984. One in Actonville, Benoni. I have addressed a meeting in Nigel, I addressed two meetings in early 1984 at the University of the North, Turfloop. I spoke at a public meeting in Cape Town at Fun City which was a joint meeting of the United Democratic Front and a number of other trade unions. I also addressed another meeting on 5 August in Parkside, East London.

Well you may remember some more later Mr Lekota. What (10) was the theme of your speeches at these meetings? -- In the main my speeches covered the policy position of the United Democratic Front. Mainly our objections to the new constitution and also what we proposed as an alternative or what we saw as the alternative path towards an acceptable peaceful settlement, and that is of course the call for the national convention. I would also have referred of course in the course of those speeches, or some of those speeches, to the historical context of the drive for a democratic order of government. (20)

During the course of your evidence and during the course of the evidence of the previous witness Mr Molefe, accused no. 19, reference was made to the number of occasions on which it was either expressly or impliedly said that the UDF was a non-violent organisation. At the meetings at which you did speak and which are not referred to in any of the exhibits in V2 can you recall whether you made similar statements? -- Yes. I recall that in a number of meetings I made the point either that the UDF sought a peaceful settlement of the South African problem or that the UDF saw the national convention as the (30) path/....

path of an acceptable settlement. I would also have made the point that the UDF was a non-violent organisation.

Now were your remarks or your speeches from time to time, portions of your speeches, published in newspapers after speaking at some of the meetings not referred to at, in the V series? -- That is correct. This is particularly so because our meetings, especially with public meetings, mass meetings, the people from the Press would have been there. Variously they would have covered the proceedings and this would have been widely reported. And maybe while stated I may also (10) mention that some of the meetings that I remember that I spoke at would have been the meeting at the Rand Afrikaans University at the beginning of 1984, the Rand Afrikaans University.

We have got that. -- There are two of them actually, yes there were two of them. The other one was in 1984, the other one was in 1985.

Well ... -- The 1984 one was a public meeting.

ASSESSOR (MR KRUGEL): And the other one was for lecturers? -- Was for lecturers, yes that was where I was invited by the lecturers. And then finally there was a meeting on 19 (20) August 1984, the day before I went to Port Elizabeth I addressed a meeting in Durban and the day before that, that is 18 August, I had also addressed another public meeting at Pietermaritzburg.

MR BIZOS: Now as an example of the manner in which you came across and some of the remarks that you made at these meetings that were published I want to show you a cutting from The Argus dated 10 August 1984, that is some, just under two weeks before your detention in August 1984, and I want to read a portion of it into the record please Mr Lekota and (30)

ask/....

ask you ...

COURT: Well can he identify that document? If he cannot you cannot read it into the record.

MR BIZOS: I am sorry for making the assumption. It actually quotes him and I am sure that he will have no difficulty in identifying it. Will you please have a look at it and does this refer to the speech that you made at this meeting? -- Yes I recognise this item and I recall this was actually the meeting of 6 August 1984. This is the one that I said was at Fun City as a joint meeting of the UDF and a number of trade (10) unions which were not affiliated to the UDF any way.

COURT: Yes, it will go in as DA.74.

MR BIZOS: As Your Lordship pleases. Now I want you to please ignore the first column ...

ASSESSOR (MR KRUGEL): 75, DA.75.

COURT: I am sorry as DA.75.

MR BIZOS: 75, as Your Lordship pleases. Please ignore the first column and go to the second column with the sub-heading "A strange ring". Would you like to read that out please? -- Yes. "The Federasie van Afrikaanse Kultuurverenigings (FAK) (20) and other defenders of the Afrikaans language should have been present at the afternoon's rally. They would have been delighted at the exertions of UDF Publicity Secretary Mr Patrick Terror Lekota in defence of the taal. Mr Lekota began his speech in Afrikaans but unfortunately the interpreter doing a simultaneous translation into Xhosa could not understand Afrikaans so Mr Lekota had to switch to English. Later in the evening a trade union speaker had the same problem. He began his speech in Afrikaans which the interpreter failed to understand. Ever anxious to spring to the defence of Afrikaans (30)

Mr Lekota/.....

Mr Lekota took over as interpreter enabling the trade unionist to complete his speech in Afrikaans. Even the FAK should approve but informed sources believe that at this stage there is no truth in the rumour that the FAK will join the UDF....

COURT: Well we need not read this sort of nonsense Mr Bizos.

MR BIZOS: As Your Lordship pleases. Could we, My Lord that paragraph may not but on the question of political language I will ask the witness to start off "The same sources also deny ..."

COURT: Yes very well. (10)

MR BIZOS: Will you please read that? -- "The same sources also deny any links between the Herstigte Nasionale Party and some of the more outspoken members of the boycott movement. One speaker in Athlone rounded off a speech in ringing tones with AFrikaans slogans which can be translated as "The struggle continues, Forward with the Struggle and One Land One Nation. To someone ..."

COURT: Just a moment, now where does this get us Mr Bizos? If the witness, this witness, can remember what was said then he can tell us that. We do not want Mr David Briers trans-(20)lation of what he heard at that meeting as proof of what was said at that meeting and then an argument is attached to that at the end of the case.

MR BIZOS: My Lord I understood that the basis on which Your Lordship received other documents of this nature is this ...

COURT: But not on translations Mr Bizos. This is going one step further.

MR BIZOS: No I am going to ask Your Lordship to ignore that but I submit that the last two paragraphs that the witness is about to read is relevant to the question of the political (30) language/....

language used. Now there is a difference in our respectful submission of what, well let me put it this way, of course the witness can say what is said but I understood Your Lordship asking questions from time to time have we got anything of this period.

COURT: I have no difficulty with admitting proof of what the political language at the time was. Provided we keep it serious and provided we do not give journalists a platform which they do not merit at all.

MR BIZOS: Or otherwise have enjoyed. As Your Lordship (10) pleases. It is really these two last paragraphs that are germane to the question of the political language used at political meetings. And that is the basis upon which it was put. Could you start again please "To someone from the Transvaal"? -- "To someone from the Transvaal this sounded strangely familiar. One has heard these slogans many times at political meetings and seen them emblazoned on political banners. At left wing meetings? No actually at HNP, Conservative Party and Afrikaner Weerstand Beweging meetings and in the old days at National Party meetings." (20)

Now what I want to ask you about this, do you recall that this was published shortly after you spoke at this meeting?
-- That is so.

Insofar as it relates to facts, and I will ask you to ignore the expression of the journalist's opinions and his attempts at levity, are the facts correctly set out Mr Lekota?
-- Yes I can confirm that the facts are correctly set out.

Now what would you say if you were to take the total number of meetings that you have addressed, would you say that the majority of the meetings that you have addressed have (30) been/....

been referred to in the V series of documents or the minority or would you say that you addressed as many that have not been represented as are represented in the V series? -- I would say a very small minority of the meetings I addressed has been represented here. Many of them really related to, they present a particular type of meeting that I addressed. There have been various types of meetings I have had to address. Sometimes I have had to address meetings dealing for instance with the difference between non-racialism and black consciousness or why the UDF for instance incorporates the participation of (10) white people as part of its membership. I have had to deal with these very varied subjects. All the time of course also relating to how the UDF saw itself contributing to the process of change. Many of those are not reflected here. There have been times when I have had to deal with the history of student organisations and various thinking that accompanied them and so on.

We have already proved through the evidence of accused no. 19, Mr Molefe, DA.43 where you said at the, where you said, Your Lordship does not need it, Your Lordship will recall (20) it once I refer to it. Where you referred to that you were not in favour of the destruction of councillors property or attacks on councillors? -- That is correct.

Now I want you to please try and remember whether or not you addressed a meeting on 19 August 1984 in Durban. -- That is correct.

You have already said that you had done so. -- Yes.

I want to show you a cutting from the Sunday Tribune of 19 August 1984.

ASSESSOR (MR KRUGEL): 19 August?

(30)

COURT:/....

COURT: The same day as the meeting? That is quick.

MR BIZOS: I am sorry My Lord, yes. Did you attend a meeting at Maritzburg as well? -- Yes on 18 August 1984 I addressed a meeting in Pietermaritzburg.

Now I want to show you a cutting from the Sunday Tribune at which one of your colleagues in the UDF is quoted. Were you at the meeting and did you or did you not hear what is set out there being said? -- I was at this meeting and I was present when Mr Virgil Bonhomme who is also the Chairman of the United Committee of Concern said what is reported in (10) this article.

Would you read it into the record, My Lord if Your Lordship would receive it as DA.76.

COURT: 76. -- "UDF not inspired by Moscow. The formation of the United Democratic Front was sparked off by the barbaric laws of apartheid and not by Moscow, Virgil Bonhomme, Chairman of the United Committee of Concern said at the UDF Rally in Pietermaritzburg yesterday. He was responding to recent government claims that the UDF was Moscow inspired. It is the inhuman laws of this country which inspires our resis-(20) tance to the constitutional apartheid. About 2000 people attended the Rally called to oppose the Coloured and Indian elections and to mark the first anniversary of the UDF."

MR BIZOS: Who is, his office is described. Was he a senior official of the UDF at the time? -- That is correct, he was also in the executive of the Natal UDF and if I recall very well he also sat in the National Executive Committee of the UDF.

You told us that there were two meetings in Natal during that week. Did anything that you said appear in the Natal (30)

Witness/....

Witness of 20 August 1984? -- I got to know that later but I did not see the Natal Witness on Monday because I was in Port Elizabeth unfortunately, I moved up there.

Yes. Now there is a reference there to what you and others have said on the question of the policy of the UDF. I would like to ask you, if Your Lordship receives the document, whether you can confirm that what is set out there was said at the meeting? -- That is correct. I am correctly quoted as having told the Durban meetings that many times in the past Black people had agreed to try a new political system out- (10) side the main stream of political power devised for them by the Nationalist government. Each time they hoped that this would be ...

Excuse me one moment. My Lord the witness has started reading where it says "Mr Lekota" in the third paragraph of the ... yes. And as I have interrupted the witness Your Lordship is receiving it as DA.77. Would you start reading out that portion "Mr Lekota, Publicity Secretary of the UDF"? -- Yes. "Told the Durban meeting that many times in the past Black people had agreed to try a new political system (20) outside the mainstream of political power devised for them by the Nationalist government. Each time they hoped that this would be the beginning of real change but each time they had been disappointed. We have tried the ? and the councils they want us to use and we are not satisfied. We will not be duped by their latest attempt."

Was Archbishop Dennis Hurley one of the speakers at this meeting? -- He opened this meeting on Sunday in Durban, that is correct.

Could you please read out what the Archbishop is (30)
recorded/....

recorded as having said? -- "We cannot accept the new constitution because far from recognising the right to participation of all in the economy, in politics, education and culture it continues to enshrine the apartheid principle of separation, total exclusion of the African population and careful seclusion of so-called Indians and Coloureds in separate chambers, separate unequal and powerless. Until the principle of genuine participation is recognised it is not possible to accept the new constitution nor is it right to expect those adversely affected to pay to an apartheid constitution the (10) tribute of the vote that would appear to legitimate it."

Did Mr Virgil Bonhomme say what he is recorded as having said in the last paragraph? -- That is correct.

Would you read that out please? -- Mr Virgil Bonhomme, of the United Committee of Concern told the crowd that if coloured people were to vote on August 22 they would be denying and rejecting their own blood relatives, their African mothers and fathers who were excluded from the constitution."

The reports suggests that there were 6000 people at this meeting. Would you say that that is correct or incorrect? (20) -- I think that would be correct. That is the Durban meeting.

And at the Pietermaritzburg meeting? -- The estimate there would have been in the region of about 2000.

Now are you able to tell His Lordship whether the videos .. (tape switched off).

COURT: Yes Mr Bizos?

MR BIZOS: Did you try to place any advertisements in any newspaper explaining the position of the UDF in relation to the allegations that it was a violent organisation and/or that it had contacts with the African National Congress? -- That (30) is/....

is correct.

Which newspaper did you try to place this advertisement in? -- I remember specifically the Rapport. We attempted to place an advertisement there. In fact we approached the Rapport in Cape Town. That was following accusations which had been levelled against the UDF over a period of time, but in particular at that time by some leaders of the I think Labour Party and some of the other participating parties, that the UDF was using violence or that the UDF had connections with violent organisations and we sought to place an advertise- (10)
ment to set the record straight and unfortunately the Rapport refused to allow us to do so.

Did you give publicity to that fact at that time? -- That is correct.

Did the Rand Daily Mail of 28 July 1984 publish that refusal, publish the fact of that refusal and also the stand of the UDF on those issues? -- It did so.

Would you please have a look at the report from the Rand Daily Mail of 27 of the seventh ...

COURT: 27? (20)

MR BIZOS: 27th of the seventh 1984. That would be DA.78 My Lord. It is, I will just read portions of it into the record:

"An Afrikaans Sunday newspaper Rapport has refused to publish a United Democratic Front document which was submitted as an advertisement to clarify the UDF's stand on violence, says Mr Jonathan de Vries, the Western Cape Regional Secretary of UDF and Dr Allan Boesak, patron of the UDF, has accused the authorities and supports of apartheid of conducting a campaign to discredit him by linking him with acts of violence (30)

in/....

in the country and challenged them to charge him in court with any such links. Rapport's advertising Manager, Mr Louw van der Merwe, yesterday referred reporters to the Editor of the newspaper, Dr W. De Klerk, saying that he had considered the document to be propaganda and had therefore passed it on to the editorial department for a decision. Dr De Klerk declined to explain the decision saying he would do so in his own time and in his own way. The UDF severed"

Never mind that little bit in the middle about other elec- (10)
tions.

"The UDF's effort to place the advertisement followed suggestions that UDF supporters were behind violence which erupted at the first election meeting held at Labour Party in Cape Town on Monday. The document said that the organisation had made its stand on violence very clear. We stand for peaceful change in South Africa. At an anti-election meeting at the University of Cape Town this week Dr Boesak said that his stand on violence had long been on record. His resistance (20) to the government was based on his commitment to non-violence democracy."

-- Sorry it is at the University of the Western Cape.

Oh of the Western Cape, I am sorry.

"In an interview later he stated this view and sticking his neck out because increasingly people in South Africa believed violence was the only way of achieving change. To those who called on him to clarify his stand he said of the fifteen patrons of the UDF he was the only one being challenged. It was clear a campaign was (30) being/....

being conducted against him specifically. He was sick and tired of pro-government media linking him to acts of violence and of accusations of the UDF critics who supported the new constitution."

Now this was in July 1984. What do you say to the allegation that the campaign that you were then conducting for people not to participate in the Coloured and Indian elections of August 1984 was for the purpose of creating disorder or fermenting revolution or making the country ungovernable? -- I deny that completely. Our position publicly, had been stated (10) publicly that we did not advocate the use of violence at all.

MNR FICK: Edele die Staat het nou geluister na My Geleerde Vriend oor BEWYSSTUK DA.78. Die basis wat gelê is dat, soos die Staat dit verstaan het dat hierdie getuie beswaar gemaak het en die vlag aan Rapport wou gegee het en die, advertensie by Rapport wou ingegee het maar Rapport geweier het en hy beswaar gemaak het. In hierdie dokument dit is nie hy nie, hier is geen basis gelê dat hierdie getuie weet van hierdie berrig nie, dat hy weet Jonathan de Vries gesê het nie. En daar is 'n deel van die berig gaan ook verder hoorsê, dit (20) gaan oor wat Dr Allan Boesak sou gesê het. Nou die Staat maak beswaar, dit kan nie op hierdie basis ingaan nie.

COURT: Yes Mr Bizos?

MR BIZOS: My Lord I would have thought, with respect, that it is clear that the State's case is that the UDF was a violent organisation. Previous witnesses were challenged why did you not at the time that you were saying that you were fighting for your freedom or that revolutionary changes had to come about in South Africa not say that you were a peaceful organisation. This was put to a number of witnesses. (30)

What, /....

What, particularly to Mr Molefe. What we have undertaken to do is to support the evidence of Mr Molefe that it was not necessary for the UDF with monotonous regularity to say that we are a non-violent organisation because it was understood and Your Lordship received editorials and other reports at the time and every statement that has been made for or on behalf of the UDF publicly to support Mr Molefe's evidence that it was generally known that the UDF was conducting a lawful and non-violent campaign, every public statement that has been made, is admissible. The State has sought to try (10) and persuade Your Lordship during the application for a discharge at a time when this material was not before Your Lordship that look at it they speak about, in the V series they speak about fighting and revolution and in fact if I recall correctly we were asked to point to passages where we said but we are, we are doing it peacefully. Well we could not do it in the selective material that was placed before Your Lordship by the State but we intend doing it at the end of the case, if we are allowed to put this material before Your Lordship that no opportunity was lost in fact to say that the UDF (20) was conducting its campaign in a lawful and non-violent way and that is the basis upon which it is tendered. Not on the basis that the witness has personal knowledge that this is what Mr De Vries said but that there was wide publicity in a newspaper such as the Rand Daily Mail on 27 July 1984 holding forth that the UDF is a lawful organisation doing non-

COURT: Strictly speaking Mr Bizos as far as this particular article is concerned, you can of course prove it by calling a person from the Rand Daily Mail just to say that this is what we published, I do not want us to go through those (30) proceedings/....

proceedings, I think it is admissible to prove this type of material to show what the public image is or was that the UDF intended to create and on that basis I will admit it but I do not think strictly speaking this document, in the form in which it is at present tendered, is admitted.

MR BIZOS: Well we are going to ask, as we did in the past, My Learned Friends to admit that this appeared in the Rand Daily Mail.

COURT: Well the moment you have that admission the document is in. At the moment I retain it and I keep it under this (10) number.

MR BIZOS: As Your Lordship pleases. I have no reason to believe that a similar admission that was made towards the end of the State case will be made in relation to these documents, we do not want to call the State Librarian where all these newspapers are kept on microfilm but if we have to, I am sure that it will not be necessary. As Your Lordship pleases. Now as far as the meetings which you did attend and which are reported on in the V series I would like to ask you a few questions Mr Lekota. Would you say that the videos (20) that have been presented in evidence are a complete record of the proceedings that occurred at those meetings? -- In the case of some I am able to say that they are certainly not a full record of what took place at the proceedings. In the case of others I am not in a position to say that. I cannot attest to their correctness or incorrectness really.

And as far as your own speeches are concerned are you able to remember precisely what you said at those meetings? -- Even with regard to my own speeches I would not be able to say that I certainly said this or I did not say that. (30)

Especially

Especially with, because at some of the speeches have been delivered a long time ago and the themes of some of them would have recurred in other speeches elsewhere. So even in that regard I cannot firmly say that this is what I said and this is what I did not say with some of the issues which arise there.

I want to deal with some of the topics that the State has chosen to highlight in its indictment arising out of your speeches Mr Lekota. Would you please have a look at V.14, have that before you and I will ask you a few questions. (10)

Please have a look at page 40 and subsequent pages where you give the history of the struggle, to use your own words. Now the State alleges that this history given by you from page 40 onwards was given in order to popularise the African National Congress. Now I do not want you to read because His Lordship and the Learned Assessor can read what you said but what I do want to ask you is this, did you do it for the purposes of popularising the African National Congress or did you do it for some other reason? -- I did not do it for purposes of popularising the African National Congress. My approach (20)

is generally that if the present South African situation is to be understood, properly understood, it must be seen against the backdrop of the history of our country so that the past helps to explain the present and that in the same spirit if we are going to move from where we are today and go forward it will be the present correctly understood that will guide our steps forward. My reason therefore was more in terms of presenting as correct an understanding of the present as is possible, even explaining properly why we objected to the so-called new dispensation. Unless we place it against the (30)

background/....

background of the history of our country. Our objections would not have been properly understood. For instance, if I may take an example, the fact that we were saying that we would not begin to give the Koornhof laws a chance or a try was based upon the fact that when in the past the government has presented certain political models to us and those had been put to a test they had consistently failed and in our judgment the new dispensation was no different. It was a model that was presented by the government and already we could see serious gaps in it and we did not see any need to waste time trying it. (10) Now to explain that, for people to understand that that is so it was important to go back and illustrate the reasons or the course which history had taken before. That was really the reason why.

We know that the African National Congress was formed in 1912 and it was declared an unlawful organisation on 8 April 1960. Would it be possible for anyone to explain the history that you have referred to by leaving out this chunk of South African history Mr Lekota? -- It would have been impossible, completely impossible because quite evidently the period (20) that is covered by the presence of the African National Congress before it is banned is a particularly long period of our history and not only that, most of that period of time until 1960 the African National Congress was the most representative African organisation and it, as far as I am aware, is the one that did make more efforts than any other that I can think of at the time, to raise the issue our political rights with the government. It had served in the Native Representative Council, Congress leaders had also been in the Native conferences of the 20's. At the time when our people protested against (30) Bantu/....

Bantu education and the other legislation, apartheid legislation, in the early 50's it was under the leadership of the African National Congress. So that it represented a very important period of our history. In fact without that history we had no point of reference as to what non-violent methods of struggle had been there in the history of our country for ourselves.

You also refer in setting out this history to the adoption of the Freedom Charter in 1955 and the treason trial that ensued thereafter. Did you feel that it was possible to (10) leave that part of the history out when dealing with this matter? -- As far as I was concerned it was impossible to leave it out.

The other matter that the State has highlighted is that you refer to the new constitution as being a recipe for violence in disaster and that you indicated that even the inclusion of the African people in a new constitutional dispensation along divided Cameral system would not be acceptable.

I want you to please have a look at V.8 page 3 and subsequent pages and V.9 and subsequent pages and to confirm or deny (20) whether or not this was in fact

COURT: Just a minute, V.8 page 3?

MR BIZOS: And sequence, and V.9 page 5.

COURT: Page 5 and sequence.

MR BIZOS: I want you to just glance at it and confirm whether this was your view and your prediction? -- Is there any specific ...

Well just ...

COURT: V.8 page 3.

MR BIZOS: Page 3 and onwards, whether you deal with this (30) question./....

question. My Lord could I ask you to correct the page on V.9 to page 7 instead of page 5. -- It is correct that from page 3 onwards I deal with the question of the, of our rejection of the new constitution, the reasons why we reject it. And then of course I deal with the question of the kind of leadership that we would like to see for the country.

Is that on page 4 of V.8? -- That would be on page 4. We dealt with that question.

And you read out that passage? -- Yes.

Right. Now I want to take those passages together (10) with ... -- Shall I have a look, what page did you refer me to on V.9?

V.9 page 7 at the bottom of the page, and subsequent pages. You say there "Now I want to say to you that even the new Constitution .." etcetera to the top of page 8. -- Yes.

Was that your view at the time? -- That was my view and I did make that point, put that point across on a number of occasions.

Right. Did you take an opportunity of coupling that with what you in the UDF wanted instead of this new dispensation (20) that had been offered? -- I did so. I put forward that point, our rejection of this, and at the same time told the public meetings that I addressed what it is that we saw as an acceptable alternative.

And is that set out in V.16, page 43? The last paragraph and the first paragraph on page 44. If my memory serves me correctly My Lord these passages were referred to previously? -- That is correct.

Bottom 43 to the top page 44.

ASSESSOR (MR KRUGEL): On the 11th, yes. (30)

MR BIZOS://....

MR BIZOS: Not?

COURT: We dealt with this.

MR BIZOS: Oh we have dealt with it, as Your Lordship pleases.

Now I want to deal with those passages together with what is said in Volume 17 page 46, it really starts at the bottom of page 45 with just two words "So our alternative", on the top of page 46. We have dealt with that passage as well? -- Yes.

And having done that and the evidence that you gave relating to the calling of a national convention Mr Lekota what do you say to the State allegation that where you say (10) "this is the way to avoid bloodshed, this is the way to restore peace", when you were saying that you were really calling upon people to commit acts of violence or to take part in revolution? What do you say to that? -- I think it a complete distortion of what I intended to convey to the public. The point and the reason why I pointed to this is that as I had indicated through my historical examples the continued refusal to include the majority of South Africa's population in the government of the country had frustrated large sections of the population of our country, leading with the banning of the African (20) National Congress and the Pan African Congress in 1960, leading directly to sections of the population resorting to armed methods of struggle. I was speaking to public meetings where I made these remarks at a time when there were signs that armed conflict was increasing in our society. There were several bombs and very many innocent people were getting tragically injured and as I said in Ladysmith on 1 August 1984 when we go into buildings or when we go into trains we are no longer sure whether we will come out alive. We do not know whether somebody has not planted a bomb there and so (30) on./....

on. It will not, when it does explode it does not choose whether you are a White or you are a Black, it takes all of us. The fact is that our society as I saw it was moving in a direction in which all of us were going to find ourselves in a very unsafe country. My reason for stating these issues was so that others should join and support the United Democratic Front in its effort to persuade the government and pressure it to abandon their policies of apartheid because we saw those policies, and we see those policies, as being at the very base, the foundation of the conflict in our society. That was the(10) the reason why, not so that I could say to people that they must work and they must create revolution. In any event my words are quite clear. They state clearly that we do not want to see bloodshed and I do not know, unless people did not understand English I do not see how they could have understood that to mean that we want you to take up violence. I say we do not want to see bloodshed, we do not want to see the deepening of the conflict. It is clear what I am saying is we must make efforts to pull the government in the direction in which this kind of thing will be gotten rid of. That is(20) our position and that is the position that I wanted to communicate that I am sure my colleagues in the National Executive Committee of the United Democratic Front sought to communicate to the public.

There appears to be an express or implied suggestion made to Mr Molefe in cross-examination that the analysis of facts or the prediction of dire consequences is to be equated with an incitement or urging people to commit acts of violence or a threat, or a threat of violence. What do you say, did you ever intend a threat or an incitement to violence? -- It (30) has/....

has never been our intention to threaten anybody with violence. We in our thinking there is a world of difference between a threat where one says you do this or else and a prediction, an indication of what might happen independent of us that if we do not get rid of apartheid it might cause us this. If we do not change these policies it might cause us bloodshed in the country. That is a prediction. It is something that can happen independent of what we ourselves are going to do and we were indicating this in that spirit and I think even in some of the press cuttings that we presented to the Court earlier on people like Chief Buthelezi for instance indicated that as far as they were concerned they saw the new constitution as a recipe for violence. Now that did not mean that they were now going to organise for violence but what they were saying is that they are conscious of the frustrations that apartheid cause sections of the population and that these sections of the population increasingly would move in the direction which they adopt these desperate measures of resistance.

These predictions or analysis, were they confined to Black people at the time Mr Lekota? -- They were by no means confined to Black sections of the population, they went right across. One found people in the White community, or White politicians themselves, making similar comments and warning against this. Much earlier I recall, well as early as the 70's I recall that the late Prime Minister and later State President B.J. Vorster had made the point that unless something was done to satisfy the aspirations of the Black section of the population the consequences for the country would be too ghastly to contemplate. At a later stage, I think it was in 1982 or something, /....

something, I remember reading from Die Burger and the Sunday Times I think at the time when the present State President made the point that whilst White South Africa, or the people of South Africa must either adapt or die. Now he was not threatening them but the point he was making at the time was that here is a conservative party which was resisting his talk of reform and he was saying that if we do not adapt to new conditions and attempt to change some of the policy aspects of our government the country may find itself in a situation in which very many people would lose their lives. His words (10) were that one must either adapt or die. We were not saying anything new that had not been said by other politicians and that was not being said by other politicians at the time.

The other basis upon which the State alleges that you furthered this alleged conspiracy was because you spoke of the Freedom Charter. Would you have a look at V.14 page 44 and subsequent pages. Did you in fact speak of the Freedom Charter? -- Page?

Page 44 of V.14. Do you recall that meeting? -- Yes I recall this meeting and I recall that I said something (20) about the charter. I think this is correctly stated here.

And we notice that this was Transvaal Indian Congress meeting. Had the Transvaal Indian Congress adopted the Freedom Charter? -- That is correct. As far as I know the Transvaal Indian Congress had been part of the South African Indian Congress which had adopted the Freedom Charter in the 50's, in itself in any case up to this point of time it continues to subscribe to the Freedom Charter.

And was the Transvaal Indian Congress one of the founder members of the UDF? -- That is correct. (30)

Did/....

Did you consider it appropriate or inappropriate to speak at the, about the Freedom Charter as part of the history of the struggle at this meeting? -- I did not consider it as inappropriate.

I want to generalise the other things that you said at the meeting without referring to specific meetings but as the State has generalised it I want to ask you about each one of these generalisations Mr Lekota. Firstly the State alleges that these meetings were held to promote the UDF-ANC conspiracy to overthrow the State by violence. What do you say to that?(10) -- I deny any knowledge of a conspiracy between the UDF and the ANC and the purpose for the meetings was never for the promotion of such a conspiracy.

Do you say that the purpose of these meetings were to incite people to violence in furtherance of that ANC conspiracy? -- That is not so. I deny that.

The further general allegation that is made is that the government was repeatedly maligned, brought into disrepute, was referred to as undemocratic, dishonest, unlawful, the indictment alleges but I think that in view of His Lord- (20) ship's remark I think that illegitimate would have been a more appropriate allegation, immoral, racist, cruel, un-Christian and selfish. Well what do you say, were these things said at this meeting? -- It is correct ...

At these meetings I am sorry. -- Yes. It is correct that at these meetings the government was variously criticised, not for purposes of promoting the conspiracy. We would in those meetings have said that the government is undemocratic in the sense that as far as we were concerned the government was carrying on programmes of reform without consulting and (30) taking/....

taking into account the views of the majority of the population of the country. We would have criticised the government as being illegitimate not of being unlawful but illegitimate in the sense that it did not represent the majority of the people, it was a government that was placed there by a minority section of the population of our country. That would have been the main thrust of our criticism. It would also have been criticised, what was the other term.

Well let us take them one by one. Immoral? -- It would have been criticised as immoral insofar as morality would (10) have dictated that democracy is a certain procedure and that the government was not pursuing that. It was pursuing, you know, government by the support of a minority and in fact violating the principle of democracy which says that the majority must determine this. It would also have been criticised on that, in that regard due to the fact that apartheid had already been declared a heresy, it had been rejected by the churches of the world and only as late as 1982 the World Alliance of Reformed Churches had actually come out to state clearly that apartheid was a heresy and in conflict with the (20) word of God. So that people would have taken that outlook and criticised the government on the basis that the confessing churches had stated the matter and that in fact it had become part of the articles of faith of some of the churches.

Yes, I think, racist? -- It would have been criticised as racist certainly for the simple reason that the government had chosen to ignore the aspirations of races other than the White race upon which it drew its own support and that even that in conflict with the international, the declaration of the United Nations Charter for instance and other (30) international/....

international conventions which since the second World War have made it quite clear that all men, whatever their racial origin, are equal. The government would have been seen therefore to pursue a policy of racism which the World had decreed was unacceptable and which we ourselves find unacceptable.

Cruel? -- Yes, certainly cruel yes.

Do you want to add anything to that? Was the government referred to as cruel at the meetings that you attended? -- Oh yes. The government would have been accused and criticised for its cruelty. This would have involved instances like (10) for instance where many Black communities in particular had been uprooted from their areas of settlement and taken away from there and dropped in some open veld somewhere, there to begin to eke out a living. The government would have been criticised as cruel for operations for instance of the Administration Boards in areas like Crossroads in the Western Cape, KTC, where a times in the middle of winter plastic shacks were smashed to the ground and women with children were left without any shelter of any kind. It would have been criticised for cruelty also for such laws for instance as those (20) which entailed detention of people for long periods without trial and sometimes just being arrested and detained and being released afterwards without any charges being brought against them. All of these, all these forms of actions would have been criticised as cruel. Sometimes the suppression or the shooting of people as in the case of Soweto in 1976 when people objected against the enforcement of the Afrikaans medium of instruction and very many lost their lives. Cruelty would have been invoked in that connection.

Selfish? -- The government would have been criticised (30) correctly/....

correctly as selfish. Insofar as those of us who came from the underprivileged communities saw the White section being given certain privileges by the government and a lot of those things which made life meaningful being denied to the other sections of the population. That would entail things like job reservation where some the jobs were closed to us purely because we are Black and those jobs being left open for the select White group. Where for instance in the case of the educational and professional fields certain areas of training, like engineering and so on would be open only to the White (10) section and be denied to us. When it came to the appointment of people for instance to the judiciary of the country, prosecutors and so on we would not be appointed purely because we were Black and only White people would be appointed to be Judges, to be Prosecutors and so on. That would, insofar as we were concerned was absolutely selfish. The government would also have been criticised for selfishness with regard to the fact of the denial of possession of land by so many of us where you find that only a small portion of the territory of South Africa is accessible to the other populations of the (20) country and the other big portion of the land, of the country, is available to our White compatriots alone. So this selfishness would have arisen in circumstances of that nature and very many others perhaps which I have not even mentioned at this point in time.

This criticism, sometimes in scathing terms, was this peculiar to the UDF at the time? -- It was certainly not peculiar to us. It was the kind of criticism that had been made long before some of us came onto the scene. It was being made even at that time in other quarters other than the (30)

United/....

United Democratic Front.

To finish off this section there was also, according to the State, an accusation of dishonesty. Do you want to say anything about that? -- Here and there I believe some of us would have raised the question that the government had been dishonest with, because it was dishonest. That would have arisen for instance I have given earlier on the cases when the government has from time to time advanced political models promising that now this political model will satisfy your needs and then of course you know in time we have come to (10) find that what we have been given was a cow that had no milk. The government would have been criticised in this regard for such things as for instance where it knew or where our people had made clear their objections to certain measures that the government was taking. It would ignore them and it would insist that no because maybe one or two of its willing puppets had said so then that is what the Black majority wanted. For instance in the case of the leaders of our people if we said the government would come with people who had hardly any supporters in our communities and say now these are your (20) leaders, or these are the leaders of the Black people even where our people had made it quite clear who their leaders were and this would be absolutely dishonest inasfar as we were concerned.

COURT ADJOURNS FOR TEA. COURT RESUMES.

C.913 MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: The other matter charged in the indictment Mr Lekota is that you used the cost of living and other day to day issues in order to further this conspiracy. What do you say about that? -- I deny that. (30)

As/....

As I have already indicated earlier where issues such as GST, high rent or any of the other day to day concerns of communities were taken up it was simply because those of our affiliates who were concerned with those issues wanted to gain certain benefits, direct benefits for their communities and because those were real and genuine sources of concern to those communities. We had no intention to use those for any reason.

It is also alleged that you used what is called separate development in the indictment, the Group Areas Act and detention without trial, criticism of those matters in furtherance (10) of that conspiracy. What do you say to that? -- I deny that. I think I explained any, on how some of those issues were perceived and it is only because of those complaints that we had with regard for instance to Group Areas, force removals, detention without trial, it is because of the reasons that I stated earlier on that we did raise criticism in that regard, not because we wanted to use them for any revolution.

Right. Now I want to deal with the other topic that the State alleges in some detail Mr Lekota and that is it is alleged that at these meetings the ANC was popularised and (20) the people were conditioned at these meetings to accept the ANC as their organisation, as the organisation which strives for the liberation of the masses and that it would be, that it the ANC, would be the probable alternative government of the people of the Republic of South Africa. So the allegation goes. Were the meetings used for this purpose? -- It is absolutely untrue that we used our meetings to popularise the ANC or that we organised our meetings so that we could use them to popularise the African National Congress. Where the African National Congress would have featured in our meetings (30)

it/....

it would have been in the context that I indicated earlier on.

Historical ... -- Historical, purely historical. Insofar as referring to some of the non-violent actions or activities that they would have undertaken.

Yes. -- Or it would have been in the context in which we would have been dealing with the call for a national convention and the need to involve even those organisations which have decided to use armed methods of struggle, to draw them into the process of a non-violent constitutional settlement.(10) There we would have made the point that unless those organisations were involved it would be difficult to, it would be impossible to do away with their armed activities. Let me put it that way. So that for ourselves we had no need to popularise the African National Congress or any of the banned organisations. I think it is also correct that I should mention to the Court that the African National Congress, going by the polls for instance which were taken in the year that the UDF was operating had emerged in various polls as the most popular organisation in the Black communities, quite definitely.(20) I think in 1983 The Star conducted a poll and if I remember well either Nelson Mandela or the ANC got 82% of that poll. That really concerned Soweto, as to who they would vote for. In 1985 City Press ...

COURT: Is this admissible Mr Bizos?

MR BIZOS: As Your Lordship pleases, no I think we will ...

COURT: It is struck out.

MR BIZOS: We have admissibility problems in relation to that Mr Lekota. What I want to ask you is this though. You remember that when you spoke about the history of the ANC I stopped (30) you/....

you and I said that we would deal with the banning of the ANC and the attitude, its attitude to violence and I want to ask you about your personal attitude to it and the attitude of the UDF. The first question that I want to ask you is this, do you or did you during the period 1983 -1984 believe that the ANC in its then form, that is the 1983-1984 form, could be written off or excluded from any acceptable constitutional plan in the country? -- No from my observation of the political scene at the time it was quite clear that the ANC was one of the important factors or, well factors at play in the (10) politics of our country.

Now there is an express or implied suggestion in the indictment and in the cross-examination of previous witnesses that because the African National Congress adopted a policy of violence on 16 December 1961 and thereafter it should be written off and no democratic organisation in the country should have anything to do with it. What is your view on that, your personal view on that? -- My personal view is that it is not something that can be done, it is not a wise thing to do but if we want to terminate the scale for instance (20) of sabotage and here and there and things like that it would be important to involve the ANC in the process of constitutional settlement so that we do not have sections of the population involving themselves in activities of that nature. I think that, and I say again with my observatino of the political scene the amount, what is apparently the measure of support it enjoys within the Black communities it would be difficult to persuade the Black communities that a settlement that was reached is legitimate if we did not involve the African National Congress in the process of reaching that (30) settlement/...

settlement.

Members of the UDF in these speeches have from time to time referred to Mr Mandela, Mr Tambo, Mr Sisulu and others as the leaders and on some occasions as "our leaders", some occasions as the "true leaders". Now was there any organic link between any of the people leading the ANC in 1983-1984 and the UDF? -- To the best of my knowledge there was no link of any kind formal or informal between the UDF and the African National Congress at the time since the launch of the UDF until I was arrested. (10)

COURT: What do you mean by an organic link? Can there be an inorganic link?

MR BIZOS: I wonder what I meant myself My Lord, it just sounded right.

COURT: I was wondering whether it had something to do with fertilizer.

MR BIZOS: It may be because of my hobby My Lord. Was there any organisational link, organisational or other link? -- There was certainly no link of an organisational nature that existed between the UDF and the African National Congress. (20) Perhaps the reason why people have commented about such leaders as Nelson Mandela and the others as the leaders of our people can only be understood if we take into account once more the history of this country. When we set up the United Democratic Front in 1983 the vast bulk of the support of the United Democratic Front came from the African, Indian and Coloured communities, the vast bulk of that support came from there. If we look at those communities we find that they had a very long history of political resistance to White domination or drive for rights to gain political rights. In that period (30) there/....

there had been men and women in all of these communities that I had mentioned who had distinguished themselves as dedicated strugglers for the democratic rights of our communities. Some of us were not even born when people like Chief Albert Luthuli, Z.K. Mathews, Nelson Mandela and others were at the head of the African National Congress. People like Oliver Tambo, they were just little children and so on. So what will find is that at the time when the African National Congress remained a legal organisation it was to a very large extent personalities and leaders in the African National Congress who had (10) gained prominence and who were therefore within our communities came to be accepted as the leaders of our people. I think when we were just little children growing up we would have heard, and I did hear some of my elders from time to time talking about Chief Luthuli as the leader of our people and also about the African National Congress. I recall that in the early 50's when my grandmother went to town to go and fetch her reference book and when she came back, we were then in the farms in the Free State, she, and she was telling about what had happened in town and she said that now the people (20) of the African National Congress were opposed to these passes and people did not want these passes because they had campaigned against passes long before. That was probably the first time I heard about the African National Congress. But the point I am trying to make is that we grew up hearing our elders, hearing older people talking about the African National Congress and talking about some individuals as the leaders of our people. Now when we set up the UDF in 1983 one finds that these are established people. We ourselves are products of those communities which see those people as their (30) leaders/....

leaders. It does not matter what we may think about it ourselves. We are not in a position to tell them that no that is not your leader, this is who your leader is. So I think in the real sense I think it was not because we had an organic relationship with the African National Congress ...

Organisational I think, I am sorry for leading you astray. -- Oh sorry, organisational relationship with the ANC. I think it was more the question of expression of the connection or the relation in terms of rules of origin and people saw them this way. I would not even say, I think I can (10) make bold to say that that did not mean amongst other things that the UDF supported the African National Congress with regard to the use of violence, certainly not. But on the question that for instance Nelson Mandela, Walter Sisulu, Kathrada and so on were in jail because they wanted the rights, equality of rights, in politics for Black and White, I think there is no question about the fact that our people are at one with them, that is correct for them and for that reason alone that people would regard them as their leaders and I am one of those people who regard them as our leaders with regard (20) to the question that they want equality of status for us, with our White compatriots. On that question I myself fully support them and I accept their leadership and their pre-eminence as the correct leaders of our people.

What do you say to the allegation that what was happening at these meetings is that you were telling the people that the ANC was the probable alternative government of the people in South Africa? What do you say to that? -- I deny that flatly. The very call of the United Democratic Front for a national convention denies this because we have said that the (30) national/....

national convention only in a national convention in which all the people of our country would sit together could they decide who will constitute the government of their country. We could not decide for the people of South Africa who will be their ruler. It must be the people of our country. They must be given that opportunity, they must sit together and discuss it and they must decide it themselves. And we never went further than that point. As I said last week we did not even have a blueprint, the UDF had not even adopted a blueprint of an alternative social order. Of course circumstances, from what I have read from the papers and other reports I have heard, the UDF has now accepted or adopted the Freedom Charter. So that of course does change things a little bit because it does mean that the UDF with a common programme can then of course stand as an organisation, it can campaign on the basis of that because it then actually means that all the organisations affiliated to the UDF have got a problem that they can put before the country and say we think South Africa should be like this. At that time it was not like that. We did not even have that so we could not say who would have been the rulers of the country. We did not, it was not our intention and we have never said that the ANC would be the alternative order or government in the country. But perhaps the furthest one can go is that possibly some of the members of the ANC would become part of the government of the country but one cannot take it further than that.

What I want to ask you is this, the expressed or implied suggestion in cross-examination is that since some of these people have been convicted of offences under the security laws of the country or because they are conducting a violent/....

violent campaign against the government outside the country now that you, personally, and the UDF should have rejected them out of hand if in fact the allegation in the indictment is correct. What do you say to that? -- I think that on the question of violence we have never had any problem with regard to that but on the question of the objectives of a democratic future, you know on that question we cannot, we do not find that we have any reason why we should reject that. We could not have been able to reject people who in the view of our communities have made more sacrifices than any one of our- (10) selves for the ideal of a democratic South Africa. At the national launch of the United Democratic Front the masses of our people who had come from various parts of the country when called upon to elect their patrons for the UDF they elected them and those were our supporters. We could not, and we had no intention of saying to them no we will choose for you who your leaders are. But they did say now look here are our leaders and those are the people that we want as our patrons. It was for us either to accept their choice or to abandon the UDF. As I have already said myself we ourselves had come (20) from communities in which the names referred to were household names and so that even for us, barring the question of the use of violence, were important people. Now ...

COURT: I wanted to ask you on this score, the patrons of the UDF who were at the time on Robben Island, that is you say they were convicted of political offences? -- That is correct.

Is there any one whose political offence did not consist of wholly or partially of violence? -- Well to the best of my knowledge the Rivonia people for instance had been convicted for the founding of Mkhonto we Sizwe. (30)

But/...

But was there not a plot to place bombs and things of this sort? -- As I understand the position the decision was to sabotage certain installations of the government, without taking human life or course. But there was a decision that there would be a sabotage of some installations of the government. I cannot give a systematic presentation of that.

So in their case violence was involved? -- In that case, in the sense that I have explained, yes.

Is there any one of the patrons who were at the time on Robben Island who was convicted but who did not have violence(10) as a component of that conviction? -- I think all the people who were elected from Robben Island onto the patronship of the UDF ...

Were the Rivonia trialists. -- Been the Rivonia trialists. So I do not know the specific facts.

What would you say if it is argued at the end of the case that if you adopt those people as patrons and you stand for part of their principles but not all their principles, if their principles are democracy and the method is violence should one then not say our principles are democracy but (20) non-violence? -- No I would, if that is the argument I would ask the Court to approach it from the position that we approached it. First of all from our point of view at the time when we elected them they were sitting in jail, there was no chance that they would be able to do anything that they wanted to do. The second point, and I think this is the most important point, the process by which the UDF was set up was not starting with the patrons and coming to the UDF. We first set up the UDF. We said what its policy was going to be, we stated what it would work for etcetera, etcetera. It was (30) only/...

only after, when we had decided that this is what the UDF is, this is what its methods are going to be, this is where it is going to be going to, only after that we said now who are the personalities, who are the people that we can elect as our patrons. To be a patron is not to be like an officer of the UDF. It is not like to tell the UDF what it must do and what its policy is going to be. It is just as good as taking from any organisation and asking a prominent personality in the community to give his blessing to what you are doing. Now he does not bring his own beliefs, his own faith to say now (10) this is what you must do and you must not do that and so on. He looks at what you say you want to do, what you yourself have chosen for yourselves and he merely says I think what you are doing is a good thing. That is really what this patronship is about. So that for instance right now the UDF has been set up, it has got its own policy, it has got its own document and so on. As Bishop Tutu does not do it, is our patron. So too is Dr Allan Boesak. Their patronship, and Dr Beyers Naude, their patronship all that it says is this they say we see that you have decided and that is the policy you have taken. We (20) heard what the UDF wants to do and so on, we think that what you are doing, as you have explained to us and as you have explained yourself to the public is the right thing. They are not our officials, they do not decide policy. We, they do not come to, when we have a National Executive Committee meeting they are not there to say now look this is what the UDF may do and what it may not do. Of course from time to time, I must say this to the Court also in honesty, that if there was an issue that arose and we felt that we were not sure you know what to do we are free to approach our (30) patrons/....

patrons and ask them for advice. How do you think maybe we should do this? We have been doing this and would like to do this. We are free to do that. I cannot remember specific occasion when we have done so but we are free to do that. So that the position of patron is really the position of a prominent member of the community who is asked to give blessing to what we the UDF had decided. Similarly therefore with the convicted leaders who were in prisons and so on. We did not see them as coming to tell the UDF that we must do this. They cannot do that. They have no constitutional standing to do (10) that for the UDF. The full responsibility of our activities and actions must rest on our shoulders and we must take the responsibility for them. Because even their advice, we are not forced to take it. We were free to take it if we choose and if we choose we can say no.

MR BIZOS: Now I think I owe it to His Lordship to place through you the, well I can say it directly that the Rivonia people were convicted of a conspiracy to commit acts of sabotage in contravention of what was then known as the Sabotage Act. It was the General Law Amendment Act of (20) 1962 My Lord if Your Lordship wants to ... But now the public image of that section of the public which you come from, was this conviction for, or could I use the expression for conspiracy to commit sabotage, was this pre-eminent, was this a pre-eminent factor in the reputation of the people that you appointed your patrons? -- No and it is important that perhaps I say to the Court that within our communities people, they know that Nelson Mandela and the other people have been convicted and they are in prison but what is foremost in the minds of people and people think about them, they do not (30) think/...

think about they were convicted and what they were convicted for. People think more about what is foremost in their minds, is what did they stand for. It is, it just happens to be in that way and when I came from Robben Island I can recall that even within my own family people were more concerned about what these people say about, you know what do these people think about our freedom. They do not think these criminals have done this and they are criminals and they were convicted, what were they convicted for, people do not think in that way. In a real sense I think it is correct that a martyrdom or perhaps (10) hero worship does not reason things out in all that systematic fashion. People may know that a hero has done this and that but the most important thing which they place foremost in front is what they think is a good thing about the hero.

We have shown His Lordship EXHIBIT DA.70 in which the Minister of Constitutional Development and Planning is reported to have said that the ANC violence of the 60's was "begryplik", understandable. Do you share that view or do you go further or do you condemn outright what the leaders, well the people convicted in the Rivonia trial did? -- In my own mind I (20) think I share the Honourable Minister's views on the conditions, circumstances, as have been explained to me and as I have read about them. Those circumstances were there and that they forced people to resort to those methods. I am not saying that that should be encouraged. He does of course, the Honourable Minister does say that he thinks conditions have changed and that there has been created structures for the expression of the views and feelings of the Black community. On that point I must say that with regard to the establishment of structures for our expression I disagree. (30)

I/....

I think that there has not yet been established satisfactory structures which enable us to fully behave and to participate...

COURT: Let us not debate the present constitutional position in this case.

MR BIZOS: Yes I think it is too fresh off the Press to ...

COURT: Well we do not want it to get too fresh on the press. It is not relevant at this stage.

MR BIZOS: Yes. Now the idea of the leaders that you referred to as "our leaders" or the leaders of the Black people taking part in the national convention, of people in exile taking (10) part in the national convention, were those calls made in the furtherance of the conspiracy that is alleged by the State Mr Lekota? -- No they were not made in furtherance of any conspiracy. They were made in fact as an alternative that we saw as capable of resolving our political problem in the country. For many of us, let me say, the method of a national convention is perceived as a method that has the capacity to represent very many people. It is particularly important because the national convention is a method that has been tried and that has been used successfully in the history of (20) our country. After the Anglo Boer War at the time when feeling was running very high the Afrikaner and English sections of our country came together in a national convention and successfully resolved their differences on the issue of the government of our country. We are convinced that a method such as that one, that has been tried and tested in the history of our country, deserves first preference to any other method. We also are attracted to the call for a national convention because apart from the United Democratic Front, in fact before the United Democratic Front made that call in 1983, it had (30) been/....

been made variously by other sections and other groupings and organisations and this is something that we see as evidence that a national convention would enjoy wide support, particularly within the Black communities. Because if one takes into account that in 1959 history records that for instance the then Chairman or President of the South African Institute of Race Relations raised this suggestion. The following year, or rather in 1961 African organisations came together in the all in African conference in Maritzburg and they too made a call for a national convention and then in the same year (10) Coloured organisations came together, or organisations from the Coloured community came together in Malmsbury in 1961. They too made a call for a national convention. One could cite a number of other examples, like the Labour Party and so on but the point I am trying to make is that as far as we are concerned, and what motivated us above all was the fact that the call for a national convention appeared to be the kind of call that enjoyed wide support within our communities and therefore that it stood the best chance of success. It was not like coming with something which people had not expressed themselves on before. (20)

In relation to the allegation that the calling for the release of Mr Mandela and others was, as part of the campaign to further the conspiracy alleged in the indictment, were you in the UDF during 1984 and 1985 the only people calling for the release of Mr Mandela? -- No we were not the only people who were making this call. Much earlier, in fact in 1981 already some of the homeland leaders had made this call. Chief Matanzima for instance, in the case of the Transkei, had made the call and even offered to accommodate Nelson (30) Mandela/....

Mandela out there. At the time when the UDF was campaigning like that a number of other organisations were making similar calls. So for instance Chief Buthulezi had made the call at the time. I think Chief Enos Mabuza also had made a similar call.

Do you recall whether Mr Mangope had made any such call?
-- Oh yes, Chief Mangope made a similar call. At a later stage he followed that up with an offer I think to bring the government and the ANC together to negotiate. So there were very many of these calls that were being made. (10)

I want you to please have a look at a cutting from the Rand Daily Mail of 22 February 1985. Tell us whether you recognis it? -- I recall this article.

DA.79 My Lord. I want to read the whole of this article and then ask you a number of questions about the public perceptions at the time in relation to Mr Mandela and the African National Congress Mr Lekota. -- Yes.

It is headed:

"I was consulted about Mandela says Mangope."

By Patrick Lawrence, the Political Editor: (20)

"If the imprisoned African National Congress leader Nelson Mandela was released without restrictions on the exercise of his political rights he would seek fulfilment of his political aims through non-violent means President Lucas Mangope of Bophuthatswana has predicted. Chief Mangope disclosed in an interview with the Rand Daily Mail that he has been consulted by the South African government on whether it should release Mandela from jail. When the South African government spoke to me on this issue they did not mention that (30)
conditions/...

conditions would be laid before Mr Mandela to accept, he said. My view was that Mandela would be released, that would still be my feeling ...

-- Should be.

"Mandela should be released. That would still be my feeling. When the release offer was discussed with him last year Chief Mangope understood that Mandela would be free to engage in political activity once released. President P.W. Botha has since made a release offer conditional on Mandela formally renouncing violence (10) as a means of achieving political ends, a condition rejected by Mandela partly because it was not based on a similar renunciation by Mr Botha. Commenting on the apparent impasse Chief Mangope, officially recognised leader of South Africa's more than two million Batswana said 'I don't see the need for Mandela to renounce violence. If he is free to engage in political activity he would automatically not see the need for violence.' It was put to Chief Mangope that Mandela would only come to that view if the ban on the ANC were lifted (a (20) condition which the ANC leader himself laid down in an interview with a British peer Lord Bethel as a necessary pre-requisite for ending the ANC armed struggle). Chief Mangope, however, saw Mandela's release as the catalyst which could lead to the lifting of the ban on the ANC. The freeing of Mr Mandela would make it possible for the South African government and the ANC to talk and that would result in my view in the unbanning of the African National Congress he said. One would lead to the other. If he were allowed to engage freely in political (30) activity/....

activity in what capacity would he do that other than that as head of the ANC. Asked for his assessment of the ANC President Mangope replied 'I have said on several occasions that any reasonable Black man would subscribe to its policy minus the violence. They have always stood for what we stand for but perhaps our way to achieve the end result is different.'

Now the views that were current during 1984 and 1985 in relation to the release of Mr Mandela, the views in the UDF, did they substantially correspond with those expressed by (10) Mr Mangope? -- That is correct. Many of us saw the release of the leaders of our people as one of those steps that would open up the process of non-violent peaceful constitutional processes that would lead to an acceptable settlement and it was in part as a result of that perception that the call for a national convention was made and that the release was attached to the call for a national convention. The Court may perhaps remember that with regard to some of the meetings I did point out that we were confident that once the government created the necessary atmosphere for discussion of a constitutional(20) settlement we were confident that everybody would go for a peaceful constitutional settlement of the problems of the country. We did make that point from time to time and I think it tells very well with what was expressed by Chief Mangope.

You have seen, have you seen cuttings by Mr Matanzima and Mr Mabuza to a similar effect in relation to the release of Mr Mandela? -- That is so.

My Lord I may say that the one is before and the one after the period of the indictment. I for that reason do not tender them.

(30)

COURT:/....

COURT: You might open the floodgates of State evidence.

MR BIZOS: Yes, as Your Lordship pleases. Now what do you say about the gravamen of this last paragraph, that any reasonable Black man would subscribe to its policy minus the violence? In the community that you come from is the ANC the anathema that it appears to be in certain other quarters in relation to its policy? -- No within our communities the ANC is, the ANC policy as set out for instance in the Freedom Charter, is possibly the most acceptable document, or that is as far as I am concerned it is, and barring the question of (10) violence people are keen that what is put forward, namely the question of sharing political power, the question of Black and White sharing South Africa, as equals, as brothers, compatriots, is an idea that is cherished very closely by very many people. So that I am quite certain that Mr Mangope's remarks here fully reflect perceptions and feelings within our community.

Now one of the allegations made against you and your fellow accused is that you made a platform available to Miss Zinzi Mandela to read out Mr Mandela's response to the (20) State President's offer to release him to be found in C.41, attached to the letter of C.41. Now do you recall for what purpose that meeting was called? -- The meeting at which Nelson Mandela's reply to the State President's offer of conditional release was read was organised for purposes of celebrating the Nobel Peace award to Bishop Tutu. That was the purpose for which that meeting had been organised.

I want you to please have a look at a document bearing your name dated 5 February 1985 and tell His Lordship whether you know anything about that. -- I drafted this statement (30) and/....

and it was on the date referred to, on 5 February 1985.

And at the time that you, if Your Lordship receives it it will be DA.80. At the time that you drafted this press statement did you know that there would be a request to you to allow the platform to be used for the response of Mr Mandela? -- No, at the time when the statement was issued we had no so knowledge that the issue of the conditional release of Nelson Mandela would arise and I wrote the statement to present to the public the purpose for which the meeting was being called. (10)

And was this, I do not want to read it into the record, it speaks for itself. Was this in order to give an opportunity to people to celebrate with Bishop Tutu the award of the World Peace prize to him? -- That is correct.

Now do you recall whether or not after the President's offer was made whether or not there was any speculation as to whether Mr Mandela would accept the conditional offer or not? -- Yes there was a lot of speculation. In fact the speculation arose from the fact that there had also been other offers made before that time so this offer merely brought (20) to life debates which had been going on before and so there was a lot of speculation about whether he would accept or whether he would not accept. And everybody, a lot of people, organisations and so on, were expressing themselves on the question.

Did you know that there had been a request to your co-accused Mr Molefe, accused no. 19, to allow the response of Mr Mandela to be made at your meeting called for 10 February 1985? -- In fact what happened is that both accused no. 19 and I were invited to the home of Mrs Mandela in Soweto and (30)

she/....

she raised the issue with us there, that in view of the coming meeting the family would appreciate it, would have liked it if the reply of Nelson could be read at that meeting. In fact it was presented as a request he had made. So that is how the matter came to us.

Had there been publicity of the fact that you were going to honour Bishop Tutu on the 10th? -- There had already been a lot of publicity about the fact that we were going to honour Bishop Tutu on the 10th and in fact when we went to Mrs Mandela's house, when we were invited there, we had, we (10) ourselves had already expressed an opinion that was published in the papers about whether Mr Mandela would accept the offer or not and she raised a complaint about what we had said there.

Yes. Well is your statement part of the speculation? -- Well yes it was and she felt that we should have stated quite clearly that in fact her husband would not accept it and that our replies seemed to be uncertain about it.

Did you offer the comment or were you approached to comment upon it? -- We did not offer the comment, we were (20) actually inundated with requests from the press. The newspaper people came to us and they were asking the opinion of the UDF and they said the opinion of the UDF was for them important because Mr Mandela was a patron of the United Democratic Front and I am not trying to suggest that we were particularly reluctant, we were approached by the papers and then we offered that.

Yes.

COURT: Have you ever seen a politician that is reluctant to speak to the Press? -- On some issues, yes. (30)

MR BIZOS:/.....

MR BIZOS: Now there was a suggestion in the cross-examination of Mr Molefe, accused no. 19, that the allowing of the use of the platform and thereafter you sending the text of what Miss Zinzi Mandela said to all regional secretaries under cover of a letter of 12 February 1985, it is EXHIBIT C.41 My Lord, was really in furtherance of the conspiracy to continue the armed struggle, if I understood the question correctly. What do you say to that? -- I deny that flatly. First of all there was a little while coverage by the press and other media agencies of the statement when it was read at the Jabulani (10) amphitheatre. Secondly our understanding, in our understanding the statement was not an encouragement to go on with violence or to use violence and we were of course quite interested that our own people, that is now attached to the UDF should surely understand, correctly understand what had been said or what the statement contained and we did not, which we did not interpret as encouragement to the use of violence.

Well could you have a look at page 2 of the annexure to C.41.

COURT: Are you referring to page 2 of C.41(2), document 2? (20)

MR BIZOS: Document no. 2, the statement itself.

COURT: That is document 2 of C.41.

MR BIZOS: I am sorry, I had a note that it has been marked document 2. Now there has been a suggestion how could you have such a man as your patron and a man who has espoused violence. You have told us that you spoke to him about his participation in these matters whilst you were on Robben Island. I want to refer you to the middle paragraph where he says:

"I am not a violent man."

What is the perception, what is your perception and if you (30)
can/....

can what is the perception of the people in the community that you come from in relation to the character of Mr Mandela in this regard? -- My own perception is that Nelson Mandela is, would be more at home with non-violent constitutional means of resolving the problems of our country. As I have understood the man it was really the desperation and the dark mood that beset our communities after the banning of the African National Congress that pushed him to resort to armed methods of struggle. He, in my judgment, is a man who is very proud of the fact that in 1952 he was the volunteer (10) in chief in the defiance campaign in which non-violence was emphasised so much and he has great admiration for the men and women who joined him in the defiance campaign in 1952. He is I may mention a lawyer by profession and he is constantly conscious of doing things in an orderly fashion. Now I have seen Nelson intervene in hunger strikes or in disputes between prisoners and the administration and seeking to create a situation of understanding. So I am quite convinced in my own mind that where a process of negotiation set in motion and he was convinced that the government was serious about (20) resolving the problems of our country non-violently he would do so. I noticed also in this statement that he actually says at some point of the State President, he says:

I think he think he speaks of the State President at the bottom of page 2. -- Thanks. He says there of the State President, he says:

"Let him say that he will dismantle apartheid."
He does not say, he says "Let him say that he will dismantle apartheid", and even his complaint in the course of the statement is that the ANC must be unbanned. He says now (30)

I/....

I mean what kind of freedom is it that I am being given if the ANC is not banned because I think, as I understand it, his concern is if he comes out and the organisation is not banned how is he going to participate in the constitutional processes that would have to take place. So both from what I have known the man whilst I served time with him on Robben Island and from what I have read from this I believe that Nelson would accept participation, indeed as he told Lord Bethel, so it was reported, that he would participate and he would be keen to participate in a non-violent constitutional process as long (10) as he was convinced that it would, the government was serious that it wanted to have it peacefully resolved.

What do you say to the allegation that was made to Mr Molefe that this statement really was a refusal to forswear violence, is that how you read it? -- No I think that is a misunderstanding and misinterpretation of the statement. In a number of instances here he cites some of the things which he sees as being, which show that there has not been change. For instance if we take page 2 of the statement, that is page 2 of the second document, he raises the question and he says (20) the following, oh I am sorry it is page 1 of the document, no, no I am sorry, I think I must take my time about this.

Yes. What is the subject matter then perhaps I can help, what is the issue that you ... -- He is dealing there with the question that now, you know how can he be released when apartheid is still alive and the passes are still, his wife remains banned.

Yes, look at page 3, the middle paragraph on page 3. --
Oh I am sorry.

Well it speaks for itself, is that what you are (30)
referring/....

referring to? -- That is what I am referring to. So one can see that really he is refusing not because he just wants to refuse for its own sake. He explains the reasons, he says that now my wife remains banned and actually in Brandfort. If I go out of here now and I wanted a job I would have to get a pass and then it would have to be endorsed and so on and the issue of the passes is an issue that has been a complaint of our communities for so long. And he says a number of these complaints and then he says it is worthless. I came here because I was objecting against those things, I cannot go (10) back when apartheid is still alive and so to say I would really be saying now apartheid was wrong then but apartheid is right today. So as I understand it the statement is not an, does not an advocate violence as such. It does state that the position, there is no justifiable change of conditions that gives me the right to say that now this thing has changed now.

Do you recall whether this statement was published in full or in part by what is now called the commercial press? -- It was published variously. In some papers in parts and in some papers in full. (20)

Do you know of any steps that were taken against any newspaper that published it in full? -- I have not heard of any steps being taken against any newspaper that did so.

Did you think that you in the UDF were doing anything wrong in publishing it to your regional secretaries and that they in turn should presumably publish it further? -- No I did not think that we were doing anything wrong. In fact when I got to know that the reply had, the lawyers had been there when it had been collected and so on, I thought it was perfectly legal and that it had been even allowed by the (30)

Prisons/....

Prisons Department and so I did not think of that there was anything illegal about it.

According to the perceptions of yourself and the community that you live in had Mr Mandela acquired any public reputation prior to his decision in 1961 to call for the use of violence? -- Oh yes as early, I think as early as the 50's he had already, in fact before the 50's he had been in the Youth League but more particularly in the 50's he had served in the executive of the African National Congress. So he was very widely and very well known and highly respected. He was (10) also one of the accused in the 1956 Treason Trial. He was very very well known.

Yes. Now in relation to his being mentioned in the speeches and having been the proposed patron of your, at your launch are you and the community that you come from aware of the honours that were bestowed on him which are summarised in DA.2(7), you remember the document that sets out the doctorates and other honours that have been bestowed on him? -- Yes I remember that quite well and

MNR JACOBS: Edele met respek hy kan seker sê wat hy van (20) bewus is maar nie sê wat is die gemeenskap van bewus nie tensy hy ondersoek by die gemeenskap gehou het. -- Speaking for myself I have seen publications of the honours that have been bestowed on him. Some of them were bestowed on him whilst I was still on Robben Island and the news of it came and the Prisons Department made them known. Generally he is very highly respected in our community. In fact I have sometimes felt that the international community and nations of the world have so honoured Nelson that we in our communities would be less than human if we turned our back on a man who is so (30) highly/....

highly respected for his contribution to democracy in our country.

The question which has been asked of witnesses prior to you taking the witness stand is have you condemned the ANC's use of violence Mr Lekota. Now we have produced a number of statements where this question was dealt with but leaving those aside what is your personal view in relation to the ANC's use of violence? -- I wish to state quite categorically that I think it is very tragic that the African National Congress has had to resort to these methods. It is tragic because so (10) many innocent people suffer in the process. It is also tragic because I think a lot of young people from within our own communities who would have made very meaningful and extensive contribution to the political field within our society are themselves being lost to our society because if they get arrested and some of them get hung and so on, potential politicians with capabilities are lost to our society. I understand, however, very firmly the depth of frustration of young people, young and old really, who look around themselves and see the life without any opportunities of a to- (20) morrow for themselves. Young men, young fellows and mothers who look around and see that they have nothing to bequeath unto their children except a state of political recklessness, as menial servants, denied opportunities of education, training and so on. I understand those frustrations and for that reason I am not in a position and I have reserved my condemnation for what is taking place in our society for the policies of the government of our country. It is those policies really which produce people with such a depth of frustration as would then resort to methods of this nature. (30)

COURT:/....

COURT: So in fact you are saying that you will never say to the ANC stop your violence? -- I disapprove of their use of violence and I would say that the best path is the one that we are pursuing. I do not, however, I must say this, I must put it this way that I respect them for their dedication to democracy and to a just order and I think, I do not think myself with a right to condemn them for what, where they see themselves best contributing. I am also entitled to make my own choice and I do not think anybody has got a right to condemn me for the choice that I have made. But quite cer- (10)
tainly I think that our government with its policies which alienate sections of the population of our country must carry the responsibility. I therefore reserve my condemnation for the government and its policies.

MR BIZOS: The allegation in the indictment is that you eulogised people who committed acts of violence at these meetings and to use the words of the Prosecutor, that you are eulogising terrorists. What do you say to that Mr Lekota?
-- I deny that we eulogised people for their use of violence. It is true that within our communities those who have (20)
been condemned to death for instance for their use of violence are not perceived as the White community sees them, they are not perceived as terrorists. I think the concept of terrorists is also perceived as highly emotive and subjective. It is very difficult to say who is a terrorist or when you say a person is a terrorist what is your definition of this.

COURT: What is your definition of a terrorist? -- Even I have difficulties in saying exactly what a terrorist means. I understood initially that people who for instance sabotage or go into a country and sabotage things would be seen in (30)

this/....

this light. But political developments have an interesting lesson for us. We have a man such as Dr Savimbi for instance who at some point we were constantly told in the media of our country was a terrorist because at the time they were fighting against the Portuguese government, before 1975. That is what we read in the papers. Subsequently he landed here in Pretoria and his aeroplane broke down here, we have seen him now invited to the opening of Parliament in Cape Town. At a time when he is fighting a government that is recognised by the United Nations as the legitimate government of the people of Angola. (10) So now the question that arises is when is a man a terrorist, when is he not a terrorist. Not long ago we had the case of some of the people from South Africa, like Masjor Du Toit, who went into Angola reportedly to sabotage some of the things there and so on. For the people of Angola he is seen as a terrorist. At home when he came back he is received in the highest level of government as a hero. The concept of terrorist in those circumstances one could quote more examples.

Well is your answer then that you do not know what a terrorist is? -- My answer is this that rather than use a (20) concept such as terrorist I would prefer a concept that would be precise so that the Court, if I say to the Court this is what he is the Court must at least know the parameters of what I am saying. I do not want to say more than what I pronounce. So that people who, I see people who are trained by the African National Congress as guerillas because they come there and they go and there in these small groups of theirs and then they sabotage buildings and ...

What do you call a man who plants a bomb in a post box or in a rubbish bin in Amanzimtoti and blows up a lot of (30) innocent/....

innocent people? What do you call that type of man? -- That has been decided I think, that that is, I would actually go further and say that it is an act of murder because if you go there the civilians are there and then you just put a thing among the civilians, I do not know what the purposes were but if a man goes with a bomb and he places it amongst civilians there that is murder, to just put it there and kill.

And if he happens to be a member of the ANC? -- Murder does not go according to whether you are a member of the ANC or not. If it is murder it is murder. Unless if a man (10) went to put a bomb somewhere, maybe his purpose was to blow up a pylon let us say and in the process somebody as they went there it exploded and killed them or, the Court of course would decide now what the intention of the man was. But if his intention is solely that he takes a bomb, he goes into the middle of where there are just people there and so on and then his intention is to kill those civilians it is murder, I would say it is murder. I cannot say anything else.

MR BIZOS: The other allegation in the indictment is that at these meetings the White population was brought into dis- (20)repute and maligned and I want to refer you to the passages apparently referred to as, in V.17, page 46 and V.16 page 28. Now having regard to those passages that I have referred you to what do you say to the allegation? -- V.17?

V.17 page 46, V.16 page 28. What do you say, are those speeches by you in the first instance, just have a look at them please?

COURT: Well we have had the one of V.17 page 46, we have had twice I think.

MR BIZOS: As Your Lordship pleases. Well what do you say (30)

to/....

to this allegation, we do not really understand its full import but let me just ask you, is the UDF an anti-White or did it have an anti-White policy? -- No we are, I think the UDF is possibly, no we are a non-racial organisation. I cannot think of any organisation at the moment in the country that is as non-racial as the United Democratic Front. Now to ascribe to us the motive of attacking the White community or the Whites because they are White and so on is a complete misunderstanding of the United Democratic Front and what it stands for. (10)

COURT ADJOURNS FOR LUNCH.

C.914

COURT RESUMES AFTER LUNCH.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: From time to time at these meetings people have called or have said that people have died in the freedom struggle and one must be prepared to die in the freedom struggle. It is alleged that that is really a call for violence. What do you say to that Mr Lekota? -- No I deny that that is a call to violence. I think that point that is being made or communicated there is that people have made (20) sacrifices in the struggle and that at times other people have indeed lost their lives in the course of the struggle for democratic rights. This by no means suggests that those who lost their lives and that are being referred to are people who are using violence themselves. There are very many examples. One could call people like Steve Biko who dies in detention, although they were not men of violence themselves, people like Abraham Tiro and so on and so many other people. Some of them not necessarily in detention. Maybe sometimes shot in the course of protests in the townships and so on. (30)

Why/....

Why do you mention Mr Tiro? -- Well I mentioned him because he was a former colleague of mine, both as a student and also as a member of the South African Students Organisation. So too with Steve Biko with whom I had time in the South African Students Organisation and some of the others.

What happened to Mr Tiro? -- He was killed by a letter bomb that was sent to him in Botswana at the beginning of 1974 and he died there.

There are a number of ancillary matters in relation to these matters that I want to ask you about. Will you (10) please have a look at V.8. Was that a UDF meeting? -- No, this was a joint meeting of a number of organisations including the UDF. Amongst those organisations involved was the Federation of South African Trade Unions, FOSATU. There was the Eastern Trade Teachers, I think it is Teachers Union or Teachers Association. Then there was the Eastern Province Council on Sport, EPCOS and the UDF itself. So it is a number of organisations that were participating.

Were you invited to the meeting? -- That is correct, I was invited to speak there. (20)

Did the UDF chair the meeting? -- No the chairperson of the meeting was from EPCOS, Eastern Province Council on Sport. I cannot remember his name.

It is alleged that there were ANC flags at this meeting.

What do you say about that? -- Well I deny that flatly. Where colours such as Black, green and gold featured they would have been as far as I am concerned the colours of the Port Elizabeth Youth Congress which uses the same colours. There were no ANC flags there.

Do you know what the colours of Inkhatha are? -- The (30) colours/....

colours of Inkatha are also black, green and gold.

COURT: Were they there? -- Not as far as I am aware. The organisation that I am aware of that was there and that uses those colours is the Port Elizabeth Youth Congress.

MR BIZOS: As far as the use of these colours is concerned are they confined to the ANC or other organisations of a certain type or are those colours in use? -- No they are widely used, these colours.

In what context was this meeting held? -- Well primarily it was a joint anti-election rally for the UDF, it being (10) 20 August 1984 it was also the anniversary, the first anniversary of the Front.

COURT: What did you call it, did you call it the One Year Rally? -- There were some banners there, I cannot recall specifically. There was a big banner of the UDF, we spoke against the background of that banner but now I cannot recall whether it said anything about it being a one year rally or whether it said it was an anti-election rally. Unfortunately I am not in a position to specifically say what the organisations there have dubbed it. (20)

MR BIZOS: Yes. The, was the meeting as short as V.8 might suggest? -- It was far longer than this. As I have said there were a number, there were more speakers than these two who are reflected here. First of all my speech and that of Dr Allan Boesak were longer speeches than what is reflected here. Secondly there was the whole text of the speech by Mr Kateldas(?) is not here. The chairpersons remarks both at the beginning right up to the end are not here, and then the speech of the teacher, Eastern Cape Teachers Association or Union is also not here. So there is a fair amount of the (30) meeting/....

meeting that is not included in this.

Do you remember what you said at this meeting, do you remember whether you called, you referred to the UDF and its alleged relationship with the ANC in any way? -- I cannot recall dealing with that subject but I recall dealing with the subject of the national convention.

Can you recall whether everything that was said by Dr Boesak is contained in V.8? -- No some of the things which were said there are not here. This is quite abridged.

I now want to deal with V.9. Will you please have (10) a look at that. You were at this meeting? -- I attended this meeting.

What I want to ask you about this meeting is do you recall whether any songs were sung at this meeting? -- I cannot recall.

Do you recall what predominantly, from what group the people present predominantly came from? -- Most of the, the majority of the people who were there came from the Indian community in Lenasia.

Were you present where the audience was predominantly (20) Indian, what is the position with songs at such meetings? -- Well the tendency is that there would not be singing. Sometimes you do not have singing whatsoever. There may be times when one has a small number of people from the African community who may from time to time sing but as a rule if it is in the Indian community there would be no singing, there would be very little if any singing.

Were you at the Ladysmith meeting? -- That is correct.

What was the position in relation to singing there? -- Again there was no singing there. The audience was (30) predominantly/....

predominantly from the Indian community.

Did the UDF ever take any decision or have any practice or any policy to go about teaching people freedom songs? -- No, not at all.

Now whilst we are with V.9 would you please have a look at page 8. I am sorry it is page 11 and not page 8. V.9 page 11. I want you to ... -- I am sorry maybe I should just draw the Court's attention to page 9 of V.9.

Yes what do you want to draw attention to there? -- It does show that there was a bit of singing there. Under (10) remarks by Dr. E, just towards the end of page 9.

COURT: No there is nothing on page 9. Have you got the wrong issue of that document? The one was replaced by another one. -- What I have got is V.9. I do not know whether. ...

MR BIZOS: Could I have a look at your page 9.

COURT: Your V.9 should have on it, "Hersiende Uitgawe". -- Dit het dit Edele.

In the middle at the bottom, the front page, does it say "Hersiende Uitgawe"? -- Dit het dit nie, nee dit sê nie so nie. (20)

Well put it to one side, it is not to be used in this court.

MR BIZOS: Yes could I read it out, mine is marked in this way, My Lord could I show it to the witness, that is all it is really, it is really the passage that I want read.

COURT: Yes show it to the witness. We will probably have the Hersiende V.9 also here in the box, let us just get it out. Have you got it? -- No it is not here.

Very well.

MR BIZOS: Would you please have a look at the marked copy (30) on/....

on page 11. Would you read the marked portion into the record please Mr Lekota? -- "But I want to make the crucial point that the United Democratic Front is united because it unites our people across racial boundaries and across provincial boundaries. The United Democratic Front pulls together our people not only on the basis of their particular class or social strata interests but it is pulling these people together on the basis of primarily a commitment to opposition to apartheid. I will submit that the amount of differences which exist between the different affiliates like you could(10) say that there is 90% difference between the constituents of the United Democratic Front. Our interest is in the 10% agreement that the new constitution and legislation is unacceptable to the people of South Africa. That is what constitutes this front. The United Democratic Front is therefore united, pulling together students, workers, peasants, pulling together every sector of the population of our country across religion, across social positions, whether they are rich or poor, all of them pulling them together, building them into one forceful force that must in fact bring down apartheid.(20)

I want to ask you about, did you say that? -- I said that.

Now about this 10% agreement and possibly 90% disagreement what control, if any, did you purport in practice - never mind now what the working principles say - in practice what control did you purport to exercise over your affiliates in relation to their policy, in relation to their organisation, in relation to the campaigns they took over, what control did you purport to exercise? -- With regard to the policies the affiliates of the United Democratic Front remained independent. So too were they independent in terms of pursuing (30)

their/....

their own programmes, programmes which they pursued even before the formation of the United Democratic Front. So the UDF had no control over them in regard to all of those matters. The relevance of the United Democratic Front is that when it came to issues relating to the new dispensation these affiliate organisations were brought together by the UDF and it was in relation to that issue that they took joint decisions and acted in concert, so to say. I may make an example that if any one of the affiliates of the UDF took a decision on a matter that affected its community that (10) decision could not be regarded as a decision of the UDF. Even if a number of affiliates of the UDF took a similar decision on an issue but took that decision independent of each other it would remain decisions of those organisations. The UDF therefore would be its affiliates in a joint sitting and taking a joint decision. And even when a decision had been taken by the UDF, therefore the affiliates in a joint sitting, we still did not have the power to force each and every one of the affiliates to carry out that decision. From time to time it depended on whether that affiliate judged that (20) its local programmes did or did not clash with the decision that had been taken. If we decided that a million signatures had to be collected and an affiliate found that the issue of protesting against high rents was the one that concerned its community immediately it would be free to choose whether it would devote its time to this or the other issue.

Have you heard the evidence of the previous witness Mr Manthata that the SCA, the Soweto Civic Association, did not take up the million signature campaign? Do you know of anything to contradict that that the association itself did (30)

not/....

not up the million signature campaign? -- No I know of no action really to contradict that or to force them to do so.

Did the UDF consider the one million signature campaign as an important campaign in 1984? -- Oh yes, it was a very important campaign for us.

Incidentally did anybody start collecting signatures in 1983, not necessarily on the same form but in relation to the constitution? -- Yes I recall that on the University campuses, especially the English universities, NUSAS was running a campaign well in advance of the campaign of the United Democratic Front and I know that they collected several thousand signatures in 1983. Our campaign only began in 1984. (10)

This NUSAS campaign which was a precursor of the UDF campaign did it have forms to be signed? -- Yes they did have forms and people were signing on the campuses and wherever they had meetings.

Did they declare anything? -- I cannot recall the contents of what their form had to say but it did have a declaration in relation to the new constitution because it was concerned with the new constitution. (20)

And we will leave it at that. Now do you recall whether anyone in the UDF took umbrage at the fact that the SCA did not participate in the million signature campaign? -- I do not quite understand this phrase took umbrage.

Took objection to? -- Oh I am not aware of any objection raised with regard to SCA not taking up the million signature campaign.

In the passage that you have read out to His Lordship you said "building them into a single force that must in fact bring down apartheid". It is alleged that this sort of talk was (30)
the/....

the building up of a force or bringing a force into being to bring down apartheid was incitement to violence. What do you say about that? -- No I deny that. The simple point that I was putting across there was that the UDF would build a very strong voice of opposition to apartheid and a new constitution, a new dispensation. I meant no more than that. And that of course that opposition would pressure the government into abandoning apartheid.

Would you please have a look at EXHIBIT V.10. Was this the Regina Mundi meeting? -- This was the Regina Mundi June(10) 16 Commemoration Service, 1984.

Were you there? -- I attended part of these proceedings, yes.

Did you speak there? -- I addressed this meeting, yes.

Does anything that you have said appear in V.10? -- No it does not appear anywhere.

Are you the speaker referred to as one of the speakers on S.7? I will not show it to Your Lordship My Lord, it is merely in corroboration of the, S.7, and are you, do you actually appear on the video? -- Yes there is, I do appear(20) somewhere in the video.

Yes. Now there are one or two matters that I want to ask you about in relation to this meeting. Were there pamphlets who provenance and authenticity so to speak was put into question in relation to this meeting? -- That is correct. On the morning of this meeting they were distributed in Soweto just around the Regina Mundi and next to the homes of some of the members of both the UDF and AZAPO, pamphlets which purported to come from AZAPO and which were highly critical and defamatory of the UDF.

(30)

Did/....

Did AZAPO claim responsibility for these pamphlets? -- No AZAPO denied any knowledge of the production of these pamphlets and in the course, at the beginning of the meeting in fact Ishmael Mkhabela on behalf of AZAPO denied any connection, publicly denounced these documents and denied any connection between AZAPO and them.

Was he an office bearer of AZAPO at that time? -- That is correct.

Now whilst we are dealing with this question of AZAPO and mid-1984 it may be as good a time to take as any, what (10) was the relationship between the UDF and AZAPO at this time? -- Relations were at a very low ebb and quite hostile in fact I should say. This meeting, this very meeting we are talking about had to be taken over by the Ministers organisation in Soweto, because of the sharp differences which had shown themselves in the course of the week between UDF supporters and AZAPO supporters. As I recall the issue at the time in 1983 it had, because of this continuous difference it had been agreed that in one year June 16 would be chaired by the one organisation, in another year it would be chaired by (20) another one. So that in 1983 June 16 commemoration services were chaired by AZAPO on the basis of that agreement that had been reached. By 1984 according to UDF supporters in Soweto it was the UDF's turn now to chair the proceedings but it was reported that now AZAPO had reneged on the initial agreement of the previous years and attempts at resolving the issue had failed. There had even been threats of physical clashes at some of these consultations. It was at that stage that the Ministers organisation was prevailed upon to intervene on the matter and then take over the running of these proceedings. (30)

Yes./....

Yes. Now in view of the background that you sketch for His Lordship and the Learned Assessor that there could not even be a binding agreement as to who was going to chair this meeting what do you say to the allegation by the State that these things in the indictment, all of them if I understand the indictment correctly, were done in conspiracy with AZAPO, particularised as an agreement having been arrived at at high level, whatever that may mean? Did you know anything of any agreement of any sort between the UDF and AZAPO? -- No I am not aware of any agreement reached by the UDF and AZAPO (10) to work together. I may just mention at this stage that the differences between the two bodies went really much further back than 1984 because at the very time when the UDF was being set up there were accusations already at that time that UDF or those organisations which set up the UDF were divisive because they had not joined the national forum which had been set up earlier on. There had indeed been physical clashes between the UDF and AZAPO supporters in 1983 at the University of Natal, at the University of Durban, Westville. I myself, together with accused no. 19, were invited to a commemoration (20) service of the late Steve Biko at Glyn Thomas in the second half of 1983 and I was to be a speaker there. Initially as we understood it the meeting was a joint effort between UDF supporters and for AZAPO and the others and the AZAPO supporters. But when we got to the meeting we found that, we were told that AZAPO supporters had pulled out. Well anyway the meeting went ahead and we addressed, well I addressed the meeting and just as we finished the AZAPO people arrived there in large numbers and the meeting was just thrown in disarray. We ourselves were advised to clear out. So there was a (30) long/....

long history of, an acrimonious history of relationship between AZAPO and UDF and that in spite of the fact that the UDF, Transvaal, had made efforts to negotiate with AZAPO for AZAPO to affiliate with the UDF.

COURT: When was this meeting? -- The one at which ...

At Glynn Thomas? -- At Glynn Thomas, it was in September 1983. I cannot give the precise date.

MR BIZOS: I do not remember if we had evidence as to what Glynn Thomas is, is that a residence at the University, for University of the Witwatersrand students? -- It is a resi- (10)
dence for students of that, it is just behind Baragwaneth Hospital. Now as I was saying all of these things were taking place even though UDF, Transvaal was negotiating with AZAPO for AZAPO to affiliate.

Did anything come from those negotiations? -- Well they held a meeting and the reports which we got later on of what had happened when UDF delegation went there were that they had been very badly treated and although AZAPO had mentioned that they would be willing to work with UDF at some levels that the indications were that this was just a verbal past time (20) and it was not meant in any seriousness so to say. That was all, that is the highest that it ever went.

Yes. There is an express or implied suggestion by the State in this case that the UDF and its affiliates sought confrontation with the police. Did anything happen at the Regina Mundi meeting on 16 June 1984 between office bearers of the UDF and the police Mr Lekota? -- That is correct. During this meeting at Regina Mundi, right at the beginning in fact, there were units of the riot police who came to the meeting for purposes of observing and keeping law and order (30)

but/....

but it so happened that they took position almost at the entrance of the gate, entrance to the church and then made it difficult for people who were coming to the meeting to come in because they were not sure whether the police were there to block the gate or for what purpose and both accused no. 19 and I 's attention was drawn to this and we went up there and discussed the matter with the officer in charge, explaining the problem that the position that they were taking was causing and the police then considered our point and they retreated and took a position which allowed for free flow (10) of movement in and out of the church. I deny that it has ever been the purpose of the UDF to precipitate confrontation between the public and the police. It has never been our policy.

Now I would like you to please deal with the question of the allegation that at this meeting the ANC was referred to as the body which welcomed the people who had acted on 16 June 1976 to receive them in order to continue the armed struggle. What do you say, was that mentioned at the meeting or the purpose of the meeting? -- First of all it was not (20) the purpose of the meeting as I understood it and I cannot recall that there was such a point made.

Yes. Please have a look at EXHIBIT V.12. This is the meeting at Huhude. Did you speak at that meeting? -- I spoke at this meeting.

Now the State alleges that you told the people there that the people should commemorate December 16 as the day of the founding of Mkhonto we Sizwe. What do you say to that? -- I deny that. I may add that I would have, if I referred to this I would have mentioned it in the context of a (30) historical/....

historical narration and I have taken a look at this transcript. Where I do mention the 16th I do so in a direct form of speech where I am actually narrating what happened at the time. I certainly did not say to the people that they must commemorate December 16, or that it was the policy of the UDF to commemorate it.

COURT: What is December the 16th? Has it got any relationship with the ANC? -- As far as I know from what I was told is that that was the day when they set up Mkhonto we Sizwe. I am sorry but I think this is not the correct copy. (10)

ASSESSOR (MR KRUGEL): Yes again there is a revised one.

COURT: Right at the top you will find "Hersiende Uitgawe". -- Dit is nie die regte een nie.

MR BIZOS: I am sorry My Lord I ...

COURT: Mr Bizos will you, when we have adjourned, sort out the exhibits so that we ...

MR BIZOS: The hersienings. As Your Lordship pleases. These are the Court copies which should have been substituted. We will see to it. May I show the witness a marked copy. It is only the passage that is underlined. Page 50 to 51, the (20) last two lines on page 50 and the top of page 51. Would you have a look at that please. Or does that suffer from the same ... -- The section that I am referring to is at page 50, the last two lines, it begins "En so het hulle die spies van die volk gestig en hulle het gesê dit is die assegai van die wêreld. Dit moet eintlik die assegai van die nasie wees. Hy het gesê ons voorvaders het met assegaie baklei en hy sê hierdie assegai gaan ons noem die assegai van die volk want hierdie spies het ons voorvaders met boere mee baklei. Ons wil die boere herinner dat die oorlog wat sal baklei is (30) nie/....

nie nuut nie. Dit is daardie wat van onder begin. Dit is hoekom ons Desember 16 kies as 'n groot dag van die spies van die volk wanneer dit by die volk sal verskyn." Now as the Court will notice there I am actually narrating in the first person. I actually started off, I said, it is clearer in the Sotho version I think where I said that Mandela said and I quote or I attempt to quote verbatim what he said. So the whole of that wording that follows there is not my words so to say. It is a quotation of somebody. I am quoting him. And my only reason for having done so is simply that a (10) narrative is more, it goes across more effectively sometimes when you are able to quote and so on because I was actually saying what I had heard from Nelson there. My reason though was not that people must either commemorate this day as such or that they must support it. I was telling them how far the frustrations of apartheid had driven our people. That was my point and therefore I deny that the intention here was to tell people to commemorate this day. It certainly has nothing to do with the policy of the United Democratic Front. And perhaps if anything I should take full responsibility for what (20) I said here, I was narrating what happened and it was in the spirit in which I have already indicated to the Court.

Did the UDF ever do anything special on 16 December? -- I know of no time when the UDF has done anything special. We did of course hold our conference in 1983 around the weekend of the 16th but that was purely because it was convenient. It was a public holiday and we would have many people taking advantage of that to be at the conference. But it was certainly not in connection with commemorating that day.

Was it just a weekend or a long weekend? -- It was a long (30) weekend./....

weekend.

The State alleges that you mentioned or you alluded to the third phase of the struggle and they say that you meant by the third phase the phase of violence. What do you say to that? -- Again I think there has been a misunderstanding of what I tried to communicate. I am in the habit of reading extensively on the history of South Africa. As I indicated earlier on in fact from all sections you know I read history. I always try from time to time to periodise history or perhaps to try to interpret it. Both for myself and for those (10) people that I talk to. And one of those things, one of those periodisations that I have pursued it will be seen that even at the Luthuli Memorial Service when I was speaking about Chief Luthuli and Nelson Mandela I also dealt with a similar subject, with a similar periodisation. Broadly speaking I have looked at the history, especially of the African people in the country, and I periodise it as one of the wars of dispossession stretching from the first contact between Black and White in our region until about 1906, after the wars of dispossession and after the Bambata Rebellion of 1906. (20)

COURT: From when to when? When do you take the first contact? -- For my purposes I usually take it up to 1400's really, there was a first contact when Portuguese sailors for instance made contact with the Khoi-Khoi in the Western Cape.

So the wars of dispossession run from the 1400's to what date? -- To about more or less 1906.

What happened in 1906? -- Ja roughly I take that period as being that. Of course the wars of dispossession did not specifically begin in 1490's or so when the Portuguese (30) touched/....

touched our coast. From 1906, from about 1906 or 1900 stretching up to 1960 is a period that I have sometimes spoken of as one of pure non-violent political struggles. That is about 1900 to 1960, or 1961. The decision, after 1961 one finds a number of groupings including the ANC, including the PAC, including the African Resistance Movement and so on. Some of those groupings which, because of the failure or the frustration at the banning of these political organisations...

ASSESSOR (MR KRUGEL): But when then was the Bambata Rebellion Mr Lekota? -- 1906. (10)

1906? -- Yes. It was 1906.

Alright I will accept that, I must have it wrong. -- It was definitely 1906 and I can assure the Court about it.

COURT: Yes very well now from 1961 is that your third phase? -- That is the period which I periodise as the third phase because then we begin to find that there is you know, there are people who continue to campaign non-violently but there are now specifically also sections of the population which resort to armed methods of struggle. There is another periodisation which sometimes I employ. I do not know whether it (20) will come out elsewhere. Taking straight the period between 1900 and 1960 of course we will still come out at the same pointed because between 1900 or 1910 to 1949 we have a period when the, our people campaign purely constitutionally. Not that you do not find militant forms of action such as the defiance campaign. But after 19, in fact at that time it was completely legal so to say in the sense that they keep strictly within the limits of the law. But after 1949 and the adoption of the Programme of Action one finds that they introduce more militant forms of action because from time to (30) time/....

time they defy certain laws. That period is really marked by the defiance campaign of 1952. It goes on like that and when even that channel is closed to them then you find the others you know resorting to armed methods of struggle although the vast bulk of the population remains you know to pursue constitutionally non-violent methods of struggle. So it is that kind of historical periodisation that I would have alluded to, nothing more.

MR BIZOS: Do you allude to this compartments of history that you speak of at the, when you spoke at the Luthuli Memorial, (10) EXHIBIT V.24 on page 20.

COURT: Can we close this now, V.12?

MR BIZOS: V.12

COURT: Have you finished with V.12?

MR BIZOS: V.12 I have finished with.

COURT: We are coming now to?

MR BIZOS: V.24 My Lord. Have you got V.24 there? -- Yes I have it.

Yes would you have a look at the one, the last one third of that page. Do you refer to this ... (20)

COURT: Page?

MR BIZOS: Page 20 My Lord. Do you refer to these periods of history? -- Yes that is correct.

Yes, and is it clear what you mean by the third phase in the history even though there are gaps in that passage? -- Yes I think it is quite clear.

Yes. Now what do you say to the allegation by the State that you were really, when you speak of a third phase you speak of a protest and challenge and then violence, the third phase of the UDF police, what do you say to that suggestion? (30)

-- No/....

-- No I simply deny that My Lord. I think this speech for instance at the Luthuli Memorial Service was delivered in July of 1983. That was long before the whole question of protest or challenge arose. It has nothing to do with that. It is completely independent and in this page in fact it will be seen there that I speak about Chief Luthuli as, and I indicate what period in my mind he represents and the period that begins with Nelson Mandela subsequent to that. So this is, it has nothing to do whatsoever with the policy of the UDF or the them of the NGC of 1985. (10)

I will have to eat humble pie because I am going to ask you to please have a look at another, have another look at the Huhude document, the V.12 that I asked Your Lordship to put away. On another point, I noticed that. The State allegest that you at that meeting said that the UDF is only interested in the masses taking over and that they are really part of the revolution. What do you say about that. You have still got the uncorrected copy. May I show you page 49 of the corrected copy. -- First of all I deny the allegation that is put forward there. (20)

ASSESSOR (MR KRUGEL): Where is that Mr Bizos please, on page 49?

MR BIZOS: The third paragraph if my eyesight is good enough for the witness box.

COURT: "As jy dit kyk", is that the paragraph? -- "Wie sal more regeer". I think there is a misunderstanding of what my meaning really was here. I was really dealing here with the question of a concept that is used regularly, the concept of the people. People constantly want to know if you say the people of South Africa want this or you say the people (30)

of/....

of South Africa must govern and so on who do you mean and so on, and that is really the issue that I was dealing with. I was dealing there with the fact that to decide who the people are, we are not going to look at the colour of the skin of the individual person but rather it would be the question of commitment and in my judgment the people of our country, the majority of the people of our country would not support or would not seek a government that would stand for only one section of the population as opposed to another one but that they would seek a government that would represent, or that (10) would stand for the interests of the people of South Africa as a whole. That is really the issue that I am dealing with here. I am not talking about the fact that now the government must be overthrown and then I do not know by what process now, these people should take power. That would be in conflict with the policy of the United Democratic Front which calls for a national convention within which then the people of our country can decide who is going to govern them.

MR BIZOS: It is suggested that you began the singing of the freedom song, will you please have a look at V.12 page 53, (20) did you start a freedom song? -- No I do not know really what happened. I had raised the issue with the defence and then I went on to discuss the matter with Mr Jacobs. I thought, I was under the impression that we had corrected that portion there but it does appear that it did not come ...

COURT: Yes we did correct that portion on page 53. -- Not, apart from the song itself.

Yes the song we gave new words. -- Yes, and ...

That is all. -- And then there was the issue that I had started the song. (30)

That/...

That was not corrected. -- It did appear that it was not, but we had discussed the matter and I do not know whether it was because I failed to hear when the admission was being put because of the distance between where I was and where counsel was because I discussed the matter with Mr Jacobs. But I think I missed it. I do not know whether ...

MR BIZOS: Well do, let us, did you start the song or did you not start the song? -- I did not start the song.

Very well, we will take it up My Lord with the State in due course. (10)

COURT: So you say the the words "Lied deur spreker begin" are incorrect? -- That is correct, yes.

MR BIZOS: Your Lordship will recall that this in any event is a tape if my memory serves me correctly and not a video. -- Yes it is a tape.

So it is obviously somebody's inference judgment which, but we will take it up with the State. What do you say to the allegation that this was a UDF meeting? -- No, not this meeting, this was a meeting of the Huhudi Youth Organisation as far as I am concerned. It was not the UDF's meeting. (20)

But it was affiliated to the UDF? -- It was affiliated and we were invited there.

Was there any trouble or was there any violence suggested at this meeting or did anything happen immediately after the meeting which led you to the belief that the crowd was incited to violence at the meeting Mr Lekota? -- No not at all, there was nothing either in the course of the meeting or subsequent to that that happened there, that was, that could have been said to have been instigated that people should use violence at that meeting. I am not aware of anything. (30)

Would/....

Would you please have a look at V.14. What do you say to the allegation that this was a UDF meeting? -- This was certainly not a UDF meeting. It was a meeting of the Transvaal Indian Congress. It was a meeting of the Indian Congress, also intended to express opposition to a new dispensation, new constitution Act.

Did anybody encourage violence at this meeting? -- No.

Did anybody say anything that would lead anyone to the conclusion that the UDF is part of the ANC? -- No.

Or that they UDF engages in strategy, in the strategies of the ANC? -- That is not so. (10)

Now I want you to please have a look at page 46. What was the main purpose of the meeting? -- The main purpose of the meeting was to express opposition to the new Constitution Act and the coming elections in August of that year, and speeches would therefore have been directed at persuading people not to vote in those elections and presenting them with reasons why they should not.

Do you, on page 46, deal with the question of the late Albert Luthuli and the people of Robben Island and after that do you say the following: (20)

"My point is we do not and we are not using armed methods of resistance today."

That is the paragraph, the last sentence in the second last paragraph.

"Under the banner of the United Democratic Front we are arguing that we can persuade, we can mobilise opposition in resistance."

-- That is correct.

"At least we can say to our people that they must not (30)

endorse/....

endorse what the Nats are doing but we must also say, and I make bold to say that this evening, that if we are not engaging and we are not carrying arms today it is not because we do not understand how and what persuaded some of our fellows and what continues to persuade them to this day to resort to those methods. We understand very well what pushed our people to that point and today in terms of the formation of the United Democratic Front we are reminding the rulers of our country, we are reminding the masses of our people that if the Nats are allowed to continue with this, the type of legislation (10) that they are proposing today they can only deepen the scale of racial and violent conflict in the country. In that the disaster will engulf all of us." -- That is correct.

Now what do you say to the State's interpretation when they say that this is a call to violence? -- On the contrary I say this is an expression of concern at the possible consequences which I and the United Democratic Front find undesirable and therefore that we are asking for support so that the government does not go on with policies which will aggravate the situation. (20)

And you alluded to the next passage in your evidence this morning about possibly being the victims of violence yourself. Would you read out the next paragraph please? -- There I say you know when there is a fight in the process, in the presence of two fighting elephants the ground suffers, the ground suffers and we cannot be neutral. If two men are fighting you must either takes sides or you must stop the fight. One way or the other there is no way in which you can say look it does not really matter, let them go on. We cannot do that type of thing. It cannot happen. You ask people today (30) who/....

who are going into buildings, we are not very sure whether we will come around or out alive. Sometimes you go in the train, you do not know whether it will reach its destination without being derailed and so on. And then of course you must pronounce on the question of the politics of the country, you must say whether in fact apartheid is right or not because it is pushing other people to some methods of struggle which are very unpleasant. My point is we are in the presence of a situation in which two giants are colliding. We have an obligation as South Africans, we can make a contribution. We must make (10) our choice. We must make our choice either that we are going to stand with approval the apartheid measures that the Nats are taking or we will say no. Let them lock us in jail if they like, let them burn us. We must insist in our organisations, we must make it a call that this country is not being governed according to our word. We must refuse to go to the polls on the 22nd and 28th of August. We must not give approval to this type of thing.

Yes. Now you then pose a question about other bodies. Would you please have a look at the third last line on that (20) page. -- Yes.

That is you? -- That is you know you say the UDF is a front of the ANC. Then you say no we are not a friend of the ANC, we must apologise about that. Then they say now why do you say Mandela is the leader, he is a patron of the front. You say no, no, no, we are not, us actually we are not the people of course laughed. You must do that type of thing but I want to make a simple and straightforward point today. The truth must be spoken at some point or the other. The price may have to be paid for the truth must be spoken. Any man (30) any/....

any man, including Nelson Mandela, Walter Sisulu, Kathrada and others, any organisation, any organisation including the African National Congress that is today committed to the struggle against apartheid is a matter of pride to this country. It is something to be challenged that even amongst the Afrikaners men such as Beyers Naude have been born. People like Helen Joseph amongst White people. Those people are the pride of our country. They are the people who carry the hope of the future of our country and we must make bold to say we will rally to them.

(10)

Could you please go on "The time has come when" in the middle of that page 48, "The time has come when we must make the point"? -- Where is it now? I cannot find it Mr Bizos.

Yes, right at the end of the page, the right-hand side, the time has come when we must make the point that we are no longer prepared to be ashamed. -- It is page 48?

ASSESSOR (MR KRUGEL): In the middle of the page at the right-hand side of the column. -- Oh yes I see it. Yes I have got it. "The time has come when we must make the point that we are no longer prepared to be ashamed to associate ourselves (20) with the symbols of the genuine freedom of our people. I think the time has come when we must go down with the leaders of our people. Those men who today, after 20, 25 or 22 years of cruel prison life continue to hold the flag of freedom high, refusing to let it (I must have said drop). I must make the final point, I must make the final point in the form of a question. We are challenged today, you and I, to respond either to turn our backs on the history of our forefathers and join the Nats in the Tricameral formation. We are challenged like the Israelites who whilst they were travelling for 40 years (30)

in/....

in the wilderness from time to time you found others who were always mindful about the fleshpots of Egypt.

Yes. Now you spoke about this historical approach which you favour. Did you intend to suggest to your audience any association between the UDF and the African National Congress during the time that you spoke at this meeting? -- It was never my, will you repeat the question again please?

Did you intend to suggest any association between the UDF and the ANC? -- No I did not intend to suggest any association between the UDF and the ANC. What I did want to communicate (10) though is the following: That in my judgment there were people who had made a clear stand against apartheid and who had made a call for a democratic government in our country and who had made sacrifices for those aspirations. Amongst those I cited Nelson Mandela, Walter Sisulu, Kathrada and so on. For their opposition to apartheid and for the sacrifices we had already made for it. It was my view and it is my view that we must associate ourselves with that opposition, not with the methods, not the armed method but the ideas themselves. And the sacrifices that had been made for those ideas. That was the focus (20) of my contribution there. Similarly with the African National Congress, the fact of its opposition to apartheid, the fact of its commitment to a democratic future, that was the issue, not the question of the method, not the question of violence, on that question there is a parting of the ways. On the question that apartheid must go and a democratic order established that, there is a point on which I wanted to emphasise and make the point that it is important for us that we must acknowledge this contribution. Similarly with people like Beyers Naude that I quoted there it is my view that even (30) those, /....

those, they have made very many sacrifices and even those, some like Beyers Naude, have been rejected and ostracised by their own communities. They really, they are really the prophets of our time you know, and that in future those of us who will look back, and generations of the future, will be very proud of the fact that they had been there and that they have sacrificed so much for the peaceful future in our country. I may actually say that even as I was speaking when the UDF has been criticised for its non-racial policy of allowing White people to participate jointly with us in the struggle, it is (10) the names such as those of Beyers Naude and Helen Joseph and other White people who have made contributions, people like Sheena Duncan, that we quote as examples to our younger people and say to them not all White people hate you, you know not all do not want you. So some amongst them, and that in fact given an opportunity the majority of our White compatriots can be moved to a position where they support a joint and common South Africa for all of us.

I want to deal with, I am sorry ...

ASSESSOR (MR KRUGEL): Could you just make this plain please (20) Mr Lekota. -- Yes.

You say you tell the young people that not all the Whites hate them and you quote Beyers Naude and Helen Joseph and so on as examples. -- Yes.

Do you intend to convey that shall we say that the far, to use a term, the far left people like Beyers Naude and Mrs Joseph and so on, that those are the types of White people that do not hate Black people? Is that what you intend to say or is that not what you intend to say? -- May I put it this way that what I am trying to say is this that White people, as (30)

a/.....

a broad proposition, White people do not hate Black people but it is true that the government, the present government, the Nationalist Party, has led them you know to take a position that is on the face of it hostile to us because it is the government that has constantly held forward such policies as die Swart Gevaar, so that in the meetings of the Nationalist party or the Conservative Party, of the AWB and so on, well the Nationalist Party even much earlier than now of course has had to say that we are a threat to our White compatriots. It has really been the leadership within those communities that (10) has been responsible for this. Some White people have been able to see through it and in this case, as an example, I quote Dr Beyers Naude as one of them. He is not the only one of course. There are others. Today we have a younger generation of people who are abandoning and rejecting the policies of the Nationalist Party, people like Mr Wynand Malan for instance, who are coming out and saying look this policy of apartheid is no longer acceptable. But I am sure that there are very many of the others who do not receive, who do not have big public names and therefore do not feature in the newspapers (20) and in the radios and so on. But I must also say to the Court that it must be understood the context in which we operate. There are within sections of our communities for instance people whose perception is that every White person does not want to hear anything and he just does not want Black people and so on. We operate against that context and it is important when you want to take people away from a certain perception, you have got to begin from where they are. If let us say for a moment they assume that this is the position you have got to say no man not all White people, White people do not hate (30)

us/....

us really. But then they say but where is the evidence. I can only point to Dr Beyers Naude because he is evidence that is there, that I have in front of me, to Helen Joseph, to Sheena Duncan and to people like those because they are living evidence that I can say look at this person, look what this person says, see what this person has done and so on. But we are not in a position to say the same for instance when General van den Bergh goes to church and there are Black people who come there because Professor Heyns has said people may attend services where they choose, now then when people (10) come to the service at Waterkloof or something and they sing there and then General van den Bergh gets very angry about this, he goes into the papers and he says "Die Kaffirs het in die kerk gekom en daar gesing" and so on. Then it is also a reality that is there. We cannot deny that that reality is there but we have got to be able, we swing people round and show them that no that is an exception, he is an old man he comes from a long time ago and so on and he thinks that way but it is because he does not understand why these people are singing and dancing as they are singing. But now, and we (20) have to move people this way because otherwise we are going to allow a situation in which alienation increases and people who today are saying no to apartheid from within the White community are very important because then they are examples that we can point to and allay the fears of our own people. It is only in that light that I make the point.

MR BIZOS: I want to refer you to page 9 of V.14 at the same meeting where you are alleged to have said that you had contacts with the, of the ANC. Did Mr Cassim Saloojee speak at that meeting? -- He also spoke there. (30)

And/ . .

And was he an important office bearer of the UDF? -- Oh yes, not only of the UDF but also of the Transvaal Indian Congress and some of the other smaller organisations like ACTSTOP.

Yes. Now would you please have a look at what he says about six ...

COURT: Sorry, the smaller organisations like? -- ACTSTOP.

EX?

MR BIZOS: ACTSTOP, just one word. -- Yes just one word I think, ACTSTOP. (10)

Was that a body concerned with the, with action taken against people in terms of the Group Areas Act? -- That is correct.

Now please have a look at about the sixth line. -- Page?

Page 9, the bottom, sixth line from the bottom. -- Yes.

You see it there, there have been right wing and government attempts to link the UDF to the South African Communist Party and the ANC. -- That is correct.

Attempts clearly designed to frighten people away from this vital voice of peaceful opposition with is the United (20) Democratic Front and attacks on popular movements don't end with political name calling. Union organisers, UDF staffed and activists of affiliated organisations ...

COURT: UDF staffists.

MR BIZOS: Staffists is it. Staffists, and activists of affiliated organisations have been subjected to constant harrassment. Now were you there when Mr Salojee spoke about this? -- I was there.

Did you agree with him on this? -- Completely.

Did you understand yourself to have said anything (30)

different/....

different in your speech? -- As far as I was concerned it was in the same vein that I had also spoken.

Nobody accused you at the end of the meeting, the UDF of speaking with two voices? -- No not at all.

C.915

Was Professor Fatima Meer at this university, sorry at this meeting? -- She was at this meeting.

Is she a professor of sociology? -- That is correct.

One of the reasons advanced by the State in its argument is that in support of the ANC conspiracy is that Professor Fatima Meer was introduced as a person whose name is (10) synonymous with the Congress name. Now which Congress was being referred to? -- This was a reference to both the Natal Indian Congress and the Transvaal Indian Congress. And it will be remembered that the NIC, as I pointed out, was formed in 1894 and that the family of, the Meer family had been closely associated with the Congress and its political struggles for the Indian peoples and later on of course when both NIC, or when both the Indian Congress and the African National Congress signed pacts and participated together in the resistance to political disenfranchisement of these groups. So it was (20) in that context that she was referred to as being, as her name being synonymous with Congress because they had always been part of that tradition, even at the time when the meeting was taking place she was part of the Natal Indian Congress. So the remarks were really in that light. It meant nothing more than that.

I want you to please now turn to the, EXHIBIT V.16. Would you please have a look at the bottom of page 28 to the two paragraphs on 29. Does my memory serve me correctly, I have a suspicion that this has been read out My Lord? (30)

COURT:/.....

COURT: We read it on the 14th, that is today, we, you referred to this page, you did not read it out I think.

MR BIZOS: Yes. Now insofar as there is any suggestion of the advocating of racial hostility Mr Lekota is there any truth in that allegation against you personally, or the UDF? -- There is simply no basis for that allegation, both for me and for the UDF.

And would you read those three paragraphs into the record please and tell us whether they are in consonance with page 28 the last paragraph and the first two paragraphs on 29, (10) in consonance with the policy of the UDF? -- "We must make this point in a very strong way. We are claiming South Africa indeed even for the Afrikaners themselves. They have a share here. They have a share not only not for themselves, not only for themselves and not all the country. They have a share side by side with us. The future belongs to the people of South Africa who will take this country, who will rule this country, who will rule it with them. We will rule it and what will happen the difference is they will participate in the government of the future, not as superiors. They will participate(20) in the government of this country on the basis of equality with all of us."

Was that the policy of the UDF? -- That as I understood it was the policy of the United Democratic Front.

Now I want you to please have a look at page 33. -- Page?

33. The State has drawn attention to, or drew attention during the course of argument to the passage appearing in the middle of page 33 that if the decision of '61 was not taken seriously by many. Would you read out that passage please? -- "That if the decision of 61 was not taken seriously by (30) many/....

many, especially by the government of the country, today they are taking it much more seriously, today they understand very well that the changes that happen in Southern Africa which make it necessary for them to defend their border from the Atlantic up to the Indian Ocean, which confronts them with the might of our own Mkhonto, the army which Mandela and others put into being, but that army is the one which is forcing them to introduce this constitution. It is that army that is precisely the arise of the new constitution ..."

COURT: No behind. Behind the new constitution. -- Oh (10)

"behind", yes that is right. "The whole question of the new constitution is a preparation for the divide and rule concept."

MR BIZOS: Right now what did you mean there by "with the might of our own Mkhonto"? What did you mean by that? -- All that I meant here is that Mkhonto are those people who constitute Mkhonto are not people who are foreign to us, they are not a force from outside our country. It is a product of South Africa, in fact it is the people of South Africa and that therefore we were, our country was being placed in a position where it had to defend itself against its own people, (20) alienated sections of its own population and certainly I had no intention of suggesting that there was a relationship between the United Democratic Front and Mkhonto we Sizwe. As far as I can see it is the people who constitute Mkhonto and those who continue to joint its ranks and so on are the people of our country and that it is our own Mkhonto in that sense. I think if I may just refer, mention it that if one looks at the other parts of this speech it will become quite clear that in fact I did not see myself as part of Mkhonto, or the UDF as part of it. In the beginning of that very paragraph, (30)

right/....

right there above, I make quite clear that I am not a brave man and that I have not made the decision which others have made of taking up arms. So at the beginning of that paragraph I state that point quite clearly and so it is clear, in the context it is clear that my meaning here could not have been that I am part of Mkhonto, or the UDF is part of Mkhonto.

Yes. Will you please have a look at V.17. Was this organised by the Natal Indian Congress? -- This was a meeting of the Natal Indian Congress.

Was it held by the UDF? -- No, no, it was held by the (10) Natal Indian Congress and I was invited to speak there.

And what was the main purpose of this meeting? -- Again this was, the main purpose of this meeting was to mobilise people to oppose the August elections of 1984 and to urge the Indian community not to go and vote in the elections that were then due on the 22nd, of August 1984.

Did anyone propogate the use of violence at this meeting in your presence? -- Certainly whilst I was there there was no one who propagated the use of violence.

Will you please have a look at page 46. We have al- (20) ready referred to a portion of this. Please have a look, I do not recall whether the second last sentence at the bottom of page 46 has been put in but "We have confidence 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." We refer to the previous passage in relation to the national convention, did you say this in relation to violence? -- That is what I said in relation to the question of violence. (30)

Do/....

Do you recall whether there were any questions asked at the end of this meeting? -- Yes there was a question-answer session at the end of this meeting on that day. And I also took part in answering some of the questions.

It may be of some assistance My Lord to Your Lordship and the Learned Assessor, and no doubt to Our Learned Friends, that Warrant Officer Singh gave evidence about this. I will give Your Lordship the page number, 4 423 to 4 435. Do you recall what these questions and answers were about? -- I cannot recall all of them but I recall some of them. (10)

Which do you recall? -- The first one that I recall related to the 1949 Durban riots in which Indian/African communities clashed. The question that was raised there was whether African people would not do the same thing to the Indian communities if at any time they came to power in the country. The question was not quite put in those terms but that was the spirit of the question and this is one of the questions that I was asked to reply and in my reply I first of all recalled the history of the riots themselves and I pointed out that it had really been the respective leaders of the Indian and (20) African communities which had intervened with those communities and helped to calm the tempers. I then went on to point out that as a result of those efforts our people, the two communities were reconciled to the extent that in 1952 during the defiance campaign the Indian and African youth campaigned together and went to jail arm in arm in resisting in unjust laws. But I also went further, I did point out that apartheid had been with us for a long time and that certain attitudes had been built over that period of time. Racism did not belong to one particular racial group and that it was only (30) realistic/....

realistic to realise that it may well be that there will be people who want to adopt or who will be inclined to adopt a hostile attitude towards other communities. The commitment of our organisations was precisely to educate people along new lines of thinking, along lines of non-racial thinking and that our organisations would always fight against tendencies of that nature. My answer would most probably have been, I think my answer was longer than that. I cannot recall everything that I said in relation to the question.

Yes. Do you remember whether you made any reference (10) to Uganda? -- Oh yes I did point out that such situations that had arisen in Uganda were lessons that had to be avoided. I think one of the points that I made was that even the Ugandans had discovered to their chagrin that getting rid of a particular racial group of people does not solve your problems, particularly on the economic side of things. If people are hungry you do not solve your problems by expelling others. You must find ways of producing more food and things like that.

Do you recall any of the other questions at this meeting? -- One of the other questions that I recall related to (20) Chief Buthelezi. On the day before, or on that day he had been reported in the papers, I recall reading the Natal Mercury in this regard, where he had made a call on the Indian and Coloured communities not to vote in the elections and the question that I was asked there was why the UDF did not join forces with Chief Buthelezi or Inkatha, something of that nature, because he was also opposed to the new constitution and again I replied to that question and I pointed out that the UDF was opposed to the homeland structures and so on and that for that reason it would not have anything to do with (30) peopl/....

people who were in those structures. And I pointed out that as far as we were concerned we did not foresee a situation where Chief Butulezi would abandon the comforts of his KwaZulu legislative assembly political birth and take up an extra-parliamentary political role with all the vicissitudes that that implies. And I think I also did say that there was a difference in terms of our opposition because whilst the Chief was opposed to, was urging the Indian and Coloured communities not to vote he seemed to be prepared to take anything else that came in case in fact, he was prepared to accept the Tri- (10) cameral formation in spite of the fact that it involved racial discrimination because you still had these compartments in which people still had to be fitted in.

We have already alluded to DA.43, the document in which you said that the UDF's policy was not to destroy councillors property or to make attacks on councillors. -- That is so.

Now I want to ask certain general questions in relation to that before coming to the particulars. Did the UDF authorise or advise or incite anyone to commit any act of violence anywhere in the country? -- No, not at all. (20)

Did you personally advise or incite or encourage anybody to commit any act of violence anywhere in the country? -- No, not at all.

Now Mr Lekota we are going to come to the Vaal Triangle later but I want to take it together with the allegation that you taught a group of young people, according to the evidence of a young woman who gave evidence in this court, young people to make petrol bombs. What do you say to that allegation? -- I can only confirm that it was the first time that I saw IC.10 in the court in Delmas when that witness appeared there. (30)

I/....

I do not know how to make a petrol bomb and even if I knew I could never go around the country teaching people how to make petrol bombs with the purpose to attack the homes or the persons of those who sat in the government structures. As the Publicity Officer of the UDF I was in a very responsible position and I owed a lot of responsibility to very many people who had entrusted me with that task. To do a thing like that would not only have violated the consciousness with which they had placed me there, but it would also have endangered their own freedom in the country. They had never taken such a (10) decision and I did not have the right to do it. I did not do it.

This witness recanted on her evidence and I do not know that we have to take it any further in your evidence. -- I have no intention. I think the matter has been placed before the Court and I can only state that I was truly hurt when I discovered that this young person had been subjected to pressure to come and lie to this Court about what I was alleged to have taught her and the fact that she had been encouraged even at the last moment to come to the court and say this. Some- (20) times when I have thought about the possible consequences for myself, if she did not expose the truth, I felt extremely shocked because I realised quite well that I might never have been able to prove to the Court that this was not the position and I cannot say really what the consequence could have been.

Now I want to ask you something else. You are on record as having made a statement appearing on DA.43 Mr Lekota saying that we do not intend any personal harm to councillors or their property. You were put into detention on 21 August 1984. Were you in detention on 3 September 1984? -- That is correct. (30)

Did/....

Did you remain in detention and in communicado until December 1984? -- Well I was under Section 28, I did mix with some of the other people that I was detained with. But I remained in detention and did not have access to the outside world until December 10, 1984.

What do you say in view of this evidence to the allegation made personally against you that you are responsible for the death of the four councillors that died in the tragic events on 3 September? -- I cannot overstate my rejection of this allegation. We in the UDF have committed ourselves to (10) oppose the government by non-violent methods of struggle. When the events that occurred in Parys occurred it was without our knowledge and we did not even have organisations there which were affiliated to the UDF. But we still felt obliged to comment and state the position of the UDF. To the best of my ability that task fell to me and I did try my best to carry it out. As I see it our affiliates in the Pretoria-Witwatersrand and Vaal complex would have been, apart from the general knowledge of the UDF, they would have been exposed to the remarks which I had made on behalf of the UDF relating (20) to incidents of this nature. We did not have any knowlege about the Vaal. When I was arrested in Port Elizabeth on the the 21st suddenly nothing had been foreshadowed that the Vaal community was going to take up the issue of rent, boycotts or anything of that nature. So that whilst I was locked up in Pretoria, in Johannesburg Prison and we read in the newspapers that what had happened in the Vaal had happened it came as a complete shock to us and we regretted particularly the loss of life that had been involved and the general destruction of property that took place afterwards and so on. It was (30) something/....

something that, you know the question of people you know being unable to meet the rent and so on and the new dispensation or something that we had spoken about and foreshadowed much earlier. We ourselves had never anticipated that you know people could actually go to the extent of the anger of actually you know burning and killing people as well. It was absolutely a shock to us. The least I can say it was an absolute shock to us.

Do you recall whether the critics of the UDF made any accusations against the UDF after the Tumahole events? -- (10)
Yes I think that at some levels some government spokesmen had raised criticisms towards the UDF claiming amongst other things that we were taking advantage of situations of that nature. And in part our response had to do with this to clarify the position of the UDF on this and also to provide guidance. Most important was really to provide guidance to our own affiliates. That even if they found problems of communities they must know that the position of the UDF was not, the position was not to use violence and not to destroy property.

Was your statement on the UDF policy to events such as (20) that in Tumahole given publicity? Well we have proved one newspaper, was it given publicity, general publicity? -- Yes, as I say that I believe that our affiliates, particularly in the area that I have already referred to on the East Rand and so on it was given a very wide publicity and it was a talking issue because I remember meeting some of the people afterwards in Johannesburg for instance who commented about this and even much later on one of the security police did comment to me that I had made this point and he felt that is an important point. But by that time I was already in detention. (30)

Would/....

Would you please have a look at EXHIBIT G.2.

ASSESSOR (MR KRUGEL): G or V?

MR BIZOS: G. Are those the Minutes of the, G.1 the Minutes, and G.2 the Report of the Secretariat? This is 1 and 2 June 1984. -- That is correct.

And would you please have a look at page 2 of the Secretariat report, G.2. The entry there is "Minimal for donation between affiliates and REC and among affiliates themselves. All this is reflected by performance in the MSC under the heading '3. Transvaal'" Do you see that? -- That is (10) correct.

What was the problem, what was the lack of co-ordination in the Transvaal that was being complained of? -- The point which we were making here was that in our observation the Transvaal office did not seem to be having a lively interaction with the various affiliates under it and tended to be a disjointed kind of activity in the region and for instance when one took the million signature campaign sometimes you found some organisations, in the same day you found some organisations like maybe the anti-PC going for million signatures (20) in Pretoria or so but the rest of the other Pretoria organisations not being aware that anti-PC was going to hold maybe a blitz or something like that there, which showed that there was not sufficient co-ordination and as a result their performance became fairly, well poor.

My Lord I want to go on to the next topic but may I make a request to Your Lordship of a personal nature. Tomorrow at 17h00 I have to be in Johannesburg to attend a meeting of a Board which only meets twice a year and it starts at 17h00 with people come from various places. The repair of the road, (30) and/....

and the state of the traffic, if Your Lordship adjourns at 16h00, will make it almost impossible for me to be on time. Would it be possible for Your Lordship to adjourn fifteen minutes earlier tomorrow if, at 15h45 in order ...

COURT: Yes, that is quite in order Mr Bizos.

COURT ADJOURNS UNTIL 15 SEPTEMBER 1987.