

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-18

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN
ASSESSORE: MNR. W.F. KRÜGEL

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 289

(Bladsye 16 021 - 16 077)

COURT RESUMES ON 18 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota yesterday afternoon you told the Court that UDF have no forum to put their case, yesterday afternoon, and it is only when you get your political rights that you would be able to have a forum to put forward your views. -- I do not know if I used those terms but I think what I would have said is that our communities do not have a forum within which to put forward their demands to the government and therefore they are not able (10) to influence the government in the country.

Are you aware of the fact that the President invited all groups, all the leaders of the Black community, to come and discuss issues with him? -- What are we referring to there? Are we referring to the Black Forum of 1985?

No, no, in general, in general ...

COURT: No, but you must place a time on your question because things have changed a lot.

MR FICK: As the Court pleases. During 1984 are you aware of any invitation by the State President to all the Black (20) leaders? -- 1984?

Yes. -- No I am not aware of anything like that.

And 1985? -- Early in 1985 the State President announced that the government intended to set up what was to be called the Black Forum. I cannot recall the exact details but it was something for the, as I recall it for the African section exclusively and even then as we understood the position it was to involve I think leaders in the structures of the government or so. I cannot recall the exact terms now.

Did UDF discuss this invitation? (30)

COURT:/.....

COURT: Well let us now just get clarity. I have certain recollections and they may be entirely wrong. Is this Black Forum, as you call it, it was not called that at the time, a forum which did not have legislative power and did merely have advisory powers? -- As I remember it did not have legislative powers. Exactly whether it was going to be advisory, purely advisory or to what extent these powers were going to be I cannot recall now exactly. There would have been parameters defining to what extent it would be influential but I cannot recall them at this stage here. (10)

MR FICK: Did UDF discuss this so-called Black Forum? -- Yes.

Did UDF take any decisions on the issue? -- Yes.

Did you decide to accept the invitation of the State President? -- On assessment we arrived at the conclusion that it was not the kind of body that we had been looking forward to and that it was not going to be able to resolve the problem and therefore it was unacceptable to us.

Were you not prepared even to see this as a first step in the right direction? -- We analysed the thing. On the basis of our analysis we arrived at the conclusion that it was (20) not a step in the right direction. In the first place the question which we had raised, for instance that all the leaders of our people should be represented, was out.

You did not see it as an opportunity to discuss the matter with the State President and inform the State President then about your actual views on this matter? -- Well in the first place our response on this question was also dictated by our experience earlier on. When we had attempted, addressed letters to the State President we had not received any response. That is point one. And at that point in time when the State (30) President/....

President made that announcement he did not, for instance, or the government did not address any direct invitation to us so we had to respond, really we responded on the basis of newspaper reports. It was just a thing that was reported in the newspapers and therefore we responded in that same fashion. We just spoke to the papers and expressed our opinion at that level. Thirdly when the matter was discussed as the debate went on none of the Black organisations that took time to scrutinise the matter accepted it. National Federation of, I mean the NAFCOC, the National African Federated Chamber (10) of Commerce, rejected it. Chief Buthelezi himself rejected it. I know of nobody that went and talked about, as having represented any section of the African community that ultimately accepted it. In fact even when we were already arrested and we were being charged in this trial reports continued to flow to show that none of the sections, none of the organisations in the African communities were prepared to accept it. They all rejected it. Because everybody saw it as not, perhaps it may be that maybe Mr Steven Kgame was the only exception, perhaps, I think. To this moment even people like Tom Mboya (?) (20) split with Mr Steve Kgame, disagreed with him on that and everybody is saying now they will not participate if the government does not release the genuine leaders of our people. Maybe our only mistake is that we went ahead of others, we spoke maybe slightly earlier than others. But everybody else has followed the same path, so the UDF just charted the route.

COURT: Yes could we just get clarity for the sake of the record. Who is Mr Steve Kgame and who is Mr Tom Mboya? -- At the time of our arrest Mr Steve Kgame was the Chairman of UCASA which is the Urban Councils Association of South (30) Africa./....

Africa. These are of course these Town Councils and so on and so on. At that time Mr Tom Mboya was his, was Vice-Chairman of UCASA. Subsequently in the debate on these issues the two disagreed and in fact the organisation has since split into two parts. We now have Mr Steve Kgame remaining with the original UCASA with a small band of followers there. The vast bulk of the body of people who were with him there under the leadership of Mr Tom Mboya have set up a new body that is called UMSA, Urban Municipalities of South Africa, and they are saying that they will participate in structures on this (10) nature if the government is prepared to release the leaders of our people, chief among whom is Nelson Mandela.

Yes, thank you, I just wanted to know who these people were.

MR FICK: Now on this issue of contact with the government did not UDF see the Black Local Authorities as a body which could help them bring them in closer contact with the government and to, through the Black Local Authorities, express their real views to the government? -- I think I have said that we did not see it in that light. What one talks about as the Black (20) Local Authorities is those structures which were set up by the government and I have already said that the powers of those bodies have been defined from the beginning by the government. Like all the others that went before them they have, they are restricted in what they may do and in what they may say and they have constantly failed our people to represent them correctly and they were all united under UCASA, as I say they were all united under UCASA at the time of our arrest and that UCASA in itself has never been enjoyed any credibility within our communities and that is why, as I say, it is even split (30) at/....

at the moment. The problem really goes back to the question that perhaps, to the point that I have put to the Court earlier on, that where the government gives the impression that it talks to our people it chooses who it will consult on our behalf. The government must really allow us to say who our leaders are and consult with those people. We have not enjoyed that right, and as long as the government does not do that it will not win the confidence of our communities.

One last question on this subject. That the African people were free to elect their own leaders in the communities to (10) represent them on the Black Local Authorities and once these people were elected did not UDF see it as an opportunity to let these elected leaders of the community speak with the government? -- No. No, and I just wish to add this brief explanation. The first point I want to make is that under the Black Local Authorities Act and as conditions then stood the leaders whom our people wanted both to elected and whom they wanted to represented by remained in the prisons of the country. Two, of those who were outside of prison and who enjoyed the confidence of our communities someone could not, even if they wanted, could(20) not and would not have been elected because in the, the provisions of the Act actually are that those people who may have been convicted for political offences against the policies of apartheid may not be elected. So that puts out a whole range of other people who cannot, even if the community wanted, who cannot be elected. Thirdly even those who may not have been convicted and who enjoyed the confidence of our communities analysed these Acts and they saw them as failing to resolved the problems of our communities and that was the view of our communities. So who was left then to be elected into those?(30)

Only/....

Only supporters of the government's policies. So there was no chance. And the other problem there is that where, it seems that where it suits the government some of the people, even when they have been convicted for political offences before, they are allowed to be elected into some of those structures. One finds people for instance who have been convicted and who have served political terms on Robben Island when they are released if they are seen to support the government they are elected into the structures. I have one clear example that I know of in my mind, the example of Mr Dube who had served (10) a term of imprisonment on Robben Island and, but when he ran for the elections in the Lamontville Community Council he was allowed to be elected. But anybody who does not support the policy of the government or who is perceived as not supporting it will not be allowed, in the homelands ...

COURT: Well now just a moment. Is the answer to that problem not that in the regulations in that election the clause which prohibits people who have been convicted from being eligible was not included? Either intentionally or by mistake, that is irrelevant at the moment. -- In the Community Council.... (20)

In that instance where Mr Dube was elected? -- Yes, perhaps I should not attempt to be dogmatic on the question but I have noticed this and since I have not made, you know I have not followed every detail of it I should not perhaps argue with the Court on that point. But one would also find that, if we take the homelands for instance, the Bantustans or the Homelands, one also finds some of the people who have served time on Robben Island. Of course they have standing, one thing that our government knows is that people who are seen within our communities to have made some sacrifices for the struggle (30)

enjoy/....

enjoy a lot of respect and credibility. And even in the homelands for instance you find them being allowed to serve on some of the structures. And the important thing about that when our communities look at these people they do not look, it is not really the fact that whether they were members of the PAC or the ANC, it is more that the community feel that these people have made so much sacrifice or perhaps that they have sacrificed something for the betterment of our conditions that they are respected purely for that. I do not think for instance people who respect the leaders of our people who (10) are in the prisons it is necessarily because they say that it is correct to do the things that they did. But they look at what contribution they have made and sacrifices they have made and on that basis they are respected.

Yes well I, at the moment that was not the point! The point that you made was that the law is twisted and turned to suit the whims of the government when people are eligible or not eligible for election in certain bodies. I am not going to debate this issue with you but I have certain doubts about the correctness of that statement. -- Perhaps I can only (20) take it as far as to say that that is a perception and I do not want to say that it is as a matter of fact. I do not want to, I will be wrong to do that because I do not think I have absolutely sufficient facts on it. So I do not want to hold it up falsely.

MR FICK: Mr Lekota I put it to you that UDF rejected the Black Local Authorities and any other talks with the government because it only wants a national convention for the sole purpose to hand over the government to the so-called "people"? -- If you say, we did express rejection of the Black Forum, (30)

but/....

but what is now meant by any other talks? Which any other talks did we reject?

The Black Forum ... -- We did not reject any other talks.

The Black Forum, you rejected the Black Local Authorities, you rejected the Bantustans, any participation in Bantustans, simply because you want the national convention to be held for the sole purpose to hand over the government to the so-called people? -- First of all we expressed rejection of the Black Forum, that was the issue that arose in our case. Objection and rejection of the homeland system as such is something (10) that is far older than the United Democratic Front. It is rejected, as I said yesterday here even the people who serve in those structures met in 1983, the heads of those structures, met and they made it clear that they did not accept those structures and they did not see themselves as being not part of South Africa. Even they themselves. Subsequent to us rejecting the Black Forum, I have just said this morning not one organisation that I know of within the Black Communities has supported that, a Black Forum, without the participation of the leaders of our people. As I say maybe only Mr Steve Kgame, (20) maybe only him. But you look into the homelands, you look at the business sector in our society, you look at the education bodies, all of them made it clear that they would not participate there because the leaders of our people are not there. That is fact today. In 1985 they stated each one, conference after conference, they came out and they said so.

I would like to refer you now to EXHIBIT C.53, still busy with the day to day issues. It is a document with the heading "Report - Future Programme - Budget Proposals UDF". Found in the offices of TIC, Johannesburg. Page 6 Mr Lekota. Do (30) you/.....

you have page 6? -- Yes I have got page 6.

Paragraph 1.2.3, the very last paragraph? -- Yes.

"Successes were achieved by linking day to day struggles with political issues. Thus elements like food prices, housing, education and the threat of conscription were important facets of this campaign."

I put it to you that according to this statement UDF used day to day issues successfully in the campaign against the anti-election campaign. -- I do not know whether I should repeat what I said yesterday about this question of the connection (10) between explaining objections to the new constitution and the day to day problems that people experienced. I think all that is being said here is that when one explains why there is objection to the new constitution one has to illustrate that by material facts which are there. I do not see anything else here and indeed I know of no politician who would be able to talk about the policy of his party to any constituency without breaking down that policy to the practical issues which are fed people in order to persuade them to support him. How do you do it? How does a, if a city councillor campaigns here (20) to be elected if he does not talk about the state of the roads, if he does not talk about refuse removal and rubbish removal which are daily issues which affect the lives of the people, what else is he going to talk about? How is he going to persuade the people to vote for him? He must say what he is going to do about those problems and this is what the UDF is doing here, is to say that new dispensation will not solve this problem, it will not solve that problem, it will create this problem and so on. Unless counsel for the State can say to me you are saying, all what you are saying were lies, it was not like (30) that./....

that. But I am sure history has borne out the facts of what we had had to say about these things.

I want to put it to you that UDF used the day to day issues and highlighted the day to day issues not with the intention to try and solve it but to use it to mobilise and organise the masses or for another purpose, to engage them in the struggle for liberation? -- I deny that. One where we picked up issues was in order that they must be solved, two to gain definite benefits for our constituents and communities, thirdly where we linked them up with the new dispensation was to (10) indicate that apartheid and the policies that the government is pursuing is a source of these problems. You see if water comes into the house and there is a tap that is open somewhere whilst we do effort to block the water to come into the house we must also go to the tap so we can close it and what is happening here is that whilst we solve local problems here locally and so on we must also go to the source, which is the policies of the government, and get other policies which will not create these problems. So we must close the tap. It is correct for us that we must say to the government that these (20) policies here that the government is following are not good policies. But at the same time we must make efforts to correct situations around ourselves here. It is not with a view to cause mischief. It is with a view to make life a bit more bearable and a bit more comfortable.

I will take you up on that answer but I first refer you to EXHIBIT C.73, it is volume 5.

ASSESSOR (MR KRUGEL): Are you coming back to this volume Mr Fick?

MR FICK: No, only to the answers. It is a document with (30) the/....

the heading "Port Elizabeth Workshop" of 14 August 1983 and it was found in the UDF offices, Johannesburg. -- I am sorry, C?

73. Now I would like you to turn to page 2, paragraph 5, the heading "Evaluation of Workshop". -- Yes.

The last part of that paragraph, no. 5:

"It was noted that the programme of the UDF must be flexible enough so as to suit specific conditions in PE. It was also observed that objective conditions in PE and also in local areas would determine precisely the type of issues around which UDF could build up its (10) campaign. For instance in the Coloured and Indian areas there might be elections of Indian Management Committees whereas no elections were held in African areas. Even under those conditions organisation around day to day problems like housing, rent and electricity, must go on."

Now I put it to you from this it is clear that day to day issues were used to mobilise the people? -- Right. Maybe we should just look at this paragraph just systematically. It will just become clear that what I have said earlier on is correct. One, the first point it makes is that UDF must be flexible. (20) When you come into an area or when our people organise in an area organisation must centre around the problems which are there. It must be, to help people the organisation must address the issues that people are confronting. So if our activists were going to organise there and those organisations which were present here, we were talking here to organisations which had been there and which had been treating the problems of the communities in PE, they were there. Now with some communities people were concerned about the elections, the conscription and other things. As in the case of the Indian and Coloured (30) communities./....

communities. That would be the issues that people would talk about, the issues which people there are worried about and that they are complaining about. You do not come and tell them what. In the African areas there you find that people now there, the issue that was concerning them was the issue of housing and other issues. So again you had to talk to them about the issues and the organisations which are there which know the situation and which are representative of those communities. They will know best what the position is. So what we say is talk, and if we are going to be helpful we (10) must talk to people about the problems which objectively, independent of us, we do not come and create problems, this man here says observe the objective conditions in PE, objective conditions as they are. So the UDF, if the UDF is going to be helpful to those people or the organisations affiliated to the UDF they must treat the problems which objectively are there. A mischief maker will come there and want to tell people this and that, or even when there are no problems start problems for its own sake. We do not operate that way.

ASSESSOR (MR KRUGEL): Well talking of problems Mr Lekota (20) I have a problem with this document. If you turn to page 1 please, "Port Elizabeth Workshop 14th August 1983". -- Yes.

Then in the introduction:

"In accordance with the decision taken in Cape Town on 21 August 1983 the National Secretariat held a workshop at Mallabar in PE."

-- Yes.

There must be something wrong. -- What?

The decision was taken on 21 August in Cape Town to hold this workshop on 14 August. -- Oh I see. No there is nothing (30) wrong./.....

wrong. Is that not 1984? -- No 1983.

But how did this work? The decision was taken to hold the workshop on 21 August and the workshop was held on 14 August. -- Oh yes, of course, no I see what the Court is addressing my attention to. No I think there was a typing mistake here.

Was this in 1984? -- It was in 1983.

In 1983? -- Yes. But there is a mistake with the 14.

Oh I see. -- I think the 14 should in fact be 27, the weekend following the 21st, it should be about the 27th. I do not know how this mistake happened. (10)

Are you aware of this workshop because it was held by the National Secretariate? -- I was part of, I was there, I was present.

You were there? -- Yes.

So it was the weekend after the launch? -- After the national launch. In fact what happened is that at the national launch there were a number of organisations from the area of Port Elizabeth. At that time there was no UDF, Eastern Cape. They had come there and they had asked that now they had not been able, they had not been sufficiently informed about (20) the launching of the UDF and as local organisations in the area they did not really fully understand what the UDF was about and they therefore requested that some of the people in the executive of the UDF must come down to meet local organisations and explain to them about the UDF and so on because they were interested in the initiative. Following that we proceeded there the following weekend, we went directly there, and we met a number of these organisation and the workshop was really explaining the UDF, how it had come about that it had been formed and so on and so on. So this report here (30) indicates/....

indicates merely what had taken place at this workshop.

Can you remember whether it was on a particular day of the weekend? -- It was over the weekend, it was on ...

The whole weekend? -- It was on, I cannot remember whether it started on Saturday but I know for a fact that on Sunday, we finished it off on Sunday.

Thank you.

MR BIZOS: I would say that 1983 appears at the end of the report, as well as the next workshop. -- That is correct, at the end it says another workshop was being planned for 17 (10) September 1983.

MR FICK: I put it to you that even though no elections were to be held in the African areas UDF say that we must continue with organisation of the masses and for that purpose we should use day to day problems like housing, rent and electricity. That is what is stated in this paragraph. -- I do not know whether I can do better than the explanation I have already given. I do deny, however, that what counsel for the State is putting forward is what we were about. I think it is a misunderstanding completely. Here one can see clearly we (20) presented the problem, the history and the present state of the UDF, the concept of the Front, we tried to explain these things to these people, documents of the UDF were read to them and they themselves of course discussed the question of their own local organisations, how many organisations were there, you know what they were involved in and so on and whether they felt that those organisations could set up a region and then we dealt, we explained to them the programme on page 2, some ideas on the programme of the UDF and so on and then here an evaluation is made. This is really for the NEC just to (30) evaluate/....

evaluate this and so on and also to indicate that these organisations had then, the representatives had then said no they were going to meet, going to go back to their organisations to say now we have met the UDF, this is the information we have heard about, we have heard from the UDF and it was subsequent to that that these organisations in their own sittings would decide whether they want to affiliate to the UDF and so on. That did not happen until December 1983. So that is all that happened there, nothing else. There was, I just deny this allegation that is being made. There is no foundation for (10) it.

UDF, together with its affiliates FETROW, Federation of Transvaal Women, held another workshop in May 1985. Do you know anything about it? -- I do not know anything about it.

I refer you to EXHIBIT C.108 in Volume 7. A document found in the offices of UDF, Johannesburg. Do you have it? -- I am in possession of the document.

Now on page 1, the very first page? -- Oh this was in May 1985. I was already in detention for this trial at this time.

Right. Now the very first page. -- Yes. (20)

The UDF, the third paragraph:

"The UDF is planning a follow up workshop for 18 August 1985. The workshop will look at how UDF affiliates can take up women's issues."

-- As I say in May when this workshop was held I was already in detention. It is even worse now, when it comes to planning of the next workshop and so on before I was arrested I did not know anything about this workshop.

Yes but I put it to you that from this it is clear that UDF policies reflected here, that UDF will, the workshop (30) will/....

will look at how UDF affiliates can take up women's issues.
-- Yes. Well that is what, it is correct that is what the paper says. But if that is the position which other organisation, which other community has not organised all its sectors. The Afrikaner community itself, even today this day they organise African women within their own communities. In the 40's they did the same thing. Much earlier on. Yesterday I referred to examples here of how W.A. De Klerk "The Puritans in Africa" explains about how Afrikaner women went to request the release of the leaders of their people when they were (10) detained. And they have been organised, if you read the history you just find that Vrystaat Vrouevereeniging, the Cape, the Transvaal, and all these Vrouevereeniging are organisations which are of the women's sectors of these communities. If you look into the Coloured, any community, it is like that.

COURT: What was admitted in respect of this document?

MR FICK: It was found in the offices at Johannesburg, UDF, Johannesburg. Will you turn to page 7. The fourth paragraph under the heading "Women in the UDF". -- Yes.

"Many women feel that UDF affiliates could organise (20) many women around day to day issues, that women's issues should be taken up by UDF affiliates. Further that we should help affiliates look at what the obstacles are which prevent women from becoming involved."

-- Yes. It is only ...

Is that UDF policy? -- Well we organise, we do organise women and the only way to organise them is to organise them around matters which affect them. I may just inform the Court that you know Temba Moodie(?) in his book "The Rise of Afrikanerdom" points out amongst other things the important (30) role/....

role that women played in the struggle of the Afrikaner people when they had to uplift themselves. We are in a similar position and our women must become part and parcel of the problems of our communities. When there is no food in the house it does not exclude them. As early as the 50's some thousands of women came up here to the Union Buildings in Pretoria to complain about the pass laws. When men are here through migrant labour it is the women who are left out in the homelands and in the rural areas, desolate open places there, with the children. They must till the land, they must look(10) after the children and so on. Those are the problems of our communities. We are concerned about these issues and we would be ignoring our responsibilities if we did not pay attention to those issues.

I put it to you that the day to day issues were taken up for the sole purpose to get the women involved in the liberation struggle? -- No, they were taken up because apartheid affects us on a day to day basis because the policies of apartheid made our life difficult. We suffer as a result of, when there is a problem of housing, when people, children (20) are suffering from kwashiokor, that is as a result of the difficult conditions in which we live, or maybe because people cannot obtain employment. It is because of apartheid, if their fathers cannot obtain jobs because of influx control laws. It is not isolated. They are linked up together and the reason we are asking the government to give us a right to vote it is so that we may influence the policies and therefore correct the situation in a disciplined organised and guided fashion. Because then we will elect people who will say to them what our problems are and then they will pass laws to correct those (30) things./....

things. As long as we do not have the key, which is political power, if we do not participate, if we do not elect the people who make the laws we have no way of stating and influencing events. So we must keep knocking at the door of the government asking to be included in the process of government.

Will you turn to EXHIBIT W.24, it is in volume 4. This document was found in the possession of Vincent Francis at Benoni. V. Francis.

COURT: V. Francis or Vincent Frances?

MR FICK: V. Francis.

(10)

ASSESSOR (MR KRUGEL): V. Francis, Benoni.

COURT: Benoni.

MR FICK: Do you know V. Francis Mr Lekota? -- No. I do not know, well I cannot recall anybody that is called V. Francis. I may well know such a person by sight but I cannot associate the name to any person.

Will you turn to, just identify the document. This is a UDF News, October 1983. -- That is correct.

Will you please turn to page 3. The article:

"Transvaal has plans for a people's programme"

(20)

In the third column, do you see that? -- That is correct.

Now in the fourth column just below the photo it states:

"They are also working out a local action programme to spread the work and to link up local problems with the government's plan."

-- Yes.

I put it to you that UDF went out of its way to link up day to day issues with the government's new constitution in order to mobilise and organise the masses against the new constitution? -- I do not know when the government decided on the

(30)

new/....

new dispensation, whether it was not intending to attend to day to day issues in the country. It will be, however our perception it is our understanding that it was because the government wanted to tackle day to day issues of life in South African society that it came forward with a new dispensation. I deny that we linked up the government moves, constitutional moves, with day to day issues for purposes other than that one we wanted to solve those problems, two that we wanted to indicate to the government that we were not happy with that dispensation because it did not improve our lives. But I must say to (10) the Court that the government was not attempting to solve the problems in the moon when it came up with the new dispensation, it was precisely because of the issues in our society, the same issues which we are talking about, whether it be removals, the pass laws or what the government wanted to deal with those issues and we, all we did was to say that this dispensation does not address those issues sufficiently, it does not solve those problems. Now I do not know, I mean the government linked it first before even us so we are merely saying to the government that now if you want to solve this problem with (20) this dispensation then this dispensation fails to solve those problems. They linked the dispensation to the problems before us.

COURT: This UDF News is not an issue of a region, this is a national newspaper? -- This particular issue ...

Well it would seem so because I do not see that it is stated to be of a region. -- No, no this particular issue is a national one.

So it says it is Volume 1, No. 2. -- That is correct.

So you had one before that which was also a national (30) one?/....

one? -- One before that, that was just shortly before the national launch. This was the first one after the national launch. That was why the picture of the President is there in the front page. This is actually inside the national launch. I think the footage will show that that is the position.

So this document is directly under your responsibility?

-- This particular one, yes that is correct. Yes that is so.

MR FICK: And on the same page the fifth column under the heading "Organisations Up Front" you find as no. 24 Soweto Committee of Ten. -- 24? (10)

Yes. -- Yes that is correct.

And as no. 27 Soweto Civic Association? You see that? -- That is correct.

Who gave that information to you Mr Lekota? -- Well this was drawn up by some of our people in the Media Committees and so on. And I think it would have been a mistake really. You see at the time for many of us, including myself, our understanding had always been that the Soweto Civic Association and the Committee of Ten were two different organisations. That is because of the history that has been given here as to how(20) this thing came about and so on. So for a lot of people the perception has been like that. There has never been the intention on our part in any event to mislead anybody and that is how we made this publicly available and we had not been confronted with the fact that there was something wrong with it. It will be seen that even with the other publication, it will be seen that even with the other publication that we issued the affiliate and to people which was a very public document we put that information out like that because we believed that it was the correct information. We had never had any reason (30) to/....

to believe that it was otherwise. We had never been corrected.

Now on the same page on the same document, the second column, part of the article, the heading "The Heart of the UDF, Transvaal UDF or organisations up front". -- Yes.

The second column, the fourth paragraph, it is stated:

"The organisations which form the Transvaal UDF includes trade unions, women's, church, student and community organisations. More and more Transvaal organisations are throwing their weight behind the UDF."

And then as part of the article Soweto Civic Association, (10) Committee of Ten, are stated as ... -- I am sorry Mr Fick what column did you say?

The second column the fourth paragraph, it is part of the article "The Heart of the Transvaal UDF".

ASSESSOR (MR KRUGEL): Just to the left of the O in Organisations. -- Just to the left of?

To the left of the O of Organisations, where your finger is. -- Oh yes I have got it, yes. Yes I have got it Mr Fick.

MR FICK: Now do you say this is not a correct statement then?

-- Do I say that this is not correct? (20)

Ja, the statement that the organisations which form the Transvaal UDF includes trade union, women, church, students, community organisations and more and more Transvaal organisations are throwing their weight behind the UDF? -- No it is correct.

Is it correct in relation to Soweto Civic Association also, and the Committee of Ten? -- As far as I am concerned it is correct.

Were they founder members of the UDF, Transvaal? The Soweto Committee of Ten and the Soweto Civic Association? (30)

-- I/....

-- I was not at their founding but as far as I was concerned they have been with the UDF Transvaal right from the beginning.

Can you, let me put it to you this way, is it correct that the Executive members of the regions were elected from the founder organisations of the regions? -- That is correct.

Do you know whether, or do you agree that Dr Motlana was one of the executive of the Transvaal region? -- As far as I know yes.

And is it correct that he also represented the Committee of Ten on the regional executive? -- Well I do not know who (10) he represented but, you see I was not in the Transvaal Regional Committee and I cannot give you firsthand information about exactly what the position was there.

Now the first column on the same page, the sixth paragraph: "The Transvaal also sent UDF people to the Orange Free State to help people there organise to get to Cape Town." What can you tell the Court about that? -- Well I was not involved there but what I understand there is that some people went there to brief some organisation or people there that there will be a conference and they must come there. But I (20) do not know about it, I have no firsthand information about the matter.

And there were people from the Orange Free State at the national launch of the UDF? -- There were some people there.

Were they representing any organisation at the national launch? -- As I understood it they came from some organisations in their own areas but I do not have, I cannot give you information than that really.

But you went to the Orange Free State at a later stage, is that correct? -- At a later stage, yes. (30)

For/....

For what purpose? -- First of all to assess the situation, to really locate the organisations in the area and see whether there were organisations and if there were organisations whether we could persuade them to form a regional affiliate to the UDF.

At that stage, first of all when did you go to the Orange Free State for this purpose? -- Some time late in 1983, subsequent to the September NEC, subsequent to that. September 1983 that is.

Was there any organisations in the Orange Free State at that stage affiliated to the UDF? -- No, no there was no (10) organisation affiliated to the UDF.

Did you persuade or get any organisation in the Orange Free State to affiliate to the UDF? -- No in the first place we did not have, there were not sufficient organisations at all so we did not get a single organisation to affiliate to the UDF.

There is at this moment a, do you agree there is at this moment a UDF region in the Orange Free State? -- I do not know about that.

You do not know? -- I do not know about it. (20)

Are there any affiliates of the UDF at this stage in the Orange Free State? -- Not that I know of. Well it has been some time I have been arrested now.

COURT: Sorry I missed that question and answer.

MR FICK: Do you know whether there are any affiliates of the UDF in the Orange Free State? -- At this stage?

At this stage? -- No.

Was it part of your duty when you went to the Orange Free State to organise for the establishment of a region of the UDF? -- That is correct. (30)

Who/....

Who went with you? -- On one occasion I went with accused no. 19.

Were you there on more than one occasion in the Orange Free State? -- I go there quite regularly because my mother is there and I quite often go and visit her.

No, no, I am talking officially, as a UDF official? -- Yes I have been there on several occasions.

Was it always for the purpose to organise for the establishment of a UDF region in the Orange Free State? -- We always tried to persuade, we have always been persuading. (10)

On the other occasions were you alone or did you go with somebody to organise for the establishment of a region in the Orange Free State? -- No alone mostly ...

Mostly alone? -- Yes.

Did you see it as part of your job to organise for the establishment of regions of the UDF in the country? -- No it was not my duty. There is minute here that the NEC took the decision in September 1983 because there was no structure there that we must, whenever we can afford it we must pay attention and see whether we can do something about it. (20)

Whose duty was it to organise for the establishment of new regions of the UDF? -- Ordinarily it would have been a national organiser but we did not have an organiser.

Now I would like to turn to another document, EXHIBIT AE.10. My Lord the admission with regard to this document is it was found in the possession ...

COURT: You are a bit fast for me Mr Fick. I still have to get the document and I have got to get the page and then I can start writing.

MR FICK: I am sorry My Lord, EXHIBIT AE.10. (30)

COURT: /

COURT: Was there an admission in respect of this document?

MR FICK: The admission is to the effect that the document has been found in the possession of M. Morobe, Soweto. This document, the document with the heading "AZASO, Azanian Student Organisation - Papers from AZASO's Women's Conference". Do you know anything about the AZASO Women's Conference Mr Lekota? -- No. Maybe at the time I might have heard that there was a meeting of that nature but I cannot tell the Court anything about it.

Well I put it to you that in these papers there are (10) reference to the various revolutions, first of all reference to the Russian revolution ...

COURT: Well just for clarity now is the Azanian Students Organisation an affiliate of the UDF? -- At the time it was affiliated.

ASSESSOR (MR KRUGEL): When you say at the time Mr Lekota what time are you talking about now? -- Well throughout its existence I think the period that is charged in the indictment.

MR FICK: 1984 it was an affiliate? -- It was, yes.

My Lord I can refer the Court to the first page from (20) the front, the very first sentence:

"1984 is an important year for women throughout the World."

-- I may just say that I was not present at this meeting and I do not know, even these documents they are new to me. The first time I saw this document was here.

ASSESSOR (MR KRUGEL): Mr Fick did we not see a video on this conference of AZASO women?

MR FICK: I will have to make sure. I am not sure.

ASSESSOR (MR KRUGEL): I believe the very first video that (30)

we/....

we saw.

MR FICK: I will make sure.

ASSESSOR (MR KRUGEL): Please.

MR FICK: I will come back to it. Now I would like you to turn to the

MR BIZOS: My Lord I think it was one of the first videos that we saw and there was a particularly articulate tall woman presiding and I remember asking at the time and I was told she was a law student. This is my memory of it.

COURT: Well we will have to look it up yes. (10)

MR FICK: My Lord EXHIBIT V.11 is the transcript of a video "AZASO 1984 Annual Congress, Women's Meeting, Orlando YMCA Hall, Soweto, 28 and 29 June 1984". Now I want you to turn to the third page, it is not numbered but the fourth page is numbered no. 2. You see the third page from the front? -- Yes.

COURT: Let us number that third page, it is no. 1 because the next one is 2.

MR FICK: As the Court pleases. Now then page no. 1 ...

COURT: Let us number the first two pages 1(a), 1(b) and 1(c), the first one is 1(a), the next one is 1(b) and then the one (20) that I numbered 1 will be 1(c). So we are referring now to 1(c).

MR FICK: Page 1(c). Now I put it to you that on this page, the last two paragraphs, there is reference to the active role which women played in the Russian revolution. -- Yes. I may just say that this document is not an official document of the UDF. At best it may be described as an AZASO document.

Then when one turns to page 4, the last paragraph, there is reference to the Chinese revolution. On page 5, the second paragraph there is reference to the revolution in Zimbabwe. (30)

COURT:/.....

COURT: Where are we now? -- Pa

MR FICK: Page 5 My Lord, the second paragraph. And then on that same page there is a discussion of the role of women in the Chinese Democratic Revolution and then there is a page numbered 5.1, that is the very next page, there is reference also to the Chinese revolution. -- Page 5?

5.1. -- Yes.

As well as the revolution in Mocambique. On page 6 there is reference to the role of women in the revolution in Zimbabwe and to the revolution in Nicaragua. -- Yes. (10)

Then on page 7 there is a heading "Women and the National Democratic Struggle in South Africa".

ASSESSOR (MR KRUGEL): What page Mr Fick?

MR FICK: Page 7 My Lord. -- The only thing I can say here is that if anything this document shows indeed that the UDF or the Afrikaner community in organising their women are not the only people, nations of the world indeed organised their women and so on and so on.

Now Mr Lekota do you agree that all the revolutions referred to in these papers were violent revolutions? -- (20)
Let us have a look, which ones?

The Russian revolution? -- Well I do not know that.

But ...

COURT: You are a student of history. -- Because what I ...

Was it a peaceful transition in Russia? -- Well what I understand, as I understand the situation that there was a period of war from 1914 to 1918 and so on. Now exactly you know it appears to me that there were differences about the government at the time and so on and from what I have read from Fowler and Smith there was a lot of hunger and so on and (30)

whatnot/....

whatnot. That is the information that I have.

MR FICK: And ... -- In Zimbabwe it is true that at a point people did take up arms but I also know that in the course of the struggle of the people of Zimbabwe Bishop Musorewa, starting from about 1972, organised extensively attempting to talk with the Smith government to negotiate with the organisations there and find a constitutional settlement. He of course was not heeded until very late. Smith refused to heed him. When the Pearce(?) Commission came there he was, and he made the point that they must, in order to avert you know the deepening of (10) the conflict the leaders of the people of Zimbabwe must be released from prison and that they must negotiate on the constitution. And that happened. Now are the women referred to here women who were women supporters of Bishop Musorewa or which women are referred to? I do not know. In the case of Mocambique it is again true that there was a struggle that was waged there. I think as the struggle went on women would have been involved in any event. I do not have inside information on the matter. But the thing is that the government of Portugal collapsed and then it decided to give it African colo-(20) nies independence and so Mocambique and so on, it happened.

And the Chinese -- No I do not know, I have no inside information about that you see. But I would expect in any event if a society has got problems, especially of the nature of a political nature there is no sector that is not involved, even the students, even the priests, the monks, the buddahs and everybody is involved in it because it is a conflict that affects the whole society. In our own country here the reason why women have constantly set up organisations and, as I have said earlier on they have even come up to the Union (30)

Buildings, /.....

Buildings, it is because the passes affected them, it is because ...

COURT: What is the question which you are attempting to answer? -- The question as I understand from the State is that now there is something sinister with us organising or our organisations organising the womenfolk.

The question was whether all these revolutions mentioned at pages 1(c) up to page 7 were violent revolutions. That is all. -- I cannot give the Court personal information on those.

I have not read on those revolutions. (10)

COURT ADJOURNS FOR TEA. COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: -- I took advantage of the recess to take a closer look at this document and what I find here is that in the instances that are cited here the document attempts to look at the status of women or their conditions of life in those countries. With regard for instance here they say with regard to, well they say here the position of women before the period of national democratic struggle. That is before and they say that prior to the struggle all the (20) countries under discussion were heavily male dominated. Women were projected, ideologically as homemakers, providing sexual pleasure to their husbands, children (especially sons) to bring wealth into the family and unpaid domestic and agricultural labour. It then takes example after example. With China they say it is possibly true to say that women in pre-revolutionary China were among the most exploited and oppressed groups the world has ever seen. They then deal with the position there. I do not propose to read the whole section. With regard to Zimbabwe in page 5 they say in traditional Zimbabwe society (30) men/....

men wanted wives to bear them sons so as to carry on the male lineage. Women who did not bear sons were looked upon with scorn and then they go on in that vein. Women in traditional South African society, in traditional South African society women have played a vital role in the economic life of the village. In fact women have provided most agricultural output, working long hours. Moreover women's days have consisted not only in agricultural production but in also serving the needs of the family, cooking, washing and cleaning. Strict economic control has been exercised over women through the institution(10) of lobola. In political decision making women have played only a minor role. Traditionally Indian ...

COURT: Just a moment Mr Lekota, just for interest sake why is that economic control, the institution of lobola? I am not asking you to explain something you do not know because it is not you that wrote it but could you? Why would the institution of lobola be regarded as strict economic control? -- In the first place I disagree with this opinion, I do not think maybe I should go further than that because I understand lobola in a different ... (20)

Well if you disagree do not explain it. -- Yes. Well I cannot explain what was in the mind of the author here.

Yes, thank you. Anything else you wanted to refer to in this document? -- Yes, then the next line it deals with the position of the Indian, traditionally Indian women in South Africa, what their position is, and then, and so on. And then they look at the role of women, even with regard to countries like China, Nicaragua, Zimbabwe. If one looks at the role of women in the national democratic struggles, let us now go on to look at the role that women have played in the national (30) democratic/....

democratic struggles of their countries, China, Nicaragua, Zimbabwe and so on. And again at page 5.1, I think that is what, (b) it says:

"Women were suppressed, subjected both to feudal authorities and to their menfolk. They worked hard in the fields ..."

And so on. So again it is looking at the conditions of how they lived there. And then I think in the case of Mocambique there is a quotation there from President Machel. Maybe I should just refer to that briefly. It deals again with the (10) position of women and he says that:

"The contradiction is not between women and men but between women and the social order. Between all exploited people, both men and women, and the social order. This contradiction can only be solved by revolution because only revolution destroys the foundations of exploitative society and rebuilds society on new foundations. Freeing the initiative of women, integrating them into society as responsible members and involving them in decision making." (20)

It does seem that even he was concerned about their status in, the status of women in Mocambiquan society. And then there is, they deal somewhat with the attitude of Frelimo towards women, involving them practically they say in the struggle. Women provided food, initiated schools and elementary health schemes and so on. They deal with Zimbabwe again and the women in Nicaragua. And then they return back to South Africa. I think as I understand the purpose of the paper it is an attempt to show, to pursue the position of women in countries or in situations in which there oppression and to see how they (30) have/....

have survived there and so on. I do not know what lessons finally the paper draws, if there are any. Well maybe the conclusion I might just say it does say at page 9:

"The challenges which face South African women are great. Women need to address the question of how to relate class struggles to the struggles against their social oppression."

And then it deals with theories there and so on.

MR FICK: Are you finished Mr Lekota? -- Yes I think here it also, what it does say that in the cause of struggles for (10) freedom and so on women must also put forward their own demands so that in the new order that is set up they must benefit something. As I understand it he says examination of the struggles of women in other countries have shown that because of struggles women were able to assert themselves. I think putting forward what they themselves would want to see in the new order and how their own status and position could be improved.

Mr Lekota will you please take up the document and turn to page 2. - Yes. (20)

Let us go through the document and make a submission at the end. -- Page 2?

Page 2, under the heading, the last paragraph "The National Democratic Struggle in South Africa", the last sentence:

"Any struggle for fundamental change must thus harness the energies of all who are oppressed and all democratic Whites, mobilising them in order to gain control of the decision making apparatuses which govern their day to day lives." (30)

-- Yes/....

-- Yes I think that actually bears out the point which I was just making.

Now page 3 under the heading "Other People's Struggles", I put it to you it is clear from the very first paragraph under that heading that the Nicaraguan revolution was a violent revolution? -- Page?

Three.

COURT: Paragraph?

MR FICK: The first paragraph under the heading "Other People's Struggles". -- Yes. (10)

The national democratic struggles of other people have had similar features. On 19 June 1979 the Sandanista Front for National Liberation, FSNL, guerilla army marched into Mangua, the Capital of Nicaragua. -- Yes.

Now if you turn to page 5.1, the fourth paragraph:

"It is stressed that women also become actively involved in the armed struggle."

This is now the Chinese revolution.

"The were involved in espionage, in engaging the enemy in the struggle. Peasant women provided food, shelter (20) and clothing to armed militants."

And in the fourt paragraph on page 5.1.

ASSESSOR (MR KRUGEL): Page 5.1 or page 4?

MR FICK: Page 5.1

ASSESSOR (MR KRUGEL): Are you not busy with the Chinese revolution?

MR FICK: That is the Chinese revolution.

COURT: Now let us look, page 5.1 which paragraph?

MR FICK: The fourth paragraph My Lord, "Women also become actively involved (30)

COURT: /....

COURT: Yes. Thank you. -- That is correct, it does say so.

MR FICK: Yes. Now turn the page, page no. 6, the fourth paragraph under the heading "Zimbabwe":

"In Zimbabwe too women played a vital role in the struggle for liberation. There too women broke out of their traditional roles and asserted themselves in armed struggle."

-- That is correct.

"Organising and mobilising the masses of the people."

-- That is so. . (10)

Now I want you to turn to page 9 then, the fourth paragraph. It is directly under the heading "Conclusion". -- Yes.

"The challenges facing South African women are great. Women need to address the question of how to relate the class struggle to the struggles against their social oppression, yet abstract theories will not help us in answering these questions. Only by actively attempting to raise women's consciousness by mobilising and organising them around issues that affect their day to day lives will we be able to identify the links. Also we (20) must remember that our guiding principle is mass mobilisation and we must take up issues that do not alienate women."

Now I put it to you from that it is clear that in AZASO the perception is that women must be mobilised to the struggle by using day to day issues? -- What it does not say, as I understand this passage that the advocate for the State has just read, it says that women must be involved in the process of change certainly but I do not see anything here that says that it says they must be mobilised for a revolution or this (30) conspiracy/....

conspiracy that we are charged with. I do not deny that at all, that in fact it says there must be organised and that they must be organised around the issues which affect them. Both from my personal knowledge of AZASO and from my understanding of this document it is not a document, it is not an organisation that advocates violence.

Now ... -- And indeed it would have no place in the United Democratic Front if that was its position.

Will you look at the second last paragraph on the same page, the last sentence of that paragraph: (10)

"South African women must take example both from our own historic and heroic women's organisations but also from women in other countries."

COURT: We have lost you Mr Fick.

MR FICK: My Lord page 9, the second last paragraph the last sentence. Now I put it to you what is said in this paragraph is that after referring to the violent revolutions of the other countries it is stated here that the women must take example from these violent revolutions? Follow the example of the women in these struggles? -- It is quite clear on the (20) strength of the passages that I referred to, it is quite clear that what the concern here was to look at the position of women in the various societies and to see how they had moved on to change their position inside those countries. As far as I am concerned this paragraph here makes clear that, the first point it makes is that in those countries we have seen that women put forward their demands or that they asserted themselves so that they could actually overcome problems which were specific to themselves as women. The second part of that paragraph says that after, it actually says after liberation there is (30)

a/....

a lot to strive for and South African women must take example both from our historic and heroic women's organisations. It means really this that drawing lessons from it to see what other issues they can take up. When say now they participate in the government to influence things such that their own status can be improved and we have seen the kind of issues that they raised with Zimbabwe where women were only seen as instrument for bearing children and they were not respected and they were not offered better opportunities. They have cited those examples here and they show how afterwards they sought to (10) be allowed access into some of the professions which they were not allowed into and I think also they cite the position where women were just restricted, they must just stay in the home, they must not participate in the life of those countries and then afterwards they say no we must also be allowed freedom, we must go to work, we must qualify for the professions and so on. That is what I understand what the paper is putting forward. I am sure I can actually pick up an immediate example here where, if one takes page 4, under the "Women in pre-revolutionary China", they say the following: (20)

"Women of the Chinese upper classes were cloistered throughout their lives, passing from the control of fathers to that of their husbands. They were housed behind high walls, never seeing the outside world. Peasant and working women were not so effectively cloistered as their labour was necessary but they were no less isolated or excluded. In an impoverished society subject to the ravages of drought, flood and famine the birth of a girl child was often lamented and infanticide was a frequent occurrence. Another frequent occurrence (30) was/....

was the sale of female children into slavery. Ideology also played the role of rejecting women as weak and passive ..."

And so on and so on. And then they will show that these are status of women which had positions which changed subsequent to that and it meant that the women had to pressure and ask or put forward demands that would improve their status. That is the thing they are talking about. Similarly with Zimbabwe where we can see that those are the examples which are put there. Maybe, in Zimbabwe for instance they say the (10) following on page 5, I do not want to read the whole thing but it is the third sentence, it starts:

"Marriages were arranged between the elders of the extended families who determined which marriages would best suit their family's end."

So that if I knew that accused no. 6 has got a shop and he is a bit more bigger, he has got a bit of means I might decide that no my child must not marry accused no.....

COURT: Why are you being so specific? -- Oh I am sorry. Well any of the other accused, because that one there he does (20) not have a bit of means here and there. So the extended family used women for its own ends, maybe to enrich itself, maybe for positions of status and so on. Now what this papers seeks to illustrate is to say look for these things to be improved while people are making demands for a new order to be established women must also put forward their demands which will improve their status. I understand the purpose of the paper to be that and I reject the suggestion of the State that the intention here was to suggest that our women must take up weapons and that they must become armed guerillas and so on. (30)

It/.....

It is true that some of those things are meant but those struggles had their own position and so on. We are dealing here with an organisation that is an affiliate of the United Democratic Front, of students who are daily, even now, in Turfloop and so on who are not carrying weapons and students read, they read all over, they read it and they read that. But it is clear what purpose they are trying to achieve here. And I think in the context of the UDF it is only correct that the interpretation is there, that should be accepted be the one that I am putting forward. (10)

MR FICK: Mr Lekota I put it to you that if one looks at EXHIBIT V.11. -- B.11.

V.11. -- V.11.

That is the transcript of the AZASO Women's Annual Congress, Women's meeting, Soweto 28 and 29 June 1984; it is clear that the audience understood these messages. -- On what basis, what shall I look at?

To include these messages to mean only one thing, that women must be engaged in a revolution in South Africa, that their liberation struggle is a violent struggle? -- No I deny all (20) that, where does it say so here?

Will you turn to page 2 of V.11. -- Yes.

Then you will see right at the top there is a song "Lead us Tambo, Lead us. Lead us Tambo." The next song they sang is "We entered Pretoria, we entered and there cried a Boer women" and they shouted "Oliver Tambo" four times. -- Yes, now we are going back to the question of the songs again. I attempted to explain to the Court here. You see the moment one attempts to be literal to start with, to be literal with these songs there is a definite mistake that would happen. (30)

Because/....

Because I have pointed out, I have tried to give examples here, where I have shown that these songs are part of a cultural activity that has been going on long before us. Many of them hold no meaning whatsoever. Who are these people who are singing here? These people who are singing here are students at Turfloop, at Wits, at the University of Cape Town. Day in and day out they are there, they have been born and bred out here and now they are singing a song like that. They are not trained guerillas for instance, and so on. But now we want to, the State wants to suggest that these people here (10) are going to, they are not even going to Pretoria you know. They are going round and round in the house there and they are singing there, and then the State wants to say no they are going to Pretoria to go and kill people. I have said here how about, for instance I took only the song Phesheyâ Komfula Sobaba nezingani zabo. I will write it down. And in taking that song I attempted to show that now it says "Across the river we will catch them with their children. But the immediate question that arises, if you sing that song and you are in Johannesburg which river are you talking about? Is it the Vaal triver, (20) is it the Tugela, which river is it? If you sing it and you are in the Free Stat which river is it? Is it the Caledon River or what river? Now you see we cannot take a song like this and attempt to make it a literal thing and I also even pointed out to the Court whilst these songs are being sung you will find they are being sung, some of the people who sing these songs are White people, people from the White communities, they are with us in those meetings and people sing these songs. They do not do anything to them, they do not begin to grab the next White man next to you and kill him. If one wants to (30)

take/....

take them in this literal sense then that is the kind of result we would expect to see happening. That is not what happens and it has been our experience ...

COURT: We have now had an occasion to look at EXHIBIT V.11 and we have strong doubts whether EXHIBIT AE.10 relates to EXHIBIT V.11.

MR FICK: I will leave it for the moment My Lord and come back to this at a later stage. Now I would like to refer you to EXHIBIT C.7, Volume 1. A document found in the possession of L. Meyer. -- I may just say that the first time that I saw (10) this document was when it appeared here in court as an exhibit. I do not know this document and to the best of my knowledge this is not a policy document of the UDF. I do not even know who wrote it.

It was found in the possession of L. Meyer. I put it to you that L. Meyer is Lucille Meyer who is a member of the Executive of the UDF in one of the regions. -- I think she became a member of the Border Executive some time in 1985. But of course you know she has a lot of other documents of her own which have nothing to do with the UDF I am sure. I also so (20) have many documents of my own which are not UDF policy documents.

Well I put it to you if you look at page 3 that this L. Meyer, or the person who wrote this document, was busy discussing the role of the youth in a democratic movement and the person referred to certain problems in the Border region of the UDF. -- Yes it refers to problems there.

And on page 6 ... -- I am sorry but I did not get clearly what is put to me ...

COURT: What are you, what is the point you are making Mr Fick?

(30)

MR FICK:/....

MR FICK: I put it to you that this document was written to explain the role of the youth in the democratic movement? -- That is what the paper says. I do not know the purpose for which it was written. I do not know who wrote it, under what circumstances. I do not know when it was written. But it is not a policy document of the UDF.

Well I put it to you that she was busy explaining how the youth in particular should be organised and mobilised in the struggle.

COURT: Well let us say that is true, so what Mr Fick? (10)

MR FICK: And I put it to you that what she is, what is stated here is in accordance with the policy of the UDF? -- No this is not the policy of the UDF.

COURT: Now, it is not entirely fair to put a document which consists of some, maybe 10 or more pages, it is 15 pages or 16 pages, to the witness and say this is the policy of the UDF. You must take out the exact sentence that you want to put to the witness and then we can have a comment on that sentence.

MR FICK: As the Court pleases. I will do that. I would like to refer you to page 8, the seventh last line, start there. (20)
It is under the heading "Organisation":

"You rally around the most basic, the most simple issues which face the particular group. Take a township situation for instance, you will find the youth here playing ball in the streets, no adequate recreational facilities are provided. You will find some of them leaning against toilet walls, hungry and lonely. Some will be gambling at street corners with huge knives protruding from their gatsakke, they are oppressed and they must be brought to the struggle before they join the reactionary and (30)
puppet/...

puppet armies out of desperation."

Now do you agree with what is stated here, do you agree it is in accordance with UDF policy? -- No, no not UDF policy. It is an observation. What this person here is saying is that sometimes in the township you will find loafers or for instance unemployed young people hanging around and they do not have anything to do, they are bored and then they have got their knives there, possibly thinking that they might start a gang fight or whatever. Priests, every Sunday if one goes to a church in the townships priests and church ministers preach (10) against, in almost the same way then they say now look this is what the young people are doing, they just stand here in the corner and they have got the knives and then they are planning to attack other people, or they are here, they are just drinking and doing so. These are observations of the conditions there and indeed I have also seen them myself and as I say I think I can think about many sermons when I have been to church and priests attempt to talk to these and they even say to parents something must be done about these children, we must find them something to do. For me it is just only, you know, (20) natural that a man of social conscience would observe a thing like that and comment about it. If he is a politician for instance in the townships it is one of the first things that he would observe. Some people have said no you know we must start football clubs. I know in Soweto there is an old man in Soweto there he is always starting small clubs there with small children. Just to keep them busy with something. And every Saturday if there is a match at Orlando stadium he referees those matches from about eight in the morning, match after match, just to keep them busy and so on. So these (30) are/....

are concerns which people observe there and see that. It is not necessarily UDF policy as such but it is an observation which we make of life in the township.

Is it UDF policy to mobilise and organise these youngsters for the liberation struggle? -- No. But if they are to be organised at all indeed the UDF must deal with their problems. It must deal with their problems, it must help to solve them, it must in fact, the UDF and its affiliates must see to it that young people who otherwise may end up just criminals, if it can organise them along constructive paths, (10) first as young people, then help shape them into mature and responsible citizens I think the UDF must do it because there is nobody else who is going to do it if our organisations are not going to do it. So that is why we have encouraged youth organisations not only just to be formed but to affiliate to the UDF and to participate in constructive action. Because otherwise they are just lost to us and they are lost to our society.

Now will you turn to page 11, the eleventh line, oh sorry page 14, no it is page 11 I am sorry. Page 11 the eleventh (20) line.

COURT: Are your pages numbered? -- Mine are not numbered, I am just

Will you start at page 9 and just number them. -- I just started from there.

MR FICK: The eleventh line:

"You need also to organise a lot of cultural activity, plays that depict say the effects of group areas and migrant labour, conscription and the Tricameral sell out, the pass laws, etcetera, etcetera. In your cast you (30) can/....

can include some talented members of the street gang. Give him a script on the floor of conscription, let him do the preaching against conscription on the stage, he will become the convert and you will have won a cadre and a host of supporters from amongst the audience."

Is that how UDF's activists mobilised and organised people for the liberation struggle? -- We have not taken any position to do anything like that. I know in some areas, like for instance in the Indian communities, some Indian communities, we have had people setting up plays here in the Transvaal and so on and (10) making performances of that nature. But I can almost say with certainty to the Court that the only play that I know around this is the one that was run by some younger fellows of the TIC. I do not know of any other throughout the country and I have been throughout the country addressing UDF meetings, or maybe also there was a play one time at the meeting of AWUDI(?) and so on. But that is about that. You see people have been pursuing these things anyway quite independent of us, these kind of activities have been carried on. I recall in my days as a student before I went to jail there used to be a lot of (20) plays people ran, TACON(?) used to have and so on. If one goes to Market Theatre here in Johannesburg there is just abundance of plays there, all of them depicting one aspect or other of South African life. This Mr Kente he is always writing play after play, how long, he had how long? Just recently he has got another one that deals in fact with the new dispensation. The big one, the Publications Board restricted it but they allowed it, it is going on. So it is something that we cannot even claim to have invented. It has been there long before us.

Will you turn to page 12 Mr Lekota. Under the heading (30)

"Discipline"/.....

"Discipline". The second sentence.

COURT: A very interesting observation in the first sentence, that people who are undisciplined play with a cat. What do you want in the second sentence?

MR FICK: From the second sentence:

"In the context of the struggle discipline cannot be confined to being good manner and always showing a friendly disposition. No it means a proper understanding of the task in hand, of what is to be done and how. It is an awareness that the ideal for which you (10) are prepared to die is abstract and can only be given concrete existence in you."

-- Yes.

"This means that wherever you are in whatever circumstances you reflect the aspirations of the oppressed, exploited and fighting masses of our people. That is discipline. "

-- Yes.

Is that in accordance with UDF policy on discipline? -- Well you know this is a general, it is quite a general pre-(20) scription on discipline. It could be said by a Chief in charge and so on. We would say, what we would say of course is that our activists must carry themselves in a manner that is in keeping with the thinking and the policies of the UDF. Thus for instance that we would not expect them to go around molesting people and pickpocketing, thus for instance we would not expect them to go around doing anything that conflicts with the policy of the UDF, such as burning down houses or attacking people violently that do not agree with our policy. That would be in conflict with the discipline or the policy (30) of/....

of the UDF. So for us discipline would mean keeping strictly to the policies of the UDF. I do not know what this man here exactly had in mind, whoever wrote this had in mind, but if he, what he is suggesting is that now the organisation to which they belong the policy is that they must behave according to the policy of the organisation. Then that is acceptable to me.

Now will you turn to page 15. The twelfth line from the bottom:

"It is therefore the responsibility of the conscious factor, it is the organised cadreship to direct this (10) mass anger in the interests of the ultimate objective of the struggle. The oppressor makes thing easy for the cadre for it is the oppressor himself who organises spontaneous uprisings by the masses. From time to time the oppressor must increase rents and bus fares without corresponding wage increases. From time to time he is going to keep education racialised and educational facilities for the oppressed ill and inadequate. He is going to remove and to resettle, detain, ban and banish. He organises energetically and without stopping the (20) factories, in the townships and in the rural areas. He is ever active and the masses respond in their own way. As a cadre the conscious factor, you cannot be taken by surprise, you integrate the spontaneous mass action into your overall tactical armour. This is an instance of discipline."

Is that in accordance with UDF policy? -- Well this is not a statement of policy of the UDF.

Is it in accordance with the UDF's policy Mr Lekota? -- Specifically what? Because here he makes an observation (30) what/....

what the oppressor is doing. And then he says that the conscious factor must not be taken by surprise.

Yes, and the activist, I put it the activist must integrate ... -- No he says the cadre.

The cadre yes, must integrate the spontaneous mass action into the overall tactical armour. -- Well in the first place even this language this man is using here, you know we talk about activists of the UDF, activist this and whatnot you know, now, and I do not know who wrote this, I do not know what this man has in mind here and I cannot say this is, this is not (10) UDF policy. I am content with that, it is not.

Now I would like to, but just for clarity sake does this correspond with UDF policy? -- No, no it cannot because it is not UDF policy.

I would like to refer you to EXHIBIT C.117, volume 7. This is undated document found in the offices of UDF, Johannesburg. The head office of Johannesburg.

COURT: Exactly how was that formulated?

MR FICK: UDF Head Office.

COURT: Head Office.

(20)

MR FICK: With the heading "Rural Organisers - Job Description".

-- What number did you say that is, I am sorry?

C.117. It is in volume 7 Mr Lekota. -- Yes.

Now can you possibly put a date to this document? Do you have it? Do you know this document, let us ... -- No I have not seen this document.

You have not seen it. Were any rural organisers appointed by UDF? -- Until my arrest, no.

Now I would like to refer you to the last paragraph under the heading "Overall Role":

(30)

"As/....

"As earlier outlined the rural organiser's primary task is to establish an organised UDF presence in the region. The rural organiser is a catalyst for action and his duties will include the following:

1. Organisation of mass meetings.
2. Production of media appropriate to the needs of the region.
3. The education and training in consultation with or with the assistance of the national office of emerging activists in the region." (10)

Before whose task was it to educate and train emerging activists in new regions? -- In the case of the Eastern Cape, as I referred in the workshop earlier on, we went there and did it. I cannot think of any other sessions elsewhere. I think maybe the regions would have organised where such need arose or invited people to some of their workshops or meetings. I do not know. I may just point that this document is incomplete as I see it. It does not even look like it was sent out. Possibly it was draft and never was completed.

COURT: Could I just ask you something about the bottom (20) description. It says here:

"Presidents: Oscar Mpete, Albertina Sisulu, Archie Gumede."

Then "Eastern Cape President", then "Border President". -- Yes.

But there is no reference to any other presidents. Are these all the presidents? -- At the time Oscar Mpete was not only national president but he was also Western Cape President.

Yes? -- Mrs Albertina Sisulu was president for the Transvaal and also national. Mr Archie Gumede was president for Natal and at the same time national. (30)

I/....

I see. That is why the Transvaal, Natal and Cape are not mentioned separately? -- That is correct.

Thank you, yes.

MR FICK: Now I cannot remember if you answered my question. Whose task was it, or job was it to educate and trade emerging activists in the regions? -- We did not have anybody special to do it. I have indicated that we did not have a national organiser. But where occasion arose and people had to be informed about the UDF and so on some of our officials would do the task. (10)

Which officials Mr Lekota? -- Those who would be at hand.

Of the national office? -- Whether national or regional, if they were available for the task they would have to do it. For instance if an organisation came from Bekkersdal or wherever and came to the Transvaal office and said look we would like to join the UDF it would be the task of the Transvaal region to find somebody who would take the official documents of the UDF, sit with those people, explain to them about the UDF and so on. That is what would happen and the thing is, the important thing is that those people would have to be informed (20) about the UDF so that they know and understand both its working, its policies, its documents, and then and only then they can then pursue the work of the organisation.

Why was it necessary to establish an organised UDF presence in the regions? -- Yes because you see that is what happens with any organisation. If the PFP wants to set up a branch or so in some region it will find a number of people or send some people there who will consult you know organisations, groups, individuals, until there can be a formation. So similarly with the UDF. Organisations operate like that and we (30) have/....

have never thought there was anything treasonable about it. We go into a region, if we find people we put them together, we explain to them this is the UDF, this is its policy, we would like organisations to affiliate etcetera, etcetera. You see, and then that is why it is necessary to have that.

And who organised mass meetings in rural areas? In the absence of a rural organiser? -- I beg your pardon?

In the absence of a rural organiser who organised the mass meetings in the rural areas? -- No but we can only organise a mass meeting in an area if we have some kind of (10) presence. We cannot do it if we do not have any presence.

Now will you turn to page 2 of the same document. It was the task of this man, referring to paragraph numbered 5, this rural organiser, the identification of issues to advance a UDF presence and/or give rise to the formation of organisations. -- Yes.

Now whose job was it to identify issues to advance UDF presence in the absence of a rural organiser? -- No if we sent, if we sent somebody to an area or if we have an organiser that does a job quite evidently when he gets there he will look (20) at the situation. We did not have anybody special going around and doing that kind of thing. We do not do it just for its own sake. If you come to a community what are you going to do, you are going to talk about the issues that affect the community. When you are there you can then decide or if you are given that task.

Well I put it to you that UDF identified issues for the sole purpose to advance UDF and its policy and its role in the struggle, and not for the purpose to solve the issues? -- I deny that, we did not have any project of going around the (30) country/....

country just identifying issues for their own sake and so on. And we never had any, went out to identify issues and then for the purposes that the State is putting to me, I deny that.

Now how do you explain paragraph 5 then, "identification of issues to advance a UDF presence"? -- If you, this year, the documents says that it is a job description. If somebody was appointed it would be his task to go to some areas where the UDF was not organised and if he was going to organise for the UDF there such a person would then have pursued issues, matters such as this one, consult the communities or observe those (10) communities or go to organisations which are there and organise those organisations or people there. It does not say that we did this. It says that now we need somebody who can assist in this kind of thing because there were many people, we received letters from various areas where people asked "We would like to join the UDF, how do we go about joining the UDF". Some of them wrote letters to The Sowetan, some of them wrote letters to the City Press and so on. So it became quite clear for us who were observing the progress of the growth of the UDF that it is necessary that the UDF must be able to have people who (20) can attend to those tasks. That is the only reason, there is no other, there is nothing hidden about it and there is nothing sinister about it.

Was it UDF policy to identify issues? -- We have never taken such a policy position.

Was it practice of UDF? -- I think in the ordinary practice anybody who set up an organisation or anybody would do that type of thing.

COURT: Well is the answer then yes? -- Yes, that when we organised we identified issues. (30)

Yes?/....

Yes? -- Yes.

ASSESSOR (MR KRUGEL): It is plain the answer is not no.

MR FICK: Mr Lekota another subject now. It is still part of the proposition that I started with that the ANC and the UDF are working together and the UDF is the internal structure of the ANC. I put it to you that the ANC popularises the UDF and the ANC may call on the masses to support the UDF inside the country? -- I deny that the UDF is an internal wing of the African National Congress. The UDF has never mandated the ANC to campaign on its behalf nor indeed are we aware that the (10) ANC has undertaken such a task on our behalf. We have no knowledge of what calls it has made on the masses of the people of South Africa. As far as I know the ANC is banned and it may not be quoted in this country. I have not read a statement in the newspapers where it has said that, barring the statement that, the one statement that was allowed by Mr Le Grange late in 1983 after Johnnie Makhathini had made an address, had addressed the Commonwealth in Delhi, India. Barring that statement which was specially permitted by the Minister and which, on which we issued a statement and made (20) clear our position that we had no linkage with the African National Congress.

Was it a general press statement you made? -- Was it a general press statement?

Yes. -- It was specific to the issue. I specifically addressed, I replied to that specifically.

Yes but was the press statement ... -- I made a press release and it was covered by many newspapers both at home and outside the country.

You never wrote a letter to the ANC and told them to (30)

stop/....

stop this practice? -- No, no, you know if we could have written a letter to the ANC that would have been further evidence against us here right now. We did not do anything like that.

No Mr Lekota not if you write a letter and tell the ANC to stop pressing you. -- No we did not, we did not. We have not, we have never written the ANC but just as we heard about the activities over the newspapers we made clear through the papers that there was no link between us and the African National Congress, and that statement has been submitted (10) to the Court.

Well I put it to you that the ANC

MR BIZOS: My Lord it may be of assistance that the witness is referring to DA.65.

MR FICK: I am not going to refer to a number of ANC documents. With the permission of the Court I should like to put certain statements to the witness from ANC, one ANC document.

COURT: Well you must do it your way Mr Fick, as long as we have progress.

MR FICK: As the Court pleases. My Lord can we refer to (20)

EXHIBIT AAG.1.

COURT: Have you got no copy? -- No.

You can use mine in the meantime.

MR FICK: I would like to refer you to EXHIBIT AAG.1. It is a publication Dawn, Volume 7, no. 8 1983. It is the journal of Mkhonto we Sizwe. Will you turn to page 2? The pages are numbered at the bottom? -- I may just say that these publications have never been available to us, the UDF. As far as I know the publications of the ANC are not freely available in the country. The first time I have ever laid my hands on (30)

this/....

this document is when it was brought against, it was brought to the court as an exhibit. So it is for the first time that we hear in this case that the ANC has also been writing about us.

Now on page ... -- I am sorry but I may also say that we do not know how they got information about the UDF and all these photos which appear here.

Is the photo you are referring to, is that the photo on the cover? -- Well this is the one photo. I do not know whether, it does look like a photo or maybe it is a drawing (10) but, well either it is a photo or it is a drawing. I do not know, we have no knowledge of how they could have obtained these things.

And do you know where they obtained the logo of the UDF? -- I have no knowledge of any kind of how they got all these things and I am sure the UDF does not know also.

Now on page 2, I put it to you under the heading
-- Page 2?

Page 2 under the heading "Milestone":

"The birth of the United Democratic Front on August (20)
20/21 at Mitchells Plain at Cape Town marked a milestone in the struggle of our people against apartheid tyranny." That is the view of the ANC. Then ... -- You see the other thing is that the national launch of the UDF, and of course even many of its meetings, are widely covered by many international newspaper agencies and so on. So they are also reported widely abroad you know. So they may, I do not know, they may buy these things or they may obtain them from some of the reports I do not now.

Now on the same page the third paragraph from the top (30)
is/....

is the paragraph that starts with the words "These are attacks not only", do you have it? -- Yes I have it.

And in that same paragraph but more or less in the middle it is stated:

"It is therefore the duty of all genuine patriots and revolutionaries to throw ..."

ASSESSOR (MR KRUGEL): Patriots?

MR FICK: Patriots.

ASSESSOR (MR KRUGEL): Patrons?

MR FICK: Patriots, "Patriots and revolutionaries to throw (10)

all their weight behind the UDF, an invaluable weapon to frustrate the enemy's offensive."

You find that? -- What is being put to me?

I put it to you that the ANC is working hand in hand with the UDF and it calls on the people to support the UDF inside this country. -- Well I do not know, if you know this call was made to the people here in the country, I do not know whoever received this document and read it and therefore came to join the UDF. As far as I am concerned the people who have supported the UDF and who have joined the UDF have done so because (20) we have campaigned for their support. These documents are not freely available in the country and the ANC may say anything it wants to say abroad you know, we have no control over it. But I deny that there was any understanding or agreement between the UDF and the ANC to campaign for us.

Well on the same page, the third last line, will you start there:

"We are called upon to sharpen our spears and intensify the war against the racist regime. Only by doing so shall we create a favourable climate for the flourishing (30)

of/....

of the UDF and the overall advance to the seizure of power. Herein lies to a large extent the success of the fight against the constitutional proposals and the Koornhof Bills."

-- We have never entered an agreement with the ANC to do all these things that are said here and our activities have always been carried out independently of what the ANC was doing, especially because we did not even know that this thing here that is being read in this paper had been written or had been said by the ANC. We did not know about all that.(10)

Now on page 3, the second paragraph, under the heading "Some Thoughts on the United Democratic Front":

"Today the United Democratic Front is of crucial importance to all democratic forces in South Africa. This importance lies in the urgency of revolutionary change and the absolute necessity of involving the greatest number of our people in the liberation struggle."

Now I put it to you this is precisely what UDF is doing, to get the greatest number of people involved in the liberation struggle? -- We have of course been campaigning to get as much support as we can but that is the practice of any politician and any political organisation. Temba Moodie(?) tells us about how the Nationalist Party in the early 40's went into trade unions, went into schools, went everywhere organising Afrikaner support behind the Nationalist Party and even going so far as to form the FAK, the Cultural organisation and so on. Pulling them together. Which is a political party anywhere today that can organise in a democratic process and does not seek the greatest amount of support. The Republican Party (30) today/....

today in the United States is getting ready for the elections, they will put a lot of money in advertisements persuading people to support themselves. So too with the Democratic Party in the United States. That was the position in May when the parties were campaigning in our country. The National Party, it went everywhere, the PFP went everywhere, pulling support behind themselves. Why should it be a crime when the UDF seeks support? Why should it be wrong?

Mr Lekota the UDF is not a political party, it is an extra-Parliamentary (10)

COURT: Well that aspect I think we can debate on Tuesday, whether it is or is not a political party. We would like to take the adjournment a little earlier because of another commitment My Learned Assessor has. Would it inconvenience you to take the adjournment now?

MR FICK: Not at all My Lord.

COURT ADJOURNS UNTIL 22 SEPTEMBER 1987.