

Ass:

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-17

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 288

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COURT RESUMES ON 17 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr. Lekota, we were busy with the national convention? -- That is correct.

UDF regards the national convention as the only solution to the problems of the country. Is that correct? -- That is the solution that is proposed by the United Democratic Front.

Will you please have a look at EXHIBIT H1, paragraph 10.2 "Conditions for a national convention." One of the conditions is the return of exiles? -- That is correct. (10)

Which exiles? -- These are people who are South Africans but who, due to their opposition to apartheid, found themselves forced to leave the country for one reason or the other. That would therefore include all organisations of South Africa which are outside the country and other people, some of whom are not even part of political organisations, but who simply could not find home in South Africa due to the policies of apartheid. Some of them have had to leave because of the provisions of the Immorality Act at the time when it was still in effect. (20)

I see no condition is attached to the return of the exiles. Why not? -- The return of the exiles is in itself a condition.

Does it not state whether they would continue with violence acts of violence or that they must first lay down arms before they could return to the country? -- Clearly, in our thinking we never anticipated that people should come back here with weapons in this country. The very spirit in which we have put forward the national convention, the terms in which we have explained it in our public meetings, namely that (30)
there/...

there should be an atmosphere of peace and mutual trust, does not make room for permission of acts of violence. Even the policy of the UDF is such that it does not support violence.

Yes, but the problem is that the ANC does support violence? -- If they were going to come back - if the ANC amongst others, the PAC or whoever else it was, if they were going to come back on the proposition that is put forward by the United Democratic Front and which we hoped the government would accept, we did not expect and we did not intend that they should be allowed to come back with weapons. (10)

Did you discuss any of these conditions with the ANC? -- Throughout the time that I was serving in the United Democratic Front we never had any contact with the ANC and we had no need to discuss these issues with the ANC because we had an independent body.

What if the ANC is not prepared to lay down arms? What then? -- That is an issue that would have arisen there, but as the position was at that point in time, we were raising the issue with the understanding that whilst the government opens channels of negotiation, that any right thinking person (20) would accept that. We certainly would not have supported the ANC or any organisation to go on with conflict or in fact we were saying that the calling of the national convention is intended to do away with the use of violence. I think the point is also underlined by Mr Heunis when he said that there were at some point conditions which allowed for this. I myself have mentioned that we understood the conditions which led to that, but once those conditions were removed, we would not consider that anybody would have an excuse to go on with the use of violence. In any event, (30) even/...

even in the present conditions, we have made quite clear for ourselves that we believe that non-violent methods are still there exploitable and that is why the UDF is pursuing the path of attempting to reconcile the various sections and attempt to push for the opening of a non-violent constitutional path.

If the ANC does not accept the condition to lay down arms, would the UDF be prepared to continue with the national convention without the ANC? -- Well, I do not know what reasons, I do not know why the ANC would refuse, but if the ANC would(10) refuse, we would obviously consult with people who are interested to find ways as to what are the objections now that they have to this and then of course that would be unacceptable to us. It would be unacceptable to us. If they refuse to come, to a genuine process of negotiation, we would not find any reason to support them. I cannot think of any reason why first of all they would refuse, secondly why we - we should then find ourselves compelled to support that position.

If the ANC says it is prepared to come back to this country and participate in the national convention to form(20) a government, a socialist government, would the UDF be prepared to continue with the national convention? --No, no. The kind of government that would be put - that would come in to power as a result of the national convention, would have to be discussed and be decided by the people at the national convention. It can be decided in advance and we would put forward our own vision and our own view on the matter, so that the result would be widely supported by the majority.

But if it is the aim of the ANC, declared aim of the (30)

ANC/...

ANC simply to seize power, to take over the government, would you be prepared to continue with the national convention and include the ANC in a national convention on that basis? -- Well, if they are only interested in the seizure of power, I do not even think they would come to the national convention. They would then refuse, but if one comes to the national convention, the issues would be decided on the basis of the majority. We are committed to the national convention. That is the only path that we see as the most viable one and that can reconcile the people of our country. (10)

That is exactly the problem I have with your national convention. I put it to you it is the declared policy of the ANC to seize the power, to take over the government of this country? -- As we have always understood matters, in the historical contexts of this country, those people who resorted to the use of arms, did so only when they felt that they did not have avenues of negotiation open to them. We are acting on the understanding that if constitutional paths, non-violent constitutional paths were opened, that those people would find themselves compelled to come and participate in the process. Indeed only this year when the commissioner of police replied an application in Cape Town, I read in the newspapers that even at that stage, the ANC said that it would be willing to participate in a negotiated process. I cannot remember the exact terms, but that was in the newspapers, but even when the EPG reported after its mission, after it had been here, when it reported in their Penguin(?) edition of the report, they indicated that the ANC was prepared to participate in negotiation under certain conditions which I cannot detail at the moment. (30)

So/...

So that if those things are anything to go by, it does appear that if a process of negotiation was set in motion and they were satisfied that that position - that was going to be a meaningful process, then they would participate, I think the impression is also created by the statement which was made by Nelson Mandela in early 1985. The point that I am trying to make to the Court is simply this. That it is with that kind of understanding in general terms and our historical understanding of how it came that they resorted to the use of arms, that we think that if the process is set in (10) motion, they are willing to participate. We would not stand with them. Certainly we would not go and abandon the search for a constitutional settlement if they refuse to participate in it. At the moment we have no information of our own, that they are not interested in negotiating of a genuine process was set in motion and of course I must also say we do not have, we do not receive free information about the African National Congress so that one operates purely on what information is available to the public and certainly we have no grievance for the African National Congress. We (20) are not only interested in the ANC. There are organisations like the PAC, BCMA and some of these others - I think there is also some that is called the South African Youth Revolutionary Council and what not. All of those groups, which we feel can be neutralised if constitutional path is found and the one we suggest is the national convention.

COURT : Just for record purposes EPG is Eminent Persons Group. -- That is correct.

MR FICK : One of the other conditions in EXHIBIT H1 10.2 is the suspension of the racist constitution. -- That is (30) correct/...

correct.

You have told the Court that the government would be party to the national convention, according to the UDF? --
Yes.

I put it to you, the moment that the constitution is suspended there is no government. -- Let me put it this way. I think when one looks at these conditions, they must be looked at as part, in the context of a process that would take place. I attempted to explain yesterday that there are three conditions which we saw as non-negotiable, but assume (10) for the moment that all these conditions were accepted, we cannot see and as I stand here before the Court, I cannot see that one would create a situation of weight at some point or the other. Subject to the process of negotiation, step by step in a political process for every one step that one takes, may be if you get rid of something, you will introduce something new. For instance when the new dispensation came in, while the South African Indian council remained, there was first the move that there has been a tri-cameral formation, but the SAIC went on. The second (20) thing is, the President's Council having made its recommendation, an act was moved in parliament to accept the tri-cameral formation. Throughout that time, you still have the old structures of rating and even when the act becomes act, a certain process is set in motion before you reach the point where you implement it. One cannot just think that we can wake up today and see that there must be no constitution. We do not think that way. We think that if a decision is taken that finally the present constitution must be suspended, all the necessary preparations would have to (30)

be/...

be made by the parties in advance and the preparations of the implementation of the new constitution when it has already been worked out, would then be made. Only then can one now say on such and such a day there must be an authority that must allow that on such and such a date this constitution ceases to operate in this area and then we introduce this one. That is how constitutional development takes place and we think in those terms. We do not think in some childish wild and unstudied method. We have looked at developments in other countries. I can give as an example the Nigerian(10) model, when Nigeria was under military government and the decision was taken that it must move to civilian government first of all the military authorities who were in power appointed people certain eminent people to go and draft a constitution, that constitution was presented to the military and people were elected subsequent to that and after a period of three years finally, Nigeria returned to civilian government. Now that is the kind of situation which we have observed. It is with the background of some of those things that we have studied, situations which (20) we have observed that we know that the process of constitutional change is a very lengthy one. Sometimes indeed as I said yesterday to the Court, you may start a process, you may not even live to see it to the end, but what is important for us from the side of the UDF is to see at least the beginning of a process and increasingly to win the confidence of the people of South Africa towards common action taking in the direction of resolving the problems of our country.

Why is it that you set as a condition the disarming and disbanding of the police and the army, but on the other(30) hand/...

hand nothing is said about the disarming and disbanding of Umkhonto we Sizwe for instance? -- One of the reasons is that we saw ourselves more addressing ourselves to the main figure on the political state of our country, that is the government. We saw ourselves as really talking to the government on these issues and the ANC like any other organisation is not in control of the situation of our country. So, one of the first considerations to be taken into account is that we are addressing ourselves to the government. The second thing of course is that whilst these discussions were (10) going on, this was not really final, but there were initial ideas that were being thought and they were to be sent as indeed some of the exhibits show, they were sent to the regions for discussion. I think one of the exhibits will illustrate that they actually were sent there. That will be C59 or C53 or so. I was not part of the drafting of the document, but I think from reading the exhibits here it is one of the exhibits that I saw indicating that and even at the beginning of page 1, before may be we look at C59, it does say that the workshop - that is under 3 H1 (20) page 1 "It was decided that the workshop be transformed into an emergency NEC meeting. It was further noted that the nature of some of the issues under discussion was such that mandates of regions were needed. So, if they were just discussed by the workshop they would not really have the official stamp of the NEC and if they were to be advanced to the regions as recommendations or decisions of the NEC, they would have had to be discussed in the NEC and that is why the workshop was then converted into an NEC. Turning to this exhibit that I have just mentioned, I think it (30) shows/...

shows later accused no. 19, Comrade Popo Molefe, wrote a letter ... (Court intervenes)

COURT : To which exhibit do you refer? -- C59. In C59 at paragraph 1 Comrade Popo had this to say "During its meeting in Bloemfontein on July, 21 1984 the NEC could not take binding decisions relating to the most concrete question of the UDF. It was noted that regional mandates were required before such serious decisions could be taken. The NEC then consequently resolved to refer the matter to the regions for thorough discussion and that its views be seen as more (10) guidelines for such discussions." It does indeed say mere guidelines for such discussions and then he urges them to discuss the matter and the views of the regions - then the paragraph after the next one, I jump one "Please make sure that the views of the regions are made known to the NEC meeting on 29 to 30 September 1984" and in the context of that letter if we look at - I do not know whether I should call this document 2 or page - may be I should call it document 2, it talks about the future of the UDF "Some NEC views." I want to refer specifically to the last page of this exhibit and (20) perhaps, yesterday the Court did ask me about the minimum demands. I noticed something in this exhibit on the last page that in dealing with some of those issues that were decided as minimum demands, he uses a different phrasing. He says "our immediate demands". I think that perhaps also will through a bit more light on our understanding of that section that I have referred to as minimum demands. So, having said that the thinking of the NEC was not finding, it was just mere guidelines, amongst other things he refers this matter to the regions. I do not know whether it was because he was (30) opposed/...

opposed to the question of this idea of the disbanding of the armed forces. This document shows that he did not in fact include it here.

ASSESSOR (MR KRUGEL) : Perhaps in the very last phrase of the paper "With the necessary pre-condition emphasised."
-- Well, it is true, I think it is fair, but the regions did not know at this point in time that the NEC had discussed the question of the disbanding of the armed forces. So, one would sort of felt that it should have been there for the regions to know. I do not want to make an issue of it. (10)
I have already indicated what his attitude was against it and how my own feelings were on that question. The point that I am trying to underline simply is that these were not final, they were not binding decisions on the front and they still remained open to discussions by our regions. I do not know if I have attempted to answer your question.

MR FICK : Do you agree that nowhere in C59 are the preconditions mentioned in EXHIBIT H1 paragraph 10.2 stated? --
I do not understand why counsel says that.

Will you compare paragraph 10.2 with paragraph (c) (20) the last page of EXHIBIT C59? -- It is correct that in C59 is not a mirror image of what appears on page 5, but it is quite clear that what the general secretary is communicating to the regions here is as a result of this discussion that had taken place at the NEC meeting. I have no doubt about it in my own mind.

COURT : At this meeting in September 1984 I take it that certain decisions must have been arrived at on this question of the national convention and the conditions, pre-conditions and demands to be put on the table. Where is that (30) minute/...

minute? -- I am sorry, first of all I must say to the Court that even this exhibit, when it was written out, I was already in detention. So, I do not know whether in fact the NEC that is proposed here did take place and if it did take place, I do not know what happened to the minute, because subsequently also accused no. 19 got detained. We have looked through all the documents. Even the ones that were not used by the State. We have not been able to find any minute and unfortunately, even a lot of people, even if they were not of the NEC people, were not detained. (10) Some of them were in hiding. I cannot really say whether the meeting did take place or not.

If it did not take place, then would expect in the next minute, I think that is in November, a reference to this burning issue? -- That is correct, but there was such a - things were thrown in such a disarray at that point in time, I cannot really say to the Court what did happen and why this happened and why it did not happen, but I agree with the Court that if the meeting of September did not take place, the next meeting would have had to consider (20) this, because it would be proceeding from the past NEC. On the other hand, if it did take place, I do not know who would have taken minutes at that point in time and what they did with the minutes.

MR FICK : I would like to refer you to EXHIBIT C18 volume 2. Do you know this document? -- I saw it for the first time in the court here. As I see it, it is one of those documents which are written from time to time by people some notes on the call for a national convention. I have not seen this document before. (30)

I put it to you that whoever wrote this document ... (Court intervenes)

COURT : Do we know of what this document forms a part?

MR FICK : No.

COURT : Because it starts at page 6.

MR FICK : Yes, that is so, sub-paragraph (b) the heading of the document. I put it to you that this is part of a publication EXHIBIT C18? -- That it is part of a publication?

Yes?

COURT : It is part of a publication. That is obvious. (10)
Next question?

MR FICK : I put it to you that it was issued on behalf of UDF? -- No, I deny that. I do not know this document and I do not know what publication this would have been to start with.

Will you look at page number 6 the fourth paragraph "It is in the light of all this that the discussion of a national convention has arisen in our ranks. How can we in UDF and organisations begin to set the political pace?" -- Yes, but any member of the UDF could write a thing like this. This (20) is not an official document of the UDF.

Is this not the perception created within the UDF on the national convention? -- What perception?

That page 9 "There are also several non-negotiable pre-conditions that would have to be met for such a national convention to occur." -- That is correct that we have spoken about the pre-conditions as being non-negotiable. Look at the conditions which are set out after this man has said that. They go up to 5. The UDF has never taken that position. I have illustrated here from what happened at the national (30) launch/...

launch and subsequently. So, it is clear that some individual here who imagines himself an authority on the UDF is writing some of the things here and he has some thoughts. It may be a student, it may be whoever it is. I do not know who it is, but certainly this is not an official UDF document.

I put it to you that page 9 of EXHIBIT C18 the pre-conditions set out there correspond with paragraph 10.2 of EXHIBIT H1? -- Some might appear there, but to say that all these conditions are non-negotiable, defies the decisions of the UDF. To say that all these conditions are non-negotiable defies the decisions that had been taken by the UDF. (10)

Can you refer the Court to a document where it is decided that the conditions are negotiable or non-negotiable? -- No, the point is, the conditions which were adopted by the first national general council of the UDF, are the three conditions which we have stated over and over again. All these other conditions that arose in the context of discussions of the NEC in July 1984 were never final and never adopted as such by the UDF. That is all the point that we are making there. For instance, if one looks at point 4 (20) in page 9 of C18 it says "The immediate suspension of all racist and unjust laws." That is not part of our thing. The immediate, we do not think that way. If you will look at our minute there it says the suspension of. It does not say the immediate suspension of. It is obviously some enthusiastic character who is putting forward what he thinks about this issue.

Can you refer the Court to any decision of the UDF to the effect that the suspension of the racist and unjust laws should not be immediate? -- It is my evidence that (30)

I/...

I was part of the discussions of the NEC where the matter was discussed in Bloemfontein and that what happened is in accordance with the evidence I have given to the Court to the best of my ability. That is what happened. I have never said that it must be immediate. I am borne out by the minutes.

I put it to you that the reason why no pre-conditions were enumerated with regard to the armed forces and the armed wing of the ANC was to ensure that you will have a ready made armed force when the South African Defence (10) Force was disbanded and disarmed? -- I deny that completely. I think I have explained extensively of our approach on that question. May be I should not belabour the point again. There is just another point that I would like to draw the Court's attention to. With regard to this document C18 page 10, the question that is asked on the second column "Why do we need a national - why do we need an NC if we already have a program? The Freedom Charter.

COURT : It is on page 11. Oh, I see, it is indeed page 11. That is the question the man asked. Already from this (20) question it is clear to me that this man assumes that the UDF has adopted the Freedom Charter and until my arrest the UDF had never adopted the Freedom Charter. This man does not know - it is clearly that somebody would not understand and know - it is too obvious a point that the UDF had not adopted the Freedom Charter. We had constantly made public statements to that effect.

MR FICK : Yes, but UDF also supported the Freedom Charter. -- The UDF did not support the Freedom Charter. Some of the affiliates of the UDF subscribed to the Freedom Charter (30) and/...

and some subscribed to other programs. Others did not have any political programs that they subscribed to.

Do you agree that UDF had in fact accepted the Freedom Charter? -- When?

Since your arrest? -- I have read in the newspapers that that is the position or that - either that it had accepted it or that it was about to accept it and again it is with regard to that, it is very important now to look at the development since our arrest until that time. I think the news that the UDF was about to accept the Freedom(10) Charter came only out here about in July or so this year. Before that time the Freedom Charter had by then been adopted by the biggest single industrial union, the National Union of Mine Workers. Subsequently it was adopted by the national second biggest industrial union, the National Union of Metal Workers of South Africa, NUMSA and thirdly it was adopted - before the UDF it was adopted by COSATU, the biggest federation at the moment in the country. When the report came that the UDF was about to adopt it or it was going to adopt it, so many organisations, huge in membership, far bigger, (20) had already adopted it. So, those drastic and dramatic changes which have taken place, only then - still as I stand here I cannot say for sure whether UDF did in fact adopt it, but there have been reports to that effect in the newspapers. Subsequently a number of other trade unions have been reported to have adopted it singly. It is just a process that has been going on for independent of the UDF. I think those are some of the factors which play a role.

We will come back to the Freedom Charter a little bit later on. EXHIBIT C102 volume 6. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : Just before you go away from EXHIBIT C18, on page 12 the very last paragraph it reads as follows "Even the pre-conditions demanded why bugger with a national convention, with the NC, this question is based on the misconception that the NC is designed as a round table negotiation with the present government and ruling classes. If the police and army are to be demobilised, then a very different situation will have to be present in South Africa, in SA. In these circumstances the NC will be the gathering at which the constitutional form in which the people are to govern(10) will be worked out. It is underlined not a sit down with the P.W. Bothas and Oppenheimers." -- I am quite indebted to the Learned Assessor for drawing my attention to that paragraph. I had not noticed it myself. This is alien to the United Democratic Front, because as I have explained to the Court it is clear just how different our thinking is on this question and I still want to say that it may be very helpful if we could find where this document, what publication this document was found in.

We only know that this was found with Miss Lucille (20) Meyer. So, the standing of the document is not clear at all. -- I am sure that if we were in a position to find what publication this document was contained in and perhaps even who the author of the article is, we would find that this article has nothing to do with the United Democratic Front and that the thinking embodied in here for instance on this very paragraph that the Learned Assessor has referred to, is something that is completely out of touch with the thinking of the United Democratic Front.

MR FICK : What is a tsotsi? -- Ordinarily it is somebody (30)
who/...

who is dishonest.

Only that? -- Well, all the practices that go with dishonesty would be that.

Is a tsotsi not a criminal? -- Not necessarily. No, he becomes a criminal as a result of his activities. Say for instance a tsotsi is a pickpocket, he may be arrested and then of course he is caught and then he is a criminal.

COURT : Is a tsotsi a young person?-- Some are young and some are old.

The concept tsotsi, is that not used for young thugs? --(10)
No, no, no.

Not? -- It is used for urban - literally, people in the urban areas here and they are thieves, actually they live by their wits or sometimes they may even rob people and so on, they are simply dishonest people or whatever they do will reveal dishonest about it.

I put it to you that what is stated on page 12 of EXHIBIT C18 namely it is not a sit down with the P.W. Bothas and the Oppenheimers is so alien to the UDF as you are trying to make out for at the launch of the UDF already (20) there the State President was called a terrorist and you yourself later on called Mr Botha a tsotsi. -- I see. That is correct. It is indeed correct. I tried to explain to the Court here yesterday when the Learned Assessor raised the question of language and that when you disagree with people it is still important towards the language that you use, but as I have indicated to the Court here, the amount and the length of period under which people have been extremely frustrated by policies of apartheid makes a strong feeling. It does not begin today. The language that is being used(30)
today/...

today is in fact a very large part of it inherited because if we look at the past and we look at some of the meetings and we look at the writings of some of the elder African people who have had to comment on what is happening to them under apartheid, one will find that the language is often quite tough. I spoke to the Court here the other day about how I felt when we were excluded and I said I thought about my father and I likened him to an Alsatian dog, not because I do not like ... (Court intervenes)

COURT : Now you are running away. I have not had a question(10) yet. The question I have written down here is you called Botha a tsotsi and at the launch Botha was called a terrorist. Now, we have not got a question yet, unless the question is did you say so and I think your answer was, yes you said so. -- At the national launch it may have been said and also I did say that at one of the meetings.

Now you must wait for the next question.

MR FICK : I put it to you it is clear from what was said about the State President, that you in UDF do not intend to sit down around a table and to discuss the future of this(20) country with him? -- That does not tally with the reality of what has happened. I want to start off first of all may be to explain the context in which some of these remarks were made because it is important to understand that. When for instance at the national launch - I am not sure of the exact remark, I do not know whether I can be referred to it so that I can explain. We would find that the context in which these people would have been speaking, would reveal - if for instance they were talking about removals or the smashing of shacks in Crossroads, it would have been in that context to say (30) that/...

that is a terrorist, because the activities ... (Court intervenes)

COURT : Let us not guess about the context. Let us have the context first.

MR FICK : EXHIBIT V1.

COURT : Read the context first.

MR FICK : It starts at page 29. It is part of a lot of songs and slogans "Hlanganani Basebenzi Mayibuya e Afrika."

COURT : You mean it was shouted and not part of a speech?

MR FICK : No, it was shouted. A speaker shouted "Oliver" (10) and the crowd shouted "Tambo" nineteen times and then

"Amandla Nga wethu" and then there was chanting. "Botha is a terrorist" approximately eighteen times. Then there was a song about Tambo and the song about a gun in Angola.

COURT : You have shown to the witness what the context is. What is your question?

MR FICK : I put it to you that UDF has no intention to go and sit down with the P.W. Bothas and the Oppenheimers at a national convention because UDF regards the president as a terrorist. He is depicted as a terrorist. -- No, I (20) think it will be seen from our practice that that is not the position. First of all in 1983 we in the face of the debates at that time, we addressed a letter to the State President introducing the UDF and indicating some of the reasons why it had been set up. At a later stage at the NEC meeting in November we recommended to our regions to consider the possibility of the NEC requesting a meeting with the State President at that time as Prime Minister. At the time in fact we felt that it was important to apart from just writing a letter, but to be able to go up to (30)

the/...

the government and state the position of the UDF, when we did not receive a reply to our initial letter, we wrote a second letter requesting an acknowledgement of the initial letter. That attitude I think showed clearly our intention to get in touch with the government and to state the case of our people. As late as July 1984 at the meeting where we discussed this national convention, it was resolved that we must write, when the decision had been, when the UDF had taken the final decision on the national convention that an open letter should be addressed to the State President, (10) that will be seen in the minutes in H1 or so. The point at that time is that it did not seem that we were about to be in a position to gain access to a meeting but we thought that an open letter to the State President would both alert him on our thinking and alert the public on our thinking. We have also from time to time responded directly to some of the - through the press - comments made by the State President and so on and some of the government spokes persons. I think even the attitude of our affiliates will indicate the general thinking of the UDF. If we for instance take (20) the VCA who when the question of the rent came up, had taken a decision to go and meet government people and discuss the matter with them as I have understood the circumstances. I am not stating it as a fact. Our attitude is not to be understood as what counsel for the State is suggesting.

C102 volume 6 statement of the UDF National General Council. Can you refer the Court to any paragraph in EXHIBIT C102 I am talking now of the statement of the UDF National General Council which referred to the National Convention. Is there anything said in the UDF NGC statement (30) about/...

about a national convention? -- Here are a number of parts that show this. In the first place paragraph 3 of that statement, it starts off to say that there is still time for the racist minority regime to consult with the authentic leaders of the people. That is in the context of our thinking of the national convention. I think if we look also at the immediate demands, the last part there, we will see there is reference to the release of political prisoners. That is number 7. It says "The release of political prisoners, the unbanning of banned individuals and organisations, (10) the return of exiles and the lifting of all restrictions on freedom of speech and assembly." I think that clearly retains the thinking of the front on the question of the national convention.

This statement of the UDF National General Council was published? -- That is correct. Well, at least I gave it to the newspapers. I spoke to the press about it and some part of it were reported.

But nowhere in this statement there is expressed reference to a national convention. Do you agree? -- No, I do not (20) agree. In fact, as I say, that clause 7 refers to it and I told the Court yesterday here that these demands here, these immediate demands again here it is stated immediate demands were set out because I had made - when I spoke to the conference on Friday I had made a request that our national general council must address clear demands to the government and it was as far as I know in response to that request that some of these points put out here by the NGC that whilst the national convention was not yet in sight, we should have immediate issues that we could pick up with the government (30) things/...

things which the government could in fact before the calling of the national convention, if it so chose and it will be seen that in fact some of them were subsequently and subsequent to arrest, the government did respond to them. For instance the government did repeal the pass laws and as I understand the position, because I am inside now, but as I understand the position there has been a relaxation of some of these influx control laws here and there. The point of the matter is that the national convention has not been called, but the government has been able to effect for instance (10) something of that nature. I cannot recall exactly, but as far as I can remember, even when the Immorality Act was scrapped, which one would include under point 9, as being one of the Barbaric - no, I am sorry, that is not the correct one, but in any event, even a law like that, the Immorality Act, one would have seen as something that the government could do and something that tends to create an atmosphere in which people can begin to see that the government means well, that it does intend to move in the direction of reform. These immediate demands were set out in that spirit. (20)

For instance the scrapping of the 1913 and 1936 Land Acts as something that the government could do, it would enable people especially in the other groups to obtain land. If I have money for instance I could buy myself a farm in the process. That was not mean that the constitution of the country has changed, but openings of that nature would restore confidence to the people and it was in that line of thinking that these demands - these immediate demands were put forward, but I deny that we did not want to have something to do with the government. The very concept which we set (30)

out/...

out of engaging the State really refers to an attempt by the UDF to engage in an intercourse with the government. That is what it is about.

It was never the intention of the UDF to meet the then Prime Minister. What do you say to that? -- It was the intention of the UDF and that is why we sent, we made the recommendations to our regions to discuss the matter. For what reason would we say the regions must discuss the matter if we were not contemplating doing the thing. Some of our patrons such as Bishop Tutu has also been up to the govern-(10) ment. We did not fire him because he went to talk to the government. We did not say now you have devaluated(?) the UDF policy and then we are expelling you, you are no longer our patron.

In this regard I would like to refer you to EXHIBIT E1, the minutes of the NEC meeting held on 5 and 6 November 1983 Johannesburg. -- That is correct.

Paragraph 6.1.6.5(a) the sixth page under the heading "Engaging the State." "It was decided that a follow up letter be written to the Prime Minister." -- That is correct. (20)

"And conditions for meeting Prime Minister be laid down." -- That is correct.

And it was referred to the regions, this decision. Is it correct? -- That is correct. The recommendation was made to the regions, but I must say that the word "conditions" there, must not be read as conditions. Actually that word there should be the agenda or the issues to be discussed there. We were prepared to meet the Prime Minister in fact. That was a decided issue. The question was what was the NEC - what did the membership of the UDF want the NEC (30)

to/...

to discuss specifically to raise and discuss with the Prime Minister. So, they had to say really the agenda. I think it is an unfortunate oversight that the word "conditions" was used. There was no question of conditions to meet the Prime Minister.

Then I would like to refer you to EXHIBIT M2. Minutes of UDF General Council Meeting Transvaal held on 12 November 1983 paragraph 7.2 second page "The council decided that a follow up letter requesting a meeting with P.W. should not be written." -- That is correct. But this is only one (10) regional general council. If counsel wants to suggest that the decision was taken that way that we must not write a letter and we must not meet the Prime Minister, that is just only wrong. This is just one region that appears to have taken this decision. In fact, I did not know that the decision had been taken by the Transvaal, but I do not contest that they did take it, but this is only one region.

I would like to refer you to EXHIBIT N2, the minutes of the UDF Transvaal General Council Meeting held on 10 December 1983 page 1 paragraph 6.2 "Mr Mahlangu asked whether (20) the letter written to the Prime Minister was not in conflict with the decision taken in this regard at the last meeting, the chairman replied by bringing to his notice that the letter did not request a meeting with the Prime Minister, but merely requested that he acknowledges receipt of our letter." -- I think this is correct. He is evidently referring to the decision that had been taken by the Transvaal council the day before, but it is clear that, but it does say that the chairman explained that the letter was a follow up to the letter that had been written earlier on. On the question (30) of/...

of having contact with the government, there was no worry about the question. In fact the position is as follows, it was when the government did not respond to the initiatives that we had taken, that some of the people became disgruntled and some of the people felt that perhaps before the UDF pursued that line, it must first build its standing in the South African political scene and gain sufficient credibility before the government could respond to it. We were a fairly new initiative and we had to earn credibility on the political scene. Some people felt that way but there has never been (10) the question of problem that we can write to the State President. The thinking of the NEC and the predominant view in the NEC has always been that every effort should be made where possible to meet the government, because it was only if we could meet the government that we could state the complaints of our people to the government.

Were you at any meeting of the NEC where the decision of the Transvaal region was discussed? -- As I say to the Court I cannot remember ever receiving a report that this is the decision the Transvaal had taken. I cannot remember (20) as I stand here. It may have been, but I cannot remember it.

Can you tell the Court what was the views of the other regions on this question? -- I know of no region that has ever objected to UDF expressing its position to the government. I know of none.

Cassim Saloojee, was he a member of the NEC of UDF? -- That is correct.

Mr George du Plessis? -- That is correct. Du Plessis?

Yes. -- No, he was not in the NEC. He was in the REC of the Transvaal.

(30)

Mrs/...

Mrs Frances Baard? -- She was not in the NEC.

COURT : Was she a patron? -- She is a patron, yes. I am not very sure about the position of Mr Du Plessis, but as far as I can remember now, I can remember firmly that he was a member of the REC of Transvaal.

MR FICK :

And Dr Ram Saloojee, was he a member of the NEC? -- Ram was a member of the REC Transvaal. This is as far as I can remember.

I put it to you that Mr George Du Plessis was on the national executive of the UDF? -- It is quite likely. (10).
May be if I could just look at one of the minutes here.

He was vice-president according to EXHIBIT A1? -- Vice-president Transvaal but whether he sat in the NEC, I just want to check this minute here.

EXHIBIT A1 page 6 under the heading "National Executive Presidents, Vice-Presidents" the third name George du Plessis? -- Then that is correct.

Did any of these two gentlemen report to the NEC meeting what the position was of Transvaal UDF on this question of the meeting with the Prime Minister? -- The secretaries of (20) the Transvaal would have reported. I cannot remember for myself them reporting this. As I say I have not been aware of this decision of the Transvaal.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K926

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, EXHIBIT N2

I put it to you that there were no less than four members of the National Executive on this meeting, the General Council Meeting UDF Transvaal held on 10 December 1983, (30)
namely/...

namely Cassim Saloojee, George du Plessis, Mohammed Valli and Dr Ram Saloojee? -- You say there were no less than four?

Yes. Do you agree? -- But they are only four.

Ram Saloojee ... (Court intervenes)

COURT : No less and no more.

MR FICK : They were four. -- I just want to satisfy myself. I think it is wrong to say that Dr Ram Saloojee was part of the NEC. He was not.

According to A1 page 6 Dr Ram Saloojee's name appear under the heading "Additional executive members of the (10) National Executive" second last name second column. -- Can I just get D1 to satisfy myself. I think it is correct. I think the names are correct on this document. So, it is correct that there were four members of the NEC there.

And Dr Ram Saloojee was the chairman of this meeting? Of the Transvaal UDF General Council Meeting? -- On the minutes, yes. I was not myself present here.

And he was the man who gave the explanation set out in paragraph 6.2 "The chairman replied by bringing to his notice that the letter did not request a meeting with the Prime (20) Minister but merely requested that he acknowledges receipt of our letter." -- Yes, this is correct. The issue had been referred to the regions for discussion. If these minutes are anything to go by, Transvaal took the decision as reflected there, but it was purely a Transvaal region decision.

I put it to you that one would have expected the four members of the NEC to stand up in this meeting and say no, it is wrong, UDF has decided to speak to the Prime Minister for the following reasons? -- I do not know what happened in the meeting, I was not at the meeting. I expect, however, (30)

that/...

that they would have argued, they must have argued that way, but if they were defeated by a majority, they cannot say look, we say this must happen. They cannot dictate to the meeting. The meeting will take a decision any way. I do not know what they said and what happened, but if these minutes are anything to go by, the correct thing is that it would really have been a majority decision.

Well, I put it to you one would have respected the four members of the NEC to put forward the correct position with regard to the policy of UDF on discussions and meetings(10) with the Prime Minister? -- Yes, but the question is whether they were able to persuade the region or not. I am not saying that they did not do so. I was not there, but even if they could have done so, they might still not have been able to persuade the council, but the decision of the UDF National cannot be dictated by one region. It cannot.

The letter to the Prime Minister was written by accused no. 19. Is that correct? -- Which letter?

The letter to the Prime Minister. Who wrote that letter? -- But which one? (20)

The first letter? -- We did the draft.

And the second letter, requesting the Prime Minister to acknowledge receipt? -- That was drafted by myself.

The chairman obviously here referred to the letter drafted by you in paragraph 6.2? -- I think so.

Dr Ram Saloojee in fact stated the wrong policy of UDF here in paragraph 6.2? -- What is wrong about the UDF policy?

"The chairman replied by bringing to his notice that the letter did not request a meeting with the Prime Minister but merely requested that he acknowledges receipt of our (30) letter/...

letter"? -- This is correct. He is explaining that the letter that has been written to the Prime Minister is not the one that is requesting a meeting. It is the one that is requesting acknowledgement of the initial letter. There is nothing wrong about it. It is absolutely correct. The matter of the meeting with the Prime Minister may well have been still discussed at this point in time.

Was there any decision taken later on to write a further letter to the Prime Minister? -- No, we were not able to follow that up. We waited for a reply from the State President, the Prime Minister at that time and we could not take the next step without knowing what the outcome of the first step was. We did not follow up this discussion until we could get a reply from the State President's office and we did not.

Only one more question on this aspect. Did you follow that up? -- The decision?

Yes? -- Well, when we had the discussion on the national convention in July, we resolved to write a public - an open letter because we were not getting any response from the (20) government's side.

Can we go back to C102 please and the question of the national convention. A statement of the UDF National General Council EXHIBIT C102. I put it to you that the third paragraph on the first page of the statement of the UDF NGC does not refer, as you allege to a national convention? -- "There is still time for the racist minority regime to consult with the authentic leaders of the people." In the context of the UDF to consult, consultation, as far as I am concerned, could only mean consultation in the context of the national (30) convention/...

convention.

But what is there to consult about if it is the sole objective of making the necessary arrangements for the speedy and effective dismantling of apartheid state and the transfer of power to the people? --I explained that yesterday, to consult with the authentic leaders of the people with a view to dismantling apartheid that we have said before and the transfer of power to the people I stated here that today political power in our country is in the hands of a minority section and therefore it is not in the hands of the people (10) of South Africa because the majority of them are excluded from it. The transfer of power to the people would mean placing the majority of the people in the country in a position where they could vote and therefore determine the constitutional future of the country. That is all.

Will you turn to the second page of the statement of the UDF NGC EXHIBIT C102 the fifth paragraph "We therefore make the following immediate demands as the beginning of a process of transition from the prevailing oppressive and exploitative order to a democratic state? -- That is correct. (20)

I put it to you that the UDF wanted these things set out in sub-paragraphs 1 to 9 to happen before they would consult with the government? -- No, that is not correct. I think, as I tried to explain to the Court earlier, on Friday when conference opened I specifically raised the issue with conference on behalf of the NEC, that the NGC must amongst other things in the course of these proceedings address some clear demands to the government. I explained to the Court that what we really meant was to have put forward issues which would be short term issues in relation to the national (30)

convention/...

convention, because it was something that we realised could perhaps take much longer in effect, but that in the process one could put forward immediate demands, issues that the government could respond to and it was in the spirit - in that spirit that this here was set out and even then, they did not - it did not mean that before the national convention is called these must be implemented. May be the government might have responded to some of them and before even doing anything with all of them, decided to let us call a national convention and then that is that, but in the interim it (10) was important for the NEC to have issues which it could take up piecemeal so to say and that was the thinking here.

I put it to you that nothing that you have explained here to the Court is set out in the statement of the UDF NGC? -- Well, first of all I explained this in the context of H1, I referred to the letter that was written to the regions following the discussions in H1. There I pointed out that even the phrasing is much more appropriate because he talks about immediate demands and then that phrase immediate demands is carried forward and we find it also used (20) here. There is no other explanation I can give the Court other than that explanation. I do not know of any other one, but I deny the State's allegation. We did not intend what I have said here we intended to do.

I put it to you that UDF made it very clear that their demands must be adhered to immediately and as the beginning of a process to move to a so-called democratic state? -- No, the word immediate should be understood as I have explained it. That is how we understood it.

We were initially busy with the campaigns of the UDF (30)

before/...

before we started with the national convention.

COURT : When did the right to have trade unions, when was that right granted? Before or after 1985? -- No, before.

I am referring actually to the second page of the statement of the NGC paragraph 6 "The right of workers to freely organising trade unions." -- Oh, I see.

I was under the impression that that right had been granted some time previously? -- No, no, that is so. That is page 2.

Yes. -- I think this point can be explained in the (10) light of some of the conditions which were attached to trade union organisations. I think one of the issues that had been raised there was that the trade unions had to register I think under some bodies and so on. The trade union organisations were unhappy about that provision and some of the other provisions. I cannot detail them at this stage and the feeling was that this caution of registration curtailed that right of free organisation of trade unions. May be the one other point. It will be remembered that we had raised with regard to the meeting with COSATU the question (20) of trade union rights for rural workers and domestic workers. Some of those issues are also - also fall under this clause. They are also covered there.

What happened to the conditions for the national convention? They are all now immediate demands? -- It is important to understand that we perceived the UDF in itself as also a growing and developing organisation. For instance, when we reached the thinking, when the thinking matured within our ranks, that may be the call for a national convention should be looked at in more long term - as a long term (30)

issue/...

issue. The tendency was for our thinking to gravitate towards picking up single piecemeal issues and I think that was one of the reasons why conference did not deal at length with the national convention, but it did not abandon the idea of the national convention.

I now want to move to the question of the Bantustans. I put it to you that both the ANC and the UDF identified the issue of Bantustans as an issue to conduct a campaign around to mobilise the masses, to organise the masses? -- That is not correct. I do not know whether the ANC did take that(10) as an issue. The UDF no, but we did express the position and rejection of the Bantustans. I may also mention that in 1983 we were not the only body that raised objection against this. The Bantustan leaders themselves with the exception of Mr Sebe. All the others, all the other Bantustan leaders either personally - I think the only one who was represented who did not come personally was Chief Mphephu of Venda. They had a meeting, all of them and they made it quite clear that they were committed to one South Africa and that they did not want to be seen as having abandoned (20) their right to South Africa. Even subsequent to that, also Matanzima of Transkei went on to make it quite clear that they did not regard the Bantustans as an acceptable dispensation for the African people or so. So, when we said that they were not acceptable to us, the people who were serving in those structures themselves made it quite clear that they did not. As late as 1986 for instance when Chief Mabuza came from Lusaka where he had had talks with the African National Congress he made it quite clear that he was committed to a non-racial South Africa, unitary South Africa and (30) that/...

that he differed only with the ANC on the question of the methods, because they were using armed methods and he was not using armed methods. So, even those people who are there, there are times when they made it quite clear that they do not accept that as alternative for us.

But you, the UDF did take up the issue, the Bantustans as an issue to mobilise and organise the masses on a national basis? -- We have never taken a decision of that nature. We have expressed our opposition to the homelands, Bantustan system, but we have never taken a decision that this is (10) going to be campaign.

I put it to you further that both the ANC and the UDF identified the issues of cost of living and GST as issues to conduct a campaign around and to mobilise and organise the masses? -- With regard to the UDF, no. I have no knowledge of what decisions were taken by the ANC where and when. Where our affiliates in the UDF had taken up the issue of general sales tax, it had been with a view to seek some direct benefits for our communities and certainly with a motive that is ascribed to the UDF by counsel for the State. (20)

I want to refer you to page 30 of EXHIBIT A1. I am not going to read the whole section, but only "Resolved" the last part thereof on the issue of cost of living. "1. To continue to struggle for our basic right to cheap nutritious food and other essentials and (2) to create and join democratic organistaions through which we will fight for these rights." If anything, as far as I am concerned, what counsel has just read, does confirm in fact our search for direct benefits by way of seeking the cheapening of food, especially as it says "cheap nutritious food and other essentials and(30) that/...

that in order to achieve that, our organisations would have to take this. The issue was taken up in that spirit. It does not say, there is no way it says we will use GST so as to promote the conspricay with the African National Congress. I see nothing of that nature there.

That was not the question. Sub-paragraph 2 "UDF decided to create and join democratic organisations through which we will fight for these rights." Can you tell the Court how many such organisations did UDF create? -- Well, this is the point that I make that we did not create any - I know(10) of no organisation that was ever said by the UDF for purpose specifically, but our civic organisations at times and regional formations, have expressed the hope or the wish that the government must eliminate general sales tax, so that people could get cheaper food. That is all.

UDF connected the or linked the question of cost of living to politics. Do you agree with that? -- We did not connect it, it is connected. Indeed, I remember quite well that even at the time when for instance the National Party was campaigning in the forties they made it quite clear (20) that if the problem of poor Whites was to be resolved, it was important that Afrikaner people must have effective political power and not only themselves, everywhere, because the policies which govern society, the decisions which are taken, political power is a key and that is why we are asking for the right to vote, because if we can vote, we are able to express ourselves on various issues and even from one's affairs that affect us, if one observes our political secene at home, he will notice that from time to time the government for instance will subsidise the farmers. That(30)

is/...

is connected to politics, because they can then vote for the government and sometimes the government will subsidise a certain sector or sometimes it will withdraw certain support that was given to certain sectors. This is all linked up with politics and when we say therefore that we must have political rights, we know that that will give us access to influence affairs, to influence laws and policies which govern our lives and if we do not have political power, politicians can take decisions which arise over our feelings, because they do not depend on our - they do not have a (10) power to influence them, but once we can vote, then we can influence them and that is why we want political power. We want to share in the government of the country.

For that reason cost of living is taken up as an issue to mobilise the masses? -- That is not correct. I have explained our position on that.

UDF also linked up the question of GST with the question of conscription and the Defence Force? -- I cannot remember that formulation. I cannot remember that we did that specifically. (20)

Was the government not blamed and was it not propagated that we had to pay GST to the Defence Force? -- I think some statements to that effect may have been made and I think it would have been made in the context that it is from the general taxation, it is from revenue that the government gets from taxation that it is able to maintain its police force and all the other services. So, I think it would have been in that light that the matter would have been mentioned.

If you look at page 3 of A1 sub-paragraph 7 "The problems above are caused by the government preferentially allocating (30) funds/...

funds to Defence, Police and propaganda." -- That is correct. That is set out there. Clearly, all that we were trying to - were articulating here is that we pay sales tax like our White compatriots, but are supposed to be not South Africans. We do not benefit from paying sales tax, that is the same amount of sales tax as they pay, because we also pay 12%. That is the complaint as I understand it there. The money that the government gets from the taxation that we pay is then used for those purposes. In the meantime we are also in the townships without tarred streets, without homes and (10) other things and getting less in terms of sponsoring of our education and so many of the other things. That is all the complaint that is there.

In 1983 was that the only tax that the Black community had to pay? The GST?-- As far as I am concerned, we pay tax like anybody else. White people pay GST and we also pay GST but there is more privilege that goes to the White community than comes to us. Our complaint is on that basis.

COURT : That is of course the complaint of every tax payer. -- That is also true, but at least, everybody must share (20) equally. We share the burden equally. Let us share the fruits of our labour equally.

MR FICK : I put it to you that both the UDF and the ANC identified the issue of political prisoners, detention and exiles as issues to conduct a campaign around, to mobilise and organise the people? -- I do not know about the position of the African National Congress, but I deny that the UDF used the issue of political prisoners for the purpose that counsel for the State is putting forth. It is true that some of the affiliates of the United Democratic Front (30) principally/...

principally the Release Mandela Committee made it its concern to call for the release of prisoners et cetera, et cetera. That is correct, it was so and we are in sympathy with that call. Amongst other things because for instance if the leaders of our people are released from prisons, then there is a very good chance of the national convention taking off with authentic leaders representing our people.

I would like to refer you to page 30 and 31 of EXHIBIT A1. On page 31 the top "We demand the immediate release of all detained under security legislation." -- That is correct. (10)

"The immediate release of all political prisoners"? -- That is so.

"(3) The unconditional safe return of all political exiles"? -- That is correct.

"The repeal of all security legislation relating to the banning and banishment of the people engaged in the freedom struggle?" -- That is correct. I may just add that as far as I recall, there is part of that resolution which is not -- That is where the question of the national convention comes in. I think it was moved in relation to this. (20)

COURT : You say this is not complete? -- Yes. In fact what happened is that after this resolution had been moved an amendment was moved to the effect that the UDF must call for a national convention so that there must be the drafting of a democratic constitution. The drafters of this document which is the Western Cape region, should have pursued the matter and included it there. Time was running out of course in the context of the discussion and it does appear that there was an oversight that they left it out, but may be I can refer quickly to either V1 of V26 which I think will (30)

give/...

give an indication of this. I think it is page 69 of V26 the last paragraph.

Just read it into the record. -- "Mr Chair person, what I would like to add on the question of political prisoners, detainees, one point I would like to add is that apart from political prisoners and detainees, there should also be the uncondition return of all political exiles. One other point is that this is the conference of this nature that work along the lines of bringing to the notice of those who are in power, the need of a national convention, (10) consisting of al the people of this country with a view of shaping the future of this country. So, these are the points I wanted to add on the release of all political prisoners unconditionally, so that that is my addition on top of that, because the future of this country lies on the wishes of all the people of this country, irrespective of colour, creed or sex."

Who was speaking there? -- It was one of the people - unfortunately he is not known to me personally.

Was this added? He says that is the addition. So, (20) this is his proposal. Does it appear that it was added in fact, that it was agreed to? -- If we look at page 69 as the top we will notice that the resolution that had been discussed is this one. People had come to accept it and then he stood up to say no, no, he thinks we must add to this resolution here and this was the edition which he now puts in. Even when he finished that portion on page 70, he said "I am mindful of the fact that there are people in this country who still believe that people of a particular colour are the only people that are better than other people. So, the most(30) important/...

important thing is that people of this country should unite on equal basis in all spheres of life and shape the future of this country. That is the addition. As I say, this man was not known to me and people were coming from all parts of the country, but again it will be seen even in this addition as this thing was accepted, he actually says that those ...
(Court intervenes)

This was not properly formulated. How did you set about then to formulate these amendments? -- He said it this way - let me just give the Court a picture of what was in the (10) conference. We had the chair person and other people on the table and then we had a resolution's committee. Some of the people moved resolutions and they did not have paper and the resolutions committee set out to draft it properly. So, that when we made this addition here, the resolution's committee because as you see it was applauded by the people, the resolution's committee, it was the task of the resolution's committee to write it down and then add it to the resolution. I think it will be seen even before this time that there was already a complaint about the time factor. (20)

Yes that appears that the chairman said "We are in a hurry and there are people waiting" and all that sort of thing? -- Yes.

Is your idea that the resolution's committee omitted to add it or did the resolution's committee in fact add it but it was not printed? -- They added it there, but I think when the Western Cape was drawing up this resolution, they may have overlooked it or something. It would be seen that there are some mistakes also, because some of the resolutions start on one page and then it jumps a number of pages and (30) then/...

then the end appears somewhere else. Otherwise we found this section A1 would not have been able to say in its introduction that the UDF had adopted, had taken the decision to call on the government to release the leaders and so on and call a national convention. It would not have been able to say so in the introduction. It arose from the proceedings, but the other things, because we were taping the proceedings, they may have thought that they can always refer back to the tapes just to get accuracy and so on, but this was overlooked for some reason or the other. (10)

ASSESSOR (MR KRUGEL) : So, it was not printed in A1 eventually?

-- Yes, that is correct, except for the introduction. I do not know whether I draw the Court's attention to the fact that the speaker in fact, in putting forward the idea of the national convention, he does say that the conference of this nature that can work along the lines of bringing to the notice of those who are in power. It says the issue must be taken to the government so that it can be effected.

MR FICK : V26 on page 69, I put it to you that there was only addition and that is - you will find that in the last (20) three lines of page 69. "So, these are the points I wanted to add on. The release of all political prisoners unconditionally. So, that is my addition on top of that because the future of this country lies on the wishes of all the people." -- No, I think this sentence can be read two ways. "So, these are the points I wanted to add on the release." Those points have already been made as we see at the top of page 69. If we look at this portion below, we can see that the only new idea is a national convention. The sentence should read perhaps this way "So, these are the points I (30) wanted/...

wanted to add on the release of all political prisoners unconditionally" et cetera. He says he wanted to add this on to what had already been said. In other words, we must not read it "So, these are the points I wanted to add on" and then start a new sentence "The release of all political prisoners" no. He says he wanted to add this point to those points.

Why did UDF call for the unconditional safe return of all political exiles? -- Well, so that people could sit and discuss the future of the constitution. (10)

Without knowing whether they would accept the exiles coming back to South Africa? -- In our thinking they had no reason not to accept, So, we expected that they would accept. You see, some of the things people do because they believe this was going to happen. If we did not believe for instance that we are able or finally that we will be able to persuade the government, we would not have even started with this thing. You needed a bit of - one needs a bit of faith in life. You must have faith. If you look at a thing and you think I want to do a certain thing, you cannot say right from the beginning (20) that I will succeed. You must at least have a belief that you will succeed.

During 1985 the National General Council meeting there was no resolution on detention of political prisoners and exiles. Can you explain why not? -- A decision on this question had been taken at the first NGC. Unless we have changed our policy, it remains as policy. We decided on it and it remained our policy. Why should we start as if we were starting from the beginning. I think although I did not attend every session of the NGC in 1985, I would have (30) certainly/...

certainly found it a waste of time to go and take decisions which had already been taken again.

This 1985 National General Council meeting, was it stated there that the resolution on detentions, prisoners and exiles as set out in EXHIBIT A1 was wrong and must be rectified in any manner? -- As I say I did not attend every session of the conference, but I am not aware that anything of that was said, but on the other hand, I am not aware that the NGC also decided that there had been a misrepresentation of the policy of the UDF on the question of the national convention. As far as I know it was accepted. (10)

All the resolutions taken at the NGC meeting in August 1983 and in April 1985, were they all policy decisions of the UDF? -- That would be my understanding.

Did you not think that chaos - that there would be chaos in the country if the government allows the political exiles to return unconditionally to South Africa, to release immediately all the political prisoners, to immediately release all the people detained under the security legislation and repeal of all the security legislation relating to detention, banning and banishment? -- No, as I have explained to the Court, it is a political process, it is a controlled political process. You cannot be mechanical about it. The important thing is that a decision is taken and there is a controlled directed process to reach the implementation of that. That is our approach. In any event, I would think that the government is absolutely wrong if he did anything just any harm, just because we have said there must be the release of the leaders and they just threw everything about. We do not think that way, but we merely state the main principles (30)

of/...

of the matter. That is all we do.

Can you refer the Court to any document where the UDF has decided that we want the government to this as stated in EXHIBIT A1 page 31 but we want the ANC to do the following in the same regard? -- No, we have not addressed ourselves to the African National Congress. The African National Congress as far as we know is abroad and not in this country. We are here in this country and we are operating here legally and non-violently and we are here dealing with the government. The focus of our attention is to the government. We have (10) no contact with the African National Congress and as said earlier on, who is in control of affairs in our country today? It is the government and I think the government, if the government would agree with the UDF, it would find appropriate ways of getting in contact with the African National Congress to inform it what it had decided and to find out what the ANC had to say about the matter. In any event if we may be did that kind of thing, that might have been the shortest way of saying this is where the conspiracy now, you have been dealing with the ANC. You see? So, that task will be (20) done with the government. We talk to the government and the government will contact these people. It has got the means and it has got the people to do it.

You were not prepared to define the word terrorist. Are you prepared to give us the definition of a political prisoner? -- As far as I understand it, it is somebody who is arrested for political opposition to the policies of the government.

Can you give us an example of one such a person? -- I was one. May be that is the nearest example. (30)

COURT/...

COURT : Can you give us a better example? -- May be it is easier, also the patrons of the UDF. There are many more other people, but may be that is for purposes of the proceedings much more convenient.

MR FICK : But they were not in prison for opposition to apartheid. They were in prison for, after having been convicted, certain crimes. -- I do not contest that in their opposition to apartheid they contravened some of the laws and they were found guilty, but the foundation of their contravention of the laws was their opposition to apartheid. That is (10) what I mean.

A man who plants a limpet mine and kills innocent people, would you regard him, if he is a member of the ANC, as a political prisoner? -- I thought I had replied to this matter earlier on. May be I should put it this way, that - I am taking the terms as put to me by State counsel. If an act of murder is committed by a member of the African National Congress, it does not become an act of charade. If it is an act of murder, it will remain an act of murder and it is not the policy of the UDF to attempt to say anything (20) else. Where our people have expressed to the government the wish that people should be reprieved and so on, it has never been suggested that those people have not committed crimes, if they have been found guilty by the Court. What has been said and what, as I understand the position, is this. That inspite of those crimes that may have been committed, it is the perception or the feeling within our communities that these people were precipitated into those actions by the policies of the government, but not to say that we are saying where crimes have been committed that (30) they/...

they are not crimes. That is not the attitude and I think it will be found, if we look into history, that our communities are not the only communities which feel this way. The international community has appealed to the State President from time to time when people have been convicted and sentenced to death, not because the international community is saying that those people have not perhaps addressed the law, but what the international community would be saying is that we feel that if it was not for those laws, if it was not for the policies of the government of apartheid that those (10) crimes would not have been committed. That is how we understand the position and it is in that spirit. In 1950 for instance around the issues of the rebellion in the Afrikaner communities and so on, one found that even when some of the leaders of the Afrikaner community had been sentenced, subsequent to that, indeed W.A. de Klerk tells us that as soon as the campaign in South-west Africa was over, Afrikaner people families about 3,000, I think there were three thousand Afrikaner families approached Prime Minister Louis Botha to request and plead for the release of people who (20) had been found guilty by the courts and who were serving sentences. That is the - there is no difference between that act, because those people were not saying that they had not transcribed to the law. All that they were saying was that certain conditions had precipitated that and our communities are doing a similar thing. Indeed if it comes to the question of collecting money sometimes to assist the families of people who have been arrested for offences. I have found my reading of history in the Puritans in Afrika which is a thorough study of the background of our Afrikaner (30) society/...

society, one finds it is stated how societies were set up by Afrikaner communities to assist the families of those people who had been arrested. So, we were not doing anything that is unique, that has not been done by other communities in similar circumstances, but I want to make it quite clear that the UDF has not attempted to say that when a crime has been committed that it is not a crime.

COURT : Yes, but it is not a question of whether it is a crime or not. Is your definition of a political prisoner all those who had a political motive for an act which they(10) committed, whether that act was a crime or not? -- May I get the question again?

Is a political prisoner everyone who had a political motive which led to him committing an act, whether that act is a crime or not? Who did something, whether that was a crime or not? -- I think if we are satisfied that what he did was inspired by a political motive really and perhaps his attention was not actually to commit the crime, but to achieve a political goal, I would say that that is the position. (20)

You cannot say that, because when he is convicted of a crime, it has been found that he had the intention to commit the crime. -- Yes, we can really put it this way - I am not a legal man, but at least in the law, if the courts have found that the man has committed a crime, we cannot say that he has not committed a crime. In political processes however, in situations when problems are resolved, there usually sets in a mood of reconciliation ... (Court intervenes)

No, no, you must not explain. I just want a definition. That is all. You need not explain why you said so. I just(30) want/...

want to know what do you mean by a political prisoner. I thought I had it, but now you are muddling me up again. -- I think my simple answer is this, that if the Court has found a man guilty, we will accept that that is the position. If we are going to ask the government either to forgive a man or to reprieve the sentence or something, it is only because we would be feeling that it is gesture that such a person can gain purely because - the mitigating factor is that in the layman's judgment the motive was another one, not just intended for crime sake. The other thing I wanted to (10) explain to the Court ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : It seems as if the answer to the question is yes.

COURT : I think I had the definition right ... -- I am sorry. I am also concerned that sometimes - I see the question with a number of ratifications and sometimes I think that a lot of the steps which have been taken need to be explained and clarified and this is the only opportunity I have and this is why I attempt to explain for instance some of those things.

Yes, but you must not say the right thing at the wrong (20) time. Wait for the question. -- Okay, I will do that.

MR BIZOS : We undertake at the end of this to give Mr Lekota the chapter on the distinction between motive and intent.

MR FICK : Many of the political prisoners are trained in warfare. Do you agree? -- Some of them I would say. My experiences are that some of them were trained. Or at least so they said.

They subscribed to the policy of violence. Do you agree? -- I think so.

Do you agree that many of them do not change their (30) attitude/...

attitude while in prison? -- No, I do not agree. I did not carry out any research, but I cannot agree with that.

But was it not irresponsible for UDF to call for the immediate release of all political prisoners? -- No, in the context of the explanation I have given the Court, it was not. If one understands the nature of the demand in the context of the explanation I have given.

I want to turn to the next issue. Both the ANC and UDF identified the issue of Namibia as an issue to conduct a campaign around to mobilise and organise the people (10) in this country. -- I do not know if that is the position of the ANC and if so, I do not know whether they conducted a campaign of that nature. We did not conduct a campaign on Namibia, but we did express our full support for the struggle of the people of Namibia against apartheid, simply because the policies which confront both are the same and of course the status of Namibia is slightly different than ours, insofar as actually a mandate territory.

Mr Sam Nujoma, is he part of the leadership of SWAPO? -- From my reading he is the head of SWAPO external. (20)

Is he also the chief commander of plan the people's liberation army of Namibia, the armed wing of SWAPO? -- That I do not know about.

I want you to turn to page 31 of EXHIBIT A1. Apart from the resolution on Namibia, we find at page 31 and then the rest of it at page 33. -- Yes.

On page 31 the last sentence "We believe that the struggle of Namibia's people against South African rule is a just one. That the Namibian struggle is our struggle." -- Yes.

Is that the policy of the UDF? -- That is correct. (30)

Does/...

Does that include the armed struggle of SWAPO? -- No, I think I must explain briefly there. At the time when this resolution was taken in 1983 the United - the International Court had ruled already as early as 1971 that South Africa did not have the right to continue to be there and it was on that basis that the national launch stated that the struggle of the Namibian people was a just one. There was also already at the time the United Nations Organisation had already passed resolution 435 of 1978 in which the United Nations had already put forward a proposed step (10) to peacefully resolving the situation. Peacefully in the context of the situation then, because Mr Attisari had already been appointed to come there with the United Nations peacekeeping force to expedite matters and facilitate elections. We also did say that the Namibia struggle is our struggle, because as I have said, the policies of apartheid were also a problem of the people there, so that the limitation of apartheid in the Southern Africa region would have brought about freedom from racial oppression and so on to both territories. I think it was in the light of those (20) developments that these remarks were made.

But nothing what you have told the Court is stated in this document? -- I am giving - you see, when we write a resolution, we do not write a text on the issue. We pick up the main point. I am trying to explain to the Court what was in our thinking and what was the prevailing circumstances when the decision was taken.

Who proposed this resolution? -- This resolution of Angola?

No Namibia. We will come to Angola later on. -- I think (30)
it/...

it was one of the members of the churches. If I recall very well, it was a representative I think - somebody from Natal any way did do so.

Was this resolution motivated? -- Yes. Oh, yes, it was.

The motivation, was it along the lines you stated in court? -- There were many other factors. I think also there was cited the activities of Koevoet and so on in that territory. I may be wrong, but it is shortly after the South African Catholic Bishop's conference had published its report on Namibia and some of the things I think in that report (10) would have been mentioned and others also from the newspaper. I cannot remember the motivation of this. Oh, yes, there is another point. One of the issues was the fact that at the time - people who were convicted of political offences were serving prison terms together with Namibian political prisoners on Robben Island. We also served there with people like Toivo Ja Toivo and so on. So, that was one of the other things that made people feel the struggle, it was more or less the same, that brought it closer together.

Toivo Ja Toivo was in prison for peaceful objection (20) against the government or for what reason? -- To the best of my knowledge he was convicted under the same Terrorism Act under which I was convicted, 67 of 1983. I do not know the conditions and the circumstances.

Did he not even tell you while you were with him?

COURT : Were they in the same cell?

MR FICK : Did you have contact with Mr Toivo Ja Toivo? -- At some point, yes. I never took it upon myself to seek the ground and all that.

Page 33 the second paragraph "We therefore reject (30)
with/...

with contempt the attempt by the United States of America in particular to link the withdrawal of South African troops from Namibia with that of the Cubans from Angola." -- Yes.

Was this motivated at the conference? -- I cannot recall the motivation really on this aspect. I am certain that I can give the Court the background to that. I know why people were saying that.

You further pledge your full and unqualified support to the heroic struggle of the Namibian people under the galant leadership of SWAPO? -- Yes. (10)

Did you also include here the armed struggle? -- No, we are talking here about the activities of the people of Namibia under the leadership of SWAPO internal, because we did not have any contact with SWAPO external. The point that is being made there is that the people of Namibia were protesting and they were constantly refusing to participate in structures which South Africa was trying to impose on them and they were demanding that there must be a speedy implementation of resolution 435 of 1978 and the refusal for instance to participate in the ? Alliance and such structures which did not bring in all the people of Namibia, were rejected by them. That we saw as quite heroic.

COURT : Well, would the reader necessarily understand it in that way in view of the fact that paragraph 2 refers to the withdrawal of South African groups from Namibia and paragraph 4 refers to the demand that the SADF ceased there illegal action in Angola? -- Yes, the motivations and the atmosphere at the time, yes, because at this time, as I say, it was 1983, resolution 435 had been passed only in 1978 (30) and/...

and the United Nations was making efforts to move in peace-keeping force there and as I say Mr Attisari had already been appointed as the head of that peacekeeping force. So, it was not just a question of South Africa must pull out. The United Nations had already taken the decision on the matter in keeping with the finding of the International Court in 1971 that a peacekeeping force must move into that region, so that when South Africa was leaving, it was not leaving an empty disorderly situation. There was this United Nations peacekeeping force that was going to keep order. All of (10) them were public knowledge and although I cannot recall in detail now all the things in the conference, I am quite certain that the debates would have revolved on those questions. There is another point that I might perhaps draw the Court's attention to. I have already mentioned the report of the South African Catholic Bishop's conference. That report was widely distributed, even today one finds it is all over the place and people were reading it. It was widely reported in the newspapers and so on about what was happening in Namibia, inside Namibia, because the South African (20) Catholic Bishop's conference had been there and they have met churches, they have met SWAPO internal leaders, people like the Reverend Witbooi and so on. So, it is with that information, that knowledge that this resolution was passed.

MR FICK : Do you regard Mr Sam Nujoma as part of the internal of external? -- Well, as far as I know he is the leader of SWAPO external and to the best of my knowledge, SWAPO internal even by the authorities there, has always been regarded as a legal organisation because it is not using violent methods.

I put it to you that the people in SWAPO itself do not (30) distinguish/...

distinguish between SWAPO internal and SWAPO external? -- That conflicts with what I know. I did time, as I say, with some of the people from Namibia on Robben Island and some of them were people who came from SWAPO internal and had nothing to do with the activities of SWAPO external.

Do you know whether the people SWAPO internal acknowledged Mr Sam Nujoma as their leader? -- No, I think they acknowledged as their leader Reverend Hendrik Witbooi and to the best of my knowledge he was at the head of SWAPO external. I do not know now what the position is. Whether that executive is (10) still the one or whether they have changed it.

Do you personally know Jerry Ekandjo? -- I did time with Jerry on Robben Island.

Do you know that man? -- I know Jerry, yes.

Is he, according to your definition, a member of SWAPO internal or SWAPO external? -- As far as I know he - I think he is a member of SWAPO internal. I am not absolutely certain. I got to know him quite well when he got out of prison, because then we invited him here. He was working with SWAPO internal. I do not know what the position was before he went to Robben (20) Island. I cannot remember the personal circumstances of the man.

Why was he in prison? For what was he convicted? -- As I say I do not know his personal circumstances, but as far as I know he was secretary of SWAPO youth. I have always believed that it was inside Namibia. What he had done, I do not know.

But he was invited by UDF to come and speak at one of the UDF meetings, mass meetings. Correct? -- No, I think what happened it, UDF asked SWAPO to send somebody to address some of our meetings and that he was sent. He was not selected (30

by/...

by the UDF so to say. We would have liked at the time to have one of the senior officers of SWAPO internal.

But he did come and he did speak? -- That is correct.

At which meeting? Do you know? -- I was with him at the meeting in Durban on 19 August 1984. I know that he later came up to Johannesburg to address one of that meetings too.

Did he not at the meeting send the message of goodwill from his leader as he called him Comrade Doctor Sam Nujoma? -- Not at the meeting at which I was. I do not know what(10) happened at the other meeting where he was, but at the meeting at which I was he did not.

ASSESSOR (MR KRUGEL) : Was that the Durban meeting? -- Yes, Sunday, 19 August 1984.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K927

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, I would like to refer you to EXHIBIT V18(a) transcript of the UDF one year rally Salmon Hall, Johannesburg, 19 August 1984.(20) Page 49. I would like to refer you to the last half of the page, the speech of Mr Cassim Saloojee "The freedom struggle of the Namibian people. We have been saying that their struggle is our struggle and they have been saying that our struggle is their struggle, but today for the first time the unity between us and the people of Namibia becomes visible and it becomes visible in the person of Jerry Ekandjo. Jerry is the secretary of SWAPO youth. I do not have to talk about the heroism of the youth in Namibia. I do not have to talk about the heroism of the people of Namibia. We have heard(30) enough/...

enough, but I think I will just make one point, that today the ruling group boasts that the most powerful army in Africa for every Namibian they have a White soldier, but inspite of that they are not able to crush the Namibian people and it is now a question of time and a short time before the Namibian people will become free and indepedent and with those words I want to call upon Comrade Ekandjo to address us." -- That is correct.

The first point I would like to make is that even at the mass meetings of UDF they do not distinguish between (10) AZAPO internal and AZAPO external - sorry, SWAPO. They only talk of SWAPO. There is no distinction? -- No, in the context it is quite clear here. We are dealing with SWAPO internal. At this time Jerry was himself secretary of SWAPO and he was in Namibia. He did not come from abroad. Not one of the members of SWAPO external has ever come from there or has ever had any dealings with the United Democratic Front. So, it is not purely in the context of SWAPO internal. In the first place if any member of SWAPO external came here, they would have been arrested here in South Africa. (20)

Page 50 of the same document. We have the speech of Mr Ekandjo. The second paragraph the last sentence of the first paragraph "Comrades, first of all I want to introduce myself. My name is Jerry Ekandjo, SWAPO secretary for youth and member of the polit bureau of SWAPO. I want to give you my comradely greetings from the acting vice-president of SWAPO, Comrade Nathaniel Makwiriri who is under house arrest in Walvis Bay. I also want to give you the revolutionary greetings from the vice-president of SWAPO Comrade Pastor Hendrik Witbooi and also revolutionary greetings from the (30) secretary/...

secretary general of SWAPO Comrade Andimba Toivo Ja Toivo. Comrade chairman, on behalf of our mighty SWAPO, the vanguard of the struggling Namibian masses, I salute you in the name of the president of SWAPO, Comrade Doctor Sam Nujoma." I put it to you that SWAPO itself did not distinguish between internal SWAPO and external SWAPO. They say that they are in a revolutionary struggle under the leadership of Mr Sam Nujoma. -- Well, as far as I am concerned and as far as the UDF is concerned and as far as the government is concerned, there is a difference between SWAPO external and SWAPO internal (10) and that is why the government has continued to allow SWAPO internal to operate as it has been operating legally in Namibia, calling public meetings like any other organisation. I of course was not at this meeting. I do not know what was in the mind of Comrade Jerry Ekandjo. I may assume of course that may be because in 1984 when he spoke to the UDF rally here, the United Nations had itself decreed that it had already accepted SWAPO as the sole representative of the people of Namibia. That it may be that the people of Namibia themselves in keeping with that ruling of the United Nations (20) recognised SWAPO overall as the leader - as the organisation that leads the people of Namibia. It may be in that context. I have not had time to find out in what context he said this, but the fact of the matter is that today the United Nations recognises SWAPO as the sole representative of the people of Namibia and that may have been in that context or it may even have been also in the context of our position here, where our people have constantly made it clear that the leaders are locked up in jail, people like Nelson Mandela and so on which does not mean that those people are exactly officials (30)

of/...

of the United Democratic Front, but that the majority of our people recognise them as their legitimate leaders. So, I cannot take the matter any further than what I have already said, that we were dealing with SWAPO internal.

I further put it to you that both the ANC and the UDF identified the issue of removals and the issue of group areas as issues to conduct a campaign around in order to mobilise and organise people? -- In relation to the African National Congress I cannot comment, I do not know what the policy of the ANC was or what decision was taken about it, when and (10) so on, but the UDF's position is that we have expressed opposition to forced removals, but we did not undertake any campaign in the period before our detention, arrest and charge with regard to the issue of removals.

But what action did UDF take on the issue of removals? -- At the national launch we passed a resolution on that issue. Subsequent to that we have expressed our opposition to the continued forced removals of various communities.

Did you establish any organisations or committees to ... -- I cannot think of any organisation that was established (20) by the UDF for purposes of forced removals.

Did you issue press statements on the matter? -- I cannot remember specifically one, but I think yes, for instance with regard to forced removals of Mogopa. I think we did make a statement in that connection.

Did the UDF work together with other organisations on the issue of removals and group areas? -- I cannot think of a specific instance in that regard. We have expressed our support for organisations and communities which were threatened with removals, but I cannot remember any direct co-operation (30) between/...

between us and any other organisation.

I put it to you that both the ANC and the UDF identified so-called harrassment and repression as issues to conduct a campaign around to mobilise and organise the people? -- I deny that we had any agreement with the ANC to conduct any campaign including an campaign on this issue. The UDF itself did pass resolutions with regard to that, at least one resolution with regard to that, but it did not in itself become a campaign of the UDF.

UDF issued statements and publications on the issue (10) of harrassment and repression? Do you agree with that? -- Well, there were specific instances of harrassment or arbitrary detention of people. We did express our opposition and rejection of such a practice.

Both the UDF and the ANC identified imperialism'as the issue to conduct a campaign around? -- The UDF has to the best of my knowledge not undertaken a campaign on the question of imperialism. We did, however, express our rejection or opposition to imperialism in a resolution that was adopted at the national launch. (20)

UDF identified the American, British and Israeli governments as governments of imperialism? -- The criticism that was levelled against the United States of America, Britain and Israel was based on their public position in relation to the new constitution, where it was perceived that they supported the new constitution.

I put it to you that both the ANC and the UDF had corresponding principles, inter alia that the Freedom Charter is an important document and it should be popularised as the basis of a future government? -- I do not know the position (30)

of/...

of the African National Congress. I cannot talk to that. I do not know if they took such a decision and where and when, but the United Democratic Front has never taken a decision to popularise the Freedom Charter in the period that I served there.

I would like to refer you to EXHIBIT J1 page 3 paragraph 4.1. That is the minutes of the National Executive Committee meeting UDF held on 10 November 1984. It is stated here in paragraph 4 "Input on political aspects of UDF. Out of a discussion on the paper the following agreements were (10) reached. 4.1 The declaration and the Freedom Charter. The two documents are not incompatible. However, the Freedom Charter is a document of far greater stature. Organisations which have adopted the Freedom Charter should campaign for this document. It will be unwise for the front per se to adopt the charter at this juncture. This does not, however, preclude this position from being later achieved." -- That is correct. I want merely to say that I was not present at this NEC as I was in detention at the time. (2) As I understand this minute it does say that the charter does not clash (20) with the declaration of the UDF but that the charter is a document of far greater stature. In my understanding that merely amounts to saying that whereas the UDF declaration is a document that expresses opposition to the new constitution, the Freedom Charter goes further because it not only rejects apartheid, but it actually sets out - the Freedom Charter attempts to set out an alternative order of society, which is not what the declaration of the UDF does. It states clearly that organisations which have adopted the Freedom Charter, but not the UDF, organisations which have done so, (30) are/...

are the ones who carry the responsibility of campaigning for that document and not the UDF and it also does say that the UDF, that it would be unwise for the UDF to adopt the charter at that point in time. I think the consideration as I have always understood it, has been that if the UDF adopted the Freedom Charter, a lot of the other organisations which did not support the Freedom Charter, would withdraw from the fold of the United Democratic Front. It does, however say that perhaps at some future date, the UDF may well come to that point, but as things stood then, it is clear(10) that the UDF did not commit itself to the Freedom Charter.

But it was also decided that organisations which have adopted the Freedom Charter should campaign for this document? -- I think that is correct, it is their task. It will be recalled if we look at the minutes of the UDF NEC meeting of June, that will be EXHIBIT G1 I think. It will be recalled that from time to time - unfortunately I was not at this meeting. But I think what happened here at this meeting in June, may be a similar position there, the Release Mandela Committee raised the question that the UDF should campaign,(20) in other words it should do the work of the Release Mandela Campaign committee or the Committee campaign. The section that I am referring to in G1 is at page 6 of G1 right at the bottom point 17. There it says "RMC" and the minute reads that "Comrade Aubrey Mokoena raised the issue of the NEC's responsibility in terms of building the RMC. It was pointed out that the NEC could not be held responsible for a matter that had never been forwarded for discussion within the NEC meeting, but the NEC went further. It was noted that the task of building the RMC is that of the structural(30) regions/...

regions of the RMC." Once again, here was an affiliate organisation that was now imposing its own duty and its own responsibility on the UDF.

ASSESSOR (MR KRUGEL) : Passing the buck then? -- That is correct and then the NEC had to say no, no, no, it is not our responsibility. It is your responsibility, but the NEC did say that where it is possible and you approach our regions we may lend support, but it is not our task, it is not the task of the NEC of the UDF national to carry out your tasks. As I understand it, that minute in G1 it may well(10) have arisen - I was not there - in a similar fashion, because we did have that problem from time to time that people, organisations wanted the UDF to take their own tasks and we had to clarify the position.

MR FICK : I would like to refer you to EXHIBIT J5. 'There again, this is for record purposes a report of plannery(?) sessions held at Lenasia on 10 and 11 November 1984 I think that should be. International Youth Year. Do you agree that the date could be 10/11 November 1984? Or 1985? -- It seems to me that it should be 1984. (20)

This report was forwarded to the offices of the UDF national on 16 November 1984? Do you agree? -- Well, on 16 November 1984 I was in detention and I would not have known what was taking place outside.

This gentleman Vincent Williams, do you know him? -- Where does the name appear?

Left-hand page? -- I do not know this person. Unless may be it is somebody I know by sight, but I cannot associate this name with any personality.

Can you tell the Court who was involved in these (30) discussions/...

discussions on 10 and 11 November 1984? -- I have just indicated to the Court that I was detained on 21 August 1984. I was release on 10 December 1984. I was not present at this meeting. I do not know anything about what happened here or who was present at this meeting.

I would like to refer you to page 1 of the report the third paragraph "Arising out of the questions raised by the paper we attempted to draw up a list of priorities and campaigns that are going to face democratic organisations next year and more specifically youth organisations. Through (10) reflection on events that took place this year, the following things were isolated." Then the second one is the 30th anniversary of the Freedom Charter. -- Yes, but now, that is true, it is written there, but this document here, I do not know whether this document was presented to the NEC, whether it was adopted and so on and the fact that, I do not even know which paper is being referred to here and what the paper had said. I can only confirm that the sentence appears on the paper. That is all I can do.

I would like to refer you to EXHIBIT W32 volume 6. (20) Just before we carry on with EXHIBIT W32, I would like to refer the Court to page 7 of EXHIBIT J1 paragraph 8. According to paragraph 8 the international youth year "The attached report on the international youth year was tabled by a delegation from the international youth year meeting. The youth comrades were commented by the NEC who promised to give maximum support to their work." Can you comment on that? -- I find something queer here. In the first place the minutes are of 10 and 11 November 1984. The report is also of 10/11 November 1984. It looks like this meeting took (30) place/...

place - these meetings took place at the same time. I do not know really. As I say I was not there, but I find it quite surprising that at the same that the NEC was going on this report was also being written and whether that was the report that was presented to that meeting or whether it was present to another meeting I do not know.

ASSESSOR (MR KRUGEL) : Perhaps because old men walk and youngsters fly? -- It is so. I cannot help the Court because I was not there.

MR FICK : After your release from detention, did you (10) study the minutes of the meetings of the NEC of November 1984? -- I did make an effort, but I was so busy. First of all, as soon as I was released I had to rush to Durban because people who were in the embassy there, we had to get them out and I had to go all over addressing this meeting and all these other things. I did not even have time to go through all the documents which were in the office. I did not see this document certainly. The first time I saw it was when it was produced here in court.

Did you see any minutes of the NEC meetings whilst (20) you were in prison? -- Some of the minutes, I cannot remember which.

But how can you carry out your duties if you do not know what the decisions were of the NEC? -- I say some of the minutes I would have seen. I cannot remember which and even if I would have seen the minutes, I could not remember every single item that was there. Besides there was somebody whom we found in the office who also had some of the information, but my attention was not drawn to this report or a report similar to this one. (30)

The/...

The international youth year, was it important - an important issue for the UDF? -- I think it would be fair to describe it as such.

You did not try to find out what was decided on the issue by the NEC after your release? -- I can only recall that at the meeting of the National Secretariate in January 1985 in Durban we were supposed to receive a report to a meeting of the national organisations of the youth that were meeting there, but we did not receive that report, because they were running their meeting at the same time as our meeting was (10) going on and then they did not turn up to come and report to us what had happened. The other thing, with regard to J5 I do not even know whether it represented - it was all the youth organisations from all over the country or whether may it was just youth organisations of the Transvaal region or something. In the case of the meeting that I have referred to in Natal, as far as I knew, it was a meeting of the national youth organisations that were meeting there.

SASPU National, it was affiliated to the UDF. Is that correct? -- I cannot say from first-hand information, but (20) as I understand it at some point they were affiliated to the Transvaal region.

You were the publicity secretary. Did you from time to time make statements available to SASPU National? Or any other community or newspaper? -- If we had a press conference our press statements would be available to everybody including some of these community papers.

Can you tell the Court who are the members of the executive of SASPU National? -- No, I do not know. I simply do not know. I know that SASPU is South African Students (30)

Press/...

Press Union and that some students are serving there. That is all I can say.

I would like now to refer you to EXHIBIT W32 page 2. This is the SASPU National issued in December 1984 page 2 the last column. This document was found in possession of Enoch Godongwane. The last column under the heading "Preparations on the way as youth year draws closer." The second paragraph below the photo "About 40 delegates from youth organisations affiliated to the UDF (United Democratic Front) travelled from Cape Town, Durban, Pietermaritzburg, Pretoria, (10) Pietersburg and other places to discuss next year's activities. The meeting identified some priorities, issues and campaigns which youth organisations could take up. These include opposition to conscription and militarisation, the 30th anniversary of the Freedom Charter, forced removals, campaigns against detentions, consolidation of organisations, unemployment and the education charter. Delegates decided to form a national co-ordinating committee to co-ordinate all the international youth year activities of UDF youth groups in 1985." Do you know, have you met any of the members of the national (20) co-ordinating committee after your release from detention?

-- No, I have a little bit of a problem here. In paragraph 2 it says people travelled from these places. It does not tell us where they were travelling to. It could have been here in in Johannesburg. It could have been in Durban. No, no, from Durban also. So, I think may be it was Johannesburg. We in the UDF office as far as I can remember following the meeting in Durban, accused no. 19 - I cannot remember whether I was present at this meeting or not, but in any event, I know that accused no. 19 did meet some of the representatives (30) and/...

and discussed the question of this international youth year. I got to know at a later stage of course also and I did meet some of the people like Dan Montsisi and so on, but I do not know whether I was present at this meeting where - I cannot remember whether I was present at this meeting where the issue of whether they should run the campaign under the wing of the United Democratic Front or outside of it.

You have said a lot of things, except for answering the question. Did you after your release meet any of the members of the national co-ordinating committee? That was the (10) question. -- I remember meeting Dan Montsisi at some point.

And the other members, who are they? -- I did not meet the whole committee.

No, I did not ask you whether you met them. I asked you whether you know who they are? -- No, I do not know the full committee. I think one of the people who served on that was Deacon Mathe, but I do not know the whole committee.

Who was the chairman of this committee? -- I do not know.

Did you not as the publicity secretary of UDF try to find out something about this committee? -- I did not find (20) out who the chairman was. I do not know who the chairman is.

Do you know whether they had meetings? -- I know they had a meeting in Durban, the one I have referred to. I know they also met the general secretary following that meeting. I cannot recall any other meeting.

Do you know whether any money, any funds of UDF were allocated for this campaign? -- Yes, the UDF had taken a decision to assist in financing this campaign of the youth.

Can you tell the Court how much did you pay? -- I cannot recall the amount of money. (30)

Peter/...

Peter Mokaba, was he a member of the national co-ordinating committee? -- I do not know. I have not met him before. I do not know him. I do not know what his role was, what his position was.

Do you know what the program of action was of the committee, the co-ordinating committee of the international youth year? -- I do not know their program.

Do you know whether they were involved in the 30th anniversary of the Freedom Charter? Did they ... -- I myself did not serve in that committee. I do not know what their (10) role would have been, but if this is anything to go by, it does appear that they had taken a decision that they wanted to play a role in it.

I would like to refer you to EXHIBIT C97 volume 6. Do you know this document? -- I do not know this document. The first time I saw it was when it was presented here to Court as an exhibit.

The document is headed "The Freedom Charter workshop papers 1985." -- That is correct.

Do you know which organisation held this workshop? -- (20) I have no knowledge of this workshop. I did not participate in it and I did not serve on it, but the organisations as I understand it which would have been responsible for this are those which subscribed to the Freedom Charter.

In 1983 to 1985 was it not the majority of the organisations of UDF? -- I have not taken the count, but I do not think it was the majority. In fact, it was not the majority. Some of the organisations did.

Laloo Chiba, I refer you to the second page, do you know him? -- I know him.

(30)

Is/...

Is he a member of any affiliate of the UDF? -- Yes, he is a member of the Transvaal Indian Congress.

Is he a member of any executive of UDF, executive body? -- No, he did not serve in any executive body of the UDF. As far as I can recall, he did not even serve in the executive of the TIC. May be at a later stage, but at the beginning he was not as far as I know.

The TIC, they support the Freedom Charter? -- Oh, yes, the TIC has always subscribed to the Freedom Charter as far as I know. I think from 1955 when it was drawn up. (10)

Raymond Suttner, do you know him? -- I know Raymond Suttner.

Was he a member of any affiliate of UDF? -- He was a member of the Johannesburg Democratic Action Committee.

JODAC? -- JODAC, yes.

Was he a member of any executive body of the UDF? -- At this time in 1985 he was serving in the Transvaal UDF executive. He sat there.

Mr Laloo Chiba, was he an ex-member of the ANC? -- No, as far as I know he is an ex-member or at least he has (20) always been a member of the Indian Congress. May be the Transvaal Indian Congress or the South African Indian Congress. I do not know that he was ever a member of the ANC.

Mr Raymond Suttner? -- I do not know what organisations he belonged to before. I know at this point in time he was a member of the Johannesburg Democratic Action committee and that is as far as my knowledge goes.

Any of these two gentlemen, were they ever before convicted for political offences? -- As far as I know, yes, both of them. Laloo Chiba, I did time with him also on (30)

Robben/...

Robben Island.

And of what was he convicted? -- It was under some of these political offences. I do not know the exact terms of what he has done. Raymond Suttner also as far as I know had done time. Again I do not have the facts of what his case had been about.

I will come back to these two gentlemen at a later stage. Do you regard, the UDF now, the Freedom Charter as a transitional document? -- The UDF has never dictated whether the Freedom Charter is transitional or not. In fact, the (10) UDF to the best of my knowledge has never taken a decision on the Freedom Charter in that regard. The only decision we have ever taken about the Freedom Charter is that we should not adopt it, because we did not want to alienate sections of our affiliates.

This workshop, do you know where it was held? -- I have no information that I can give to the Court of my own concerning this workshop.

Mr Suttner, is he not a member of any committee of UDF? Education committee? -- I have already told the Court that (20) he served in the Regional Executive Committee of the UDF in the Transvaal. What other roles he may have had in the Transvaal structures, I do not know.

Please turn to page 33 of EXHIBIT 97. It is a document with the heading "Proposals for the Freedom Charter campaign emerging from the workshop held on 20 January 1984 in Johannesburg."

COURT : I believe that should be 1985?

MR FICK : That is so. Do you agree that the date should be 1985? -- Well, I do not know of myself, but if the first (30) document/...

document is an indication to go by, then it must be 1985.

I do not know whether there was another workshop that was held at the beginning of 1984 that this refers to.

The aims and objectives of the campaign "(1) To popularise the Freedom Charter and its ideology"? -- Yes.

"(2) To educate activists about the Freedom Charter and related issues"? -- Yes.

"(3) In addition to build a common understanding and greater cohesiveness at the regional and national level. To present the Freedom Charter as a political alternative(10) by linking it to ongoing mass struggles." -- Yes. That is what the document says. I do not know what counsel is putting to me.

Were the proposals not forwarded to the UDF? -- To the best of my knowledge, no.

I put it to you that this workshop was held by the Education Committee of UDF? -- Although I do not know who held this workshop, from first-hand knowledge, I disagree that it could have been the UDF. The UDF has never taken the policy to run this kind of a campaign the popularise the (20) Charter. I have referred earlier on to the minutes where I pointed out the position of the UDF in relation to the Freedom Charter. I can only reiterate that position.

Was it not popularised in the mass meetings held by UDF that the Freedom Charter or the government of the future should be a government as envisaged by the Freedom Charter? -- I think in the course of some of the speeches, speakers may well - some of the speakers did mention some or quote some of the clauses of the Freedom Charter, put them forward, but not on behalf of the United Democratic Front. Largely(30) because/...

because may be they were members of organisations which subscribed to the Freedom Charter and in view of the fact that the UDF did not have an alternative blueprint, would have suggested that as they saw it, some of the clauses of the UDF were an acceptable alternative.

Page 34 we find the co-ordinating structures. "The campaign would be co-ordinated by a co-ordinating committee consisting of people from the following organisations or constituencies. The RMC, TIC, Anti-PC, JODAC, the youth, student, women, church and trade unions." -- Yes. So, it(10) will be seen there that those organisations are specifically set out, there was a co-ordinating committee that was set up out of organisations some of which were youth organisations, some of whom were student organisations, some of which were church organisations and so on, but it does not say the UDF will set up such a committee. I think the reason for pin-pointing those organisations, is to make it clear that it is something that is not a UDF structure. Perhaps for the convenience of the Court it actually says "The Freedom Charter" - it says "The UDF being a Front cannot co-ordinate or spear- (20) head this campaign." It does actually make it clear that it is not the UDF and the UDF has no standing in it.

That same paragraph (D) stated that "It is for this reason that the UDF should play a supportive role and also bless the campaign." -- Well, I do not think there is anything that conflicts with our policy there. It is the same thing that was said in regard to the Release Mandela campaign that it is not the campaign of the UDF, but where circumstances are suitable, we will give whatever support the UDF decides to give to the campaign. (30)

Can/...

Can you tell the Court how did UDF support this campaign?
-- I am not aware of anything concrete that the UDF did to support this campaign. It may have issued a statement to say that it is good for people to support it. It may have issued a statement to say that the other affiliates must also participate in it, but I am not aware of anything material that the UDF did.

I am going on to another topic. I put it to you that both the ANC and the UDF accepted the principle that day to day issues should be used to mobilise, organise and politi-(10) cise the masses in the liberation struggle? -- I do not know the policy of the ANC in that regard. The position of the UDF is that the UDF was committed to opposing the new dispensation, but the affiliates of the UDF themselves were organisations which were concerned with issues that affected communities and where they did take up such issues, it was in the capacity as issue orientated organisations serving their own communities, trying to gain benefits for those communities and they supported or they joined together under the UDF to oppose the new dispensation because they saw (20) the new dispensation and perceived it as going to continue a situation in which the problems they were opposing would continue but it was never for the purposes of mobilising communities for mischievous ends of a conspiracy as alleged by the State.

I would like to refer you to EXHIBIT C16 volume 2 page 3 paragraph numbered 3, the last paragraph. This is a document with the heading "The state of the Soweto Civic Association." -- I may just point out that I do not know this document. Certainly it is not a UDF policy document. (30)

It/...

It was found in the offices of the UDF Johannesburg?
-- Yes, but I think the Court did also hear evidence by
accused no. 19 that this was his personal property. It was
never presented to the UDF. We do not know even for what
purpose he had drafted it.

But I put it to you this is reflecting the manner in
which UDF and its affiliates operate? -- What?

Paragraph 3 page 3. "How do we involve the masses?
We must develop programs based on the needs and interests
of the residents at local levels and transform them into (10)
collective actions by the people themselves. In this way
unity can be built around concrete issues, real issues that
the people themselves see affecting them and can actually
relate to." Page 4 "This will include campaigns round high
transport fares, rentals, electricity, lack of proper services,
high water tariffs, lack of health facilities, shortages
of houses, lack of qualified teachers, lack of schools,
et cetera. All these must allow maximum. The masses can
be involved through street meetings, door to door work, house
meetings, street representation, area committees, branch (20)
and sub committees et cetera." -- This document has nothing
to do with the UDF. Clearly the author of the document is
dealing with the Soweto Civic Association. As far as I can
see it, he is very concerned about the local activities of
the Soweto Civic Association. There is no pretention that
this is for the UDF here et cetera, et cetera.

But this is an affiliate of the UDF? -- What? The
Soweto Civic Association?

Yes. -- The document, from the evidence of the author,
was not even adopted by the Soweto Civic Association itself. (30)

So/...

So, even when the Soweto Civic Association itself should have adopted it, is an open question.

Who is the author of this document you say? -- Accused no. 19 told the Court here that - I did not see the document, but he told the Court here that this is his document, he wrote it and that it was not even complete, he said.

I would like to refer you to paragraph 4 on the same page page 4 of C16 "We pointed out earlier on that issues must be real and practical. What does this mean? It means that the masses must not organise, it must determine (10) issues facing them. Organisers which we see ourselves as, can only speak to the masses about the conditions of their lives and on the basis of that developed campaigns around what appears common to most people. For instance if six people complain about rentals and ninety complain about increase in the price of sugar, the increase on the price of sugar would constitute an issue around which people can be organised and mobilised. The price of sugar has the potential of uniting many people in action."

MR BIZOS : May accused no. 14 be excused? (20)

COURT : Yes. -- In response - my comment with regard to the section that has been read into the record is this. All I find here is that the author says that the Soweto Civic Association must attend to problems which the community perceives for he says it means that the masses, not organisers, must determine the issues facing them." One must not mislead people. If people have got a certain problem, you help them to solve that problem, not to come here and tell them what to do, which is what I think an agitator would do. A man would just come there and say "Look, this is what you should(30) do/...

do." But he is saying "We must look at the problems which confront the community. Those are the problems we must attempt to solve" and then he states the obvious of course, that when people act in a united fashion, with a united voice, the chances of them being heard are more than if they act individually. That we will find not only in the period when the UDF was operating as we are charged. We will find it being an approach of organisations, very many organisations long before the UDF was formed. Indeed in all circles of the South African population. I referred earlier on to (10) the campaigns for instance of the organisations of the White people in the forties, in the Afrikaner community in the 1940's and even subsequent, one would constantly find that you are useful to the community if you can tackle problems which the community is confronted with and to do so is not to cause mischief.

COURT : How do you distinguish between an activist and an aggitator? -- Well, again, it is always so difficult with these terms, but I would think as I understand it, that an aggitator is somebody who does things, who is negative, in(20) a negative fashion. Therefore, somebody who would come there not in the interests for instance of that community or someone would come and pick up a problem or pick up an issue, not a problem, pick up an issue to create problems. Not to take up a problem that is there and help to solve it. Our activists are people who will pick up issues which are there with a view to helping the community to solve that problem. From time to time we find people from the side our critics calling us aggitators, but they have never really exactly - I have never really found out what exactly the concept entails, but(30) as/...

as I understand it, I want to suggest that we are not genuinely interested in resolving problems, but that we want to cause mischief and that I reject completely. Our communities do not see us in that light.

MR FICK : I put it to you that according to EXHIBIT C16 paragraph 4 on page 4 that is exactly what is stated "The price of sugar has the potential of uniting many people in action." -- If, as the author said, that is if the people feel that the price of sugar is too high, first and foremost the condition - it must be that the people feel that it is (10) too high. You cannot go to people and say "Look, you do not have shoes" when they have got shoes. If you come to people and you say "You do not have shoes" and they have got shoes, they will say "Look here, you must go and have your head examined." The point that the author is making here is that people - our activists must take up problems which the community feel with a view to have the community to solve them. That is what he is saying there and that is how the UDF operates.

I want to refer you now to EXHIBIT H2, that is the (20) National Secretariate Recommendations to the UDF NEC sitting on 21 and 22 July 1984 in Bloemfontein. Paragraph 2.1.3 on the first page. That is the "Anti-election campaign". "The overall strategic line." Paragraph 2.1.2 "The mass line. This will attempt to define how day to day issues could be linked to the campaign. We have in mind things such as GST, food prices, conscription, education, rentals, new bills, et cetera." I put it to you that these things "GST, food prices", are to be used to mobilise the people and organise the people against the election? -- No, this (30) is/...

is just a misreading of the minute. The minute says clearly how issues could be linked, not could be used. That is the first point and what it means here is this, that we say to people that for instance the new dispensation - the issue there would have been the anti-election campaign, yes. If we say that a new dispensation or the new constitution will not solve our problems, we should be in a position to illustrate to people how it will not be in a position to solve those problems, for instance if I went on a platform and address the people on this campaign, I would say to them(10) "The new dispensation will not solve the problem of shortage of housing." Now, I am linking it to that. Then I would show how. I would say for instance it does not do away with group areas act and therefore we find ourselves restricted to those areas which already are over-crowded and are running short of housing, that where there is available housing as in the White areas, that is unoccupied, because the new constitution does not do away with group areas, we will not be able to use those houses. It is not using them. It is explaining to people how the new constitution fails to (20) solve the current problem. That is all that is intended and that is all we did.

COURT : What is the connection between food prices and the anti-election campaign? -- The issue that is raised there is the issue fo GST.

Food prices, not GST. Food prices? -- Well, food prices and GST would almost be repeating oneself.

No, it is not the same, because GST is on all products and food prices may or may not have GST on it, depending on the time we are talking of? -- I think at the time (30)

we/...

we are talking of, there was GST on the food, on food items. What I can think of - I cannot remember the - well, these were the recommendations which came from, to the NEC from the secretariate. I cannot remember what motivation had been put there.

Let us take it that that it is GST in relation to food prices, how does that add up to the anti-election campaign. -- Earlier on I pointed out for instance that we pay the GST on the food and because that is part of taxation and that that taxation goes on to - it goes on to affect the prices (10) of food and then - let me just contemplate it for a moment. Yes, it links to the new constitution in this way. That in fact for us, for the African section for instance, there is taxation without representation and that what one would say is look, we pay GST and as a result of that food prices are slightly higher than they would otherwise be and yet we are not represented - this new constitution does not give us representation.

Yes, but that does not apply to food prices only. You can say if you buy a new television set you have got to pay (20) GST and therefore - and you are not represented in parliament? -- That is correct.

What has that got to do with food prices? -- It does affect a number of other things. It says for instances education, it says for instance rentals, new bills, but I am going to reply to the question that the Court is asking how is food prices affected by that? I am trying to show that taxation on what we are buying, also relates to the prices of our food, but whilst we pay that taxation on that we do not have the new constitution. It is connected to the (30) election/...

election, because the new constitution did not include us in the voting.

The main argument and the civil argument is that we have not been included in this new constitutional set up, we are no part and parcel of it, we want to be part of it of a new constitutional set up. That is the theme. Now one can drag all sorts of things into the theme, but that remains the theme? -- That is correct. I have no problem with the presentation that the Court is putting forward. What I mean really, in this case people were really saying that (10) to make it understandable to people, so that people can understand it more, instead of remaining very abstract with big terms like democracy and what not, we have got to illustrate to people that this is how it is going to affect us and I think, I am not sure, but I think there is at some point, I may look at that overnight, but in some of the minutes it does say that it is important that when we talk to people we must make our meaning as clear as possible and not confine ourselves to some big words and then people do not even know what we are talking about. (20)

MR FICK : I put it to you that there is no link between food prices and the anti-election campaign? -- It is our view that there is and in fact there is.

I would like to refer you to EXHIBIT K2. That is the Program of Action of the UDF Transvaal and under A(6) "The aims to link the Koornhof constitutional proposals to the day to day struggles of our people." -- And again here the thinking is the same thinking. People within the African areas have been confronted with problems of various kinds. The question that confronted us is whether the Koornhof (30) bills/...

bills or laws for those which became laws would be able to improve the conditions of life of the people. If we were going to say to our people that these laws will not solve the problems that you are confronted with, it will be important for us to be able to pinpoint things and say here is a problem and these laws will not be able to solve them. That is all it means. It does not mean anything more than that. People can understand what you are talking about. It is just not good enough to say the Koornhof bills will not help us solve the problems. It means nothing. You have not said anything (10) yet. People must hear you say that we have not sufficient housing and the Koornhof laws will not solve that, because of the following. We suffer under the influx control laws. The Koornhof laws do not get rid of that and therefore the problem would remain. If our relatives are found without a pass, they will be locked up. Police will come here at night and open our houses and wake everybody up and search the houses and arrest some of the people and so on. So those problems which our people had been complaining about for a long time, would remain. Passes were remaining. It was (20) important to say here are the problem of passes. If you go to town, you will get arrested if you happen to have forgotten your pass at home. So, the Koornhof laws will not solve it. All of those and the reason to do that is merely to help to simplify the explanation to our people and then it cannot be said that we are agitating them, because they understand what we are talking about and in fact we can even explain to the Court what our complaint was, what we said to the people.

UDF Transvaal established area committees. Do you (30)

agree/...

agree with that? -- I was not part of its activities - may be, yes.

According to the same document right-hand side column paragraph 5 "Functions of the area committee. To link the current issues and problems in the community to the Black Local Authorities and the constitutional proposals." Do you see that? -- Yes. It means exactly what I have just said now. May be I must also say to the Court the reason why - this problem was made widely public. I think the Transvaal activists all of them would have had this document and (10) even the police officers. If they came to the UDF offices they would find the document freely available. If we had any negative intentions or some conspiracy, we would hide these things.- We have never hidden our intentions. We have made those things, even when these problems came out we held press conferences to explain what we were going to do and police officers knew that this is what we are doing. If we considered that we were something criminal and so on, we would have hidden ourselves.

Have a look at EXHIBIT C55 volume 4, Mr Morobe, what (20) was his position in the UDF? -- He is serving in the UDF Transvaal regional executive as a treasurer.

And was he a member of any committee of the UDF? -- I do not know if he served in any other of the committees of Transvaal.

Do you know this document C55? -- I remember giving an interview along these lines. I do not know how this document landed with the said gentleman.

COURT : Did you give an interview and the reporter sent you a copy of the interview for correction? -- In fact what (30) happened/...

happened is, after I gave this interview, before it was referred back to me for any corrections that may have been made I was detained. I do not if may be he might have been asked by whoever - the person who had conducted this interview to help with the corrections. I do not know. May be that might have happened.

MR FICK : When in 1985 were you detained? -- No, I gave this interview in 1984 and then shortly thereafter I left the Transvaal to attend to meetings in Natal and from there I went to Port Elizabeth. I got detained there. But I (10) had already given this interview. So, what I am saying is, I do not know how he got this document, but what I am saying - I am just thinking for myself, he may have been asked to help with the corrections, because I was not available, I do not know.

When were you released? -- I was released in December 1984.

And when were you detained again? -- Then I was detained again in April. By then this interview had been published, as far as I know. (20)

ASSESSOR (MR KRUGEL) : You did not do the correction? -- I did not do that. As a matter of fact I did not receive this document in this form. I later saw the interview.

COURT : Where was it published? -- It is also here before the Court. I think it is EXHIBIT W ... (Mr Fick intervenes?)

K928

MR FICK : W5. It is in volume 1. You are wrong. This interview was published whilst you were a free man. February/March 1985? -- Yes, I did not say it was published whilst I was in detention. I said I gave the interview, I was then detained. Then I was released. It is true in fact that (30)

it/...

it was after I was released, but when I was in detention it was not. May be because they were avoiding the Prisons Act or something. I did not say that it was published when I was in detention. I have not said anything like that. It is true that it was published after I had been released from prison but I did not have an opportunity to make corrections and that is why I say I assume that this man was asked to make corrections.

The State of the Nation is a publication of the South African Students Press Union (SASPU). Is that correct? (10)
-- That is correct.

Who is on the executive of SASPU? -- I have just said I do not know the officials of these papers, if they have got a board of directors or something. I do not know who sits on those things there. I may just say that the fact that at some point they were affiliated to the UDF, we had no control of any kind over them. We had no right. We did not sit in their meetings, we did not decide what they could publish or what not. They were independent autonomous bodies.

I would like you to refer to EXHIBIT C55 the third page. (20)
The second paragraph on page 3 is not part of C55?-- Well, I have not compared them.

That paragraph - were you stating the policy of the UDF?

COURT : In the interview?

MR FICK : In the interview? -- Well, I was being asked about the position of the UDF. I gave the interview in my official capacity.

So, we can take it that is UDF policy that you were stating? -- As long as we make room for the fact that the document was of course not submitted to the NEC first and (30)

what/...

what not, but ordinarily that was the position of my organisation as I understood it.

Page 3 "The people are facing local authority and the State and are forced to make demands around issues like the rent issue which you mentioned, but the rural people are subject to different pressures. What power do these people have to organise themselves?" Your answer is "This is true. These areas - true of these areas, people do not have immediate provocation by the State. This makes for difficult organisation, but people still have to pay tax and if we (10) look back across the century, we find the struggles that were waged around hut tax, for instance. If we look at Bophuthatswana we see donkeys are being killed because it is said that the people have more donkeys than they need. There is immense potential for organisation around issues like these." Is that a correct statement? -- Well, it may be the fact that it was not published, has a lot to say, because I do not know whether maybe this man who edited this thing might have recommended that it should not be included. (20)

COURT : This is not the question. The question is whether you told the reporter that? -- I cannot recall for a fact that that is what I said. It can be seen here that some of the sentences are corrected and so on. But I think I would have spoken about things like these, because these were issues that were current at the time.

Were you speaking about the donkeys? -- Certainly, yes.

MR FICK : Then it goes on "For instance the question of the amount of land allocated to people must have potential for organisation and of course the question of political (30) rights/...

rights, the fact that the rural people are restricted to certain parts of the country, unemployment in these areas, the need for people to challenge influx control by moving to urban areas where there are jobs." Did you say? -- Yes, these were current issues. I said that, because there is no employment there and people are restricted by the influx control laws to come to towns and to look for jobs. I can remember the area that I even had in mind at that time was Mogopa amongst others.

"People are going from the Ciskei to the Western Cape(10) for instance and then being taken back to the Ciskei. We must not forget that these people are members of unions in the towns and that through this their political consciousness is raised and this leads them to have a critical look at the circumstances in which they have left the children and their wives in the rural areas. All this is petrol which generates heat and must generate action through organisation." I put it to you you in UDF were going around looking for issues, identifying issues to use to mobilise and organise the people around? -- This is a completely mistaken impres-(20) sion. We are an organisation that is tackling the problems of our people in communities. People were moving here from the Ciskei to the Transkei because of the Colour Preferential Policy. They were being refused the right to work there because of influx control and things like that. The government had been bashing them back and as soon as they got off the lorries of the government, they marched back there and these people were being driven by hunger by problems of unemployment and so on. What I am saying here, the simple thing I am saying here is that even in the rural areas, (30) because/...

because of increasing problems of hunger, of unemployment, lack of opportunities of any kind, people will begin and where organisations themselves to express their opposition to the policies of the government and the new dispensation did not solve those problems. The position of the UDF was that the new dispensation does not solve these. I am speaking in general here, in general terms explaining the situation as we see it there in front of us. There is no way here where I say we are looking for issues so that we can cause mischief. Even this last sentence, I make it quite clear (10) that this will generate action through organisations. People will organise themselves and they must organise themselves, we have said that, people must organise themselves, elect leadership, tell them what their problems are and then it must go to the government and say to the government here we have problems, this is our problem and that is our problem. There is nothing irresponsible about that. Everybody community that has had to solve its problem, has had to organise itself and then tackle those problems. Our communities are no different. (20)

COURT : Do you regard yourself as an activist? -- In the ordinary sense, yes.

I read somewhere that the definition of an activist - I am not saying that it is my definition necessarily - is a person who goes around to people who think that they are happy and tell them that they are unhappy and they should be unhappy. -- That is not our conception. In fact I must say to the Court in all honestness that we would disagree with that definition. That now is what I would call an agitator. I think the UDF would support that position. (30)

MR FICK/...

MR FICK : I want you to turn to EXHIBIT C56 in the same volume. This is a document with the heading "Interview with Terror Lekota additions." What can you tell us about this document? -- I have already said I do not know, I did not receive this document back. Let me just read quickly here.
(Witness reads document)

This document was also found with M. Morobe in Soweto. -- I actually now realise what happened. I think when I went in detention in 1984 Morobe was - took my position as an acting publicity and I think that is why it was referred(10) to him. I think that is how it got to him. I think that is how it happened. He would have affected these changes in that position. In all fairness to the Court, I have not tackled this document myself.

ASSESSOR (MR KRUGEL) : Is this readable at all, Mr Fick?

MR FICK : It is very difficult to read. I would like to refer the Court to EXHIBIT W5 where it is also stated.

COURT : I take it that you attempted to read this document. How does it differ from the previous one C55 or is it merely a repetition of C55 without the corrections? (20)

MR FICK : There are certain additions, more particularly the second page. It is very difficult to read it. We look at EXHIBIT W5. The original of C56 would be more easy to read.

COURT : What is the original of C56? W5? Have you got it?

MR FICK : It was handed in.

COURT : Do you think it will be better? If that is so, why are the copies so poor?

MR FICK : I do not know.

COURT : Was that your responsibility? (30)

MR FICK/...

MR FICK : That is so. Page 9 of W5 "State of the nation dated February/March 1985". I would like to refer you to the second column page 9 the third paragraph "We are now contemplating that if we have the resources, we will employ rural organisers who will set up structures, to monitor what is going on and feed information to these communities. It is only through structures that resistance can become active." Do you if any rural organisers were employed by any region? -- Well, until my arrest, no. I must also explain here, for an organisation like the UDF we realised that the (10) only way in which we can win the respect of the government is if we show ourselves to have sufficient support and it was important for us to organise in every areas and reach people so that the government can see that the United Democratic Front has got support just justifies the government paying attention to the UDF and we did all these things and that is why we would speak publicly about what we were doing, because we did not consider that there was anything wrong and illegal that we were doing.

Will you look at the same page the last column (20) under the sub-heading " What is the relative importance of organising urban and rural people." The second paragraph below that heading "However, it is easier to organise workers at the point of employment. You reach them easy and you reason them consistently, but we must also be aware that of where the work falls is located. Some form of organisation is necessary in those rural areas which are reservoirs of labour. Also because workers in urban areas are relatively more comfortable, it seems that the high level of militancy will come from rural areas. To ignore these areas is to (30) ignore/...

ignore areas of high resistance." And then the last paragraph "When workers get entrenched they are forced into rural areas. This is that if you organise workers and they get entrenched, a new lot of workers are employed so that you must start right from scratch. You can go on and on that way. Therefore it is necessary to organise people where they stay as well." I put it to you that UDF identified the rural areas as areas where they must mobilise and organise the people because they knew that the rural areas are areas of high resistance, areas where people are more militant? -- I do not know what counsel (10) for the State attaches to that. It is correct that we in fact, if the declaration of the UDF is taking into account, there is no sector of the South African society that we were not interested in organising, but naturally of course, one would in an urgent situation such as ours, we tried to reach those areas where organisation would be quicker and easier and so on so that we could win quick support, fast so that our position could be stronger, that we could be able to talk to the government. We would have been a very dull lot of people if we did not locate areas or organisation where (20) we would be able to build our support and make it strong. It is only sensible that we should try and do that, but not for purposes of the conspiracy that is alleged by the State. Instead for purposes for the problems of the Front as we have said so that we can be in a position to persuade the government towards an acceptable dispensation or a national convention.

I would like to refer you to EXHIBIT C99 volume 6. This is a document found in the offices of UDF Johannesburg. This is a report of a civic workshop. Do you know anything about (30) this/...

this document? -- No, I know nothing about this document. The first time I saw it was when it was presented here as an exhibit in court.

What can you tell the Court about the particular civic workshop? -- I cannot tell the Court anything about this. I know nothing about it.

The Leandra Action Committee, do you know whether it is an affiliate of the UDF? -- To the best of my knowledge not until my detention.

Ratanda Civic Association? -- Again not until our (10) detention, to the best of my knowledge.

Orlando Civic, do you know that organisation? -- I do know it specifically, but as I said to the Court I understand that the Soweto Civic Association has a number of chapters. I do not know what is the relationship. It may well be one of them.

Umfolo, is that also ... -- Soweto.

Duduza Civic Association, is that an affiliate of the UDF? -- To the best of my knowledge not until I was detained.

Alexandra Civic Association? -- I am not certain. (20) I do not know exactly whether all these organisations are affiliated to the UDF Transvaal.

Tlade Molotsane is that part of Soweto? -- That is correct.

I put it to you that this is the report of a civic workshop held by the UDF Education Committee? -- On what basis that said? I do not see anything here that says that the UDF organised this.

I will come back to that. I would like to refer you to page 4 of EXHIBIT C99. Paragraph - the first paragraph(30) with/...

with the heading "Problems the residents face." Do you agree that the items set out are all day to day issues? Increasing rents, housing, constant presence of police in township, presence of councillors, lack of transport, high fares, insufficient school facilities, poor amenities, bad roads, open drains, bucket system, clinics, health facilities, evictions, housing shortage, roads and electricity and unemployment. That is what is normally called day to day issues? -- That depends from community to community. If you come in one community you will find that the issue that is of (10) concern is a different one. If you come to that one, it is a different one and it is not always that the police are in the townships for instance. It is not always that one finds townships that there are schools in every township. In some cases those issues may be at the point of concern. Even the rent increases are not every day.

Do you regard them as day to day issues? -- It depends on the community.

I would like to go on to paragraph 3 on the same page "How are the masses responding to this situation? The (20) people are independently angry. They need to be organised in order that this anger be transformed into action." -- Yes. May action to go and to talk to the authorities.

But this is not stated here? -- I do not see anything here that suggests that it must be action of a valid nature.

Non-violent? -- In the normal circumstances civics of this nature, none of the civics, to the best of my knowledge is an armed organisation. As far as I know this organisation here, from what I have read about them and so on, are ordinary civics which are non-violent organisations. (30)

Sub-paragraph/...

Sub-paragraph 2 "Masses realised council is not working for them. They are joining civics and responding to calls to demonstrate against the BLA's, Black Local Authorities, occupation of rent offices, et cetera." Is that talking? -- Is this BLA's occupation of rent offices or?

Demonstrate against the Black Local Authorities, then as an example occupation of rent offices, et cetera, but that is not talking, do you agree? -- This is criptic here. I do not know what the sentence means. Does this sentence mean that the BLA's have occupied rent offices or does it (10) mean that somebody has occupied the rent offices? I do not know what this sentence means here, but what is clear is that it says people are not happy with councillors. That is so and that I also know. I do not know of course when this meeting took place. That is another thing. I see the year is 1981, 1983, 1984, but what it does say is that people are not happy with councillors, because they find that the councillors are not attending to their problems or they are not working for them. As a result people are joining civics in large numbers and responding to demonstrations against (20) the BLA. It does not say that those demonstrations are violent demonstrations. Sometimes people might march up to the offices of the Administration Boards to complain about the high rents and so on and that is attended to and then the matter ends there. This workshop does not seem to have suggested that people must take up violence. A demonstration is not necessarily violence. In my understanding a demonstration is actually peaceful.

I would like to refer you to another document, C9. This document is a report of the secretariate to the UDF NGC (30) found/...

found with UDF Johannesburg. Do you know this document? -- That is correct. This was the report to the Port Elizabeth conference in December 1983.

According to paragraph 3 on page 2 "What were our objectives when we formed the UDF?" The first one is "To take the ideological initiative out of the hands of the State." The second is to "Unite our people on class colour ethnics and organisational lines; to co-ordinate the activities of all organisations opposed to apartheid; to advance the mobilisation and to deepen the organisation of our people; to (10) prevent the State from implementing its so-called reforms or at least to make it difficult to do so; to deepen the understanding of our people on issues affecting their lives like the PC proposals, Koornhof bills, community councils, Black Local Authorities, the Coloured Management Committees and the new housing policy; to link politics with the day to day experience of our people." Is this the policy of the UDF? stated in this document? -- This is an official document of the UDF and I am surprised, all these points which are made as far as I am concerned are obvious activities of any (20) political organisation that would be interested in serving its community and so on. To come and take out that sentence just to link politics with the day to day experience of our people, why should it be wrong to link or politics with the day to day issues of life? Politics is about governing a society, it is about running a society and the only way in which problems which confront our own communities can be resolved is if we participate in the politics of the country, in the government of the country and we can vote and elect people who can solve these problems and it is important, (30) it/...

it is correct in fact that we should take up issues and show how the policies which is the politics of South Africa, the policies of the government are responsible for the problems which our communities are confronted with. It is then that our people would be able to support the UDF because how they realise, they understand why they UDF opposed those policies because in opposing those policies, the UDF seeks to solve the problems which the people are confronted with and that is why we are asking for a national convention so that we can have power of a part in the government of our country(10) and therefore we can influence the course of events in the country. There is no other way in which we in the Black communities can hope to find a solution to problems of our communities unless we can persuade the government to give us political rights. Only with political rights can we solve the problem. Otherwise we will never solve them. The White community which as got political rights today, are able to solve its problems because it can talk to candidates, people it has nominated who then take up their problems and solve them. We only want that. We do not want any (20) mischief. The only want to have the right to participate in the government and then in an orderly disciplined fashion we can interact with the government and solve the problems of our people. That is all. I deny flatly that our intention was to carry forward a conspiracy to bring our country in disorder and disrepute. That has not been the intention of the UDF.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 18 SEPTEMBER 1987.