

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

A
/

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-15

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 286

(Bladsye 15 734 - 15 817)

COURT RESUMES ON 15 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, were you called to a meeting by Bishop Tutu together with Mr Molefe, accused no. 19? -- It is correct that I was called to Bishop Tutu's office and later I sent word to accused no. 19 to come and join the meeting.

As soon as you got there, was anyone else other than Bishop Tutu there? -- I found Bishop Tutu in his secretary's office and he took in to his office where I found four (10) other people.

Was IC.17 one of the four people? -- IC.17 was one of the four people.

Who were the others? -- The other people were Mrs IC.17. I think it would be better if I say IC.17's wife, his daughter and a family friend.

COURT : Male friend? -- Male friend.

MR BIZOS : Did anyone inform you why you were called and what these people were doing there? -- After introducing me to the people there, we took seats and Bishop Desmond Tutu(20) explained the business of my presence there and why those people were there.

What did he say about that? -- He indicated that IC.17 had come to him the day before I think and informed him that he had heard rumours that the UDF and the Tumahole Students' Organisation were responsible for violence that had been perpetrated against his property in Tumahole.

You say that you were informed that he had come to Bishop Tutu. Where had he gone in the first instance? To his office or elsewhere? -- As I understood it, he had (30)

visited /...

visited Bishop Tutu at Bishop Tutu's house and from there I do not know precisely how, but it had been decided that he must come to Khotso House where Bishop Tutu would facilitate a meeting between us and himself.

Was there any statement or any indication as to why IC.17 had come to Bishop Tutu in the first instance and why Bishop Tutu had to call on you? Was there any indication? -- At the time, none of those details emerged. Of course, at a later stage at some point it came to light that he had seen from the newspapers that specifically I myself had been involved(10) in one way or the other in the events that had taken place in Tumahole and also that he had read in the newspapers that Bishop Tutu had something to do with it.

When the question was raised, did you respond in any way? -- After Bishop Tutu had stated the case, my first reaction was immediately to deny any knowledge of the intention to do any harm to IC.17 or his property, but it immediately occurred to me that this was an important matter. I then excused myself indicating that I wanted to call accused no. 19 to be present in the meeting. Some discussion went on in my (20) absence, because I went into the office of the secretary of Bishop Tutu and asked the secretary of Bishop Tutu to phone the UDF office and ask accused no. 19 to come down to Bishop Tutu's office. I then immediately returned to the meeting, where I explained on my return that the UDF had no knowledge of any complaints or any of the causes that might have led people attacking the property of IC.17 or himself. I indicated that from what information I had been able to pick up, the community in Parys had had a peaceful protest against high rents or rent increases and that in the process(30)

of/...

of that, in fact at the end of the protest, because I had been told that the people were already going home, when the police shot teargas and that that had provoked the rioting that followed, so that I explained as I understood things, the rioting was not a planned things. It had really flown out of the circumstances there. Bishop Tutu then made the point about the fact that as far as hy understood it, the UDF was a peaceful organisation but that when mobs or large numbers of people are angry, they tend to act irrationally. They are difficult to control. I then went on to explain that(10) much as the UDF was opposed to the Black Local Authorities, it was not the policy of the United Democratic Front to instigate people to attack violently those who served in those structures or who opposed it politically. It was just not in the policy of the organisation to do the things that way. At about that stage, Comrade Popo, accused no. 19, arrived and once more Bishop Tutu explained to him what the position was and as I recall after Bishop Tutu had explained this to him, he in turn took up the line of explaining the attitude of the UDF and in particular that it was not the style of(20) work of the UDF to employ violence against those whop opposed it or who were supporting structures of the government.

Can you recall whether IC.17 said anything about his life's work? -- In fact before he spoke about his life's work, he did raise one question. I cannot specifically say at what stage, but he did ask the question almost rhetorically as to what he could do in the circumstances and he then went on to talk about how his whole life's work and efforts, a business which he had built over many years, of which he pointed out that his wife had literally dedicated(30) her/...

her life to building that business, had been destroyed just in one day. He went on at some length in that vein. Until he arrived at the point where he pointed out that he had served the community and the community had not appreciated what he had done over many years. He expressed the view that it was because of the policy's of the Administration Boards that he had ended up where he was. He was therefore going to meet the Administration Boards, find out about whether they could not compensate him, but that he was going to sever any links between himself and this local (10) government's ructions. In a nutshell, that is how I recall what took place there.

Do you recall whether he asked Bishop Tutu to issue any statement? -- That is correct. He did ask Bishop Tutu whether the Bishop could not make a call on the community in Parys to stop attacking his property. The Bishop's response, as far as I recall it, was that he could issue a statement to that effect, but as he pointed out he was doubtful as to how effective it would be if the community in Tumahole continued to feel that the council and those who served the (20) council were responsible for their hardships.

Did you have any knowledge - any personal knowledge of the happenings in Tumahole yourself? -- I had no personal knowledge of what had taken place in Tumahole on Sunday, 15 August 19 - no, no, 15 July 1984. I had arrived there in the evening around 19h15 and when I got there, there had already been a lot of rioting for the rest of the day. So, I could only rely on what I was told by people. I did not witness any of those things.

Can you recall where you were during the day of 15 (30)

July/...

July 1984?-- During the day I had been at home in Kroonstad with my mother.

How did you come to be in Parys? -- It being a Sunday I was going back to the head office in Johannesburg. I had to be there on Monday morning. So, in order to get to Johannesburg, I had to by-pass Parys. As I drove past the police station at about 19h00, 19h10 or so, I noticed an unusually large number of riot police vehicles. Especially the mello-yellows. You know, these buses which they use. My curiosity was pricked by this and I decided to go to the (10) township and see what was taking place. That is when I came on this situation that I found that there had been rioting and that there had been police all over the place.

Were you allowed to proceed on your way? -- No, I went into the township there was nothing to block me. So, I was able to move in. It was when I was coming out that I found that there had been set up a roadblock and that is when I was upheld by the police at the roadblock and my car was searched and then I was ordered to pull on the side of the road and wait for the security branch police. That must (20) have taken about at least one and a half hours. Plus-minus one and a half hours. I think they had to come from Kroonstad and then afterwards they went through all the papers that I had and halfway they decided that we must - in fact I requested that we must go to the police station, because it was particularly cold. So, we went to the police station and that is where the inventory was completed.

The inventory of the papers in your car? -- That is correct. I was of course asked as to how I had come to be there and I had explained. So, at the police station there (30) was/...

was - the inventory was completed, I was of course taken in for a brief questioning, to say really how and why and when I had arrived there and so on and after I had given the details of this, I was let out. It was that night that as I was coming out from the interrogation room that I saw the man Bonakele Ngalo. At the time he was not known to me. I got his name at a later stage and I saw him enter the police station with two riot police fellows and who were also punching him in the process.

We do not want any details of that, but did this (10) person - did a person die in police custody shortly after your arrest? -- That is correct.

Was publicity given to that fact? -- Yes, very wide publicity was given to the fact that somebody had died in the police cells there.

Was any publicity given to the fact of your brief apprehension - I suppose we can even call it a detention or questioning at that police station? -- That is correct.

Was this publicity of the fact that you were detained or apprehended there given before or after IC.17 was seen (20) by you at Bishop Tutu's office? -- It was before that time.

Did you give interviews in relation to what you had seen at the police station? -- That is correct.

The allegation in the indictment is that Tumahole and some 31 other areas which have been reduced slightly now, was as a result of the conspiracy that the UDF was a party to, what do you say about that in relation to Tumahole? -- I deny that. In the first place the UDF did not even have affiliated organisations in Tumahole at the time that those incidents happened. In fact as far as I know right up (30)

to/...

to the time of our arrest, we did not have any affiliated organisations there. We had no share. We had no role at all in the events that had taken place there. We had not been consulted. We did not have anybody participating on our behalf in those events.

I want you to please - I want to refresh your memory. You made a statement in relation to the policy of the UDF in DA43? -- That is correct.

Through accused no. 19 DA28 and 29 were put into the record in which you said that people should not respond (10) in any violent way during the elections which were about to come in August 1984? -- That is correct.

And also did you call for lack of coercion in W52 which was how the signature campaign should be conducted on page. Having regard to those documents which were publicly made, what do you say, was the policy of the UDF clearly enunciated to all including to the people of Tumahole as to what the UDF policy was? -- As far as we were concerned, the policy of the UDF had been publicly made known and we were convinced that people understood clearly the position (20) of the United Democratic Front on the question of the use of violence.

COURT : At what stage? -- I am talking about the middle of 1984. Both before and after.

MR BIZOS : I have chosen four of these statements. Were the other statements that were proved before His Lordship in relation to the non-violent nature of the UDF, the fact that it had no connection with the ANC and that its object was the calling of a national convention kept a secret or wellknown at the time? -- All those facts were publicly (30) known/...

known. We had made this very widely known.

The other aspect in respect of which evidence was led in relation to your personal involvement is the evidence of Mr Branders. I want you to please have a look at AAQ8. Whilst we are waiting for that document. How many funerals did you attend at Kroonstad? -- In 1985 I attended only one funeral in Kroonstad and that was on 18 February 1985. It was a Monday.

Were you at a funeral on 21 February 1985? -- I was not at any funeral, in fact subsequent to that I never atten-(10) ded any single funeral, certainly not in Kroonstad.

I want you to please tell us how you came to be in Kroonstad on the 18th? -- I was invited to Kroonstad. I received a phone call from one Dennis Bloem and this was an invitation to the funeral of Mr Matches's son.

The son's first name? -- I cannot recall his name. At the time in fact we did not have any affiliated organisations in Kroonstad, but we had a number of people who were sympathetic to the position of the United Democratic Front, Dennis Bloem being one of them. When he spoke to me he (20) had raised the issue that it might be to the advantage of the UDF to be seen to be with the people around events of this nature and to share with the people their difficulties. I had conferred with accused no. 19 and it was agreed that I should go. The reason largely being that Kroonstad is also my hometown and I do have a special attachment to the place and also because I knew a lot of the families and the people there. So, on the Monday, the 18th, I drove from the head office in the company of one Patrick Lephunya. We arrived in Kroonstad at about - I estimate between (30)

09h30/..

09h30 and 10h00. We went straight to the home of the deceased.
ASSESSOR (MR KRUGEL) : Is this now the same Mr Lephunya that we had before? -- The same Lephunya who works ... (Mr Krugel intervenes)

In the SCA? -- He is also a member of the SCA, but he was working as an administrative officer in the Transvaal office of the UDF.

Patrick Lephunya? -- Patrick Lephunya. The home of the deceased is in what is ordinarily called the old location in Kroonstad, otherwise Marabastad. Both Lephunya and I(10) were wearing UDF T-shirts. Mine was the yellow T-shirt, the one I think that has been displayed to the Court before. Patrick Lephunya had a white UDF T-shirt. We found a lot of people already there really almost ready to go off to the graveyard. It was indicated to us that there had been time restrictions placed on the funeral proceedings and even the route of the cortège to the graveyard had also been indicated. So, after a short prayer and some hymn singing, the funeral cortège started off to the graveyard.
COURT : Were they not in a church? -- No, we were at (20) the home of the deceased.

Was there a service there? -- There was a service. Just a prayer I think and a hymn. It was just a short service. I do not know if they had had other proceedings before we arrived. One of the conditions was that the coffin should not be carried by people walking on the street. So, it had to be in the hearse or it had to be in a vehicle. What happened in the process is that the people used the family van. It does not have a canopy behind, it is just an open one. They had people standing on the van, behind(30) the/...

the van, and they were carrying, they were holding the coffin but standing on the van. So, they were not walking on the ground but they were standing on the van holding it. The cortège then proceeded in the direction of the next township, that is now Seisoville, which is where the police station is located.

COURT : Where is the graveyard? -- The graveyard - to get to the graveyard we had to by-pass Seisoville, Phomolong and by-pass Constantia Park and then we would be at the graveyard. The route had been defined in such a way that we (10) had to just move on the periphery of this location and not go into - and not pass through anyone of the locations or the townships. We followed the cortège in the UDF car. I had Patrick Lephunya in that and several other people and one blind young man was also one of the passengers there. We proceeded to the graveyard without any incidents and the police of course were keeping watch on the proceedings right through, even as we were marching there and when we got to the graveyard the police took a position that I would say is north/west of where we were but inside the graveyard. (20) May be a distance of about plus-minus 150 to 200 metres away from where we were, We had a prayer service by the Reverend Mosia. We then had a sermon by the Reverend Mamabolo. I then addressed the mourners and then we began to fill the grave. Whilst that was going on and in order to avoid overstepping the time limits, both Dennis Bloem and I asked the main body of the people there to begin to move back and go home. That is to say back to the home of the deceased, but we also retained a small group of people, something in the vicinity of plus-minus 20 people to finish off the task (30) of/...

of filling up the grave and in fact the main body of mourners began - it took our instructions and moved away. It was whilst we were - the remainder of us were busy filling the grave, that the police fired teargas at us. As far as I was concerned, we still within the time limits and I did not hear if the police had given instructions that we must go away from there, but on the other hand, they themselves could not have known what our purpose was, because we did not have a loudspeaker. So, when we were speaking to the people it would not have been audible to them as to what (10) we had said the people must do and what must not happen. In any event, they did fire the teargas and as a result of the teargas, we had to retreat into the trees that surrounded the grave yard and I had to take this blind young fellow because he was one of my passengers, he had been waiting for me and I had to take him and run away from there. We retreated into the nearby trees, waiting for the teargas to clear off. By then the main body was gone quite a distance already. So, they were not in the picture, but after the clearing of the teargas, we returned to the cars and I did not wait (20) any more for the filling up of the grave. I just took my passengers into the car. There was also the old man. I think it must have been the grandfather of the deceased who had collapsed because he had been overcome by teargas and then somebody took the old man with the car to the hospital for clearing. I got into the car and I drove away with my passengers back to the home of the deceased. Except for that incident, there was no act of violence of any kind. Certainly there were no stones thrown by anybody, in particular not by the main body of the people that we were (30) with/...

with and those who had remained behind.

MR BIZOS : May I just pause there for one moment, please.

Mr Branders agrees that there was no trouble in the township at all on the 18th but he says that you were at the funeral of the 21st and that after that funeral there was trouble and that you yourself took part in stone-throwing. You will recall his evidence in that regard? -- I recall that evidence.

What do you say to that evidence? -- Well, I can assure the Court that it is absolutely untrue that I was in Kroonstad on the 21st. Let me put it this way. After coming back (10) from Kroonstad on 18 February, on the night between the 18th and the 19th, in the early hours in fact of 19 February, police - there was a swoop on the homes of very many UDF activists and officials and a number of our people were arrested. When accused no. 19 and I got to the offices of the UDF, in fact we were driving in two separate cars, I had parked my car and I was reading a newspaper in the car when he came up after he had parked his car. I then said he must go into the office and I will be coming later. Then almost a minute later he came back running and he told (20) me that there were police in the office.

COURT : Who was that now running back? -- Accused no. 19, He told me that he had been told that there were police in the office and they were searching the office. I said to him the last time I was the first one to be arrested, you go there and find out what is going on. If anybody gets arrested, you get arrested first this time. So, he left his bag with me and he went - he proceeded to the office, but apparently halfway he decided to phone our lawyers and tell them that police were in our office and so on and so on. (30) He discovered that people had already been arrested in other

parts and people were being arrested elsewhere. He came back to say that. "Things are bad, people have been arrested and I am getting arrested." So, we decided that we must now keep a distance, because we do not know what is going on here. From that day onwards I did not appear in public. I did not address any public meeting or attend any public gathering, because as I have told the Court earlier on I was avoiding arrest. I had just come out from a long period of detention under Section 28 and I was not keen to return to it again. I was neither invited to the funeral of (10) 21 February, nor did I attend it. I did not.

When you did attend the funeral of the 18th, were you taken to the police station or not? -- That is so. When I returned to the home of the deceased, Mr Matches's home we parked the car and washed our hands. This is ceremonially done at funerals and then we stood just outside the gate next to our car waiting for the main body of mourners whom we had by-passed on the way, who were still coming, because people had to come and wash their hands and then have refreshments. Whilst we were standing there, Dennis Bloem(20) had arrived by that time and several of the others who were going by car. So, we were just chatting, standing there in our UDF T-shirts. Then one of the police vehicles, one of these hippo's, came down the street. It seemed to be doing just normal duties to check that there is nothing untoward, but when it was just left of us, it stopped suddenly there and then two police officers jumped out and one of them said "Hier is die ander twee met T-hemde." There were more of us with it, because Pat had a white T-shirt, but they seemed to be interested in the yellow (30)

T-shirts/...

T-shirts, because they took me who was in a yellow T-shirt and they also took Dennis Bloem who was also in a yellow T-shirt. Then they took us into the hippo but they left Lephunya there. They took us to the police station and at the police station I found or rather we found a number of police officers in the yard. Several of them were actually security police people whom I had met before, whom I knew, although I cannot remember all their names, but I can remember one who was Mr Koen. I do not know whether he was a Lieutenant or what. The issue that was raised that was picked (10) up with me was that I earlier on been served with a subpoena to appear at the Magistrate's Court in Johannesburg with the inquest into the death of Ngalo in Parys. I was arrested in 1984 before the date of the inquest or last before I could go to the Magistrate's Court, the day that I was served with this subpoena. So, when the date came I was in detention in Johannesburg prison. I had not been able to honour that date and the police wanted an explanation why I had not honoured that subpoena. I then explained that when the date came for the subpoena I had been in detention (20) and so it was impossible for me to go there unless the police took me there. This was - some of the police were suggesting that I should be arrested until I appear before the Court but when I gave that explanation and they realised it was correct, they then - I was then separated from Dennis Bloem. I do not know what happened to him subsequent to that, but I was taken to another office where I was made to wait and it expired later on that the police were preparing a new subpoena for me to appear or to present a statement of what I had seen at the police station on the night that Ngalo (30) was/...

was there.

Did you go to this police station on more than one occasion during February 1985 or only once? -- I had been there before because at an earlier stage, I had been apprehended by the police and again I had been subjected to a search at that same police station, but that was before this date. So, it was a police station that I knew quite well.

How long before the 18th had you been to that police station? -- I had been there at that police station some time in 1984. I think it would have been early 1984 because(10) it was at the time when - more or less when the new town councils were beginning to operate and I happened to have been there at home.

What do you say to Mr Branders's evidence that he saw you at the police station in Kroonstad on the 21st after the funeral of the 21st? -- No, no, that is absolutely untrue. In 1984 the only time that I was at that police station in 1984 was on that day of the 18th and there was never ...

(Court intervenes)

COURT : 1984? -- 1985. The only time I was at the police(20) station was on 18 February and there I was ultimately given a subpoena and released to go. At no stage did I return to that police station subsequent to that, not at all. In fact I did not return to Kroonstad at the time whilst I was in hiding.

MR BIZOS : It has been admitted by the State that it was published on the - the following was published on 19 February 1985 in EXHIBIT AAQ8. The first two paragraphs identify the funeral. The third paragraph says "They arrested Mr Terror Lekota, publicity secretary of the United Democratic Front(30)

(UDF) / ...

(UDF) and Mr Dennis Bloem, a UDF activist. Both men were later released. Mr Lekota was handed a court subpoena and told to appear in the Johannesburg Magistrate's Court on March, the 4th or submit an affidavit to the Court before that date." Just to underline the obvious possibility, can there be any doubt in anyone's mind as to on what date you were at this police station? -- No, there is no doubt about that.

The officers that you spoke to, was it just a desk sergeant or senior police officers that confronted you for having failed to attend the inquest of the young man that(10) you saw being assaulted? -- They were senior officers who discussed and raised the issue with me there, senior officers in Kroonstad.

ASSESSOR (MR KRUGEL) : Did they then contact Parys or somebody else to find out about the subpoena? -- I do not know what they did. I waited there for something in the region of about an hour or one hour fifteen minutes.

But they gave you a fresh subpoena? -- They gave me a fresh subpoena. When I left there I had a fresh subpoena. That is the one that I showed to Chris More and then he(20) wrote his report with the subpoena in front of him.

Chris More is the reporter who filed the report of EXHIBIT AAQ8? -- That is correct.

And that appeared on 19 February? -- Yes, that is so.

What do you say about the whole of the evidence of Mr Branders that you were at the funeral of the 21st and that there was a vehicle there with petrol bombs behind it, that were being taken out and which he did nothing about? What do you say to all that evidence in relation to you? -- I can only say that I know nothing about that part of the(30) evidence/...

evidence. I certainly agree with him that I was there on the 18th and that there was no violence on that day there, but the rest of the other stuff and this funeral that he talks about in Seisoville and so on, I was not at that funeral. I do not know about it. I cannot even begin to debate the matter with him. I think he is making a mistake when he says that he saw me there on that day. He is making a mistake when he says he saw me there on the 21st. I was not there.

He says not only did he see you there, but he ascribes acts of violence to you. -- Well, I cannot explain why (10) these reports have been made to create the impression before this Court, that if I am not teaching people to make petrol bombs, then I am teaching people to throw stones around. I may not be a very important member, but I have a standing in my community. I carry a lot of responsibility and I am conscious of the responsibility that I carry on my shoulders, but even in spite of that, even without the responsibility that I carry, I am not just in the line of people who would go around picking up stones in the streets and throwing them around. In a place like Kroonstad where I am so well-(20) known for me to do an act of that nature, to start with, would just destroy the standing of our organisation, because people would see me, people know me and if I act in a manner of that nature, I actually negate the task for which the United Democratic Front has elected me to present it as it is. I would be misrepresenting my organisation. I must say quite firmly that there are a number of things that have happened in the course of these proceedings which have left me absolutely hurt. The fact that at times little children are encouraged to come and mislead the Court about my behaviour (30) at/...

at a time when I am faced with five counts of murder, when I could face untold consequences. The suggestion that I go around the country teaching people how to make petrol bombs, literally that I am an anarchist, that is what it amounts to. Not my family, not any of the people who are responsible for the position that I occupy in the United Democratic Front would have a bit of respect for me or for any official who would do things like that and for me to go into Kroonstad, an area where we do not have affiliates, it is important that my organisation must be seen for what (10) it is, it must be understood for what it is, because its support will come from the masses of our people only if they have respect for it. I cannot carry on business of that nature, but I think there has been a very wrong approach to things to some of the people who were in positions of trust. They have just misused it. The State has got law enforcement officers. There is no need why for instance counsel for the State, men who are supposed to uphold the law of our country, should encourage people to come and lie. (20)

COURT : On what basis do you say this? -- I say this on the basis of the sworn evidence which we had at Delmas from one of the witnesses.

Well, it still depends on whether that evidence is accepted. I do not think you need comment on the evidence that we have. Mr Bizos can do that at the end of the case. We will get into a running fight here between the witness and counsel for the State and that is entirely unacceptable.

MR BIZOS : This funeral that you do admit being at on the 18th, was there a banner? -- There was a banner there. (30)

Do/...

Do you recall what was on the banner? -- To the best of my memory the banner read something like "We are not fighting to bury our dead. Yes to SRC's." That is to the best of my memory how it read. I do recall that I found it difficult to make sense out what its exact meaning was.

COURT : Who was in charge of the funeral? -- Dennis Bloem was the chairman of the proceedings. Exactly what arrangement had been made with the family and who was who, I cannot explain.

MR BIZOS : On the 18th, the funeral that you did attend, (10) was there any provocation of the police by women in any way that you can recall? -- No, there was no provocation of any kind. As I have said, except for the teargas that was shot at our group that was there at the grave after the main body had gone. There was no other incident of any kind.

Was Dennis Bloem an office bearer of the UDF? -- He was not.

COURT : What organisation did he belong to? -- He belonged to no organisation. There was no organisation there in Kroonstad, but he was one of those people whom one finds (20) from time to time enthusiastic and who supports the UDF without belong to an organisation really.

MR BIZOS : When you were actually arrested on the 18th by the police officer or officers, did they tell you why you were being arrested? -- Except for the remark about T-shirts that I have referred to, the police that arrested me did not say why they were arresting us except for that remark. I initially thought it was may be because we were wearing UDF T-shirts. It was only at the police station that I discovered that the purpose was a different one. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : So, that would probably explain why the person, why Mr Lephunya was not arrested because he had a white T-shirt on? -- Possibly. It might have been said that ... (Mr Krugel intervenes)

"Mr Lekota has got a yellow T-shirt on"? -- That is right. That might have been the position.

COURT : So, everybody with a yellow T-shirt was brought along? -- Yes. Then you just select which are the fish and which are the snakes.

MR BIZOS : At the time when the events might have been (10) fresher in your memory you referred to Mr Kuhn as a colonel. Did you give him a higher rank at the time ... -- I am not sure why I did that. May be somebody did call him that name that I got that impression, but I know he was an officer, nevertheless.

Were you yourself struck by any gas canister on that day? -- That is correct. I was hit by one of the canisters as it flew into our midst.

I want to deal with the events in Welkom on 11 August 1984. Were you in Welkom on that day? -- That is correct. (20)

By whom were you invited to go there? -- I was invited by the COSAS branch in Welkom.

Was there a welcoming committee when you arrived at Welkom? Did anyone meet you when you were approaching Welkom? -- When I arrived in Welkom, in fact at the entrance of Thabong Township, I found a police roadblock there at which I was stopped and my car was searched. In fact as soon as the security police discovered that I was in that car, they phoned and called Mr Hugo.

COURT : From Welkom? -- Yes, also in Welkom. He was at (30)

a/...

a different point, he was part of the roadblock, but he was at a different point. So, I think they phoned him with a walkie-talkie. Then he came there and he took me with the car to the police station in Thabong. He then searched the car and he took all the papers that were in the car, whether books or publications or whatever it was and he drew up an inventory of those things.

My Lord, it may be of some assistance to Your Lordship dealing with the evidence of Mr Hugo on page 5 916. What happened there? -- After he had drawn up the inventory, (10) he gave me the receipt and said I could go on to attend the funeral and then I would collect my property on my way out. I could then collect my property when I was leaving Thabong. Then I proceeded to the funeral. I spent a fair amount of time there. When I got to the hall where the funeral was, the proceedings at the end and people were already moving to the graveyard. So, I went on with the cortège to the graveyard and then after funeral rights were carried out, I was given the opportunity of saying a few words to the mourners. There were no loudspeakers of course, so I had(20) to stand on one of the graves and speak from there and then afterwards the grave was filled and we had to come back. All the time the police were standing taking position up around the graveyard just observing the proceedings. As we were leaving the graveyard Aubrey Mokoena arrived there. I did not know, but apparently he had also been invited but he could not even have time to say anything to the people, because the people were already leaving at that time. As we were going back to the township, I noticed that quite ahead of us were some of the police vehicles that (30) had/...

had taken position. I noticed them shooting teargas. I cannot say what had really happened or what was happening there. Then people ran away into the side streets. They left the road and they ran into the side streets into the township and I think they took a different route back to the home of the deceased. I had not been to the home of the deceased at all before coming to the graveyard and I did not really know how to get there. So, all I could do was to drive back to the police station again and collect my things and then I drove back to Johannesburg. (10)

According to the allegations in the indictment, the amended particulars to the indictment, it is alleged that you urged people to struggle until freedom was won and that you also urged women to participate in the struggle that it had begin in 1912. Can you recall what you said at this meeting? -- No, that is not true. The only issue I picked, the very short input I made there was on the question of education because the matter concerned the death of a student and the point which I made there was that it was important for parents to be involved in the process of resolving the (20) problems of education and for that purpose, it was important for them to set up parents committees that would be able to monitor the complaints of the students and therefore facilitate the resolution of those problems. That was really the main thrust of what I said there. As I say, I had no time because the proceedings were literally over and even there there were limitations of time. So, this whole thing about 1912 and so on does not feature at all there.

Did you hear anyone else that spoke at this funeral suggesting to anyone that they should behave in a violent (30)

or/...

or intemperate way after the funeral? -- I did not in the time that I was there hear anything of that nature. I do know the nature of speeches that were delivered in the hall before people came to the graveyard because the cortège was already leaving for the graveyard when I got there. But in the period of time that I was there, nothing of that nature was ever suggested to the people.

And insofar as there may have been the expression of an opinion by Mr Hugo that it must have been what was said at the funeral that led to some or other trouble (10) that there was in the township after that, what do you say in relation to the period that you were there? -- Speaking for myself I deny that. In fact, the whole spirit of that funeral was not of the nature that would suggest trouble. There were a lot of elderly people there. The taxi association there in Thabong was actually transporting everybody there. I found it to be a very orderly funeral. This is why I was actually surprised when the teargas was shot when people were going back. I do not know what had happened there, but it came as a surprise to me. (20)

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, at the meetings which you attended, were there songs sang? -- That is correct.

The State alleges that the singing of these songs was really the UDF's work encouraging people to popularise the ANC and its leaders, to incite people to violence, to juridise people who had committed various criminal acts. I would like to ask you what you believe, what you say (30)

the/...

the reason for the singing of these songs is? -- First of all I deny that the purpose of singing the songs was to popularise the ANC. I think - in order perhaps to understand the whole culture of singing, it is important to understand the background of African communities. In our community singing is part of any occasion where people come together in considerable numbers and before I deal specifically with the category that has been called freedom songs, I just want to comment a little bit, say to the Court my understanding about this process of singing. When I first came - as I (10) grew up in our community, I found that songs were used sometimes to console the people. Sometimes when people are doing a piece of work to lighten the burden of what they were doing. Sometimes for sheer entertainment. So, there are various reasons why people would use this element of culture. An example that comes immediately to my mind that I recall very well, is an occasion that is called "letsema" in our community. This is an occasion where sometimes you will find a member of a community has got some project that he or she wants to fulfil. Assuming for (20) instance he wants to thatch a hut, may be it is already built, the walls are already built. It could be any job, but I am just taking that one. May be if he wants to do it, he must do it fast. The owner would ordinarily make large amount of beer and he would invite his neighbours to come there and help him do the job - the beer would of course be for consumption as they are working. One finds invariably that once the job starts, they will be working and the working will be accompanied with the singing. So, people can sing about anything really in those circumstances. (30)

Usually/...

Usually of course the people who would be doing the job, would tend to come from the same age group. So, they would sing and then they would work. There clearly one would see it lightens the burden. Or sometimes you have an occasion that is called "pitiki" or something like that. People would be invited to come there, something is going to be done, may be child is being taken out of the house for the first time or so and people come out there. So, they come for that occasion. Instead of just sitting there quiet and so on, they sit in age groups and then after some time, they(10) would begin singing. That group there will sing. Even the elderly men would stand up once in a while and just shake themselves and do something and so on. This is just a normal thing that happens. It is also important that I say to the Court that during that singing one will even find a situation where for instance they have got kieres and so on and they wield them in various ways and so on, but that is not to suggest that there is war about to start and so on. All it is, it is a part of the entertainment that goes with the singing. When I came into the townships at (20) a later stage around 1960 and so on, I still found a lot of the songs that I grew up familiar with out in the rural areas. They were also still being sung in the town, but increasingly one finds songs which were now part and parcel of the culture of township life and they would therefore be compositions which would increasingly talk and address themselves to the problems of life or to the aspects of life in the townships. So, the tradition of singing once people have come together in large numbers, remained alive and again, we do not have in African communities a thing (30) like/...

like everybody must sit down and a particular person must stand there and sing and everybody does not participate. Once somebody starts the song, it is a communal activity.

Everybody participates. Everybody responds. Of course, some people are more talented in singing than others, but ordinarily everybody will be expected to sing and to sing alone with of course somebody leading the songs. It was here that I found songs such as for instance, when the men are digging a hole for an electric pole that I observed that from time to time one found, say for instance Municipal workers where (10) elderly may be working digging a trench or something, you will find them going in rhythm with the song and each time they pick the picks up, they sing or they chant something. So, this chant came in there. You would a White foreman sitting guarding them and then they would be singing "Abelungu Ngo Damn - Ngo Damn." What it means is that the White man is a damn, because he calls us Jack. They do not want to be aggressive to him. They just do their work, but they say something to build the rhythm. Mostly the White foreman is sitting there. He does not know what they are singing (20) and they are saying that he is damn, he is damn, he calls them Jack and then they go on working, so that if one were to look at the situation like that and take ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Just for the record, the damn that you are saying, you spell it d-u-m-b? Is that what the word is? -- No, damn, d-a-m-n. The man is a damn, which should mean therefore he is a devil. But it is not meant to be taken literally like that. They are building the rhythm there and so on. They have very many of these chants that they use. (30)

I/...

I myself joined the boyscout movement. Again this tendency of singing or chanting something when you are at meetings or when you are gathered in large numbers, arose here. We had songs that we sung there, especially if we went on camping. We had games and we had chants. Many of those are still alive to this day. They have actually become part and parcel of our community. May be I should put it this way that in the townships itself, in the evening, one finds a culture that is - an element of culture that is very common, where you find children, young kids may be because they do(10) not have any other things to do and so on, particularly in the late afternoons and evenings, you will find them playing games and there during the course of those games composing songs and so on and some of them, in most cases one can hardly say where have the kids got the idea from, but they composed some of the songs there, they composed some of the chants there and at a later stage sometimes you will find them taken up by people even older than themselves and so on. They create the songs there. It is like with kids. If you tell them a story in the evening about what happened (20) at work and so on, or they overhear their father telling a story and so on, the following day they compose something out of it. It happens this way. So, this whole thing of singing, once people have come together in a large group, that is something which is part and parcel of our community. If we travelled from here and we came to Pretoria or from here and we are going to Johannesburg to play another school there as students, we would invariably sing a number of songs and one of the songs that I remember invariably was just before you get to that school, there was a song that we used(30) to/...

to sing. It says "Abanumzana Sivuleleni Singene." Which means then a gentleman opens for us so we can come in. So, again you see, in these large numbers you will find songs like those being sung and then invariably songs went on to deal with our lives. Hymns were converted or at least adapted. There was a hymn which says "Sera Sa motho ke pelo." It is a very common one and so on. I recall quite well that that had been a manner at a later stage to sing "Sera sa motho ke pasa." The thing is that some of the people are beginning to convert some of these hymns so that they talk(10) and articulate. What it really says is that the enemy of the people is the pass. So, one found songs being amended or adapted to articulate these feelings. The first point that I would like to make is when you have grown up with this tradition of singing each time you came together in large numbers, the one thing we cannot do if we are a large number, at the same time is to talk, but we can sing together all at the same time. Every people is participating in it. The point I was about to make is that we born into communities where the singing was paraphrased and the singing for(20) instance about the leaders of our people was also part of this.

MR BIZOS : When did you first hear the song about Mr Mandela?
-- The first song that I recall about Mr Mandela was between 1962 and 1963 around that time, 1963/64 and the song that I heard that was sung at the time in our township was
K917 "Shosholoza Mandela", which actually means go on Mandela.

Did you know who Mr Mandela was at the time that you were singing the song? -- I had no idea whatsoever. I do not even know where the song came from, but it was only (30)

an/...

an inthing that everybody sang. It was only at a later stage that I got to know that he was one of the leaders of our people again not in the sense of - I would know that he is one of the leaders of our people. Precisely why and what had happened I just know that old people would say "That is one of our leaders" and that was that. We were born into a culture. We were born in an atmosphere like that. Those things are the first things that you learn and they are part of you and you are not alarmed by anything when they are sung.

Long before you became an office bearer of the UDF, (10) had you ever heard a song relating to an "Oliver"? -- Yes, I said that I was a boy scout. We used to go on camps from time to time. When we are on camps, in the evening we would make a big fire and all the boy scouts would surround the fire. All kinds of games are played in the course of this. If I want to start a game and in order to draw attention to all the other boy scouts I would jump up and run around the fire inside the circle that is formed by the other boy scouts. I would shout "Oliver" and then they would say "Zi." I would shout "Oliver " and they would say "Zi." I will do (20) that until I am satisfied that I have captured the attention of everybody. Then I would begin with whatever game I want to start and everybody would of course respond to that and so on. When I was finished with what I was doing and I was going to take my seat, I would again shout "Oliver" and they would respond "Zi". Then I would go and sit and I would finally shout "Oliver" and they would say "Zi, zi, zi."

Did this name Oliver associated with "zi" change from Oliver to something else? -- My observation - at a later stage now, when I came to political meetings, I found that (30) these/...

these young people at the meetings there, they run and then they "Oliver" and the response is no longer "Zi" now, but it is "Tambo". I could see clearly that this is an adaptation. This is a thing that I was part of earlier on that we used to do and then this is how it is being adapted. There are adaptations and adaptations. There are both modern and old ones. I may perhaps draw the Court's attention to one example that I think is important to put before the Court. I read in the history book that in 1912 when our people gathered in Bloemfontein to form the African (10) National Congress, when they opened the meeting, they sang they sung a hymn "Lizalise Idinga Lakho Thixo Wenyaneso." What that means is that "Fulfil Thy promise, O God of truth." That is a hymn that I read in history books was sung at the beginning of the meeting. Later on the tune was retained but now the wording changed to "Siyenzeni na." What that means is "What have we done?" It will be found that the tune is exactly the same. It is only the wording that has changed. When I first sang "Siyenzeni na" and I recall quite well that in 1975 when we were charged in this same (20) court we used to come up here into the dock singing the same song. Then I did not know that this actually was an adapted hymn, it came from there and that it has been adapted and that it has been sung as early as the 1940's. People had adapted it and had been singing it like that. To this day this song is still being sung and we will find that it says now "What have we done?" and sometimes talking about "We" Black people, "What have we done" and so on and that and I think the Court will remember that in one of the speeches of Aubrey Mokoena he starts off and he says we must pray (30) and/...

and then he hums, that song which we hum or which people sing there is this song. It comes right from the composition of that song and it was sung at the first meeting as a hymn. There is a second song that that meeting from my reading of history was closed with and that is the one that says "Give a thought to Africa". That is the son with which they closed that meeting. At the time Nkosi Sikelele Afrika apparently had not yet become as popular as it is today. That song which says "Give a thought to Africa" and so on and so on was sung and it used to end off by saying "God bless Africa(10) and her sons and daughters." When I first sung it, first heard it, it used to say "Luthuli lead Africa and her sons and daughters." Today the same song is still being sung but now people say "Mandela lead Africa and her sons and daughters." So, one finds a whole family of songs, very many of which are much older than ourselves. Some of them older than we ourselves had been able to discover. It is part of this tradition of singing that we born into and we were grown up with. I must say that even when I left Kroonstad, when I went to boarding-school in the early (20) years I found many other songs and people from other parts of the country coming with different other songs, adaptations in style in singing and so on. So, that the point I am trying to underline is that this singing is not to be taken, it is not something special that the UDF composed. It is not something that UDF has a special objective with to achieve and so on. It is a tradition we have found there, we are born into and it will be there long after we are gone, because it has been there with the people. It has been practised and it has been pursued. (30)

Are/...

Are the words of the songs, whether they be freedom songs or others, taken literally? -- They are certainly not taken literally. They are really something like the American Negro folklore, traditional folklore. You find them singing expressing themselves. As I have said, they have the effect sometimes of comforting you. It is generally in that spirit that they are sung. It is not meant that now you must go and do anything in particular.

The freedom songs that are sung at these meetings that are evidenced by the videos, are they only sang at (10) political meetings or at other meetings as well? -- I have said that these songs would be found in various settings. As long as there are a large number of people, you will find people singing them. I am not attempting to say of course that everyone of the songs that I found there in the political meetings will necessarily be sung elsewhere and so on, but there is this amount of cross pollination so to say. Let us take for example the song "Shosholoza", which one sometimes should find being sung by groups of loafers just sitting by themselves in the township. (20)

Which song is that? What does it mean? It says "Go on", "Shosholoza". Then you will find sometimes that song sung as I have already said by student groups going to some other school. Sometimes you will find it being sung by football supporters of a club. The same song, the same words and sometimes you will find the song sung by workers and I have noticed something interesting of late. These marketing agents also discovered the trick of taking these songs and amending them and using the tunes to advertise. If you listen to XXX Mints advertisements today. It is one of these (30) community/...

community songs which has been amended. Instead of singing "Shosholoza" they now sing this XXX Mints, X-tra Strong. The tune is exactly the same tune as "Shosholoza", but the marketing people have taken that over. It is not only one. There are at least - I am aware of at least two at the moment. I cannot remember the other one immediately. But they have also adopted the same style and they are using these tunes to sing. It stays in the mind of the people because they know the tune and so on. They are really studying the field before they make these advertisements. (10)

I am not a very talented singer and I do not want to ... (Court intervenes)

COURT : We would not be able to transcribe your tune. -- That is right. People grasp it quicker.

MR BIZOS : With the modesty that you have confessed in relation to your singing, are there groups in your community that fancy themselves as better singers? -- Well there are some of the groups.

At meetings, does the chair person of the meeting decide what songs are there to be sang, does he direct the (20) singing or how does it happen? -- At these public meetings it depends on who starts the song first. It depends on who feels confident enough to start the song, which he likes or which he or she likes. Anybody can start the song. I remember that at the June, 16 commemoration in 1984 at Regina Mundi the priest had problems, because you had a whole part of the hall being UDF supporters and then you had the whole wing this side being Black Consciousness. When there is a gap, these ones want to lead a song and those ones want to lead a song. Then there were just problems (30) and/...

and ultimately the chairman had to say "Okay, we will have to alternate. You start the song and then the next song will be started by somebody else." So, that was the only meeting that I could remember where - even then it was not a question of saying what song to be sung., It was just a question of saying "Okay, this time you start a song, next time somebody else will start a song", but ordinarily everybody starts the song as and when they feel like starting that song, as long as the proceedings are not going on. If you go to a meeting, you never know what is going to (10) be sung there. Once the song is started and people take it up, you cannot - if you try to say anything, you will just be drowned, nobody will even hear you. I have never myself attempted to say "No, do not sing that, you must sing this one." I have never tried to do that, because these songs are nice in any event, I enjoy them and I have not been able to ascribe any negative motive to them. That is why I did not have problems with them.

Over the period 1983/1984 were these songs habitually sung at these meetings? -- They had been sung before they (20) were sung that time quite a lot. As I have said, even when we were on trial here in the early seventies, we used to sing here, right in the court, coming in before the judge comes in and we would sing here and people would sing with us and afterwards we would just sit down and the proceedings would continue without any problems. We used to do it that way.

Songs similar to those that had been sung at UDF meetings? -- As I have said, songs like this one "Senzeni na". We used to sing it here. Songs like "Asikhathali noma (30) saboshwa/...

saboshwa" and all these songs. Songs like "Phesheya Komfula Sobabamba" and so on. "Ashikhathali means "We do not care, we do not mind." That really things about the fact that whatever the consequences we want to have our freedom. That is what it says. Then there is this other one "Phesheya Komfula Sobabamba". It is also "Across the river we will catch them." The point of the matter is that these songs - to start with, one does not know who compose a song, when in a number of other songs. In some of them of course one can relate them to something specific. Since we have (10) started here I found that the State had problems with the songs, for the first time I realised that now a man must think about this now. I had never really thought about this before frankly, because one has just been taking it for granted, it is part of our cultural activity. So, I asked myself for instance "Phesheya Komfula", which river is - which is across the river. Which river? Is it the Caledon, it is the Orange River, is it the Vaal River? Because where are you and what river is this that is spoken about. I have been singing the song for so long. It never occurred to (20) me until the State said there is a conspiracy here to catch people across the river. Then for the first time the issue arises then. What I am trying to say to the Court is that it would be a mistake to ascribe motives to the UDF on the basis of this song that has been sung at our public meetings. These songs, as I say, are part of our cultural heritage. We have found them there, we have sung them. For us these public meetings have in very many ways become points at which people give expression to their emotion and then after- that you experience what one may call a catharsis. You feel (30) refreshed/...

refreshed after you had been singing and jumping up and down and jiving. When you leave there you feel refreshed and most people when they come from those meetings, they would not talk about the speeches were saying as such. They would say we sung at that meeting. There was real singing at that meeting. I remember after the national launch. We had one young man from Claremont where I stay in Natal who performed a lot singing at the national launch. Most people that I met. If I went to Transvaal, the Western Cape and so on and then they say to me where is Nunu? He was a (10) very good singer and he led a lot of singing at the national launch and people were highly impressed more about his singing than about even the delegation from Natal as such. So, it is a cultural element that gives flavour to our meetings, it does not say that you must now go and you must to and kill those people. If we could place the Court for instance in a meeting of hostel workers or just workers as at the time when we had the Bishop Tutu's peace celebration at Jabulani Amphitheatre or if one went to meetings of Inkatha where you find large numbers of workers(20) or trade union gatherings, one will find a lot of workers there. These same songs will be song there, they will be dancing there. Some will have kieries, knopkieries and all kinds of implements that they will have and so on, but they would not fright anybody. They just use them to dance and to display certain motions and so on and then after that they go back home and then it is all in order and sometimes Chief Buthelezi for instance himself and King Zwelenthini one sees them at those meetings, they come there with "Amabeshu". "Amabeshu" is this traditional dress and they also(30) come/...

come there, they also carry their own kieries and they jump around there and sometimes they might even make as if they are hitting somebody. It is just part of cultural activity. It does not mean that we want some revolution. There is no conspiracy about it. Our fathers were doing that thing long before us and at weddings in the townships here, from time to time you would find the father of the daughter who is getting married as the proceedings go on, especially after he has had two, three tots and he feels nice and warm, he will sometimes stand there and he will also perform (10) for the people who are there and so on and for his daughter who is going away and who never may be have an opportunity to see him do this and so on and he will do this thing and even his contemporaries will also perform and dance and so on. It is an occasion, it is a sad occasion. The old ladies also have their own what is called "Ho kgiba". So, you will find them kneeling on the ground and then there is singing and clapping of hands to create the rhythm and so on and then they make all the movements, they shake their shoulders and they do things like that and so on. Young (20) people also, younger fellows in the age groups also do the same things. My point is that it is true that these songs have been sung and we have been singing - they are sung even as we are here and new ones are being composed and so on and what not. They are part of our cultural background and really, we cannot - it would not have been expected that the United Democratic Front could change the texture of our communities. They had been there long before us and we were born into them.

I want to take the example that has been taken that (30)

we/...

we will catch them with their children across the river. I think that you yourself on a number of occasions said that you have nothing against the Afrikaner people or the White people or we want them to be part of the country, they have contributed. At the very meetings where you said you made that sort of speech, was the song at times "We will catch them across the river" sang? -- On several occasions it was sang at similar meetings like those ones and not only that, it was being sung sometimes and on many occasions when actually there were White people part of the audience, (10) they themselves were also singing it.

Did anybody ever draw the attention to the contradiction that what the State now says that this was an incitement to violence against the Whites, how can you be saying that we have nothing against them and they are part of us? -- To my knowledge not once.

And you told us that you were singing similar songs even in this court room whilst you were on trial in the SASO trial. Were there members of the police force around to hear them? -- Oh, yes, they were there. (20)

Did anyone ever suggest that these things songs constituted an incitement to violence? -- No, . not at all.

What would you say the number of people that sing these songs? Are they confined to just a small number of activists or are they popular amongst a large portion of the community? -- These songs are sung by young and old across the country. In the Western Cape, in the Eastern Cape, in the Free State, Natal, every part of the country that I have been, you will find people singing them. Once there are African communities, you will find the singing going on. (30)

You/...

You have already told us of the number of occasions on which you took the opportunity to say that we are a non-violent organisation and we are not part or a front of the ANC? -- That is so.

Did everyone ever suggest that that cannot be taken seriously, because you sing these songs? Did anyone point to this contradiction in any way? -- No, not at all. It has never been understood in that way. Certainly our supporters have never ever and people who have attended our meetings have never raised this and even the newspaper reports (10) reporting on our meetings, where they have ever commented on the signing, it was in a very political light. People were singing songs, they were jolly and so on.

Whilst we are dealing with those, there are just a number of other cuttings that I want to show you which have come to hand in relation to public statements of a non-violent nature of the UDF. You are quoted in a report in the Eastern Province Herald under the headline "Drive by UDF aimed at August election." Would you please have a look at that of 16 April 1984. -- 18 or 16? This is 18 April 1984. (20) I recognise this report.

COURT : It will go in as DA81. Did you in Port Elizabeth say what appears from the beginning of the second column to the third last paragraph "Mr Lekota said the government was preparing itself for a deeper conflict. The forced removals of townships to sites farther from cities was one sign that it was gearing itself for military operations. If dissatisfaction continues to deepen, the country is heading for disaster, he said. We must insist on creating avenues of a non-violent nature and desperately need people with a (30)

high/...

high level of social conscience. On an item listed on the agenda as clarification of questions which had arisen about the organisation, Mr Lekota said 'The UDF is not a political organisation but a national front or alliance to which 570 organisations (including civic, student, community, trade union, sport and cultural groups) currently subscribe. These groups are united by a common belief in working through non-violent methods towards a non-racial democratic South Africa, where people are not judged by colour but on merit alone. The UDF is not so presumptuous as to see itself as (10) the future government of South Africa. All we are saying is, give the people of South Africa an equal opportunity to write a new constitution in a national convention.'"

Did you say that? -- I said that.

I want to show you a document which is headed "UDF = ANC = UDF" and which has got the UDF logo on it? -- Yes, I recognise this as one of the bogus pamphlets that were distributed pretending to come from the UDF and actually intending to suggest that there was a link between the UDF and the ANC or that the UDF was the ANC and the ANC was the UDF. (20)

COURT : It will go in as DA82.

MR BIZOS : I want to show you three cuttings emanating from three different places in the country and ask you whether this is the manner in which the UDF dealt with this. I want to show you a cutting from the Rand Daily Mail ...

(Court intervenes)

COURT : At the moment I have before me one of the Cape Herald.

MR BIZOS : Were steps taken to make statements throughout the country about this pamphlet? -- That is correct. Sometimes when smear pamphlets of this nature are distributed I (30)

issued/...

issued statements from the head office in Johannesburg. At other times I requested our regional publicity secretaries to attend to the matter especially if it has regionalised may be. So various efforts, various many efforts were made that we should constantly explain and correct wrong impressions which were included by these bogus pamphlets.

Is the Cape Herald of 9 June 1984 - was that a statement made by Trevor Manuel which was published at the time? -- That is correct.

It will not be necessary to read the first four para-(10) graphs on column one because they merely describe the pamphlet and who MR Manuel is. The last paragraph "He said 'This comes at a time when our million signature campaign is gaining ground and the government is desperately trying to win support from its lackeys, the People's Congress Party and the Labour Party. We believe that our people can distinguish between truth and falsehood. We believe that attempts like these will not, in any way, deter our people in their march to freedom. We believe that such attempts increase people's resolve to support the UDF.'" The final paragraph(20) "The pamphlets were dropped in batches in Mitchell's Plain, Athlone, Claremont and Observatory. This was the fifth anti-UDF pamphlet in four weeks according to Mr Manuel." Did anyone make a statement in the Western Cape in the Cape Times of 29 of May 1984. -- That is correct.

I show you a cutting under "IDF attacks 'hysterical pamphlet.'" DA83 the one I have just read and if Your Lordship receives the Cape Times one it will be DA84. I will read the first paragraph in the first column "The 'hysterical' accusations in a pamphlet distributed in (30) Mitchell's/...

Mitchell's Plain claiming that the UDF was a front for the ANC would not confuse the thousands of South Africans who supported the UDF, a spokesman for the organisation said yesterday." Then the last paragraph in that column "Mr Jonathan de Vries, UDF's publicity secretary for the Western Cape, said yesterday that the 'hysterical' accusations would not confuse the thousands of South Africans who supported the UDF as a legitimate organisation. The UDF had publicly stated its principles and methods. 'As our anti-election campaign gains momentum, individuals who can never hope (10) to win support amongst our people will increasingly resort to such scurrilous attacks', Mr De Vries said. The UDF had never been afraid to state its beliefs openly and challenged the anonymous distributors of the pamphlets to to likewise." Did you yourself make a statement which appeared in the Rand Daily Mail of 19 May 1984? -- That is correct.

That would be DA85. The last two paragraphs "UDF publicity secretary, Mr Patrick 'Terror' Lekota said yesterday that State propaganda had made a series of unsubstantiated (20) efforts to equate the UDF with the ANC. Parents should not allow themselves to be taken in by such propaganda. There is nothing in the operation of the UDF or its affiliates which can be used to imply that the UDF recruits people for ANC activities, he said." Did you make that statement? -- I made that statement.

Someone will during the course of argument presumably count the number of times on which you and others have said that the UDF is not a violent organisation and is a legitimate organisation and has got nothing to do with the (30)

ANC/...

ANC, it does not want to take over the government, but merely wants a national convention. Was it in your view said sufficiently to sufficient regularity for the public of South Africa to be informed of your aims and objects? -- In my view the position of the UDF was so constantly repeated that it had become almost monotonous. We said it over and over again. We tried to say it in different ways and we were satisfied in our own mind that the public was sufficiently informed about the position of the United (10) Democratic Front and we have never had any doubt about that fact.

I want to show you a cutting in relation to one bit of supposed evidence that there may have been in relation to your association with the ANC. Did you make a statement which was published in the Rand Daily Mail on 22 June 1984? -- I did do so.

This would be DA86. I would like to read the whole of this into the record. "The United Democratic Front has responded to a report yesterday that lists of signatures in the million signatures campaign had been found in the (20) possession of an African National Congress (ANC) member arrested in recent clash between Swazi police and the ANC. The documents were said to contain the names and addresses of signatories. UDF publicity secretary, Mr Patrick Lekota, said that he wanted to assure the public that none of their names had or would ever be used in any fashion other than the explanation put forward by the UDF through its activists and officials. This is important to us because we rely on the public's goodwill for support, Mr Lekota said. He said although yesterday's report had said an investigation was (30) being/...

being conducted, none of the UDF's offices, officials or officers had either been questioned or visited by the police. The only conclusion we can draw in the circumstances is that this is part of the State's long-standing campaign to isolate the UDF from the South African public as a preparatory step to a clampdown on the front in future. A police spokesman said yesterday that their investigations were continuing and that no arrests had been made." Did you ever hear anything further about this allegation of lists being used for this purpose? -- We never heard anything further to this and(10) at no stage was any of us or any of our officers approached by the police in connection with this matter.

For formality sake, do you confirm that you made this statement at the time and that it appeared? -- I do confirm that this is the statement that I issued on that occasion.

You told us about the UDF's efforts to publicly - did you publicly accept it as a legitimate and peaceful organisation? -- That is correct.

To that end did you during the period - well, in February 1985 address a meeting of students at the Rand (20) Afrikaans University? -- No, it was February 1984.

Was publicity given as to what you had to say? -- Oh, yes, there was wide publicity given to the occasion and what I had had to say there.

I want to show you a cutting under the heading "Find out the truth, urges UDF's Lekota." I want to read three paragraphs from this report and ask you whether you made the statements.

COURT : The report is the Star 29 February 1984? -- That is correct.

(30)

MR BIZOS/...

MR BIZOS : Is a portion of what you said contained in this report? -- That is correct.

COURT : It goes in as DA87.

MR BIZOS : "Students at the Rand Afrikaans University were challenged to visit the homelands and townships to witness the conditions which give rise to anger in the Black community. The publicity officer of the United Democratic Front, Mr Terror Lekota, who addressed a lunchhour meeting of about 150 students at RAU in Johannesburg yesterday said more South Africans should know the truth about their (10) country. Come into the townships and see the crowded conditions we live in , see the schools where we learn and find out from the people in the townships whether they are happy living in conditions that border on being like those of a pigsty." I want to read the second last paragraph in the next column "He said that he would have to face many criticisms for speaking at RAU. 'I am going to be attacked for addressing you here. The Azanian People's Organisation is going to criticise me for talking to the children of National Party Leaders.'" Did you say this? -- Yes, that (20) is what I said on that occasion. I may just indicate to the Court also that at a later stage I also read in some of the newspapers, by that time I as already in detention, that studens from the Rand Afrikaans University had in fact taken up this invitation and visited Soweto to have a look at the conditions there.

I now want to turn to the Vaal Triangle. Do you know whether any Vaal organisation was represented at the launch? -- To the best of my memory the organisation that was represented at the national launch was the Oranje Vaal (30)

General/...

General Workers Union.

Did that organisation affiliate with the UDF? -- As I understood it, they had affiliated but it does appear that at a later stage they did not participate in the activities of the Front.

Was their affiliation by virtue of their presence at the launch? -- That is so. That was our understanding.

Did they take any part at all as far as you know in the affairs of the UDF thereafter? -- To the best of my knowledge no. I was not actually in the Transvaal office, (10) so I cannot really speak authoritatively, but as far as I know they did not.

Did you know Mr Phillip Masia? -- Yes.

What was his position? -- He was one of the officials of the Oranje Vaal General Workers Union. I do not know exactly what his position was.

Do you know what his attitude was towards the charterist group if I may use the expression? -- I cannot speak authoritatively on that, but from my understanding he was not in favour of the Freedom Charter. (20)

Were you asked to address any meeting in the Vaal? -- Yes, that is so. In September 1983 I had - whilst attending a meeting of the Transvaal REC I had been asked to address a public meeting in the Vaal, but subsequently and before - the Saturday before the date of the meeting, I was told that the meeting was off. I cannot remember what the reasons were, why it had been off, but I was told that it was off and as a result I did not attend that meeting.

Did you go and address any meeting in the Vaal as a result of that request? -- As result of that request, no. (30)

Did/...

Did you ever address any meeting in the Vaal in 1984?

-- No. I addressed a meeting there in early 1985.

Is this after you were released from detention?-- This was after I had been released from detention.

Did you know anything about the VCA whilst you held office in the UDF? -- I think as far as I was aware I knew that there was an organisation that had been formed, the Vaal Civic Association, but since I did not have any direct connection with the organisation, I cannot say anything more than that. (10)

We already have on record that you were in detention from 21 August 1984? -- That is so.

I would like you please to have a look at EXHIBIT C110. Did you see this document before it was presented here in court? -- No, the first time I saw this document was when it was presented in this court as an exhibit.

Is it a UDF document? -- No, it is not a UDF document. I know of no meeting who had ever adopted this document as a document of the UDF.

If we understand the indictment correctly or some (20) aspects of it, it would appear that the allegation against you is that because the UDF campaigned against the Black Local Authorities, you are responsible for you, as an office bearer of the UDF, are responsible for everything that happened throughout the country even during the period that you were under detention. In view of that allegation, I would like to ask you what was the purpose of the campaign of the UDF against the Black Local Authorities? -- The purpose of the campaign against the Black Local Authorities was to draw the attention of the government to the fact (30) that/...

that our communities were not happy with the provisions of those laws, that we wanted representation, direct representation in the government of the country and that whilst we realised the need for local government structures and indeed structures of government at all levels, we wanted to be part and parcel of the evolution of those structures of government. It was never our purpose to do away with local government as such and certainly never the intention of the UDF to create what is called ungovernability. (10)

Without wanting you to repeat in any detail at all what you said about the history of opposition to such structures in the past, by 1983 - by mid 1983 was there a well established notion to oppose these types of structures? -- That is so.

Had anyone before that in the opposition of the introduction of Bantu councils, Community councils or other bodies, had anyone ever suggested that aggitating against the establishment of such councils was an offence or there was anything illegal about it? -- There had never been (20) such a suggestion before that time.

At the time of the tri-cameral parliament, referendum and events leading up to it, was there a public debate as to what about the Africans? What are they getting? Was there such a debate? -- There was such a debate.

Was there an answer from those who supported the government's policies? -- As I understood the position, the reply was that those of the African people who were in the Bantustans would vote there or would have their right there and for the rest of us, the Koornhof laws, (30)

the/...

the provisions of those laws, were the dispensation that was being given to us.

How did you and those around you feel with that being offered as a solution to your problems? -- We felt that the provisions of the Koornhof laws were inadequate and that we, like anybody else, wanted to participate fully in the government of the country and that would mean inclusion in the central government. So, we were absolutely unhappy about these laws and that is one of the reasons why therefore we campaigned vigorously for people not to support(10) them or to participate in structures which had been said under them.

What do you say to the suggestion that if you did not support the town council's structure, chaos would result in the townships? -- I deny that. I think that as far as we knew there were sufficient provisions for continued administration of the townships, especially by the Black Development Board, where people did not participate in the town council.

Do you consider the struggle that you were involved(20) in as a civil rights struggle? -- No, as far as we were concerned and speaking also for myself, the struggle with which we are busy, is not a civil rights struggle.

Well, could we have some definition or distinction why do you say that it is not a civil rights struggle? -- The difference lies in the fact that the civil rights struggle or the phrase "civil rights struggle" really comes from the American continent, from the United States. The civil rights movement began in the United States in 1955. Until that time, the American constitution had always (30) provided/...

provided for full participation of all of its citizens. That had been the provisions of the original constitution of the United States in 1700 after the United States freed itself and after the civil war in 1861 - between 1861 and 1865 the freed slaves, the Afro-Americans in the southern states were granted the same rights under the American constitution. They were entitled to participate fully in the government of the country. What, however, happened is that in some of the states and inspite of the provisions of the constitution of the United States, Black Americans (10) found themselves denied the full implementation of the rights which they were entitled to as enshrined in the constitution, so that when in 1955 Mrs Rosa Parks refused to give away her seat in the bus and thus provoked the movement that came to be known as the American Civil Rights Movement, the issue was not one of granting rights. It was one of insisting that rights rightfully enshrined in the American constitution should in fact be implemented so that Afro-Americans could enjoy them. There is a difference between that movement led by Martin Luther-King junior and the position of the African people in South Africa where we do not have political(20) rights. We in fact do not participate. It is not enshrined in the constitution of this country that we may vote or be voted into positions of power. That is a different situation to the Americans there. Here the struggle has to do with the fact that African people must first and foremost gain access to the rights and rights which must be enshrined in the constitution of the country that they may participate in the government of the country. Only then can we begin to talk about the implementation of those rights, but we (30) cannot/...

cannot talk about it now. So, the difference lies there. Civil rights would have to do with pressuring certain people or seeking to make sure that socially, rights are implemented and that we can enjoy them. But we do not have those rights as it is to start with. So, we must still get them.

My Lord, thank you, that is the end of the examination-in-chief of the witness.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K918

MOSIUOA GERARD PATRICK LEKOTA, still under oath (10)

CROSS-EXAMINATION BY MR FICK : Mr Lekota, I first want to deal with you with the question of the MSC, the million signature campaign. The MSC was a national campaign of the UDF. Is that coreect? -- That is correct.

And it was to be conducted during the period 1 January 1984 to end of April 1984. Is that correct? -- No, that is not correct. It was launched on Sunday, 27 January and initially there was no definite date of terminating, although we had hoped that we would be able to complete it within a period of time earlier than at least June. (20)

I would to refer you to EXHIBIT E1. That is the minutes of the NEC meeting held on 5/6 November 1983 at Johannesburg. I would like to refer you to page 5 paragraph 6.1.6. That paragraph deals with the signature campaign.

Will you just turn the page to page 6 at the top. You will find in paragraph 6.1.6.1 the time limit. "It was recommended that the campaign starts at the beginning of January 1984 and end April 1984." -- Yes, this was a recommendation that was made at the time, but the matter was finalised at the Port Elizabeth conference and in fact (30) the/...

the campaign was not launched until 22 January 1984.

Over which period was the campaign conducted? -- As I have said it was from that date. We had anticipated that it would be terminated some time before June 1984 when it was finally decided upon so that there was no definite date in the final analysis when it was going to be terminated. It will be seen from other minutes that in fact in the last analysis we were speaking about terminating it at the time of the elections, because it just kept going on and on. COURT : Was it never terminated? -- Officially, no. In (10) the sense that we never had an occasion to set out here now we are terminating it. That was largely also due to the arrest that took place in August and therefore which threw us in disarray.

MR FICK : It was in any case after June? -- By that time it was after June.

How many signatures did UDF collect in this campaign? -- I think the furthest I can take it is that we collected several thousands and because we did not terminate the campaign, we have never had an occasion to actually put (20) forward an official final number of how many signatures were collected.

Was there a decision initially that the signature forms could be forwarded to the United Nations for some or other purpose? -- No. Initially the thinking was that signature forms would be kept at a central point with the United Democratic Front. Later on I cannot point to a specific date, it was decided at a much later stage that it would be an ideal thing to present the million signatures once collected to the United Nations organisation. (30)

For/...

For what purpose? -- Well, for purposes of alerting the international community to the fact that the majority of the people did not support the million signature. As far as I can remember also I think we would have formulated a number of some requests and so on. I cannot recall them specifically.

For what purpose did you conduct the MSC? -- First of all to collect million signatures. Secondly, it was our view that the million signature campaign would enable the United Democratic Front to make contact with various communities (10) and be able to explain its position in relation to the new dispensation. That would have the effect amongst others of increasing support for the United Democratic Front and also to popularise of course the proposed solution to the problems of the country. One could break the million signature campaign into a multiple of smaller objectives, but in the main we needed million signatures and we needed to reach out to communities.

Was the UDF's million signature campaign seen as the only viable expression of objection to the new deal? (20)
-- Let me say we wanted a million signature campaign of people opposed to the new dispensation. It is just another way of saying it in different English words.

I want to put it to you that the UDF succeeded in collecting only 350,000 signatures. Would you agree with that? -- Only 350,000?

Yes? -- As I say at the time that I was detained in 1984, we had not been able to put together all the figures of signatures we collected and in any event, we had lost a considerable amount of signatures also to the police and (30)

so/...

so on. So, I do not have a figure that I can say there we stopped at.

I would like to refer you to EXHIBIT C53 page 5 volume 4. First of all, do you know this document C53? -- I do not know this document. The first time I saw it was when it was presented to the Court as an exhibit. I think it could be seen from the date that in November 1984 I was in detention at the time. That is if it is assumed that it was written that time.

Did you not see it after your release? -- As I say (10) the first time I saw this document was here in court when it was presented as an exhibit.

Page 5 paragraph 1 ... (Court intervenes)

COURT : Just for record purposes in this cross-examination will you when you refer to a document just give its name so that we know what we are talking about.

MR FICK : This is a document, a report future program, budget proposals, United Democratic Front. Paragraph 1.2.1 the second paragraph thereof "This campaign was launched at the end of January. By the time of the elections some (20) 350,000 signatures had been collected." Do you dispute this? -- Yes, it says at the time of the elections. I do not know what happened subsequent to the elections.

COURT : Which elections are referred to? -- If the date at the beginning of this document is anything to go by, that is November 1984, the only elections that this could refer to as far as I am concerned would be the August elections of 1984.

End of August? -- End of August 1984. So, I assume that that is the elections that it would have referred to. (30)

It/...

It says that by the time of the elections whether there was further collection of signatures subsequent to that I do not know.

MR FICK : Yes, but that was after the date set as the date on which the campaign would terminate? -- I think there is a slight misunderstanding there. What I have said to the Court is that as we were moving towards the elections, the thinking was that we should culminate the campaign around that time, but as I said, since we were thrown in disarray because we got a date in advance and what happened (10) subsequent to that, I cannot speak about because I was not there now.

COURT : Well, practically speaking, after August 1984 the whole country was in a turmoil. Did you then go happily on collecting signatures? -- No, as I say, I was myself in detention and I do not know what happened within the other regions, because my impression was not that the whole country was in turmoil. There were some problems in the Vaal for instance and perhaps some parts of the Vaal, but in the rest of the country there was no turmoil that (20) I was aware of.

MR FICK : I put it to you that in 1984 there were approximately ten million Black people in South Africa including the homelands and the independent states. Would you agree with that? -- If you put that as an approximation, possibly, yes.

Will you agree that the total population of South Africa excluding the homelands and the independent states were eighteen million people approximately? -- That is now plus the initial ten million that you spoke about?

No, no, I am talking about the total population? -- (30)

It/...

It is possible.

I want to put it to you that the number of ten million or eighteen million that I have put to you are numbers which are obtained from the population census in 1980 just for clarity sake. If it is so that UDF collected only 350,000 signatures, that means that only 3,5% of the Blacks in South Africa supported UDF's campaign. What do you say to that? -- That is a very mistaken impression. To start with, the - we would have to break down the figures, the very figure of 350,000 would have to be broken down, (10) because people would have signed there and would have gone beyond the African section as such. Secondly, we do not of course have the exact number of signatures that we have collected at that time. Thirdly, we do not have the signatures which I know for a fact were collected - I mean were confiscated by the police from our activists in various parts of the country and even that figure as it stands there I do not know whether that figure has taken into account all the signatures that we had collected all over the country. As I say we did not have an occasion to pull them together (20) and say this is the signatures we have collected. I have not heard that that type of thing was done. That may be a rough estimate made by whoever wrote that document on the basis of immediately available information he has, but there is a fourth factor that I think I should add and that is the fact that a lot of the people who did support the campaign and who did support the United Democratic Front did not sign because of some of the activities which were banded about. For instance associating the UDF with violent methods, for instance some of people whose names appeared on the forms (30) were/...

were visited by the police and therefore frightened and communities got to know about this and they avoided signing as a result. So, that a lot of people who did support the campaign did not come forward for some of those reasons. Finally, we ourselves did not have sufficient manpower at some level to reach out to everyone of the sectors that we should in fact have reached. So, there were very many factors why that campaign did not succeed and to suggest that it is because the UDF did not have support, is a mistaken impression. (10)

I put it to you if one takes the overall number of eighteen million and the approximately 350,000 signature, then one finds that 1,9% of the total population supported this campaign of the UDF? -- I disagree with that assertion. That figure there as far as I am concerned is not as accurate as it should have been, for the reasons I have advanced.

What was the average pole in the elections for the Black Local Authorities according to UDF? -- I think about - I am not so sure, it would be referred to in some of the documents, but I think it was about 14%. I think so. I (20) am not quite sure about that.

And the average pole in the tri-cameral elections? -- That I think was about 17 to 19%, somewhere there.

COURT : Did you take together the Coloured and the Indian elections? Or do you take only one section? -- No, no, together, I think, because the percentages worked out - I was in detention when they were worked out, but the figure that I came across was about 17%.

I just want to know to what your 17% relates? -- There was a figure for the Indian election and a figure for the (30) Coloured/...

Coloured community, but there was also an overall figure for both.

That you say is approximately 17%? -- That is right.

MR FICK : I would like to refer the Court to V8 the very last page. It is not numbered but it should be 19.

COURT : You are privileged to have further pages, we have not. You can leave this for a moment. I will see what the official one is when it comes.

MR FICK : I put it to you that the councillors as well as the candidates in the tri-cameral elections for the (10) Indian and Coloured chambers were elected with a higher pole, much higher pole than the pole obtained by the UDF in the NEC campaign? -- I do not agree. I think in the first place there is a difference between the two matters that are being referred to here. We certainly enjoy more support in the various committees within which we have affiliates and none of the councillors in any of those areas have got support that supersedes that of the United Democratic Front.

I would like to refer you now to EXHIBIT AL34. It (20) is in Volume 2. Is that the form used by the UDF in the million signature campaign? -- Yes, this is the form for the million signature campaign.

When the people signed the form, they actually said the following that they reject apartheid? -- Right.

That they support the struggle and unity of our people against the evils of apartheid? -- That is correct.

That they stand for the creation of a non-racial and democratic South Africa free of oppression, economic exploitation and racism? -- That is correct. (30)

We/...

We say no to the new constitution, because it will further entrench apartheid and White domination? -- That is so.

We say no to the Koornhof laws which will deprive more and more African people of their birthright? -- That is correct.

We say yes to the United Democratic Front and give it our full support in its efforts to unite our people in the fight against the constitution and the Koornhof bills? -- Yes, that is correct. (10)

The people were actually asked to reject the new constitution and the Koornhof bills which include the councillors, the community councillors. Is that so? -- That is correct.

They were asked by signing this to support the UDF in the struggle? -- That is so.

During the elections of the councillors the opposite more or less was asked. The people were asked to support the councillors? -- By whom? By the councillors?

By the councillors? -- Oh, yes. (20)

And during the tri-cameral parliament elections the people were asked to support the tri-cameral parliament and the candidates? -- That is correct.

I put it to you that it is clear that the people rejected UDF's stand of the Koornhof bills and the new constitution? -- No, disagree completely. I think the approach of the State is too simplistic. In the first place the conditions simply within which these elections took place are an important factor to take into account. All the support that we have is subject to the pressure and all kinds of (30) fears/...

fears which goes of expression of opposition to the plans of the government so that a lot of our people who support us would not be in a position to freely come out and express themselves for fear of victimisation of some kind or the other. That is just to start with. That factor alone is a very important one to take into account. The second thing is that in the case of the councils and the councillors each time they run any campaign in the township and so on, all the State machinery, that is seen as threatening opposition to plans of the government, that machinery, the (10) police and everything is seen as supporting campaigns of that nature. The councillors themselves, even as we heard during the course of the evidence of the State in this case, have been known to dish out blankets and things like that, really to buy people to come out in their support. In certain instances people have found themselves within our community supporting them, because if they did not do so, they would not have a house or they would not get pensions and things like that. All those privileges which are used by councillors and those who stand for the policies of the (20) government are weighty for this small percentage that has voted for the councillors and at the same time, their counteracting factors which I have referred to with regard to the campaign of the UDF have played a very important role in terms of undermining the support that comes to the UDF. So, I disagree entirely with you. My experience in the various communities in which these elections took place amongst other things is quite clear that we enjoy by far very wide support within our communities.

Do you have personal knowledge of all the things you (30)

have/...

have told the Court just now? -- Like what?

Like the blankets and intimidation and things like that?

-- Well, I was not there when blankets were given out. I know for a what that that is what happened and evidence was also being led here by people who know about it.

And you were also not there when people were intimidated?

-- I know of people - my own members of the UDF whose million signature campaign was taken from them. I know that for a fact. I have issued public statements about it.

COURT : Actually, the question was people intimidated to (10) vote for councillors to retain the houses. I thought that was the point at issue? -- What I was attempting to do to answer the counsel for the State was to outline sectors which I know were at play in the atmosphere in which the elections were taking place. What I was going to say to the Court is that it was misleading to look at those figures without taking into account the context ... (Court intervenes)

You need not repeat what you have said. The question is merely do you have personal knowledge of these facts? -- In the sense of having been present at the scene where this (20) was happening?

Yes? -- No, no, I was not at the scene where this was happening. I may, however, say to the Court that some of our members who have been present in the circumstances when such things took place have made reports to the UDF about those things and some of our affiliates to our regional councils.

MR FICK : I would like to refer you first of all to EXHIBIT T6 the third page paragraph 6.2. This is a summary of the minutes of a joint national secretariate and treasury (30)

held/...

held on 28 April 1984,

COURT : What was the admission in respect of this document?

MR BIZOS : Found in possession of Y. Mohammed Durban.

MR FICK : This Y. Mohammed is that the representative of the Natal UDF at this meeting? You can see that on page 1 paragraph 1.2. Yunus Mohammed. -- I just want to see what this document is in fact. Yes, this looks like a report made by one of the regional secretaries.

COURT : T6 seems to be a summary of certain minutes. -- It is a summary of minutes. (10)

ASSESSOR (MR KRUGEL) : Of the joint national secretariate and treasury? -- Yes. It is not minutes, it is a summary of minutes as I see it here. My problem is who wrote it? Was it written by somebody who was at that meeting making a summary or somebody who had seen the minutes and made a summary.

Were you at that meeting on 28 April 1984? -- Yes, I was present there.

Did you discuss the MSC? -- Yes.

Paragraph 6.2 page 3? -- That is correct. (20)

"Problems. The major problem coming to all regions was identify the resources. Coupled with the resource problem in the Transvaal, is lack of active participation of organisations and in particular leadership. Regional secretaries do not know the state of affiliates." These were the problems identified? -- Yes. This issue is - I must just explain about this issue. I raised this issue at this meeting. The point of the matter here is that we were looking at the internal problems because there were problems that we were experiencing in the campaign which were external to the (30)

UDF/...

UDF like the ones - some of which I have already mentioned but there were also internal problems of our own. So you have two sets of problems that we were confronted with but at this point in time we were concerned about internal problems, our own performance and it would be seen clearly here, we do not say anything about problems external to the workings of the Front.

You did not say anything about problems internal to the workings of the Front either? -- No, no, this concerns internal problems. In other words, what we are saying is, (10) we are looking at ourselves. This is what you call self criticism. What is it that we are not doing, what mistakes are we committing and so on. That relate only to us, but there are also factors at play which are imposed from outside of the UDF itself and the point here was that we were looking at internal operation of the Front.

I would like to turn to EXHIBIT P2. This is a document with the heading "MSC report". This document was found with Matheson Morobe? -- Yes. Well, I do not know, but I do not contest if you say it was found with him. (20)

Matheson Morobe was he the co-ordinator of the MSC? -- As far as I know the Transvaal at some point appointed him. I cannot remember when they appointed him to co-ordinate the campaign in the Transvaal.

Was he a member of the NEC? -- No, he is not a member of the NEC. Well, unless subsequent to my arrest, but he has not been whilst I was serving.

In this report of the MSC I put it to you that there is no reference to police harrassment or anything like that? -- Well, I have not looked through the whole document. (30)

I/...

I do not contest that it does not say anything about it, but there are several reasons that would go for that. The first thing would be, we would have to establish when was this report drawn up. That is to say at what stage of the campaign. Secondly, what area does this report cover? Does it cover the Southern Transvaal, does it cover the whole of the Transvaal, what area does it cover? We do not know and in any event, insofar as he was not a national co-ordinator of the million signature campaign, he could not have been referring to the national situation. (10)

This report I put it to you is part of the minutes of the General Council Meeting of the UDF Transvaal held on 14 April 1984? -- That may be so. I do not know the basis upon which you say this. Is this simply because it is next to P1?

I want to refer you to P1 page 3 more or less in the middle of the page "The million signature campaign. The co-ordinator reported on the MSC spoke of the problems faced by the MSC committee, by the affiliates and activists and a comprehensive program of action is being developed." (20) -- Yes, but where does this say this was a report presented at that meeting?

COURT : Where was P1 found?

MR FICK : At the offices of SAAWU.

COURT : Pretoria?

MR FICK : Pretoria. -- I may just say that if this report was presented to the general council of the UDF Transvaal, rightfully it would have been found in the offices of the UDF Transvaal which was in Khotso House. Especially because this is here in handwriting. It is an original copy. It (30) is/...

is not a duplicated copy as it is. I am surprised that it was found in Pretoria. First of all the UDF did not have an office in Pretoria. Secondly, the secretaries of the UDF operated from the UDF Transvaal office in Johannesburg.

COURT : Why was it found in Pretoria with SAAWU? -- I do not know.

Is SAAWU an affiliate of the Transvaal UDF? -- SAAWU is affiliated to the UDF.

So, it got the minutes? -- It may have got the minutes but this report being as it is here in the handwriting (10) of this man here, because it is not typed and it does not even look like it is complete, if I look at it. At the end there it says "Short time blitzes" and that is the sub-heading and then it does not go on to say anything and then the last page seems to be some doodling. I do not know whether it was Matheson who was doodling here or who was doodling here. It is very much unlike a report that would have been submitted as I see it.

MR FICK : Is this not Mr Morobe's handwriting? -- I am not sure. I am looking at this last page here and without con-(20) testing the handwriting my point is that this document, if one looks at page 2, it ends up with a short heading there "Short term blitzes" and it does not say anything - it is a sub-heading obviously and the next page is this doodling that I am referring to. I do not know was the report presented at all or was it a draft that somehow found its way to the offices of SAAWU in Pretoria. I do not know, but I am willing to accept that this report was presented to the RGC because these minutes of the RGC are typed out. So, that if the report would have been presented there and (30) the/...

the minutes were going to be sent out elsewhere to affiliates, the normal thing would have been to tie the report if it was accompanied by the minutes and send the bundle together all typed and in a readable condition.

COURT : Are all reports made in writing to these meetings or were some reports made orally? -- At some of the meetings that I attended which is national meetings, sometimes the reports were made orally.

According to page 3 of the minutes it seems that he spoke and that is orally? -- He spoke. (10)

And that this could be his notes that he used while addressing the meeting? -- I am not in a position to contest what is being put in that regard. All that I was saying to the State was or if it could say to me here is a fact, the minutes say that he presented a report verbally but he made notes and the notes are these ones, I do not know. I cannot contest that. There is nothing conclusive as far as I am concerned that says to me that these minutes, this document which is said to be his report, is the one that he presented there and if it is the notes of that report, whether he (20) presented it exactly word for word as it is here or whether he added other things which he has not written down.

MR FICK : I put it to you after this long answer that there is nothing in the report that says that police harrassment was one of the problems encountered during the million signature campaign? -- I think I had already sufficiently responded to that. I would not like to repeat what I had already said.

COURT : Before you take up a different subject, reverting to V8,V8 according to the Court's copy has eighteen pages (30) only/...

only, not nineteen as yours. So, you may beneficially lose your last page.

MR FICK : The number of two million supporters of the UDF, how was that established? -- No, it was not established. It has generally been an estimate. We have made that quite clear that it is an estimate.

After the MSC, do you not agree it was an over estimation? -- No, no. The position I think with the Million signature campaign must be understood very well. We made the point right at the beginning that the million signature campaign was not intended for people - was not primarily intended for people who were already members of the United Democratic Front. Our most important concern was with people with whom the UDF had not as yet reached in fact. Not that those members were excluded, but we did not just want to go for the converted people so to say, but we wanted to reach as many people as possible and that is why our activists were encouraged to go out and meet people other than just taking the form and giving it to a man whom you know in any event supports is. We wanted to use it also to reach (10) people to break fresh ground, if I may put it that way. The only criticism that we have levelled at ourselves with regard to the million signature campaign is that we took up the campaign at a time when our hands were really full, because we had many other issues that we were concerned with, particularly the anti-election campaign itself. At any other time, if we could have let our hands be free of all the other things and merely concentrated on it, the situation would have been - the results would have been quite different. That is the one criticism that we have raised against (30) ourselves/...

ourselves and I think it will also be reflected in some of our documents.

I put it to you that UDF cannot claim to be more representative of the people than what the councillors can claim? No, no, certainly the UDF is by far far more popular than the town councils. There is no doubt about that.

How did you go about to estimate the two million supporters of the UDF? -- As I have said it is a rough estimate. The estimate was initially made by public figures reporters for instance who put that forward. Looking at our (10) organisations and looking at the support that we had, had estimated over a period of time. Of course they have got more expertise than ourselves So, in an issue that is an estimate, there is a give and take in it.

I want to go to another topic.

ASSESSOR (MR KRUGEL) : Are you going away from this method of estimation now?

MR FICK : Yes.

ASSESSOR (MR KRUGEL) : For instance the VCA, we know that the VCA was an affiliated member of the UDF? -- That is correct. (20)

How would the VCA support of the UDF have been described in numbers of people? -- I am at a slight disadvantage because I actually have not had practical dealings with the VCA. So, I would not be able to even to give the Court an estimation but if I had been working with the VCA, what I would have done to estimate, I would have to estimate more or less or to find out more or less what support they enjoy within that community and on the basis of that, of what hard facts could be found, look at the general response, for instance if it calls public meetings. How many people (30) attend/...

attend those meetings. When you call a public meeting, there will be more than people who are actually registered members. There will be others that will only be supporters and therefore on whose support you can count generally when you undertake anything. So, in general terms I would look at conditions of that nature and make an estimation out of that. I donot know exactly how the newspaper people who are much more informed on this operate when they calculate the membership.

COURT : When you speak of the two million, you do not (10) you do not mean members of the affiliates? You mean people who support the UDF? -- In the case of the UDF, the calculation of the estimate was specifically on the basis of the membership of the organisations that are affiliated to the UDF, but I thought the question that was being asked of me was looking an organisation like this one, which is a civic. You see, many of the other organisations which are affffiliated to the UDF like trade unions, they are not organisations which just have loose support. Usually their membership is written down and you can specifically say this is what(20) the membership is, but a civic is slightly different, because some of the members are actual members, registered paid-up fees and so on. Others are just supporters without being registered.

ASSESSOR (MR KRUGEL) : It is not only the civics that would fall into this category, but I specifically asked about the VCA to find out how you would go about estimating the support that you have from the VCA side. It cannot be members? -- Well, as I am standing here my approach would have been as I have explained to the Court. (30)

In/...

In other words you would have made an estimate of more or less how many people attended the meetings called, the public meetings called? -- I would first start with the membership and then go on to see the difference between that and the general support that they get when they have meetings and somewhere between the actual figure of membership and the general or average numbers that they have when they have public meetings, I would put the estimation inbetween there.

COURT : Is there any documentation which shows how you arrived at the two million? -- No, as I say, we did not (10) make the estimate. The estimation that has been used and that is reflected there is an estimation that has been made by for instance journalists who attend meetings of the UDF on a regular basis around the country and who are much more familiar with the organisations which constituted the UDF. Even long before the UDF was set up, who would have been at those meetings. This question was raised with me some time ago and one of the points that I have put forward has been for a front such as the United Democratic Front, it is very difficult to actually sit down to a count of membership. (20) One will find people who are members of the South African Allied Workers Union registered in its office. When we come into the townships, there are also members of the civic. There are also members of a church organisation or something that is also affiliated. If only we went into the Vaal complex, you may find people who hold membership to only one organisation, but you may have other people who hold membership to more than one. So, the process of counting and say this organisation has got so many people and this one so many people, in itself has got flaws. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : You must have read my mind, but it is so that members of the VCA will also for instance be members of the trade union in the Vaal or a member of some other organisation who was also affiliated to the UDF? -- That is correct so. I have been assaulted and attacked by the newspapers - not assaulted in the literal sense, but I have been inundated by requests from the newspapers to state specifically what does the UDF think and I have said from time to time. You have an area like greater Durban and how many people belong to Diaconea which is a church(10) organisation and at the same time will be members of JORAC the Joint Rent Action Committee and at the same time they will be members of Durban Housing Action Committee. So, that you will find it is very difficult, you cannot do it that way and we have been contend to accept estimates which have been made by people who are a little bit more knowledgeable than ourselves, such as press people for instance and some of the other people who could have established that.

COURT : Who were the experts who calculated or estimated the amount or the quantity of the members? Do you remember?(20) -- Well, as I say largely it was the newspapers.

Who? -- Such as Cape Times, the Argus on the eve of the launch of the United Democratic Front and then there were also papers. In the Rand here and also in Natal, papers like the Rand Daily Mail for instance and so on have done similar estimates. Generally, after a while there tended to be an agreement that this was the position.

MR FICK : Is it not so that you have the same problem with affiliates? For instance, if one looks at EXHIBIT A1 page 60 one finds that the Soweto's Committee of Ten is mentioned(30)

as/...

as an affiliate, Naledi Civic Association is mentioned as an affiliate, Soweto Civic Association is mentioned as an affiliate and Soweto Residents Association is mentioned as an affiliate. Are they not all one organisation? -- I think it is correct to say that the Soweto Civic Association when we have - we now know that the Committee of Ten became the head of the Soweto Civic Association, but it is important to make the point that at the time when that document was drafted, the amount of information which we came to have at a later stage was not available and then people therefore(10) who registered there gave the names - we have no doubt that it was in good faith that they gave those names and so on and that document was unfortunately also drawn up by people in the Western Cape. We were not so familiar with the conditions in the Transvaal, but we have also avoided the situation as you will see in the case of COSAS, we have also avoided the situation of just claiming the membership of national organisations like COSAS, unless we could specifically say that his branch has actually affiliated. We tried as much as possible to be accurate. We have always avoided to claim(20) support that we did not have.

Did you count every branch as an affiliate, every branch of COSAS for instance? -- In some instances, yes. This is the case of the Transvaal. I think this is how it was done. and that we would only count those branches who were actually attached and operating together with other affiliates of the UDF. Elsewhere where there were branches of COSAS which were not part of the regional general council's, we did not count them.

It was also done in the case of AZASO. The several (30)
different/...

different branches were counted, different affiliates? -- That would have been more or less - the clause that I refer to in the Working Principles, where I said that the terms of affiliation of national organisations would have to be agreed upon between those organisations and the NEC from time to time. I think that is the clause that I corrected. I said that it had always not been correctly written. It varied. We would have to look at the situation and we went according to conditions. It was dictated by the conditions. (10)

But who decided at the launch for instance whether to count the branches of different affiliates or only the organisation as one affiliate? -- At the national launch, what happened at the national launch is that we took a register of every - we registered every organisation that showed up there and we had to keep the list, because afterwards we would have to make known that these are the organisations which were there and which accepted that they were part of the UDF and so on. It fell to the regions, subsequent to that, regional councils and regional executive committees (20) to streamline things.

COURT : What is the Jabulane Civic Organisation? Is that also part of the Soweto Civic Association? -- It would be. Soweto consists of about 26 townships. Each one of them big enough to stand on its own as a township. So that one will find that in order to organise, I think for efficiency sake Soweto Civic Association set up chapters inside Soweto. So, you will find Jabulane, Phiri, Mofolo, what not, Klip-town and so on, Diepkloof and many of them. All of them had that but all of them put together were the Soweto Civic (30) Association/...

Association,

And the SACC Youth Desk, what is that? -- I do not have first-hand information, but as I understand it is that the South African Council of Churches have got - or let me say the churches affiliated have got youth organisations which also fall under the South African Council of Churches. As I say I am not talking from first-hand knowledge, but that is how I understand the position.

MR FICK : This streamlining, was it ever done? Sorting out of the affiliates and establishing the correctness of (10) the list, page 60 onwards? -- If we refer to EXHIBIT G1 it will be seen there that we did recommend - around June 1984 we recommended that every region must get in touch with its affiliates and that there must be the drawing up of new lists just to update the position, so we should know really for certain which organisations remain part of the Front or active in the Front and which and how many were no longer, if there were any.

Can you indicate the paragraph you are referring to? -- First of all, let me refer the Court to page 2 of G2. (20) That is officer's report and there the point which we made was that it is nine months since we launched the front and whilst we boasted of 600 organisations and approximately 1,5 million membership the practical question of keeping these affiliates together and properly co-ordinated, proved to be more complex and yet this is the test of the strength of the Front. With regard to the minutes now it was said ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Page 7 paragraph 20. -- Yes, "State of affiliates." This flowed from the officers report. (30)

It/...

It says that "Regions must submit to the national office updated lists of their affiliates" and then it also says that "Regional secretaries must visit their affiliates on a regular basis and assess the general state of development. The national offices were to prepare a questionnaire to assist regions in the work of assessing affiliates."

By that time ever since the national launch we had not had an opportunity to review the state of the front and the purpose - in the officers report we raised this issue that because we wanted now to be able to be a bit more accurate (10) when we say that the UDF is this, it is so strong, we should know what we were talking about and this was the order that was given - the recommendation made here. Once more we were so busy again of course with the million signature campaign rather with the anti-election campaign and we got detained before these things could be completed and unfortunately again things went haywire. It is very difficult to run an ? political organisation.

It has got ups and downs.

While we are busy with EXHIBIT G2 I would like to (20) refer you to the first page paragraph b. Do you agree there is again nothing said about harrassment being one of the problems? -- Yes, but now we were not dealing with that problems. This is just casually. We were just mentioning the position.

This report was June 1984? -- Yes.

While we are busy with harrassment. Do you agree that there were also reports that activists of UDF intimidated councillors and candidates and voters? -- From which side?

From the councillors side? There was a complaint (30)

from/...

from their side also? -- No, I am not aware - from the councillors?

Yes and the candidates? -- I am not aware of anything like that. There were complaints that were raised by the Labour Party and the other parties towards the August elections and we made it quite clear that it was not the policy of the UDF to do anything even to disrupt their meetings. That was the complaint. We made it clear that that was not the style of the UDF and I issued a number of statements in that regard, but I cannot recall a single councillor (10) who has ever complained that the UDF was disrupting their meeting or intimidating them. This is the first time I hear about it.

Is it not so that the UDF and its affiliates put pressure on the councillors to resign or not to stand as candidates in the elections and put pressure on the voters not to vote in the elections? -- We made calls on people not to vote for the town councils. I do not know what is meant by - what counsel for the State means by putting pressure. If by putting pressure, he means public meetings (20) in which we said people must not vote or where we might have issued statements to that effect. If by pressure he means that, yes, but if he means any other thing, then I disagree.

And by calling candidates puppets and sell-outs and things like that? That was the pressure also? -- Well, we did criticise them in similar terms and if by pressure you mean that, yes, we did call them that.

I put it to you that once it had become clear that the UDF's million signature campaign was a failure, they (30) came/...

came forward with the claim that the police harrassed them?
-- No, I deny that completely. I know that at least in about
either May or June I issued a press statement in which at
the time counting off-hand the number of signatures that
had been taken by the police from our people, they amounted
to 9,000. Some had been taken in the Eastern Cape and I
actually even referred to specific persons from whom those
signatures had been taken. In the blitz that was in Johannes-
burg, I cannot recall the date now when it was, a number of
our activists were not only assaulted in town in the city(10)
of Johannesburg, but million signature forms were taken
from them and they were torn to pieces, right in the middle
of the day in town.

Were you present? -- No, no, I was not there, but
that was reported to our office by our activists and many
of our officials were there, many officials of the Front
were part of the blitz.

And I presume UDF laid charges against the police
for taking the MSC forms? -- I cannot recall that we laid
charges for that. In a number of instances our regional(20)
officials went to police stations to go and demand those
forms.

Were they handed back? -- I cannot give a chronologic
or a definite order of everything. In some instances they
were given back, but in the majority of cases no.

And UDF did nothing to get it back by a court order or
anything like that? -- Well, there is very little that one
can do about it. I think I must just explain the state of
affairs here. One finds activists who stay in Mamelodi.
To go out into the township to collect signatures and (30)
then/...

then a policeman from the police station in Mamelodi comes there and takes the forms from them and he goes to the police station. If people want to complain about the forms, they must go to the same man who has taken the forms from them and the fact of the matter is, anything happens to them now. May be they get arrested and people generally are terrified because the treatment which our people get there, especially in circumstances of that nature where they ... (Mr Fick intervenes)

Were you present? -- Where?

(10)

When these activists went to the police? -- No, I am an officer of the UDF. If such a problem arise, people will come and report to me that this is what has happened and when the government wants an explanation for the activities of the UDF, they do not say were you there? They arrest me and I must explain those things. People have come to me to complain this is what happened to us in the field and I must talk to the public and I must say how our people feel about those things. I do not have to be there. I cannot be in Cape Town and in Durban and in Bloemfontein at the same(20) time, but I am telling the Court the truth that that was reported to me by our affiliates. If there are instances where I was present I will say to the Court that I was here present and this happened, but this is the information that I work by. Even when I write statements, even when I write or reply queries and so on, it is on the basis of the reports that I get from officials and leaders of affiliates in the regional setting where incidents have happened. That is the information I work on. Otherwise I would not be able to talk to the Court.

(30)

Did/...

Did you personally in any instance go to the police station? -- Which police station?

Any police station after a complaint like this? -- I myself had been deprived of property of the organisation like in Kroonstad and I had to go there on a number of occasions to go and demand my things. Right now one of the T-shirts of the UDF is still sitting with the police in Kroonstad. My personal book, one of my books is still with the police in Kroonstad. I have been trying to get it, even from Mr Heysteck who was also here investigating in this case. So, there(10) had been many times when I had been in the police stations.

But the question is, did you go to the police station after you received the complaint about MSC forms? --No, I did not go to the police station, because the reports were that our people had already been there and they had failed to get the forms. For instance, some people were in the Cape and I was in the Transvaal here and if our people in a local area failed - if they go to the police station if they go and look for the forms or ask for them and they are refused those forms, I am not a superman, I cannot think I can do(20) better than them if they have been there and if it has been refused or whatever reason has been given. We have to contend that that is what it is, because those are representatives of the organisations there.

You did not go to higher authorities but you went to the newspapers on this? -- But our people went to the police station to ask for their forms and they were denied.

I put it to you that the UDF is nothing but the internal extension of the ANC? -- No, that is untrue, completely untrue. The UDF is an independent initiative. (30)

I/...

I put it to you it was initiated by the ANC? -- I deny that flatly. The UDF was initiated by us following the call by Dr Allan Boesak.

It was initiated by the ANC with the purpose to advance the ANC policy and strategy inside South Africa? -- I deny that completely. The UDF has got its own policy which had been debated in the councils of the UDF and where it has been amended, it has been amended strictly in keeping with the decisions of the councils of the Front.

U Edele, ek weet My Geleerde Vriend wil vroeër verdaag.(10) Dit is nog nie tyd nie. Ek het 'n probleem dat ek het 'n aantal dokumente wat ek aan hierdie getuie wil stel, wat ANC dokumente is. Ek beskik nie oor afskrifte op hierdie stadium nie, want ons het net nie nog 'n stel nie, daar was net genoeg verskaf vir die Hof en die assessor.

HOF : Gaan dit enige nut hê om 'n ANC dokument aan mnr. Lekota te stel?

MNR. FICK : By wyse van argument aan hom stel wat die ANC se houding is en wat sê hulle daarvan.

HOF : Wel u kan dit aan hom stel en as hy sal erken dat (20) hy die dokumente ken, kan u ver kom, maar as hy dit nie sal erken nie, maar waar dit jou bring?

MNR. FICK : Ek kan dan tenminste die ooreenkoms tussen die dokumente stel aan hom en hom geleentheid gee om te antwoord daarop.

HOF : U kan sekerlik vir hom vertel "Ek sê vir u dat die ANC dokumentasie hierdie soort van terme het en julle het dieselfde soort van terme", maar is dit nodig om dokument vir dokument met hom te behandel? U kan dit op daardie manier doen, maar op die ou end gaan u niks verder wees as wat u(30)

is/...

is as u n algemene stelling maak nie.

MR FICK : I put it to you that the ANC called for the establishment of a Front in South Africa to further the aims of the ANC and to partake in the struggle. Do you know anything about it? -- I do not know anything about such a call. The first time I heard about a call of that nature was here in court and in any event I deny that we in the UDF took the initiative as a result of a call from the African National Congress to carry out its plans or its objectives. The UDF to the best of my knowledge is an (10) independent initiative. We followed the call by Dr Allan Boesak.

I put it to you that meeting of the anti-SAIC on 23 January 1983 was to conceal the link between the ANC and the establishment of the UDF as a result of the call of the ANC? -- Unfortunately I was not involved in the arrangements for the anti-SAIC committee meeting in 1983. I was not present at that meeting. I have never been told, however, even before or after the UDF was formed that the purpose of that meeting was to conceal the link between the UDF (20) and the African National Congress. In any event, at the time of that meeting the UDF had not as yet been formed.

The chairman of the Transvaal Anti-SAIC who is that? -- I do not know. I may guess that it is Dr Jassat but I do not know. I have never had anything to do with the anti-SAIC because throughout its existence I was in jail and even at this meeting where the move to initiate the UDF, I was not there. So, I really do not know about the anti-SAIC.

And the Anti-PC committee, the President's Council Committee? -- The Anti-PC chairman is Professor Mohammed. (30)

I/...

I got to know that later.

Do you know who organised the meeting of 23 January 1983? -- As far as I have come to know it was the Anti-SAIC, that is the Anti-South African Indian Council.

Do you know any member of that organisation? -- I can make deductions, but as I say I have not had anything to do with it and I have not attended a single meeting of it. I cannot talk of first-hand information about the Anti-SAIC.

The Transvaal Anti-SAIC is that an affiliate of the UDF? -- No, there is no such organisation as the Transvaal(10) Anti-SAIC that has affiliated to the UDF. It is the Transvaal Indian Congress. He is affiliated to the UDF.

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I put to you that the UDF and the ANC conducted the same campaigns? -- There is no connection between the African National Congress and the United Democratic Front. We have never had any organisational contact of any type throughout the time that I was serving and until our arrest. I do not know how we could have had joint operations with them. I have stated that repeatedly. Each time the UDF has been accused of being a front for the African National Congress, I (20) have made the point quite clear that we had neither formal or informal links with them.

Both organisations campaigned against the new constitution? -- I do not know whether the African National Congress did campaign against that. I am not aware that the African National Congress did do so quite definitely within this country. We did. We campaigned against the new dispensation in this country.

Both organisations campaigned against the Koornhof Bills? -- I know that the United Democratic Front did so. I do (30) not/...

not know where and when or whether in fact the ANC campaigned against them.

I put it to you that both organisations accepted that housing was an issue to mobilise and organise the masses around? -- We have never made an agreement or reached an agreement with the ANC that the housing problem was to be used to mobilise the masses. Where, as I have told the Court we have raised the issue of housing, is because our people do not have houses and our affiliates would have been seeking to find immediate benefits for their communities, (10) but not for purposes of mobilising people for the alleged conspiracy. That I deny.

Both organisations I put it to you accepted that the position of especially Black women in South Africa was an issue to mobilise and organise the masses around? -- Such a decision has never been taken by the United Democratic Front. I do not know what decisions have ever been taken by the African National Congress in that regard. Certainly we have not been informed about their decisions.

Both organisations accepted that the SA Defence Force (20) and conscription were important issues to mobilise the masses around and to build up the anger of the people? -- The United Democratic Front has never taken a decision that the SADF is an important issue to make the masses angry. Where the issue has been raised by the United Democratic Front, is because that issue was of concern to some parts of its constituents' support, such as the Indian and Coloured community and the White section. It was never for the purposes alleged by the State.

Did the UDF support the question of conscription as (30)

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an issue to be taken up? -- The decision that was taken at the national launch of the UDF was to support conscientious objectives, but there was never a decision taken by the UDF that itself would take up the anti-conscription campaign - issue as a campaign.

Did you support the anti-conscription issue? -- We took a decision that with regard to that we would play a supportive role, yes.

For what purpose? -- As I have already said, the issue of conscription was one of concern to important parts of (10) the constituents' support of the Front and we saw the new dispensation, in fact the inclusion of the Coloured and Indian communities into the tri-cameral formation as an attempt, or part of the scheme of drawing the Indian and Coloured sections of the population to the support of apartheid and we saw that as part of a process that could only lead the country to a deepening conflict and it was our view that the government should be moved and persuaded to abandon the new constitution and find a format whereby a democratic constitution could be drawn up, one that would (20) eliminate apartheid and therefore eliminate those causes which made it necessary for the growth of conflict that was growing in our society.

Did UDF ever call on anyone not to leave the country and join the ANC? Yes or no? -- We have never had cause to do that and we have never done a thing like that as well that I can remember. Similarly, we have never said to anybody he must leave the country and go to the African National Congress.

WITNESS STANDS DOWN.

(30)

COURT ADJOURNS TILL 16 SEPTEMBER 1987.