

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-22

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 22 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

MR BIZOS : My Lord, there is just one other thing that we want to bring to Your Lordship's attention. Your Lordship will recall that Mr Kevin Harris should be cross-examined at the end of this witness's evidence, because we were then informed by him that he no longer had to go to this trip overseas that he projected. What happened at the end of last week was that he was urgently called to the United States because there were technical problems in relation to the film that (10) he was supposed to go but did not go. He went off and will be away for about a week or so. In view of the uncertainty of when Mr Lekota is going to finish, with Your Lordship's leave, we would ask Your Lordship to allow us to call the next accused, which is going to be Mr Chikane and finish the accused before we consider the recall. I have indicated this to My Learned friend and I understand there is no objection.

COURT : We must meet Mr Harris's convenience.

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, Friday, we stopped at page 3 of EXHIBIT AAG1. That is a Dawn Publication, a journal of Umkhonto we Sizwe, volume 7 number 8 1983. Would you agree that the UDF is not a political party? -- It is a front.

It differs from political parties in that it is opposed to the government and constitutional ways of objecting to government principles?

COURT : Just a moment now. I can think of political parties who are also opposed to the government. On what basis do you say it is opposed on that basis - it is different on that basis?

(30)

MR FICK/...

MR FICK : UDF does not partake in any constitutional processes in opposing the government? -- No, the difference between a front and a political party is that a political party is a unitary organisation. A front in this context is a combination of organisations and it is true that the UDF is an extra-parliamentary organisation, but it is untrue that it does not pursue constitutional matters. The very fact that it calls for a national convention is because of its commitment to peaceful constitutional methods of resolving the problems of our country. (10)

Will you please turn to page 4. The paragraph under the heading "The national liberation movement and the UDF." I am not going to read from the beginning, but "In 1978 the ANC advocated a political program which elaborated on the forms of struggle to raise our offensive. On the basis of this program the masses formed their own political organisations. This initiative culminated in the historic anti-Republic campaign in 1981. On January, 8 our President Comrade Oliver Tambo called on the people to form a United Democratic Front for national liberation to engage the (20) enemy at all levels in united action. Our role as an advanced contingent of this offensive should be to strengthen all the forces for change. The UDF is a powerful weapon in the national liberation struggle in reality. In the UDF one can see the political and social edifice which also determines our forward drive to victory, hence the ANC is obliged to support its UDF's actions politically and organisationally. The ANC must strive to encourage the people to support and participate in the activities of the UDF. Our ideological work must be able to determine the behaviour and activities of (30) the/...

the people at all times." I put it to you, from this it is clear that the ANC initiated the establishment of a united democratic front? -- I disagree entirely with that.

I put it to you further that the ANC works hand in hand with the UDF in the liberation struggle? -- I deny all those assertions. I think there is nothing here so far from what has been read by counsel which says that the ANC said that the UDF should be formed and secondly, we in the United Democratic Front are not in a position to know what the plans of the African National Congress are. We were not consul-(10)ted about these intentions of the ANC. It is the first time in fact that we hear that this is its intentions and this is what it has to say about the UDF here and it does say in fact that the ANC is obliged to support its actions. It does not say that we have agreed with the UDF that we will support them organisally and politically and we on our part are unaware, we have never had any co-operation with the ANC, we have not received messages from the ANC to say "Look, you must do this and we are going to do that." I deny that allegation that there was any co-operation between us and(20) the African National Congress. I think we have heard here, even on the question of the formation of the United Democratic Front - we have heard a lot of evidence here of how many people made calls for the formation of a front long before the UDF was formed. The documents of the UDF which had been brought here by the State indicates clearly that the UDF was formed following the call that was made by Dr Boesak. That is what we have always known, that is what I have always known, that is what I have gone around the country telling the people and that is the only truth I know. It(30) is/...

is the first time that I hear in this trial that it was the African National Congress that made such a call. So, I deny this allegation entirely. There is no basis for it.

I would like you to turn to page 6. -- And may be, just before we go on, I may also say that I notice that this article that counsel for the State is referring to is written by somebody called Zaiks Khulu. This is a name that I have never heard before. I even do not know whether this man is an official of the UDF or whatever his position may be in the ANC, whether he is a member of the ANC. (10)

I would like you to turn to page 6 the last paragraph. Not the whole, I will read the second part "The Argus correctly shows that an order to master the dynamic situation developing in our country, we must work out a political program ... (Court intervenes)

COURT : Just a moment. You must remember, Mr Fick, that you have taken my only copy. So, I do not what you are talking about.

MR FICK : The writer is referring to an article written by Comrade Amos Aluku entitled "Mastering the art of winning(20) victory." "The Argus correctly shows that an order to master the dynamic situation developing in our country, we must work out a political program which will be geared towards producing political organisers, propagandists and aggitators who will give solutions to the day to day political problems aggitating our people and chart the way forward to the revolutionary seizure of power from the oppressors and the exploiters. The basis of that program would naturally be lectures from our pre-colonial history, wars of resistance, history of our liberation movement, theory of the South African (30) revolution/...

revolution and the basics of Marxism, Leninism." I put it to you that the history of the ANC was propagated at the mass meetings of the UDF as part of the program of the ANC? -- That is completely untrue. The history of the people in this country, of the African people in this country, is not a special property of the African National Congress. It is the property of our people. It is our history and we are entitled to comment on that history. We are entitled to discuss it, because there is no other way in which we can understand our present position without going into the background (10) of communities. We had no instructions from the African National Congress. I have said earlier on, that various communities and people in various countries in fact have constantly gone back on the history of their own people in order to move forward as early as 1913 in Stellenbosch. Tobie Muller delivered an important lecture to the Afrikaner students at Stellenbosch, explaining why it was important for the Afikaners to go into their history, to understand how their community had come about and he made the point quite clear, not so that they must seek revenge for what (20) ever might have happened to them in the course of their history, but because the sufference, the goals and aspirations which their people had stood for, were very important to inspire them forwards. It is from that history that they could learn and they could gain inspiration to go forward. We are not different, unless of course we are regarded as animals. We are human beings as well. Our own history, the history of Gubusane(?), the history of Sol Plaatje, the history of all of the leaders of our country, is a source of inspiration for us. Luthuli sort of inspiration for us (30) who/...

who are we without a history, as Tobie Muller has said, a nation who has no memory amounts to naught. If you do not have a memory, if we do not have a history, we are nothing. You just have to look at Moodie and the rest of the Afrikanerdom and look at how much of the history of the Afrikaner people he raises he picks up. Slagtersnek, Die Eerste Vryheidsoorlog, die Tweede Vryheidsoorlog and all of those. The sufference of the Afrikaner people in the concentration camps. Why should we be ashamed of our own history? We must look at our own history and learn from that history. It (10) is from there that we gain the inspiration to face the future and to face the reality in which we find ourselves. I deny that it is the ~~Afrikaner~~ National Congress that gave us the instruction. I make bold to say indeed that the history of the African National Congress has been referred, amongst others and principally by myself. I have referred to that history. I have referred to the history of the Non-European Unity Movement, I have referred to the history of the Afrikaner people itself. I have referred to the English section of our country, not on the instruction of the (20) African National Congress, but because it is only on the basis of that background that the present can be understood, that the people of our country can be reconciled and that a clear path forward can be taken. This whole thing about that it is the ANC - we never received that document. This is the first time that I see these remarks here and if I went out of here tomorrow and I was acquitted in this trial and so on, I would find no reason why I should not continue to refer to the history of my people to find inspiration to confront the problems of our country. I have also (30) referred/...

referred to the history of the national convention in 1910. I have referred to the 1913 Land Act and 1936 Land Act. All of that history explains the present. You cannot understand the homeland system for instance if you start with the 1913 and 1936 Land Act. How is one to explain the fact that our people refuse to serve in these structures if you do not know that the native Representative Council failed our people when they began with very high hopes and all the leaders of our people went into it. How are we to explain those things? We must go into that history. How are we to explain the (10) fact that separate development came in against the will of our people if we do not go into that history? How do we explain Bantu Education? It is only if we go into that history to know what has happened, that we can understand the present. Not on the instructions of the African National Congress. Even if the ANC was not there, they would still do this. It has been told in the homes, we tell it in the evenings when we tell it to our children, tell our grandchildren, our grandfathers tell us the passes, how they came about and what they have done to us. I deny (20) that the ANC gave us the instructions. I say that it is the experience of my people under the apartheid laws which have been involved over a long period of time, that has led to the present situation and it is on that basis that we pick up that history. I will give you some more later.

COURT : If you are asked for it. -- Yes.

MR FICK : Will you please turn to page 27. It is part of an article with the title "Straight talk, the spirit of united action." The paragraph below the picture. "It brings to mind the instructive dictum. The challenge mounts with (30) each/...

each advance. Already the UDF has the backing of more than 400 popular organisations and the support of close to a million people. Yet for victory we need the conscious support of the millions of the oppressed, the crying need for an unabated drive for drawing more people into UDF fold for mobilising and recruitment into the ranks of the revolutionary vanguard and its fighting arm Umkhonto we Sizwe remains."

I put it to you that UDF - the ANC sees it as part of its task to support the UDF to urge the people to join the UDF with the sole purpose to further the aims of the ANC? -- (10)

In the first place we have never and I have no knowledge of the members of the UDF of people who joined the UDF whoever received this document or ever heard that the ANC has said this. So, I deny completely the fact that there was an agreement between us and the ANC to recruit for us. The UDF has always done its own work. It has always organised for itself and that has been the position. I do not know that these publications are freely and as far as I know these publications are lawfully distributed in this country. This sentence, if one looks at it, is actually talking about (20) drawing people into the revolutionary vanguard and fighting Umkhonto we Sizwe. That is recruiting people for the ANC. The UDF has never not in one meeting ever said to the people go and join the ANC. I made the point last week. We never said to people they must go and join the African National Congress or join Umkhonto and so on. On the contrary what we have said was that people must join the United Democratic Front, help to persuade the government to call a national convention, so that the armed conflict that we see growing in our society should be terminated. That is what we have said. I have (30) said/...

said on more than one occasion if our people are given an opportunity for a constitutional process that would bring about a new constitution, that reconciles the people of the country, that the whole basis upon which this conflict is going or will end, that people will not abandon a path of they are given a path of constitutional resolution of the problem. They will not leave that and choose any other thing. It is because of the frustrations of apartheid. The African National Congress itself was persuaded to take up arms and to get rid of that. Let there be a national(10) convention. The people will not have any need to take up arms.

I put it to you that both the UDF and the ANC declared that they stand for a united non-racial democratic South Africa? -- That much I know the UDF has said. I do not know what is counsel's basis for saying the ANC says that, but may be if one goes by the Freedom Charter to which the African National Congress also subscribes, then it may be contended that they too believe in one united South Africa. We certainly stand for that. We do not want any Bantustans(20) and all that type of thing here.

I put it to you that there are no contradictions between the provisions of the UDF's declaration and the ANC's policy document, the Freedom Charter? -- First of all, the two documents are not the same. They are quite different. There are of course similarities here and there within the document, but the declaration of the United Democratic Front is a pronouncement specifically against the new constitution act. It deals specifically with that. Where the Freedom Charter presents an alternative order of society, of course now the(30)

UDF/...

UDF has, as I understand it, adopted the Freedom Charter, but so has the National Union of Mine Workers, so has the National Union of Metal Workers of South African, NUMSA, so has the Congress of South African Trade Unions and many other trade unions and many other organisations. The fact that the UDF may have adopted a document like that or may say similar things, does not make it a baby of the African National Congress or a co-conspirator.

I would like to refer you to EXHIBIT C97 volume 6. This was found in the offices of UDF Johannesburg. It is (10) a document with the heading "Freedom Charter Workshop papers 1985." I would like you to turn to page 34 "Forms part of the proposals for a Freedom Charter campaign emerging from the workshop held on 20 January 1985 in Johannesburg." "D. The Freedom Charter campaign and the UDF. UDF being a front can co-ordinate or spearhead this campaign. However, two points must be made. (1) There is no conflict between the Freedom Charter and the declaration of the UDF." -- It says there is no conflict. It does not clash. It does not say that they are the same. (20)

"(2) the charter is a great document that has emerged from mass struggles of our people and the congress of people stands up as the most representative gathering of our people." Is that UDF policy? -- It is not. This document is not a document of the UDF. I said that last week.

"It is for this reason that UDF should play a supportive role and also bless the campaign." -- Yes.

Is that in accordance with UDF's views on the Freedom Charter? -- No, no, this document is a document drawn up by some people who constitute affiliates of the front. (30)

This/...

This is not a document of the UDF. So, these are not the words of the UDF. This is not the policy of the UDF. This is the opinion of these affiliate organisations which were meeting here and I may perhaps say to the Court that there are so many things about our society which are common to the UDF and the ANC and NEUM and may other organisations. For instance, the ten points program will say specifically that there must be an established democracy in our country. So too the Freedom Charter. So too the declaration of the UDF. To attempt to say that because the UDF has said that there (10) must be democracy and that the Freedom Charter says there must be democracy, therefore - it is a mistaken, it is a very wrong approach, because it wants to suggest that only the UDF and the ANC have spoken about this. Similarly, on the question of the pass laws, on the question of the land and so on, these various groupings and so on, have expressed rejection of apartheid. It is not only the UDF and the ANC and to attempt to suggest that only the UDF and the ANC have said apartheid is wrong and therefore there is a conspiracy, is false basis I must say to the Court. It is not correct. (20) Similarly, the UDF has said that all people in this country, Black and White must live together in peace. The congress organisations have said the same thing, but so has the South African Council of Churches which is not affiliated to the UDF and which is not affiliated to the ANC. So, has the United Congregational Churches of South Africa said. Many other organisations have said that, including at a time, the government itself has made statements to say that people in this country must find a way of living together in peace. They are not in conspiracy with the ANC. Why the State wants to say it is (30) wrong/...

wrong for the UDF to say the things which everybody else is saying, I can never understand and I think that there is a failure to comprehend the fact that we are, in the UDF, a product of South Africa. We must also talk about the same problems which are there in South Africa and we will say the same things, if they are right things. If the government for instance says that theft is something wrong, we in the UDF cannot say it is right. We say it is wrong, but we are not in conspiracy with the government. It is wrong to steal. The churches are also the same thing. But they are not in(10) conspiracy with the ANC and we are not in conspiracy with the ANC. We have made our own judgments of our own and I think the State must penalise us for our actions as independent and mature and responsible people who can make up their mind that this is right and that is wrong. Professor Matthews spoke about this as early as the fifties. People in this country and mostly our White compriots have been in a position where we have been pushed from this post to that post. Whenever Black people or African people more specifically, if they say something that the government or its supporters(20) do not agree with, then somebody must have told us that we must say that, because people are used to pushing us from pillar to post. So, that they cannot think that we can think of our own, just simply it is good to build a house and then when it is raining and you are inside it, it is not going to rain. We are not expected to have that intelligence.

COURT : You need not simplify it so much. We can understand English. -- Thank you.

MR FICK : I put it further that both the ANC and the UDF accepted the principle that the masses are indispensable (30) to/...

to the liberation struggle. -- I do not know if the ANC accepted such a principle. We in the UDF, however, believe that what is going to be done in this country must be done on the basis of the support by the majority of the people of this country and that of course includes Black and White masses of the people of the country. They must vote and on the basis of the majority of what they say, that is what the government must do.

I want to refer you only to one document in this regard. EXHIBIT J3. This is a document with the heading "Input (10) at NEC of 10 to 11 November 1984 on political aspects of front." Will you turn to page 2 paragraph 2.2 "Our view. The masses are the makers of history. They must become active participants in the struggle. Without this there cannot be any successful victory. It therefore becomes imperative to evaluate our organisational activities in such a way that we draw the maximum participation of the broad masses through mobilisation, education and by mapping out in clear terms the need for unity to reject attempts by the enemy to divide our forces on racial lines." Is this UDF (20) policy? -- This was November 1984. I was not present at this meeting because I was in detention at that time. I do not know whether this document was accepted or adopted or what happened to it. But let me perhaps just say to the Court that I have already made the point about the fact that we rely on majority support and that the only way in which we can justify our position to the government and so on is if we can win the majority of the people. So, it is important for us of course to win much of the people to support the United Democratic Front. Secondly, on the question - it (30) does/...

does say that we must evaluate our organisational activities. I suppose that is with the purpose to strengthen the organisation, but on the question of unity, it says that we must - there is need for unity and to reject the terms, to divide our forces on racial lines. I may just say to the Court the call for unity indeed goes further than the turn of the century, but even more, may be I may just take specific examples. I have dealt with the question of the All African Convention of 1935 when the Hertzog's Bills were introduced and people pulled together all the organisations. So, we in(10) the UDF were not really doing anything new, because these things had been done before us, but as early as 1943, the late Advocate Bennie Kies, I think B.M. Kies, in calling for the formation of the Non-European Unity Movement made a call for maximum unity of the oppressed sections of the population and it is a very celebrated call that he made because it was that call that led to the formation of the Non-European Unity Movement. As early as 1946/47 the African and Indian organisations came together in what has come down to be the doctors pact. When they came together and they (20) signed a pact of co-operation against apartheid, led by the respective organisations - the South African Indian Congress and the African National Congress. In the early fifties, 1951 when the government was about to get rid of - to remove the Coloured people from the voters roll, pallet organisations were pulled together by leaders in that community and they set up what came to be known as a franchise Action Council. FRAC. Similarly, the call for the congress of the people can be seen as a call for unity, because it pulled organisations from Africans, Indian, Coloured and White communities(30) together/...

together at the congress of the people in 1955 at Kliptown where represented organisations of various groupings met there to set it up. Various calls have been made subsequent to that by various leaders within our communities, even in the White communities by the way. There have been various times when Afrikaner leaders themselves have called for unity in the thirties and the forties. One has the movements that took place within the Afrikaner community at the time when the slogan was Volks Eenheid and they tried to pull together all organisations within those communities. (10) So, we have inherited a rich tradition from African communities, Indian communities, Coloured communities, White communities for the need for unity in order to resolve problems. So, one can see that we have actually learned about this from across the political spectrum of our country. To this day, the State President constantly is making a call that South Africans must stand together. In the election for instance in May they had all kinds of publications. "Saam Staan - Saam Wen." All those slogans calling for unity are not peculiar to us. They are not revolutionary. They (20) are accepted political tactics which are common to everybody and the UDF is no exception.

But there is a difference. It is not common to all organisations. The call of UDF for unity is to get the people united to overthrow the government? -- No, no, that is not the position. You should have been at the national launch of the UDF. There the call was made that the government must be persuaded to call a national convention. That is not overthrowing. We have repeated that time and time again. I have submitted exhibits here to the Court of statements (30) that/...

that I have made, business people, public organisations, public meetings when I - on behalf of the UDF, not on my behalf. The policy of the UDF is that there must be negotiations. The government must release the leaders of our people from prison. Sit down with them in discussion to find a new constitution to the country. That is all the UDF is saying. This whole story of overthrowing the government is news to us. It is the creation of the State. We do not know about it.

UDF tried to unite the people for extra-parliamentary(10) opposition? -- Even if we wanted to go and sit in parliament, we cannot go and sit in parliament. We did not exclude ourself from parliament. When the 1910 act was drawn up, we were exluded and there has been generations of our people who have tried to get into that parliament. We are still trying. That is why I am here also, because we want to go into parliament. We want to be there and go and make the laws. We have been denied. We can only talk from outside parliament, because we have not been allowed to go and sit in parliament. (20)

I put it to you that only since 1978 the ANC propagated that the masses must be mobilised and organised to partake in the revolutionary struggle and it is only then that the ANC started? -- From my reading of the history of this country the ANC has campaigned for mass participation in the struggle for political rights since it was formed in 1912 and to the best of my knowledge the idea that our people must join organisations and struggle for their political rights, goes further to 1912. It goes back at least to 1882 when Imbuyamanyama(?) was formed which was (30) formed/...

formed, which was the first African political organisation. It is not a special privilege of the African National Congress. They come afterwards when there are other organisations which have said so and in any event internationally, we have learned of struggles of people elsewhere in the United State and everywhere else. Long before, people were already calling on people - when the Americans for instance wanted independence from Britain, they had to get all the citizens of the United States under the leadership of George Washington. We know about that and that is how the American constitu- (10) tion now, the oldest written constitution, that is how it came to pass. There is no discovery as far as I am concerned that the ANC made about mobilising the masses.

I put it to you it is only since 1978 that they started to propagate that the masses should be mobilised and organises to partake in the revolutionary struggle? -- Well, I do not know about the role - I know that the ANC as early as the fifties people like Professor Z.K. Matthews were making similar calls. People like Chief Luthuli were making similar calls. NEUM, the Non-European Unity Movement at its (20) formation, the call was made there. In 1935/36 the call for the masses to be involved was made there. The people who contributed the moneys that took Sol Plaatje and others abroad and which took the earlier delegation of Gubusana under the leadership of Olive Schreiner. It was the masses which had to contribute to go there. They had to participate and contribute half-crowns for the treat of the leaders to go and complain about the fact that we were not included in the constitution. What happened in the ANC in 1978, I do not know, I was in jail. I was serving my prison time (30) there/...

there, but I deny that it was their discovery. We did not get the idea from them. The idea is just old.

In this regard I would like to refer you to EXHIBIT AAE31. It is the Sechaba of March 1984. This is part of an article with the heading "Residential statement. The dream of total liberation of Africa is in sight. President's message for 1984. Will you please have a look at the first paragraph on the first column. -- Should I read it?

Please. -- "There are four pillars of our revolution. Our revolutionary struggle rests on four pillars. These (10) are first the all round vanguard activity of the underground structures of the ANC, second the united mass action of the people, third our armed offensive, spearheaded by Umkhonto we Sizwe and fourth the international drive to isolate the apartheid regime and win world wide moral political and material support for the struggle." I may just say to the Court that it is the first time that I see this document here in court, that these four pillars that I have been talking about here, are news to me, they have never featured in any of the councils of the UDF and we do not have any (20) pillars that we have ever spoken about. This has nothing to do with us definitely.

I put it to you that UDF was established to carry out the mass organisation inside South Africa as the ANC was banned and could not operate inside the country? -- I do not know where counsel gets that. The documents of the UDF are here. There is not one document that says that. All the documents of the UDF will state, as I know also, that the UDF was formed to express our people's opposition against the new dispensation and to that extent the UDF took a decision(30)

to/...

to call for a national convention to peacefully resolve the problems of our country. This whole thing that I hear from counsel is completely new. The UDF does not know about it and I do not know about it myself.

While we are busy with EXHIBIT J3 will you please turn to EXHIBIT J1 the third page, page 3. It is the minutes of the National Executive Committee meeting held in Johannesburg on 10 and 11 November 1984. I would like to refer you to paragraph 4.1 on the declaration of the Freedom Charter. Paragraph 4 "Out of discussion on the paper the following (10) agreements were reached. 4.1 The declaration of the Freedom Charter. The two documents are not incompatible. However, the Freedom Charter is a document of far greater stature. Organisations which have adopted the Freedom Charter should campaign for this document. It would be unwise for the front per se to adopt the charter at this juncture. This does not, however, preclude this position from being later achieved." -- What is being put to me?

I want to put it to you that this is the policy of the UDF? -- Well, I was not at this meeting but as appear in (20) the official minutes - I do not know what deductions counsel wants to make on the basis of this paragraph. I may just say I also wish to explain to the Court how I understand this. First of all it says that the two documents are not incompatible. By that I understand that the UDF declaration stated clearly that it is opposed to apartheid, it rejects apartheid and I think that is assumed to be the position also with the Freedom Charter. However, whilst the UDF declaration merely talks about the fact that it rejects the new constitution and it has put forward the reasons why (30) it/...

it does not accept it and so on and so on, it does not in details, spell out an alternative social order in the manner in which the Freedom Charter does. So, in that sense they are not incompatible. Indeed, as the UDF declaration says that it wants a unitary South Africa, so the Freedom Charter is committed to uniting the people of South Africa as I understand it. So, the two documents are not compatible, but the minutes make it quite clear the task of making the Freedom Charter or popularising the campaign for the Freedom Charter is not the task of the UDF. That is the thing (10) that must be done by the affiliates which subscribe to the Charter, not the UDF and thirdly it says that the UDF, it would be unwise for the UDF to adopt this document at that point in time precisely because there were a number of organisations affiliated to the UDF which did not subscribe to the Charter and the easiest way of alienating them, of driving them out of the way of the UDF at that point in time was to adopt that program, because if they had their own programs and they did not subscribe to the Charter, they would leave the UDF. Such a step would weaken the United (20) Democratic Front. There is no mystery about this. That is all it says. At a later stage, if all the affiliates move to a position where all of them feel they are willing to - they understand the Charter and they accept it and so on, then it may be adopted, but we could not take a step which would weaken the UDF. That may have been the position today.

Was that not the purpose of the campaign to popularise the Freedom Charter so that the organisations later could accept the Freedom Charter? -- Well, I was not part of the committee that popularised the Charter, but I would assume (30)

that/...

that the purpose of popularising the Charter is to get more people to support it. Although I was not part of it, I did not ask those chaps specifically now what it is, but I assume the purpose would be to persuade other people to adopt it. What they did and to what extent I do not know.

Did UDF bless the Freedom Charter campaign? -- It says here I would be unwise - it says here that the organisation should take it up. The minutes are here.

Did UDF support the organisations? -- I seem to recall that at some point or the other the Front said that it could(10) do so, but I do not know what it did. I do not know whether in fact it did support it and if it did support it, I do not know what it did specifically.

Will you please look at EXHIBIT C1. Will you please turn to page 3 of the handwritten version. -- First of all, it is the first time that I see this document in the court. I do not know this document.

I put it to you it is a handwritten version of J3. Can you tell the Court whose handwriting is this? -- I do not know. I have just told the Court this was on 10 and 11 (20) November. I was in detention for a number of months already at that time. I do not even know if this document was adopted as an official policy document of the Front.

I put it to you that EXHIBIT J3 and C1 is the same document and I put it to you that EXHIBIT J3 was adopted by the UDF and it was discussed at the NEC meeting on 20/11 November 1984? -- The minutes do not say that this paper was adopted. It says here - J1 says here that out of discussion on the paper. It does not say that it was adopted. It says certain decisions were taken when they were discussing (30)

this/...

this paper. This paper may have facilitated discussion. It is not necessarily the policy of the Front. It is not necessarily adopted.

Can you refer the Court to any passage in EXHIBIT J1 where it is stated that EXHIBIT J3 was rejected? -- There is no passage which says it was adopted.

Are you not prepared to answer the question? -- I am answering the question. I say here, there is no passage here which says it was rejected, but there is no passage here which says it was adopted. So, all we can say at (10) the moment is that the paper was read there. Whether it was adopted or rejected, I do not know and as far as I am concerned, unless we were told that it has adopted, it is not the policy of the Front.

I would like to put to you that both the UDF and the ANC accepted that the international isolation of South Africa is an important component of the liberation struggle? -- I do not know what decisions the ANC have taken on the issue. From the point of the UDF it is important for us that the international community must contribute to per- (20) suading the government to abandon apartheid. I am not aware of any resolution that was taken by the UDF that now we must specifically struggle to isolate South Africa. Here and there there have been specific objections to co-operation between South Africa and some of the countries.

I put it to you that it was part of UDF's policy to see to it that South Africa is isolated from the international world? -- I wonder if I can refer to A1? I just want to check the resolution there what it says.

COURT : Yes, have a look at A1. Page 33 the last sentence. (30)

Yes/...

-- Yes, I see that. I think that was actually addressing itself to US, Britian and Israeli government on the basis of their support for the new constitutional dispensation. Even on the basis of the last sentence it does say in fact at that point in time all the - when the new constition was debated in the United Nations organisation, two countries to the best of my knowledge, that is the United States and Britain, did not vote for the new constitution but they abstained and they were criticised on the basis that in the motivations, they had shown an inclination to support the new constitutional(10) dispensation and on the basis of our objections to that constitution, it was - the call was made therefore that the Reagan administration must abandon the policy that it called constructive engagement and cease to support apartheid. The American constitution itself is a democratic constitution and we could never understand why America should support an undemocratic constitution in our country. It was on the basis of that criticism that this point here was made. In any event, our position is that internationally, any nation that wants to make a contribution to change in South(20) Africa and want to do so without the use of violence has diplomatic ways of doing so. Pressure must be applied on the South African government. It must be applied. It is the only non-violent method that we know of that internationally the nations of the world can make to help the process at home. So, it is not for any other purpose, other than for that purpose.

MR FICK : I would like to refer you to EXHIBIT W2 volume 1. This is a document found in possession of Mohammed Quadi. This is a Speak newspaper "Voice of the Community" dated (30) March/...

March 1985. -- This is not a UDF policy document.

Yes, but we will come to that now. Will you turn to page 10. Did you have this interview with Speak? -- That is correct.

This is an article with the heading "Kennedy's visit was aimed at apartheid"? -- Yes.

I first of all want to read the first paragraph. "Much discussion has taken place on Senator Edward Kennedy's trip to South Africa. Was his visit a step forward in the fight against apartheid or not? There are many views on the issue. (10) Speak interviews Terror Lekota, the publicity secretary of the United Democratic Front on the UDF's position." -- Yes.

Will you have a look at the fifth column the second paragraph below the heading "We will co-operate on the question of apartheid but not on American imperialism." It starts with "The government has embarked." -- Yes.

In the middle of that paragraph "Our consideration at this point therefore must be to frustrate that strategy. We must do everything we can to isolate the South African government and to win support for our people's democratic (20) demands and organisations. It would obviously be an error of judgment to alienate people who support the struggle against apartheid, like for instance Kennedy who today is mobilising for sanctions against apartheid. We must make as many friends and deprive apartheid of as many friends as is likely to get." Were you stating the policy of the UDF? -- Yes, but the position must be understood here. If you just select the passage, the context is missed. The paragraph started there and it says clearly that the government has embarked on a strategy to win support for itself abroad and to isolate our democratic (30) movement/...

movement. This is very important for the government in its grandplan of entrenching and maintaining White domination. It is in the light of that that the government is saying the UDF is agitators, the UDF is a front of the ANC, the UDF is this, all the negative things which are not true. The reason the government is doing that is that people must think, the international community must think that the UDF is that irresponsible bunch of people who are not dealing with the real issues and who are not representative. It is a perfectly political tactic. We must on the other hand now, (10) we must say it is our task to go out and say to the international community it is not true that we are agitators. It is not true that we are this and that, all this name calling that the government levelled against us. The position is that we represent the genuine views and aspirations of our people and that our people do not want apartheid and so on and of course, it is important that people must not support apartheid. Some of us were denied passports to go abroad and so on and that is because we will say things which the homeland leaders are not saying and we will say that the (20) Bantustan leaders are not telling the truth when they say we support apartheid and this is said in that context here.

COURT : It was slightly taken out of context at the bottom of the page next to your picture? -- That is correct. If people isolate things, it is very difficult to understand what the person is talking about.

MR FICK : Were you not saying "We must do everything we can to isolate the government and win support for our people's democratic demands and organisations? -- I was saying that, but the point is the context. May be I must just explain (30)

this/...

this question of context. When one talks about context, right now I might say here or somebody might say outside, there is a life and death struggle going on. Then, if we think about the Standard Arena in Johannesburg, we will find that it is a boxing match that would be going on there and people would really be bashing each others heads, but if we come into the Court here, we may find that Mr Jacobs and Mr Bizos will be busy in a legal argument. So, context is very important. Words cannot be understood just in the air. If it is Loftus Versfeld or Ellispark this coming Saturday, (10) it will be match between Transvaal and Noord-Transvaal. It will be a life and death struggle, purely - what it means is that it will be a tough match. That is all it means, but if you do not know the context, you will not understand that sentence.

I would like you to turn to EXHIBIT AX14 page 38. That is a document found with accused no. 16. It is a document with the heading "UDF National office circular to Transvaal secretaries. Circumstances surrounding the visit of Donald Anderson." Will you please have a look at (20) paragraph 10.2 and paragraph 10.3. -- Well, first of all, I must say that I do not know this document. Do we know when this document was written perhaps?

I do not know. -- The matter that is being discussed by the document is the visit by a British MP I think Mr Donald Anderson. At the time he was here, I myself was in detention in late 1984. I do not know this document. I must say to the Court that I do not have first-hand information about the issues that it deals with.

Paragraph 10.2 "Undoubtedly his exposure to the reality(30)
of/...

of life in South African will have a lasting effect on the further isolation of the South African government which will be advantages to the struggle. Every bit of international mileage makes it increasingly more difficult for the State to ban the UDF." -- I think all it means is that he will most probably present the position there in a different light than what the government had always been saying and that as a result more people in the British public and British political circles will have a better political understanding of the political scene at home and therefore that there (10) will not believe all the allegations that were being made by the government against the UDF.

I put it to you that from this it is clear that the UDF - that it is UDF's policy to see to it that the government must be isolated internationally? -- No, no, this is an analysis. Is this not clear, because this man really is saying that as far as he can see the situation, is that when this man goes back, will he present things there and so on? He will expose the reality of what is taking place in South Africa. It is not a policy. It is the analysis (20) of what will happen. In politics, when anything happens, people try to read meaning into it. They try to interpret it and this is an interpretation. It is a political analysis. That is all it is. For instance, if he goes to Britain and he says "I have been to South Africa, the UDF is not an agitator as some of the people have been trying to tell you here." People will have a different view of issues. That is all this man is saying here. Unless the government can convince people that the UDF is actually an agitator as it has been trying to put forward, then it will not be (30)

so/...

so easy for the government to do anything it wants to do with the UDF. It may be recalled what I said, even in 1983 when we were accused of being a front of the ANC, I pointed out that this is not true, but the reason why some of the Nationalist Party politicians are saying this is so that tomorrow they can arrest us and say we are this. I stated that in 1983 and true to fact, here I am in prison.

Will you turn to EXHIBIT AJ52.

COURT : We will take that after the tea adjournment.

WITNESS STANDS DOWN.

(10)

COURT ADJOURNS.

COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

COURT : Yes, Mr Fick, you wanted to refer to which document?

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, EXHIBIT AJ52,

do you know this document? -- Yes, I drafted this.

It is a letter addressed to the Secretary, Action Groupe Vrugte Boycott Zuid-Afrika. Did you write this letter? -- I drafted it. It is just a draft.

It was found in the UDF offices Johannesburg.

COURT : Is there a date to this letter? Can you place it(20)

somewhere? -- It is middle of 1984. It was a draft, it was not sent, because I drafted it and I had to consult our lawyers first about it and then I got detained in the process. That is why it has not got a date.

MR FICK : Why did you need to consult with the people?

-- No, no, I had to consult our lawyers. You see, it is important to check the law with these things. You do not just write it and start doing things. If this thing touched on the law of sanctions and so on, I had to check that out. You see, what happened here is that this group of people (30)

wrote/...

wrote us a letter et cetera, et cetera. I was replying to that letter, but I had to check that out first. I had to. That is important.

Did you state the UDF policy in this document? -- No, no, but as I say to you, I had to go and check this out.

With the lawyers? -- Yes, look, they wrote us a letter. They told us look, this is what we are doing and this is what we say. We had to reply to that. Before I do that, I must check out this thing here.

Yes, but only on legal aspects, not on the policy (10) of the UDF? -- Even there it would affect them, because the UDF has never taken a decision for instance to go around with sanctions boycott or something like that. So, I had to check this out. That is why.

I want to refer you to page 1 paragraph 2 "We especially value your efforts to educate the Austrian public about the economic connection between your country and the apartheid government in this country"? -- That is right.

"Indeed your motto 'We do not buy food from South Africa' is most appropriate." -- You see, that is what they had (20) communitied to us. This is what we are doing here in Austria. We did not know about them. They got to know about the UDF. Now they gave us a report of what they are doing et cetera and as you can see I am responding to their letter and that is what they told us. We did not tell them do this. They are telling us, this is what we are doing. That is all. It is not more than that.

Did the UDF support or urge organisations of governments not to buy from South Africa and boycott South African products? -- No, the UDF did not take such a decision, but (30)

as/...

as I have said earlier to the Court, the position of the UDF is that the international community can only contribute non-violently by applying various non-violent methods of pressuring the government. Amongst other things diplomaticise et cetera et cetera and these are some of the activities that people are doing there and so on. But the UDF itself has not taken a resolution or a decision that we are going to say that they must do this or that they must not do that.

But in practice you support these actions? -- On what basis is counsel putting that? (10)

This very sentence "Indeed your motto 'We do not buy food from South Africa' is most appropriate"? -- Yes, but I am telling the Court this is a draft and I had to consult on this. Unfortunately I got detained as usual and this thing was not effected.

The third paragraph page 1 "Above all, however, we urge you to persuade the people of Austria to return a government which unlike the present one will not co-operate with apartheid rulers of South Africa." -- That is in keeping with what I said earlier on. Remember in that other exhibit (20) counsel referred me to where I spoke about the question that governments abroad must not support the policies of apartheid in this country. I must just mention this. When problems arise in the country, it always happens that people must also campaign for international support for their positions and one will find that with all deprived communities. In about 1867 or so when the whole question of the diamond the Goosen and Stellaland Republics arose and there was arbitration there, President Brand had to go to Britian after the arbitration to go and seek support from Britian(30) and/...

and to be compensated. When the Anglo Boer War opened up President Kruger had to go abroad and seek support there and so on. I have already referred to other examples, but we are not doing anything that anybody else does not do. All we are asking is for international support for our course, not the kind of support that is violent. The type of support that is not violent and that is ordinarily accepted as constructive and ... (Court intervenes)

COURT : Can it not be said, reading this draft, that the author of this draft had in mind prays for the fruit boycott(10) group of Austria and wish them well in their undertaking? -- I think that is what the draft says. It does say so.

Counsel used this draft to attempt to show that you were in favour of an economic boycott of South Africa? -- Except for the fact that I say this draft was subject to approval. First I had to take this to the lawyers to check it out with the lawyers and secondly, because this was a sensitive issue, I have had to take it up with the NEC.

MR FICK : This is now the first time that we hear about the NEC. -- Yes, but this is a special issue. I am actually (20) saying so. This is a particular sensitive issue. At the time this was taking place, people like Bishop Tutu for instance were being threatened with legal action in relation to the question of sanctions and they were being accused that they had said that there must be an economic boycott against South Africa. We were aware of those developments and we had to be very careful about it. I could not have just taken my organisation into a donga.

All you were interested in was to find out whether it was legal and not to establish whether this is in fact UDF's(30) policy/...

policy? -- No, no, with this particular draft, this particular one, it is my evidence that I would have taken this to the NEC. I would have had to because as I say there is no policy position that had been adopted.

Why have you not said that in the first instance? --
Said when?

When I asked you about EXHIBIT AJ52? -- You did not ask me what I was going to do with it. You only read it and I was volunteering information to you in fact.

I would like to refer you to EXHIBIT AAX5. This is (10) a document which was found in your possession according to the evidence of Warrant Officer Jenkins? -- That is correct.

Did you state the UDF policy in this document? -- Yes, that is correct.

It is a letter date 21 November 1983 addressed to the "USA Ambassador Johannesburg." I would like to refer you to the first and second paragraphs of the first page. "Your government struck a particularly right (indistinct) in placing the responsibility for those accesses where it rightly belongs at the door of the nationalist government which has dele-(20) gated and supports Sebe and his government in his actions, but the United States government has also left our people dismayed and indignant when it expressed full support for Pretoria so-called new deal during debates of this issue in the general assembly of the United Nations." Then the second page the last paragraph "It would seem therefore that support for the so-called new deal contradicts your well conceived judgment on the Ciskei question. Your government is urged to review and re-consider its support for this government in the interest of justice and peace." -- That(30)

is/...

is quite in keeping with the resolution at the national launch that the United States must be urged to abandon constructive engagement because in fact its support for apartheid - that is what it actually says there "its support for this government in the interests of justice and peace." Apartheid is unjust and apartheid is responsible for the lack of contentment and peace in our country. That is all that is communicated there.

That is not all. I put it to you that this letter was written as part of UDF's policy to see to it that the(10) government is isolated internationally?-- It was written to urge the United States government to abandon support for apartheid.

UDF wanted the United States government to abandon its support for the South African government for the purpose to isolate South Africa? -- It wanted the United States government to refuse to support the government so that the government can abandon apartheid.

K932

I put it to you that both organisations accept that workers are the most important faction of the masses who(20) should be mobilised, organised and politicised in the liberation struggle? The ANC and the UDF? -- I cannot comment on the African National Congress. The UDF accepts that every section of the population must be mobilised to express opposition against apartheid. That is set out clearly in the declaration of the Front. We have not selected workers there. Workers, students, parents, professionals, traders, everybody.

I would like to refer you to EXHIBIT A1 page 27. It is part of the resolution on workers. It starts on page (30)

27. On page 27 at the top "And believing" and then subparagraph 6 "In the leadership of the working class and the democratic struggle for freedom. The UDF did accept that the workers are the most important faction in the masses? -- Counsel put to me that the UDF has taken a position that the working class is the most important section. Now, what is happening is that counsel is reading for me a sentence which says the working class and the democratic struggle. There is nothing about the working class being most important here and yet if we look at the declaration of the UDF in (10) this same document at page 5 of A1 "Conference states organise and mobilise all community worker, student, women, religious, sporting and other organisations under the banner of the United Democratic Front. There is nothing here in the declaration which says the working class is the most important. Even the section that I have been referred to does not say so. So, I reject the proposition by counsel for the State.

What did you intend to convey with this resolution on page 27? That the UDF believed in the leadership of the (20) working class? -- That the working class must participate in the UDF and that it must also participate in the leadership of the organisation. There is nothing here that says it is important - it is more important than anybody else. It does not say so.

But according to this resolution the working class is regarded as the leaders in the democratic struggle for freedom? -- No, I explained this to the Court just the other day last week that ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : On the 16th. -- Thanks. I do not (30) know/...

know whether I should go over it again, but I would only want to repeat that same reply.

MR FICK : I would like to refer you to EXHIBIT C4 page 4 volume 1. This is a document with the title United Democratic Front and the struggle for national democracy, Steve Tshwete page 4 the last paragraph the last sentence. -- This is the same document that I have already told the document is not a policy document of the UDF.

"The working class, the spearhead of the struggle in South Africa today has evolved its own leadership over the(10) years and in order to promote working class consciousness we are historically obliged to invest a lot of trust in our union leaders and by so doing, we shall have closed the doors against opportunist agitators and demagogues who might be inspired with the idea of derailing our struggle." I put it to you that Mr Steve Tshwete here is stating ... (Court intervenes)

COURT : You have gone so fast that neither of us has the place. Where were you reading?

MR FICK : Page 4 the last paragraph the last sentence. (20) -- What is counsel then putting to me?

I put it to you that this man is stating the policy of the UDF? -- No, he is not and also I think again this sentence, taking it out of the context of the paragraph, loses meaning. The man says - this is his opinion, but he does say this. "No organisation must usurp its popularity and unilaterally decide on a campaign without consultation with the most relevant organisation in relation to that campaign. To illustrate, COSAS cannot unilaterally decide on a stay-away without prior consultation with their sister(30) labour/...

labour union affiliates, nor can any trade union unilaterally call upon students to boycott classes." All that the man is saying is that one organisation cannot just dictate for one of the others. It must consult with them. And it is in the context of that discussion, where he says mistakes of this nature are bound to rob the front and cause disunity. We must not undermine the various leaderships of the diverse organisations at our command if we need to advance revolutionary work. The working class et cetera, et cetera, as counsel has read. So, all he is saying is that these (10) organisations - no organisation should dictate to the other. That is all he is saying, but as I say, this is his opinion. This is not a policy document of the UDF.

I put it to you when any leader of the UDF like Mr Steve Tshwete delivers a paper in regard to UDF's activities, such a paper had to take into account UDF's policies, UDF's program of action, UDF's aims and objectives? -- I think we have seen - first of all I disagree with counsel, but I must also say this. I think we have seen on this specific question here of the UDF and how it must operate and how it must be under-(20) stood. We have seen that there has been continuous efforts to attempt to have a common understanding on the central questions affecting the front and as we know now, we know that even accused no. 19, Comrade Popo, had written a letter because there were problems, people were not having a common understanding of the problem. Counsel has suggested that this paper was written in response to that and we have already indicated here that this paper was never discussed by the Front to the best of my knowledge and has never been adopted as a policy document. For it to become a (30) policy/...

policy document, it would have had to be discussed and then to be adopted. The man has expressed his opinions here.

I put it to you he wrote, Mr Tshwete wrote this paper with a certain knowledge about UDF's policies, program of action and aims and objections? -- With a certain knowledge - his understanding? Because we wanted to establish a common understanding here. That is why we have been trying to say people must - we must to a position where everybody as a common understanding and until we have adopted it, it is not a policy document. Even if it is written by Steve Tshwete, (10) it does not become policy. Even if it is written by the president, it must first be accepted, it must go through the channels. No one can just come here and make its own policy.

I put it to you that both the UDF and the ANC popularised each others leaders, the so-called leaders of the people or the true leaders? -- No, that is not correct. It is correct of course that amongst the leaders or our people are also some of the people who are leaders of the African National Congress and also among the leaders of our people (20) are also some of the people who are leaders of the UDF, but among the leaders of our people are also leaders who are may be leaders of the PAC and others were also members of the Non-European Unity Movement. So our people's leadership span a whole spectrum of organisations.

ASSESSOR (MR KRUGEL) : On this point, it might be argued that if various people connected to the UDF write in a certain type of terminology and along certain lines in various places all over the country, can it not be argued that the collective image of these writings reflect the policy of the UDF? Or (30) the/...

the reasoning of the UDF? -- No, I would not take that position, because as I have already said to the Court for instance earlier on, all I can say is that they may reflect a common perception within the community, not necessarily the UDF. The reason is this that the UDF is set up in 1983. It is set up at a time when there are - people who are in their forties, fifties, sixties, seventies and some in their eighties and they pronounce on some of the issue which the UDF has never even pronounced on before amongst other things. So, for them to express the UDF, they must be speaking along (10) the lines and decision which have been taken by the UDF. Unfortunately for us, we are dealing with an organisation which is a front. I have said to the Court earlier on, perhaps the Learned Assessor may remember from one of the items where I told people the affiliates of the UDF agree on something what one may just arbitrarily 10% of the political situation. Certainly all the affiliates agree that the new dispensation is not correct. What about other issues? What do they say about the agrarian question? What do they say on the question of education? What do they (20) say on the question as an alternative, that is to say? What do they say on the question of participation of White people in the struggle? What do they say on a myriad of other questions? We will find that there are all kinds of diverse perceptions and so on. The reason why the issue constantly arose in the Front that we must attempt to find a common understanding is because we ourselves realise that there are different perceptions between our various affiliates and to take any issue unless the UDF has decided upon it and say that that is the UDF, is risky because it would tie (30) the/...

the UDF to certain policy positions which are not in fact accepted positions. I think the situation is slightly different now. Now the UDF has adopted the Freedom Charter for instance, at least from what one has read. That brings the affiliates of the UDF much closer, but I still think one will still find a fair amount - for instance when it comes to the style of work, one will find some of the organisations with some different styles of work and approach and so on, which over a period of time, it is a political process and one develops an organisation, until finally one can generally(10) say that certainly on this question, this is what the UDF says, on this question that is what it is, but whilst individuals still write and say this and say that, I would say to the Court no, it does not represent the policy of the Front unless we have taken a decision on it. I have read a lot of documents here which I found I disagree with sharply and which I know that some of the people would disagree with sharply. Just recently, I may just mention, on the question - the question was raised on the president's council with the UDF outside and we read only the papers (20) of course, but even one could find there were different perceptions. Some people felt in the UDF that the issue was worth taking a close look at. Some people felt different. It cannot be said that this is its position because may be President Archie Gumede said this or that is his position because President of a region said this and so on until a decision has been taken in a joint sitting. I would really appeal to the Court with regard to that not to take each and everything that has been said by individuals as a principle position of the front. Whatever the position may (30) have/...

have been, even the NEC is subject to consultation with the regions. So, even when a decision is taken just by the NEC without consulting the regions, it does not become policy before the regions have accepted it. Friday the Court has asked me to say what the difference was between the ten points program and ... (Court intervenes)

COURT : Yes, I wanted to ask you this morning, but I thought you did not know the difference, so I would not ask. -- I have been grappling with it, but I say in all honesty to the Court that I have a number of points which I can present to the (10) Court that I am certain and very definite about. I am sure the matter can be studied further but there are four points which I would like to place before the Court. The first point is that ... (Court intervenes)

Let us just get clarity. The ten points plan is of the unity movement? -- The ten points program.

Program? -- Yes, is of the Non-European Unity Movement. It was drawn up in 1943 and then the Freedom Charter was drawn up in 1955. That would belong to the congress alliance.

Let us stick to the ten points plan - program. -- I will take one point this side and point that side, just to (20) do that. The first point is that the Freedom Charter specifically acknowledges the fact that all the people of South Africa Black and White belong here and that they must be included in whatever government is set up. On that point the ten points program is silent, in the sense that it does not expressly say anything about that question. Secondly, the Freedom Charter specifically stated that there will be nationalisation of monopolies but that people will be free to trade wherever they choose. The ten points program is silent on the question - on that question. Let me (30)

put it that way. I do not want to expand it too much, but it is silent on that question. It does not say whether it will allow for trading, private trading or not. Thirdly, the Freedom Charter makes a specific commitment that South Africa should strive for international peace and for peace with its neighbouring States and so on. On that aspect, one again the ten points program is silent. I think this point will be more than that. The fourth point is that the Freedom Charter acknowledges in the present circumstances, it acknowledges the presence of the four national groups, (10) what one might call the four national groups of people, the Whites, the Africans, the Indian section and the Coloured section. It acknowledges that they are there and that in any event all of them must be respected and that now to move forward one must start from there. The ten points program is silent on that position. I may just add that I know that unity people are very critical of the Charter, amongst other things because of this clause and then finally is the land question. That is the question actually in which the Freedom Charter states that the land must be returned (20) to those who work it and it does specifically make a commitment that pheasants would be helped with seed and tractors et cetera. The ten points program on this question of the land simply says that the land will have to be revised in terms of - in line with democratic ideals. It does not say exactly what it is going to do about it, but when one reads the explanatory notes appended to the ten points program, it says that it will seek to eliminate it. The pheasantry. To eliminate the pheasantry. Whatever exactly that means, but that is the clause in fact which split the (30)

Non-/. . .

Non-European Unity Movement in 1958. It was disagreement on exactly what that clause - that land question clause really says. NEUM up to that point in time had been consisted of had been actually a combination of NEUM anti-cared(?). That was largely the Coloured section and then there was also NEUM AAC, that is NEUM All African Convention. That was largely the African section. On the polymic inside NEUM on this question of the land, the AAC section objected to the elimination of the pheasantry and the position was that land would have to be - there would have to be some (10) formula worked out whereby those - the pheasantry who has the land, must retain it, but those who want to obtain land for their own use, would have it. They clashed on that and then NEUM split.

ASSESSOR (MR KRUGEL) : When was that? -- When they split was in 1958. Then, subsequent to that the rhetoric of NEUM, especially NEUM anti-cared, tends to be of the Marxist working class line. As far as they are concerned, they tend to argue that they represent the working class and so on.

I do not want to take the point further than that, but (20) that is the NEUM anti-cared section. Largely one finds them very strong there and so on. The NEUM AAC is very strong in the Transkei in those areas. It will be the people who are largely committed to the question, to the land question so there are differences on that. But those are some of the points that I can put to the Court and I do not want to pretend that is exhaustive. I am also careful that I must not overstep the mark. Sometimes it leads to very sharp differences and these people may get very angry with us.

COURT : Well, no need to look over your shoulder in this(30) court/...

court? -- Thank you.

MR FICK : I put to you that the ANC and the UDF popularised each others leaders, true leaders of the people. Then you said something about the leaders of the Non-European Unity Movement. What did you say about that? -- I said the leaders of our communities span the entire political spectrum and some of the people who enjoy leadership status will come from NEUM, some will come from the PAC and so on.

But I am not concerned with the community, I am concerned with the UDF. I put it to you that the UDF popula- (10)
rised the ANC's leaders as the true leaders of the people? Forget about what the community says? -- No, no, where we commented about leaders like Mandela and so on, it is not because they are leaders of the ANC. It is because they are leaders and recognised as such within our communities. They are just leaders within this country who have got nothing to do with the ANC but who have recognised Nelson Mandela as their leaders. I am not a member of the ANC but as far as I am concerned, barring the question of violence, Nelson is the most acceptable leader in this country. He (20)
is the only man that I know as far as I am concerned, that can reconcile and unite the people of this country. So too people like Walter Sisulu. They are committed to uniting the people of our country. I can think of no other leader than can surpass them. They are men of standing stature.

Are you now talking about the ANC leaders? -- I am talking about Nelson Mandela amongst others. They are our leaders.

Who are the others? -- Ahmed Kathrada, Walter Sisulu, Raymond Mohlaba, Elias Motsoaledi, Govan Mbeki, Andrew (30)

Mlangeni/...

Mlangeni, Zeff Mothoping,

Who is this Zeff Mothoping? -- He is serving time on Robben Island. He has been a leader of the Pan Africanist Congress for a long time. He is highly respected in our communities. I think he was the first vice-president of the PAC.

Who else are the true leaders? -- You want me to mention each and every one of them?

The true leaders of the people recognised by UDF as such? -- Those who are in jail I have already mentioned I (10) think, because you see them there as patrons of the UDF.

And Yusuf Dadoo?

COURT : Is Mothoping also a patron? -- No, no, he is not.

Why was he not made a patron? -- When we are in a meeting and people say you must now choose the leaders, they chose those. Similarly, they did not choose Oliver Tambo for instance. I do not know why. They did not raise the question. For instance, they did not raise the - there were many other people that I know whom I would regard as men of stature who were also not mentioned, but I think also it is because (20) we could not make everybody patrons of the UDF.

MR FICK : Mr Yusuf Dadoo, was he regarded as a true leader of the people by UDF? -- It would be hard to produce evidence that he was regarded as such, but certainly he enjoyed respect in our communities, but the UDF specifically has not specifically pronounced on him as such. You see, with regard to these others, I can say so because they were elected at the national conference to patronship, but with the others I can express my own opinion.

Oliver Tambo? -- He was also not elected a patron, but (30)

I/...

I think it is generally accepted, my impression is that it is generally accepted that he is a very significant leadership figure in South Africa.

Generally accepted, are you talking of circles in the UDF? -- Beyond the UDF. Even the international community. You just look at the report of the Eminent Persons Group of the Commonwealth and so on.

I am busy with the UDF. I am not concerned with the community or the United Nations or anybody else. -- I would say both within the UDF and beyond. (10)

Joe Slovo, is he regarded as a true leader of the people? -- I must say, I am expressing my own opinion, I think, yes.

In UDF circles? -- And beyond. Both in and beyond.

I cannot remember that you mentioned Mr Dennis Goldberg. -- But he is a patron. Let me see if anyone does not detail him as a patron.

Yes, he is a patron. -- Those ones that were specifically elected I can actually say these people were detailed by the UDF because their names are there, they were elected. These other ones I am expressing my own personal opinion because (20) they were not elected there.

Can you refer the Court to any - can you tell the Court whether any leader of the Non-European Unity Movement is regarded in UDF circles as a true leader of the people? -- You see, as I have said, only these people were being elected that I can say this is the policy position of the UDF in relation to them, but with the others I can express my own personal view on the matter.

Can you refer the Court to any document of UDF of any decision of any meeting of UDF where this man Mr Zeff (30)

Mothoping/...

Mothoping was popularised as a leader of the people or a true leader? -- In several of the meetings that I myself have addressed, I have mentioned him, but they are not before the Court and unfortunately I do not have tape recordings of them.

You are not answering the question. Can you refer the Court to any document or any decision of any UDF meeting? -- No, I have not looked through the documents with a view to that, but may be if I look through these documents, all of them, I may be able to pick up this name somewhere. (10)

I put it to you it is only ANC leaders who are popularised by the UDF as so-called true leaders of the people? -- No, that is not true.

In the documents and speeches? -- No, that is not true. In fact in 1983 I myself - I led evidence here - went to address a meeting at the commemoration of Steve Biko. We have observed Sharpeville from time to time and we have - we cannot talk about Sharpeville in fact without talking about the PAC and its leadership. There is no one who can talk about Sharpeville without talking about them. (20)

COURT : About whom? -- About the leadership - people in the leadership of the PAC because the event of Sharpeville - 21 March 1960, the action there was actually led by the PAC and we have expressed our own admiration for the sacrifices that were made there, for the fact that people had stood up and said that they did not want the passes. We have paid homage to the people who have died there.

MR FICK : What action was led by the PAC during the Sharpeville incident? -- It was a peaceful action protesting against the passes. They said they did not want the passes. (30)

It/...

It was just peaceful. That thing I know quite well.

COURT : Was the shooting not at the police station? -- They left their reference books at home, they went to the police station, they said "Look, we do not want these passes and we do not want to carry them" and then they were shot by the police there, but the action itself was a peaceful demonstration against the passes.

MR FICK : Can you refer the Court to any document of the UDF of any decision of the UDF where it was decided that the PAC should be popularised? -- No, we have never taken (10) such a decision. Similarly we have never taken a decision that the ANC must be popularised. You see, those are violent organisations. We cannot popularise them and we do not want to popularise methods which are not our own methods.

Can you refer the Court to any decision or any document wherein the leaders or any leaders of the PAC were accepted as true leaders of the people as popularised as such? -- No, I know of no such document. There will be some of them here of course if I can look around I think. Not documents which say they must be popularised as true leaders, but (20) documents which do mention some of their names as the leaders of the people.

I would like to refer you to EXHIBIT A1 page 38. It is a speech of Frances Baard. -- That is correct.

The second paragraph "I want to call upon our leaders as we gather here in Cape Town they are locked up next door to us. So I want to go out of my way to say Mandela come out with all the rest of the prisoners. We say we demand your release today, because we want to take you home." -- Yes. You see, that actually confirms what I am saying. (30)

Because/...

Because it says Mandela come out with all the rest of the political prisoners. It is not only these patrons that I have referred to who are there. There are all the others who are there, including Mr Mothoping, including so many other. Wilcox and others from NEUM were also there.

But it is just that they are never mentioned by name? -- They are not as prominent and they are obviously not of the same stature. Nelson will be more prominent. He has served the longest sentence. 25 years is completed this year and the others - some of the others are only doing (10) may be about 10, 13 and so on and the other patrons are doing more than 20, they are doing 23, 24. So, it is a question also that people look at those things.

Again at page 43 A1 the first column, it is part of the speech by Aubrey Mokoena. There again is a call on the people "We must remember our leaders on Robben Island and we must pray, but when we pray we are not like the missionaries who said we must close our eyes and in the meantime they pull the land from underneath your feet. I would like to call upon you to pray as revolutionaries with your eyes (20) wide open, because I believe we can never win the struggle unless God is amongst us. I would like us to pray for Nelson Mandela. I would like us to pray for all his comrades." So it goes on. I put it to you that right from the launch UDF followed this strategy to popularise the ANC's leaders at their meetings? -- Before the UDF was launched, long before the UDF was formed - launched there was formed the Release Mandela Campaign. That campaign had been going on long before the UDF was formed and it does not owe its existence to the UDF. On the contrary we might say that the UDF benefitted(30) because/...

because some of their committees which led the Release Mandela Campaign affiliated to it and also if we look at the same section that the counsel referred me to. The first thing that Aubrey says is we must remember our leaders on Robben Island and we must pray. So, what he says is, we must remember our leaders. One cannot just restrict that to the leaders of the ANC. Of course he does mention below here "I would like us to pray for Nelson Mandela." I would have been surprised if he did not do so, if he did not mention Mandela, because he is the publicity secretary of the Release Mandela cam- (10) paign. So, in any event, it is something that is foremost both in his mind and in his life. So, it is just natural that he must mention it and also because Nelson had been elected as a patron of the front, but the call here is for the release of all the leaders of our people, but unfortunately not all of them were elected to be patrons of the UDF. These ones who are stated here, their positions as unassailable. There is no question about the fact that if we held elections, if the government brought all its supporters in our communities and say there must be an election, there is no question(20) who will come out on top. These councillors here, they cannot even be talked about as competition for the leaders of our people. They have no support of any kind. They cannot even compete with President Archie Gumede and Mrs Albertina Sisulu here. Those are the leaders of our people who have support. Every pole that has been taken, has also shown it.

Who asked you anything about this? -- I see that counsel for the State is uncertain about whether these are the leaders of our people. They are. I am trying to assure you that they are the leaders of our people. (30)

COURT/...

COURT : Do not attempt to read counsel for the State's thoughts. Just answer his questions. -- I will try and do that.

MR FICK : I want to refer you to EXHIBIT C23 volume 2 page 5. It is a document with the heading "The broad struggle" and dated 27 November 1983 I.J. Mohammed talk given at Regina Mundi, Soweto, Soweto Civic Association Anti-local authorities meeting. This is a document found in possession of I. Mohammed. The last paragraph ... -- I may just say that I do not know this document. On the fact of it it appears to be a speech of Professor Mohammed. It is not a policy document of the (10) Front.

The very last paragraph "Did our leaders and youth who are incarcerated in the prisons, Mandela, Sisulu, Mbeki, Mhlangeni, Kathrada, Goldberg, Lubisi, Mashigo, Manana and all the many others kindle the fires of freedom to burn more brightly in our hearts." Can you tell the Court who is this Lubisi? -- I do not know that man.

Mashigo? -- I do not know that man.

And Manana? -- I do not know who is that one. It says the youth who are incarcerated in the oppressors' prisons. (20) So, they must have been some of the people who were arrested.

I put it to you that even the affiliates of UDF follow this tactic namely to popularise the ANC's leaders? -- No, I deny that. I think that whenever people deliver speeches the tendency is to, when they do comment and they use names to raise names which come to their minds or which they themselves favour. I am talking now apart from the patrons of the Front. For instance, I spoke at the funeral of Gonsalves in Cape Town in 1983 - late 1983, beginning of 1984. That exhibit is here, but now I forget its number. It is AJ I (30)

think/...

think. I spoke there at that funeral. In the course of that speech I also spoke about people who had died in the struggle and so on and I spoke about people like Steve Biko, Abraham Thiro, Silomoeng, Ben Palmer and so on. One of the reasons why I would have mentioned names like these, are because these are people who are personally known to me. Some of whom I held membership in the same organisations at times and so on. So, it is not because they are members of the ANC or something, but it is names which come to one's mind when one is dealing with issues and I think everybody will choose (10) names that they know or which they are familiar with. So, I think it is wrong to suggest that people pick up the names because those are the leaders of the ANC. It is not correct.

Will you turn to EXHIBIT C41 volume 3 the first document. It is a letter by accused no. 19 dated 12 February 1985 addressed to all regional secretaries. Look at the last portion. "Please translate the statement referred in point. Print more copies and circulate it broadly. In the case of the Eastern Cape, Border West Cape, please translate into Xhosa and Afrikaans." This is a reference to Mr Nelson (20) Mandela's statement which is the second document in C41. I put it to you that UDF went out of its way to popularise Mr Mandela's statement amongst the people? -- No. In fact this statement received more publicity from the commercial press than the UDF could ever have hoped to publicise it.

The statement of Mr Nelson Mandela was in English? --
Yes.

And UDF organised and asked people to translate this into Xhosa and Afrikaans? -- Yes, that is what the regions are asked to do. It is only proper. Some people do not (30)
understand/...

understand English.

And if this was done, the sole purpose was to popularise Mr Nelson Mandela? -- No, the purpose of making it more accessible to more people who - even those who did not speak English.

Will you turn to EXHIBIT C71 volume 5.

COURT : What was admitted in respect of this document?

MR FICK : It was found in the TIC offices Johannesburg.

COURT : Do we know where the TIC offices are? Do you know, Mr Lekota? -- Yes, they are in Fordsburg. (10)

What building? -- I do not know the name of the building. I know where it is, I have been there, but I do not know the name of the building. But it is not Khotso House.

MR FICK : Freedom House? -- No, I have never taken to mind the name of this place. I know where it is. I just go there, I do not mind to look.

Page 1, the very last page, page number 3 "The President's Report." -- I am sorry, but I must also say on the face of it, this document is a document of the Transvaal Indian Congress. It is not a UDF document. It is not a policy (20) document of the UDF. I first saw it here as an exhibit.

The very first page paragraph 3 "The President's Report of TIC." TIC is an affiliate of the UDF? -- It is, yes, correct.

"The president reported on his visit to London to attend the funeral of Dr Yusuf Dadoo. He was accompanied by Mr Zac Yacoob who represented the Natal Indian Congress" another affiliate of the UDF. Is that correct? -- That is correct.

"Dr. Dadoo was buried at High Gate Cemetery after prayers were read at the Regent Street Mosque". -- Yes. (30)

This/...

This Mr Yusuf Dadoo was also a member of the South African Communist Party, one of the leaders? -- That may be so. I have no personal knowledge. What I know is that he was the president of the South African Indian Congress. In fact he was the president of the Transvaal Indian Congress from my reading and later of the South African Indian Congress, both the Transvaal and Indian Congress were also part of the South African Indian Congress.

Was he not also a member of the executive of the ANC? -- That may have been. I do not know his exact position (10) there. He was associated with the ANC certainly.

COURT : But was he the NIC or TIC president? -- From my reading of history he was the president of the Transvaal Indian Congress first and then at the time Dr Naicker was the president of the NIC, but I think later he was elected to be president of the South African Indian Congress which combined both Natal and Transvaal and I think the Cape Congress of the Indian people.

MR FICK : But Dr Dadoo left the country long ago. Is that correct? -- Yes, as I say I know that from history and before (20) he left, all this that I am talking about was before he left the country.

What years are you talking about? -- The fifties. Forties and fifties.

Since then he joined the ANC and he also was the president of the South African Communist Party? -- I have no knowledge of that. Frankly I have no personal knowledge of that. That may be so. I am not contesting that. I do not know whether he is connected with the South African Communist Party and all those things. (30)

I/...

I would like to turn to EXHIBIT C94 volume 6. This document was found in the UDF offices Cape Town. It is a document with the heading "Biographies" not date, but according to the very last sentence on the very last page Albertina Sisulu his wife was elected as one of the presidents of the UDF in 1983. So, it must be after 1983 that this document was printed. -- Yes, I have no personal knowledge of this document and it is not a policy document of the Front any way.

This Lionel Burnstein, did you know him, the man mentioned in the first paragraph? Can you tell the Court any- (10) thing about him? -- I do not know him. I may have come across the name somewhere in history, but I cannot specifically remember him. I do not know him.

Was he not one of the people arrested during the Rivonia trial? He was one of the accused? -- This is what this thing says here. The last sentence says "At the Rivonia trial he was a member of Umkhonto and of the banned Communist Party but he was acquitted due to lack of evidence." I do not know him, but that is what it says here.

The other names are the names of all the patrons of (20) the UDF? -- Goldberg was or is, Kathrada is.

Nelson Mandela? -- Mandela is.

Govan Mbeki? -- Govan is.

Raymond Mhlaba? -- Ray is, that is correct. Andrew Malangeni, that is correct.

Elias Motsoaledi? -- That is correct.

And Sisulu? -- Correct, and Walter Sisulu.

This man Mr Goldberg, did he accept the offer of the State President, the same offer which was made to Mr Mandela? -- So I hear. (30)

COURT /...

COURT : Did he accept it before the offer was made to Mr Mandela or was the offer made to all? Was it a blanket offer? -- I am not sure. I think it was about the same time. I cannot recall when he went out whether I was still in detention or out of detention, but I seem to think I was still in detention, without being absolutely certain. He was kept here in Pretoria and the others are down that way. His circumstances were slightly different I think. May be the offer was made to him and letters were sent to him and so on. What I know is that in relation to people in Pollsmore(10) and at Robben Island to the best of my knowledge the offer was never made direct to them. It was only announced in the papers and that was that.

MR FICK : Can you refer the Court to any document wherein UDF stated its satisfaction to this man's decision to foreswear violence? -- No, we did not issue any statement, nor did we issue any statement that we were dissatisfied.

But you did issue a lot of statements on Mr Nelson Mandela's statement? -- That is a different situation. It is quite a different situation. Even when the newspapers(20) came to us. They did not come and asked us - I cannot remember any pressman coming to me and asking me what the UDF had to say about Mr Goldberg, but they did come in connection with Nelson Mandela.

Were you present at the solidarity meeting, solidarity with SAAWU and the people of Ciskei held in Khotso House on 22 September 1983? -- No, I was not present.

Are you aware of any pamphlets that the UDF or any affiliate issued wherein Mr Yusuf Dadoo was popularised as the people's leader? -- There may have been. I cannot(30) recall/...

recall any specific one just now. May be the TIC may have done so because he was an ex-prisoner of the Transvaal Indian Congress. They may have done so.

I would like to refer you to EXHIBIT C96 also in volume 6. It is a document with the heading "Welcome back Comrade Billy Nair from 20 years on Robben Island."

COURT : Where was this found?

MR FICK : UDF offices Cape Town. It is a document issued by NIC AFCWU.

COURT : What is AFCWU? (10)

MR FICK : African Food ... -- African Food and Canning Workers Union.

Also an affiliate of UDF? -- What?

African Food ... -- No, no, never. What is being put to me in relation to this?

COURT : We are coming to that.

MNR. FICK : Mr Gunich Ndlovu, is a member of the executive of the UDF? -- He came on in 1985.

Was he on the executive of any of the regions of the UDF before 1985? -- Not that I am aware of. (20)

Mr Billy Nair? -- No, he was not of any committee that I know of. He may have served afterwards, after our arrest. I do not know.

Was he not elected on the executive of UDF 1985? -- Billy Nair?

Yes?

COURT : National executive?

MR FICK : National executive? -- I do not know if I can be referred to any document, but I cannot remember that anything like that happened. No, I do not think that is (30)
right/...

right.

African Food and Canning Workers Union, is that situated in Transvaal, Natal, Cape or where? -- It is a trade union. It is all over the country. It is a food and canning workers union. So, they organise everywhere where there is food or canning of food.

In relation to Billy Nair, I put it to you he was elected on the Natal Regional Executive Committee of UDF in 1985? -- That may be so. I cannot remember that specifically.

He was the vice-chairman? -- That may be so. I cannot(10) contest that. It is quite likely. People who have served sentences on Robben Island, it does not matter what organisation they belong to, they enjoy a lot of respect within our communities. So, it is largely this question that sometimes people come from there and if they are willing to participate or continue to participate in the struggle against apartheid they enjoy a lot of confidence within our communities and people ordinarily elect them. I would not be surprised if that was the position.

I put it to you that UDF[†] and its affiliates popularised(20) not only the person as such, but also the fact that he was involved in unlawful activities against the State or that he was an ex-member of the ANC? -- That is not correct. I tried to explain - I do not want to repeat myself too much but it is not correct. What is correct, however, is that these people do enjoy a lot of respect because of the sacrifices that they have made. I tried to explain here how for instance, even in the history of our Afrikaner communities, people who had been found guilty of certain offences and so in were respected, not because they had committed (30) the/...

the offences, but more because they were seen as having made sacrifices. It is a common thing for any people. That is all. It is nothing more than that.

Will you please look at EXHIBIT C96 the very first page the second column. When the call was made in late 1961 for a change in strategy, Billy together with many courageous freedom fighters did not hesitate and joined the ranks of the newly launch Umkhonto we Sizwe. It was for his part in fifteen acts of sabotage that Billy was sentenced to 20 years. He was charged and convicted with 17 other comrades.(10) -- Yes. But that is his background. They are telling people what happened.

I put it to you they are popularised as courageous freedom fighters? -- No, first of all, there is no where where it says you must now respect him because he is a courageous freedom fighters. They state facts of history, what has happened in the past. That is what the man is convicted for and they are stating that. In any event it does take courage to do some of these things, I suppose.

COURT : Was Curnick Nldovu also on Robben Island for 20 (20) years? -- That is correct.

That is what they say here? -- That is correct.

MNR. FICK : And Steven Dhlamini? -- I have never met him. I do not know him. I only know there was somebody called Steven Dhlamini. I think he was also in the trade union movement. I do not know him. I have never met him.

But did they not tell you whilst on Robben Island about the history of the struggle and did they not mention this Steven Dhlamini? -- They did not tell me about this specific thing that you are putting to me, because I cannot remember(30)

it/...

it.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K933

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, we were busy with C96 volume 6. -- I think I had already indicated that this is not a UDF document.

The very last paragraph the first page "Comrades of such brilliant contributions to the liberation struggle of few and valuable, today Billy will serve as a symbol (10) of courage, deep commitment and unfailing loyalty to the creation of a democratic South Africa based on the Freedom Charter." I put it to you that these people, Billy Nair and Kurnich Ndlovu were held out to the people as symbols of courage, deep commitment and unfailing loyalty? -- That is what the NIC and the African Food and Canning Workers Union said about him. These are independent organisations. The UDF does not dictate what they may say or what they may not say.

I put it to you that no distinction is made between (20) the period that the ANC was non-violent and the period when the ANC became violent in the liberation struggle. They are simply held out as symbols of courage and deep commitment. -- I have not read the whole of this document, but clearly if the document is talking about them after their release from prison.

I would like to refer you to EXHIBIT C106 volume 7. This is a document found in the UDF offices Johannesburg with no heading. It starts "Comrades, I greet you on the occasion of the first NGC since the launching of the UDF (30)

in/...

in 1983.

COURT : This seems to have been the key note speech at the NGC in April 1985. Is that correct? -- I do not know this document. The first time I saw it was when it appeared here in Court.

Were you at that meeting? -- There were times when I was there and there were times when I was not there.

Who held the key note speech? -- I Myself showed up on Friday and delivered the key note address there.

And who else? -- And then Oscar Mpheta delivered one(10) with me that Friday night.

And who else? -- On the Saturday I was not there except in the afternoon for a short while.

So, you do not know who spoke? -- I do not know. What I know is that Professor Coovadia was supposed to deliver a key note address there but as I came to know, he was not able to do so and in fact he did not even prepare his paper from what I heard.

MR FICK : Did anyone else speak in his place in delivering the key note address? -- I cannot say that for a fact. (20)

COURT : We find the same phraseology that we find in C106 in if I remember wel C102. That is the papers of the NGC in April 1985. -- Yes.

ASSESSOR (MR KRUGEL) : Do you know who the person with the neat handwriting is? -- I do not know this handwriting. What might have happened is that whoever drafted this document, if there are similar phrases between these and some of the documents, it may be that whoever drafted this document may have participated in the drafting of the other document. Whether when he drafted this document it was for the (30) conference/...

conference I do not know. I do not know the handwritings which are here. I do not know this one here or this other one. I do not know whether this is one document or whether the pieces fit together by a process that is unknown to me.

They are marked page 1, 2, 3. The third page is handwritten from thereon. -- 4 is marked different on mine.

Page 8 is typed again.

MR FICK : Is it not so that key note speeches before they are delivered must be submitted to the UDF executive and the secretariate? -- Under normal circumstances that would(10) be the position. They would have been submitted to the NEC or at least to the secretariate, but what happened in this particular circumstances is that one of the people who were supposed to deliver an address there, was Steve Tshwete. He then got banned from South Africa. So, he could not come into South Africa in fact and technically we could not allow him to come and talk at a conference because ourselves would be contravening the law. So, he could not and I do not know exactly what happened with Professor Coovadia, but he did not write his address. For some reason and he did not (20) come to deliver it.

COURT : Well, this was not your speech I take it? -- No, this certainly was not my speech.

Was it Mr Mpheta's speech because you were there on Friday? -- I do not remember a paper of this nature read there and certainly I do not remember Oscar reading a paper of this nature there.

Well, then who spoke instead of Mr Tshwete and instead of Professor Coovadia? -- I spoke on Friday and although I was not there in Saturday, I think somebody else would (30)

have/...

have spoken on his behalf. What he said and what he dealt with specifically, I cannot help the Court.

MR FICK : Did you submit your key note address to the NEC or to the secretariate before it was delivered? --No.

Why not? -- As I say in the circumstances in which we were disrupted and it was late. I did not have time to do that. I did not have time to sit and write it out in detail and then represent it. I can say to the Court more or less what I said there.

Did anybody else submit their key note addresses to (10) the secretariate before it was delivered? --Not that I am aware of in this case.

Did you ask for the key note addresses? -- Initially, yes, we wanted them to be written, but they were not written. People were arrested. This man for instance Steve was banned and that is what happened.

ASSESSOR (MR KRUGEL) : How was he banned? -- He was actually from Pedie which technically is in Ciskei and the South African government made - at that point issued an order that he is a persona grata in South Africa. He was not allowed (20) to come into South Africa. So, that is the position. So, he was not banned in the sense of being restricted house arrest.

He was prevented from coming into South Africa? -- Yes.

MR FICK : I would like to refer to you EXHIBIT T29. This document was found in the offices of UDF Johannesburg. This is a document dated 15 January 1985, the heading "Memorandum to Regional Secretaries for reference REC and RGC. Subject: Preparation for national general council." Do you know this document? -- I cannot remember reading it. It is (30)

very/...

very probable that I read it.

According to the heading ... (Court intervenes)

COURT : Sorry, Mr Fick. Does yours consist of three pages?

-- Yes, mine consists of three pages.

The middle one is not numbered? -- It is not numbered.

What is the question about this letter?

MR FICK : Were you not aware of this letter? --No, I say that most probably I saw the letter. I cannot remember exactly off-hand, but most probably I would have seen it.

Who drafted the program? -- The letter is written, it(10) is page 1 and then there is page 2 and page 3 but as an annexure to the letter this program is attached. This program is attached not as page 2 of the letter but as an accompanying program. That is how I understand it.

Page 1 second paragraph "Key dates for these agreements are the NEC meeting East London 23 and 24 February and National Secretariate Johannesburg 23 and 24 March. The NEC will have to agree on matters like key note addresses and allocation thereof, representation at NGC agenda, amendment to structures and working principles. The secreta- (20) riate would finalise the key note addresses, secretarial report and logistics." Did the NEC hold a meeting in East London on 23 and 24 February 1985? -- To the best of my knowledge no.

In the period between 15 January 1985 and April 1985, was there any NEC meeting? -- There was an NEC meeting in Durban. I cannot remember now the date.

Were you at this meeting? -- I attended part of the last day of it.

Did the NEC discuss the key note addresses or subjects(30) for/...

for key note addresses? -- To the best of my memory it is correct, yes.

Was it decided at that meeting that you should deliver a key note address? -- That is correct. I am sorry, did you say that I?

Yes. -- No, no, not I. I thought you said who should.

What did the NEC decide, who should address - deliver the key note address? -- As I recall it was Steve Tshwete, the president Oscar Mpheta and Professor Coovadia.

Was Professor Coovadia at that stage on the executive(10) of UDF or any region of the UDF? -- In Natal, yes, I think.

Did you make any enquiries what the reasons were why no key note addresses were submitted to the secretariate? -- At the time both me and accused no. 19 were in hiding. So, we were not having good contact with everybody else. I think reasons may well have been given, but I cannot recall then. I cannot recall whether anybody did advance - I can remember this issue of Steven Tshwete because it was an evident issue and I can remember it quite easily and also because I got involved in substituting for him, but I (20) cannot remember, I do not have the full facts of what happened with Professor Coovadia. I do not know what happened there.

Let us turn to EXHIBIT C106 page 1 the second and third paragraphs. -- I may just say that I do not regard this document as a policy document of the UDF. "I greet you in the name of the leading patriots who continued to inspire us from Robben Island, Pollsmore and exile. I greet you in the name of Comrade Nelson Mandela, Walter Sisulu, Govan Mbeki, Ahmed Kathrada and many others who continued to contribute to the struggle for liberation from outside(30)

our/...

our borders." I put it to you that whoever delivered this speech made it clear that the people in Umkhonto we Sizwe inter alia form part of the struggle waged by the UDF? -- Where does that appear?

"I greet you in the name of" the name of Nelson Mandela is given and then "many others who continued to contribute to the struggle for liberation from outside our borders."
-- There is no Umkhonto there.

I put it to you he made it clear from this speech that he meant inter alia leaders of Umkhonto we Sizwe? -- No, (10) I deny that that is the position. I would say he meant amongst other things United Nations Organisation, the Organisation of African Unity, the Non-Alliant Movement. He could have meant so many other organisations. The World Council of Churches. He could have meant so many other organisations and so many other people who have got nothing to do with Umkhonto.

And also Umkhonto? -- There is nowhere where it says Umkhonto here.

There is also no reference to the United Nations? (20)
-- Well, if this document has got anything to do with the UDF, it would obviously refer to people and organisations which are relevant to the position of the United Democratic Front, that is a non-violent position.

COURT : It must have something to do with the UDF as it was found in UDF's office in Johannesburg. -- Sometimes people come to the office of the UDF and documents which have got nothing to do with the Front from other organisations are sometimes left there.

Well, have you ever heard of anybody leaving a draft (30)

key/...

key note speech with the UDF? -- Sometimes people come there and they leave their parcels with a view to go into the shop or something and then sometimes they never come back for them or they forget that they are there. We have documents hanging around sometimes, which we do not know how they got to be there. Sometimes as I have said earlier on, people draft documents and then they send them to the office or they give it to the office with the intention that they would like them to be published or to be used by the UDF in one way or the other. We have to destroy quite a lot of (10) things which we do not use and so on. So, there are very many ways in which documents get there. Sometimes documents of AZAPO will be found in our offices where for instance some of our activists are going around in town and then activists of other organisations are disseminating pamphlets. They take them and they come with them, reading them and then they sit there and then they leave them on the desks, on the chairs and they go. Sometimes we ourselves collect document from other organisations not because we support the policies of those organisations, but because we want to study and (20) understand what is the policies, or what those organisations are saying. Such documents may be found in our offices. Some of them belonging to the CP, Die Afrikaanse Weerstandsbeweging of church organisations or trade unions and so on. There are very many ways in which documents get into our office.

MR FICK : I put it to you that this EXHIBIT C106 is one of the key note addresses delivered at the UDF NGC in 1985. If you compare page 9 with page 2 of the statement of the NGC as contained in EXHIBIT C102 you will find that the (30) one/...

one - that the wording is exactly the same. -- Where?

"Finally we pledge to organise the masses." "By challenge we mean a situation where one takes the State on in certain arenas for one attempts as far as possible ..." from there on "to frustrate its efforts, prevent its advances, force its retreat and if possible cut off all lines of retreat." That is exactly the same as stated in EXHIBIT C102 the statement of the NGC page 2 the fourth paragraph? -- I think I have already said that the only way in which I could explain this is that may be whoever drafted this document or wrote(10) this document may also have been there or somebody who wrote the statement of NEC might have seen this before going to conference and then may be appropriated the words. I made a presentation to the NGC on Friday of the beginning of conference. I specifically explained to the conference the concepts of protest and challenge - the theme of conference in fact I explained that, giving conference there on the basis of my understanding what this theme was about, from the last session of the NEC that I had been at, which is the NEC that adopted this protest to challenge. There would(20) not have been any need for somebody to come and repeat that thing when I had already dealt with it on the Friday.

ASSESSOR (MR KRUGEL) : Is this before the same meeting? -- The same meeting. Counsel said this was read to NGC but I addressed NGC when it opened and I explained what the theme of conference was about.

And the theme was from protest to challenge, from mobilisation to organisation? -- That is correct. It was in the course of that same address that I pointed out that before the elections of August 1984 the UDF had expressed protest(30) and rejection of the new constitution, but insofar as the

new/...

new constitution had not been implemented, the UDF was not in a position to challenge it, for instance to fulfil the promises which had been made by various candidates and so on. Moving from there I dealt with - I also explained that in fact this phrase from protest to challenge was taken from the pad of a book written by Karis and Carter. There is a book From Protest to Challenge. Then I pointed out that the element of mobilisation to organisation meant - you see, UDF had a lot of support and it was important for us to pull together a lot of our membership, a lot of that loose (10) support into tight organisation, so that it would be easier for the Front to discipline those people and guide them along its new approach. For instance if you are going to take direct action, demonstrations and so on. You would need much more tighter discipline.

COURT : Do we have a copy of your speech in our documents?
-- Unfortunately not. Then I even dealt with the question of the people and then I pointed out that for js it was important to win people to our side and the slogan of the Front says "UDF united - apartheid divides" and points to (20) the direct source of the problem, because it point to apartheid as a source of our problem. That is what has to be gotten rid of, but we have to win people over to the side of the Front, of the United Democratic Front to strengthen its position.

I want to ask you about this mobilisation to organisation. What is mobilisation and what is organisation in that context? -- As I understand it, people have experienced problems and may be when they talk about them without thoroughly taking steps to correct, to get rid of those (30) problems/...

problems - when one takes the initiative to say here is the problem we have and we must do something about it, you actually begin to mobilise people to get rid of the problem but organisation would mean more like setting up structures of organisation. So, the two really go more or less hand in hand. That is my personal understanding.

MR BIZOS : In answer to Your Lordship's question the document that we put in is DA72 which reports in part Mr Lekota's speech at that conferernce.

COURT : So, though from protest to challenge may bring (10) in a new phase, from mobilisation to organisation will not bring in a new phase, because you had been mobilising and organising right from the outset? -- Yes, it was just a question of emphasis. In fact, the question of protest to challenge would only introduce new elements in the sense that when it comes to the question of dealing with tactics, not that it changes for instance the nature of the organisation as a protest organisation. It remains a protest organisation. It is just that where initially we say we do not want this and so on and so on, we would then for instance (20) say look, we now challenge you if you, those who said that this dispensation will actually get things right. We challenge you to fulfil this promise. We challenge you to - we are using this dispensation to get rid of that problem. It will be a similar kind of thing of putting across certain political demands in the light of what the new dispensation had promised and therefore to challenge, to fulfil its promises, because our argument had always been that it would not.

MR FICK : I want to refer you to a number of passages in (30)

C106. I put it to you that this is not just a paper found in the offices of the UDF, but it was the key note address. If you look at page 1 the very first paragraph "Comrades, I greet you on the occasion of the first NGC since the launch of the UDF in August 1983." -- I have got a simple question to ask. Who wrote this? Was this paper delivered to the NGC? My point is that I do not know that this paper was delivered there and I do not agree that this paper was delivered there. Whatever it may say.

COURT : Can you dispute that it was delivered, seeing (10) that you did not make one of the key note addresses? -- Well, I was not there. I cannot dispute that, but I would it strange that at the NGC, I would come there and address the NGC on protest to challenge and then NGC would get yet another speaker to come and address them on protest to challenge. And like it is here, bits and pieces, some handwriting here I do not know whose one is this one and then at another point it is typed, at another point there is another handwriting here and then it is typed and then there is a different handwriting. I find it difficult (20) to believe that this could have been the document delivered to the Front, to the NGC of the UDF.

MR FICK : This document, is it not only the draft which was submitted to the secretariate of UDF? -- No, no. If it had been presented to the secretariate, we should have known that it was presented there. Was it presented in this form? was it taken and read to conference in this form? If it was ever read to conference. I do not think - the secretariate could not say or the NGC "Terror, you go and address conference and this is what you are dealing with" and then(30)

send/...

send somebody afterwards to come and do that. We do not work like that.

On the very same page, page 1 the last paragraph "We have important decisions to make this weekend. It is the task of every single comrade present at this NGC to ensure that we emerge as a united family in the interest of the people's struggle." -- Even as counsel read them, they remind me of for instance the same thing or a similar thing being said at the conference in Port Elizabeth in 1983 I think by one of the speakers there and so on. This is a type (10) of thing that one will hear at any meeting. It will be said that we must try to unite and so on. It was said at PE, but with sharp differences.

Then at page 5(b) the second paragraph "We must still continue until we reach our goal of a highly organised people capable of swinging the overall balance of forces in our favour. At the end of this conference, we must plan to move to the next stage on the road to becoming highly organised." Is that not in accordance with your theme "From mobilisation to organisation"? -- What part is that again? (20)

Second paragraph on page 5(b). -- Yes, but this has been said. This is a triad remark. It has been said time and time again, long before any conference and so on. One does not the theme of conference - of that conference to say this. It had been said many times before. Indeed the very formation of the UDF was urging for unity. So, I deny that this remark is necessarily linked to the theme of conference in 1985 and this is the part that is written in this other handwriting, that differs with this other handwriting in this last paragraph here. (30)

Page 10 the second paragraph ... (Court intervenes)
COURT : Can we say that the last part on page 5(b) is a different handwriting from the first part of page 5(b)? It is bigger, the e's seem to be the same and the c's seem to be the same. -- I am not a handwriting expert, but when I look at the tails of some of these things like "highly organised", there are straight lines that go straight down. If one looks at this other handwriting, this bigger one, all the tails of its g's and y's are - they are bent, but if we look at for instance "journey" at the end of the (10) first paragraph, you will see the y there is a straight line down. If we look in the line above "stage a long journey", we just see straight lines coming down. So, the handwritings do not seem to me to be the same and its size also is a bigger size. I do not know if I am too fast.

I am not an expert on handwriting. I was just wondering. -- I think the handwriting in 5(b) will be more similar to handwriting on page 8. It seems to me that it is closer to that one, both in size.

MR FICK : Also on page 10 the second paragraph. There (20) is reference to "This NGC." -- And this also looks entirely different from both the other handwritings that we have seen before. It just immediately seems to me to be different, unless I am very wrong, but it does not look to be the same. It does not look like the first handwriting, it does not look like the second handwriting.

Were you present at any meeting of the secretariate where the key note addresses were discussed, the key note addresses which were to be delivered at the NGC of 1985? -- I think the themes were discussed - some of the aspects(30) were/...

were discussed at one of the secretariate meetings. That was before the NEC.

How long before the NGC? -- No, before the NEC. I said before the NEC. I do not - it was about January.

Were you present? -- At the secretariate meeting?

Yes? -- Yes, I was.

Were you not in hiding then? -- I told the Court that I went in to hiding on 19 February 1985 and I am saying here that this secretariate was in January.

Did the secretariate take any decisions on what the (10) contents of the key note addresses should be? -- It made some recommendations, not everything. It was the NEC that had to take the final decisions on the matter. Unfortunately, as I said, I only attended part of that NEC.

Did the secretariate take decisions on the theme of the NGC? -- No, it said the matter must be referred to the regions for them to discuss and that the final decision would be taken by the NEC. If we are talking about the same secretariate. I am talking about the January 1985 one.

ASSESSOR (MR KRUGEL) : At page 7 of C106, the author (20) has written "Now is the time to act decisively and ^{use} sing the initiative from the State." -- Yes.

I have come across that statement elsewhere in these exhibits. -- Yes.

Is that a term that you frequently use or that you used to hear in speeches and so on? -- Yes. Most of the time when people talk about political issues, every moment is for them a moment of urgency. It is like the word crisis. If I may just refer to that. From time to time, people just stand off. If anything happens, then they say (30)

"This/...

"This is a crisis now and on this question of language I notice that it is also an inherited tendency, because I recall some time ago when I was reading Professor Z.K. Matthews in his autobiography in 1953 after the Defiance Campaign and he was talking in Cradock, he said that he is talking there and addressing the people. Then he says this conference is taking place at the time of a serious crisis and this crisis is deepening and what not and so on. So, part of this language is inherited, because this is a freely and available book which is not banned and people(10) read them and some of the language is part of this historical heritage that people have picked up there. One will find people time and again talking about this is a crisis or the government is in a crisis or the State is in a crisis. It is a lot of words which sound very urgent or perhaps which make people believe that they are very busy with something and they are about to do something, unprecedented. It is just a way of expressing themselves. I do not think there is much that one should attach to that. One may find people who in 1985 were making a statement this is a critical(20) period and this is going to happen and so on. Maybe this coming weekend if there was not a state of emergency and they were going to be a meeting and they were giving me an opportunity to speak, one of the first things they would say is "This is a very critical period and so on." So, every period is critical. The word is like the word "modern". People who lived in 1914 they also spoke about it as modern times and also in 1960 people who lived at that time will say "These are modern times." In 1987 we also say "These are modern times." So, it is modern all the time. (30)

I/...

I appreciate that. Perhaps just this one question. What do you think will happen if an organisation like the UDF should seize the initiative from the State? -- It depends on what is meant by seize the initiative from the State. In the context of the UDF I would understand that that would mean the UDF would have been able to persuade the government to abandon its own line and to work with the UDF along the thinking of the UDF. So, what I think would happen is that we would move faster to the calling of the national convention and things like that. In the context of the UDF. (10) I do not know what this man here had in mind.

MR FICK : EXHIBIT T15 "Minutes of the meeting National Secretariate of the UDF held on 12 and 13 January 1985" found at the offices of UDF Johannesburg. According to the first page in paragraph 2 you and accused no. 19 as well as accused no. 21 were present. Is that correct? -- That is correct.

Mr T.Manuel ... (Court intervenes)

COURT : Just a moment. Accused no. 21 could have been there because he was the secretary of the region? -- Of the (20) Transvaal region.

Of the Transvaal region? -- That is correct.

MR FICK : I see next to the name of T. Manuel is stated in brackets "Head office"? -- Yes.

Can you explain what the position was there? -- No, all it means is that whilst accused no. 19 and I were in detention in 1984 T. Manuel came up to the head office in Johannesburg and he is the man who manned the offices during that period. so, when we came out of detention for a while, because we were not familiar with what the position was and so on, (30)

we/...

we retained him there for a while, just to get the feeling of things before we could resume the full responsibility of our jobs there. So, he came there not really representing the Western Cape, but he came there as part of us from head office. So, the head office refers to accused no. 19 and myself and himself.

And Mr Stofile representing Border, which Mr Stofile is that now? -- He was serving in the secretariate of the UDF Border.

Is that Reverend Stofile? -- That is correct. (10)

Will you turn to page 9, please paragraph 12.9 "Key note addresses must include amongst others attitude to Imperialism structures of apartheid, organisational discipline, self-sufficiency, democracy, et cetera - UDF offensive. Determine program." What was decided on this? Who must determine the program? -- UDF offensive. Determine program?

Yes? -- The NGC was going to do that.

I see there is reference to a speaker from Namibia? -- That is correct. (20)

Did such a speaker deliver his speech? -- Yes.

Who was that? -- It was the secretary general of the Namibia Council of Churches, Dr Shejavale.

COURT : Where did he speak? At this meeting or elsewhere?

-- At the National General Council January 1985.

MR FICK : Then paragraph 12.13 "Press and video. National offices must arrange for filming of any and the sessions that press may cover." Did you make arrangements for the filming of the meeting? -- The secretariate had recommended that that should be done, but in the circumstances it was (30)

not/...

not done unfortunately. It did not happen. It is just more in the spirit of the national - of the NGC 1983, the launch, just to film the proceedings so that we could keep them for records and if people wanted to look at what had taken place, they could see it, but we did not have the means and for some reason it was not done.

You spoke earlier about Yusuf Dadoo? -- Yes.

I would like to refer you to EXHIBIT AG12. This is a document with the heading "Yusuf Dadoo." It is a pamphlet issued by Transvaal Indian Congress Ferreirastown. In this(10) document the affiliate of UDF popularises Yusuf Dadoo as a freedom fighter and people's leader? -- As I have already told the Court Dr Yusuf Dadoo was the president of the TIC and also of the South African Indian Congress. So, the TIC in fact - in the Indian community he has got a very prominent standing. He has led the Indian community in this country since 19 - since the early forties. He has been at the head of the organisation. He is highly respected in the community. Not only in their community, even in the African communities for instance. He was part of the bus boycott of 19 - of (20) the late fifties in Alexandra. So, he is highly respected and who are we in the UDF to come and say to the PAC you may not talk about your past president. We do not have a standing to do that. This is an autonomous organisation but it is an autonomous organisation with its own policies. The UDF was only formed in 1983. The TIC was formed in 1902. We cannot come and deprive people of their tradition and the history but we were not consulted about this and we did not say they must do this. They did it out of their own.

(30)

I/...

I put it to you that the UDF went out of its way to justify the ANC policy and ANC actions? -- No, that is untrue.

And the ANC terrorists are popularised as "our brothers"? -- By whom? The UDF has never said anything like that.

By UDF's leaders at UDF meetings? -- What might have been said and in the spirit that I explained earlier on is that those people come from our communities, they are part of South Africa, they are part of our people. There has never been a decision by the UDF that we are going (10) to popularise these people or something. No such a decision was ever taken by the UDF.

I am not interested in decisions. I am interested in the practice and I put it to you that this was done at UDF meetings by UDF leaders? -- No, I think there is a mistake. Somebody may say something. If we ignore the decisions of the organisation, we will ascribe to the organisation's things which the organisation has not decided upon. If it is said that the UDF had taken a decision to do this or something, but if it is said "You, Lekota, (20) are a member of the UDF and you said that Mandela is the leader of the people." If the UDF has not taken a decision on the question, the blame must not be placed at the door of the UDF. It must be placed at the door of Lekota. He has said so.

Did UDF ever take a decision that Mandela is the true leader of the people? -- Nelson Mandela was elected a patron of the United Democratic Front when it was launched and to the best of my understanding that is sufficient to say that Nelson Mandela is the leader of our people and the UDF (30)

regards/...

regards him as a true leader of the people of South Africa. AS I understand it, that is what it means and those of us who have been in the UDF have been operating with the understanding that the appointment of Nelson as a patron of the United Democratic Front was a way of saying by the UDF this is one of the leaders of the people that must be released so that the government can negotiate and constitutional settlement peacefully. Him and the others who are also elected patrons. What, however, I deny is that it is so that UDF can carry out violence and so on. That is not true. (10)

I would like to refer you to EXHIBIT C26 volume 2.

COURT : Just before we go on, are you saying that all national patrons are leaders of the people? -- No, I am dealing specifically with those of the leaders who are in the prisons and all I am trying to explain is that in relation to those ones who are patrons of the UDF, as I understand the UDF, it regards them certainly as the leaders of the people. So I was trying to clarify only that point. Not that they are the only ones, but in their case I think it is a clear matter that ... (Court intervenes) (20)

It is not a question of whether they were the only ones. What I am questioning you on is are the national patrons appointed by the UDF because they are regarded as leaders amongst the people? -- Let me just have a look at the list. May be I can be a bit more accurate now. Let me deal with the first category, I deal with the ones who are in jail. With regard to those ones as I understand it, they are regarded as the true leaders of the people. Certainly that they are included in that category.

Why? -- They are politicians. (30)

Because/...

Because they are politicians? -- Firstly because they are politicians, secondly, because they are perceived within our communities to express the aspirations which our people really stand for. Not for what they have done, the acts which have placed them in jail, but for what they stand for. People like Mrs Frances Baard, Dr Allan Boesak, Mr Hassan Howa, Mrs Martha Mahlangu, Father Mangoliso Mkadjo, Mrs Florence Mkhize, Sheikh Nazeem Mohammed, Miss Dorothy Nyembe, Mrs Monty Naicker. Those people I would say have been appointed as patrons. Some of them largely because (10) of the responsible positions they occupy within our societies. Some of them - within our communities. Some of them of course have a political background and they are regarded as leaders in various spheres. Mrs Frances Baard for instance is a wellknown community and trade union leader. Dr Allan Boesak, although not specifically a politician is a wellknown and respected church leader.

What are the leadership qualities of Mrs Martha Mahlangu? -- Well, she only enjoys respect within our community because she lost her son and as far as I know ... (Court (20) intervenes)

Many women have lost their sons. -- Well, I do not know any other reason. I do not know exactly what her position is within her community here in Pretoria, but as far as I know she has been respected largely because she lost her son.

Yes, well, many women have lost their sons. Why are there not many other women like her on this list of national patrons? -- I think when people elect patrons they try to select an assortment. You know, you have church leaders, (30) you/...

you have trade union leaders, you have political leaders, you have from various walks of life. So, if we are only going to have for instance trade unionists, then the question may well be asked what about the other sections.

Well, who was her son? -- Her son was Solomon Mahlangu.

What makes him so particular that his mother should become a national patron of the UDF? -- As I say, any mother who has lost a son in those circumstances could have been chosen. It so happened that in this instance she happened to be the one that was elected. May be it is because (10) she is very popular within her community. I do not know her personal background. There may be many other things that she may have done for her community or people here in the Transvaal may know here much better than I know her. Perhaps they can give more information about her. I do not have any more information than what I have given to the Court.

MR FICK : We will come back to Mrs Mahlangu but C26 ... (Court intervenes)

COURT : Well, do not jump around. If you want to come back, (20) come back now. I do not want to come back every time to a thing that we have dealt with.

MR FICK : This Mr Mahlangu, how did he die? -- He was sentenced to death as far as I understand.

For what reason? -- He was found guilty by the Court. I do not know the circumstances, because I was in jail myself.

Are you aware of the fact that he was a trained ANC terrorist? -- I have heard something of that nature. I do not have first-hand information. As I say I was in jail.

He was involved in the Goch Street murder Johannesburg? (30)

That/...

-- That may be, I was not there. I do not know.

Was he not introduced as such at the national conference?

-- I cannot remember anything like that. Somebody was writing in this exhibit here, A1. I see ANC is written next to my name. I have an objection to this really.

COURT : Let me just have a look at that document. Who handed this document to the witness? This is not the court copy. This seems to be a copy which the witnesses are to use. Hand it to Mr Fick, please. You can rightly object to something that is written in that document, because nothing(10) should be written in that document, especially not about you. Where does the writing come from, Mr Fick?

MR FICK : I was not aware that this copy is used in the court.

COURT : Does that copy come from you?

MR FICK : It was in the court right from the beginning.

COURT : I do not remember that we had this before. When you saw this A1 before, Mr Lekota, did it have writing in it?

-- Yes, when I saw it here, it had that writing.

Today or previously? -- Yes, even last week. Those(20) writings were there, but I do not know how they got there, if they were done during the course of the proceedings here in court.

No, we did not write it in? -- No, no, I notice this now specifically. I saw it last week, but it did not quite register so much. Each time I have been opening this, I have been seeing it. Then I just wondered now on what basis was this written in. I cannot remember any witness coming here and saying that I am a member of the ANC, for that to be marked like that there.

(30)

MR FICK/...

MR FICK : I will have this document replaced.

COURT : You will have to replace that page if you want to use that copy.

MR FICK : C26 volume 2. It is a document with the heading "Jabulani Ngcobo." According to the last page it is a speech delivered by I.J. Mohammed at the funeral of Jabulani Ngcobo, Meadowlands Soweto Sunday, 30 December 1984. -- This document is not known to me. As far as I am concerned this is not a UDF document or it does not represent UDF policy.

At this stage Mr Mohammed was on the executive of (10) the UDF Transvaal. Is that correct? December 1984? -- As I remember, yes.

Do you know who Jabulani Ngcobo was? -- I do not know. I do not know if I may discover something if I read here, but I do not know him.

I put it to you that according to page 1 the first paragraph, Professor Mohammed spoke on behalf of UDF. -- I do not know if may be he was sent by UDF Transvaal, but he was not sent by UDF national.

The last line in the first paragraph page 1 "We in(20) the United Democratic Front and all its affiliates say that this is our flesh and blood."--I do not know what he wants to convey is that he has been sent to come there and speak on behalf of the UDF and so on. I notice that he uses this phrase "our flesh and blood." It has also been said by the National Party about Jopie Fourie.

Look at the last sentence on page 1 "Our sons and daughters have left our homes and country to wage the struggle that we all shall be free. Many have left to do what they - to do the much that they felt had to be (30) done/...

done, but they hated apartheid system as pursuit our people beyond our borders and elicited others in murderous deeds."

-- That is his opinion.

I put it to you this man, Professor Mohammed has popularised the people who left the country to wage a struggle from without the borders, the includes members of Umkhonto we Sizwe as our brothers and sisters? -- No, in the first place there is no Umkhonto we Sizwe here and the second thing is that as I have said, I do not know on whose behalf Professor Mohammed is speaking here, but I do not understand (10) him to say that people must leave the country and go and so so. He is saying what has happened. He said people have left the country and that they are waging a struggle there. He says that they that they have done the much that they felt had to be done, not that we felt had to be done. It is a statement of fact. In the newspapers it is always reported people have left the country and then they have taken up arms because of the frustrations of apartheid, but he is not saying that the UDF says people must do that or that it encourages that. He is just stating what has happened. (20)

But the point is that the UDF - this man on behalf of UDF popularised the people to wage the struggle from beyond the borders as our brothers and sisters? -- No, I do not agree that he is speaking on behalf of the UDF and secondly, in any case, I do not understand him here to be saying that it is a popular thing, it is the right thing that must be done. He is not saying that.

Return to EXHIBIT AB40 volume 3. This is a document with the heading "June 16. We shall not forget. Issued by UDF Printed by NUSAS Observatory.". The first page (30)

next/...

next to the photo the first column "The blood of our martyrs will water the tree of liberation." Do you know whose words were those? -- I do not know whose words those are. It must be one of the historical figures. I do not know who.

I put it to you that those were the words of Solomon Mahlangu? -- These words?

Yes? -- I do not know. I cannot contest that.

I put it to you further that the UDF popularised the ANC history at its mass meetings and you yourself did (10) that? -- I think I replied to this question this morning. I have not popularised the history of the ANC. I have spoken about the history of our people and the African National Congress in any event was the first organisation that was formed after Union by the African people. How can I talk about the African people before 1960 when the only organisation they had was African National Congress without speaking about it? It is not possible. Unless I speak about African people from somewhere else, not from this country, but if I am going to talk about African people from South Africa, (20) in the period between 1912 and 1960 it is impossible that I can talk about the political history without commenting about the African National Congress, because that was the organisation that led them. There has never been a bigger organisation than that one throughout that time. There is no other organisation, political organisation of the African people that is older than the African National Congress in that period. If I was going to talk about the history of my people between 1910 or 1912 coming up to 1960 it is just inevitable that I must comment about it, not to popularise (30) the/...

the ANC but because that is our past. We have no other past.

You never wrote on the history of the PAC, wrote or spoke about the history of the PAC? -- No, no, that is incorrect. You see, each time we have had to talk and comment about Sharpeville, we had to talk about the PAC. In fact, if one talks about the ANC, it is inevitable that one must talk about the PAC because the PAC was abraddable from the ANC. In the period of the sixties for instance, when Sobuko was released and so on. If one was going (10) to talk about development, political development within Black communities, in the sixties and the early seventies, it is impossible to do so without commenting about the PAC because Sobuko was also here and he even passed away and he was buried, his funeral was a big issue and everybody went there, even Chief Gatsha Buthelezi and so on. So, we have spoken about the history of every organisation, NEUM, PAC, ANC, Franchise Action Council, All African - we have spoken about the history of everybody in the Afrikaner community, of the White community, our English compatriots (20) as well, the Indian community. We are talking about all these organisations. We have no special reason why we should particularly go and select the ANC. If we have spoken about the ANC perhaps sometimes more than the others, it is because the ANC as the oldest organisation has made may be - has been more involved with our communities than the others, but not because we have a special brief that we hold for them. We have our own policy and we have our own direction that we are pursuing as the United Democratic Front.

(30)

I/...

I put it to you EXHIBIT C1 the second document, this is a document with the heading "United Front. Why did we form it and how appropriate is it today." I put it to you that nothing is said about the role of the PAC? -- Yes, between 1912 and 1949 the PAC was non-existent. So, the only organisation one could talk about is the African National Congress.

And from paragraph 4.3 the 1950's are discussed. -- That is correct.

Nothing is said about the PAC? -- Yes, the PAC was (10) only formed in 1959. So, the whole period of the 1950's is only the African National Congress.

And the 1960's paragraph 4.4 following the Sharpeville incident there is nothing about the PAC? -- Well, it was banned and the ANC was also banned.

Yes, but that did not stop you from referring to the formation of Umkhonto we Sizwe. -- I am sorry, the PAC was involved in the All In African conference of 1951. There is more than the ANC in the All In African conference and the PAC is one of the organisations there. So too is (20) the liberal party. So, there are a number of organisations which are dealt with under the PMB, All In African Conference proceeded by the coming together of African leaders in Orlando. So, there we are dealing with many organisations. The PAC is there,

Yes, but there is no specific reference to the PAC? -- Yes, but it does say All In African Conference. There were many organisations. That is why the ANC is also not mentioned there, but they were all involved.

Will you turn to EXHIBIT C13 in the same volume. (30)

MR BIZOS/...

MR BIZOS : Will Your Lordship see the first line on the next page, on page 2. -- "Organisations are smashed."

MR FICK : Is that the best you could do on the history of the PAC? -- No, no, there is "Organisations are smashed" and I specifically refer to All In African Conference. I say that there is involved the ANC, the PAC, the Liberal Party and many other organisations and no one can contest that.

COURT : PMB is that Pietermaritzburg? -- Pietermaritzburg.

So, they first met in Orlando and then went to Pieter-(10) maritzburg? -- They met in Orlando in December and then they moved on to the All In African Conference. That is correct.

MR FICK : EXHIBIT C13 the same volume. This is a document found in possession of I. Mohammed. It does not say where. It is a document with the heading "Glimpses of our struggle." "Pertinent aspects and their relevance today by Mewa Ramgobinn, Lenasia, 6/4/84." Mewa Ramgobin, did he hold a position in the executive of the UDF? Regional or national? -- He was the national treasurer. One of the national treasurers.

And what position did he hold in the region? -- I think(20) he was in the executive of the Natal Indian Congress. I am not sure.

Do you know this document? -- No, it is the first time I see it in court here. It looks like it is paper written by Mewa with some of his thoughts on or whatever he thinks about. It is not a policy document of the UDF to the best of my knowledge.

I put it to you that except for at the very last page, page 14 the second last - the fourth last sentence "The Sharpeville massacre was one result, but on the hills of (30)

Sharpeville/...

Sharpeville the ANC and the PAC were banned and a state of emergency declared." Except for this, there is no reference to the role of the PAC in the struggle? -- Counsel has actually asked me whether there is any document where any of our officials had ever spoken about the PAC. So, the first thing is this one. The second thing is that other than the PAC in this document, I also notice that at some point Mewa speaks about the Industrial and Commercial Workers Union, ICU. That appears at page 5 here. The one paragraph just before the last paragraph, it starts by (10) saying between 1927 and 1929 ..." and there he talks about the ICU. In fact even earlier on he has already been talking about the IDU. Then I notice also that he speaks about the council CNETU. That will be at page 7 of this document. The last paragraph of that page, he says "During the war years the area of organisation and resistance became concentrated on the Reef after decades of organisational work with different levels of successes and failures. The Council of Non-European Trade Unions (CNETU.)" So, he deals with that. Then at page 8 he also deals with (20) other organisations. He deals there again with this trade union CNETU, the CPSA, the South African Institute of Race Relations. I am now reading at paragraph 2 about from the ninth line onwards and then it deals with the African Manworkers Union. Then he talks about the Chamber of Mines but he does talk about a number of other organisations, other than the African National Congress. So, I was merely trying to say that earlier on counsel has said that the UDF leaders did not talk about any other organisation - here is a document already that indicates this. (30)

Are/...

Are you satisfied that there is no reference to the PAC? -- As I see this document, dealing with the history chronologically, he only deals with the PAC towards the end because that is the closing stage just before the organisations are banned. It is not because there was a deliberate attempt on his part to avoid to talk about the PAC, he is coming this way chronologically and then when he comes towards the end, that is where the PAC emerges and for the first time he speaks about it there.

COURT : It seems to me it does not only link the PAC - (10) the banning of the PAC to Sharpeville but also the banning of the ANC to Sharpeville? -- That is correct. It is so.

Were they then not involved? -- The ANC was not directly involved. What happened is that the PAC had called for a protest. After the shooting or may be I should put it this way. First of all - it is true that the PAC had called a protest. There was from my reading of history some point of difference, but after the shooting the ANC called for the burning of the passes in protest against the shootings and then Chief Luthuli burnt his pass here in Pretoria. (20) I think he was here at the Union Buildings and then both organisations were then banned as a result. So, the correction is like that.

MR FICK : The next document I would like to refer you to is EXHIBIT C52 volume 4. This is a document found at the offices of UDF Johannesburg. Do you know this document? -- I cannot recall - I may have seen this document in another form, but I cannot recall specifically seeing this handwritten form here.

Whose handwriting is this? -- This is accused no. 19's(30) handwriting/...

handwriting. We call him Chief. He is a chief administrator of the UDF.

Page 1 paragraph 3.2 Welkom COSAS meeting of 7 October 1983 the last paragraph "Two main issues were discussed at that meeting. The historical overview of resistance in South Africa and the history and nature of the UDF. The two subjects were handled by the publicity secretary and the general secretary respectively." Did you at this COSAS meeting also speak on the history of the struggle and did you refer to the history of the ANC? -- Yes, in part. (10)

We were explaining the background to the Black Local Authorities Act and so on. We dealt at length with the question of administration in African areas. In fact coming down from 1923 with the Urban Areas Act of 1923, coming down this way. With some of the local struggles one found congress people involved with them. In some cases people like Mpanza in Johannesburg for instance - part of that would have covered it, yes and then the UBC's and the Community Councils are coming up here.

Was this a mass meeting, this meeting of COSAS on 7 October 1983? -- I would not call it - it was not a mass (20) meeting. We just met these COSAS people there.

Was it only a committee meeting - a meeting with the committee of COSAS? -- Not committee but more than the executive, but not what you call a mass meeting. Nothing of the size of this. This is too much. I would say in the region of about 15 tot 20, because you see, we were introducing to them the UDF. We are trying to explain to them the UDF. the reasons why there were objections to the Black Local Authorities Act and so on. That was what we were busy with. (30)

And thereafter you explained the history of the ANC
and/...

and the role it played in the struggle? -- Not the history of the ANC, but the history, the background to local government to African areas. That is what.

Did you also explain the role the ANC played in the struggle? -- I may have - I think I did touch on that when I dealt with the Native Representative Council. Some of the people who served in there like Professor Matthews, Govan Mbeki, Chief Luthuli and so on, that they served there and what happened to the Native Representative Council itself and how the initial hopes of our people were (10) dashed and people like Dr Moroka, why they left the Native Representative Council because they were disillusioned.

I put it to you further that the ANC and the UDF criticised and opposed the same structures inside South Africa?

COURT : Are we now leaving this exhibit?

MR FICK : Yes.

COURT : Before we leave this exhibit. It seems to be a report. Is that correct. It most probably was a report to the NEC by yourself or accused no. 19 or both of you. (20) -- Both of us.

So, this was a report to the NEC probably in October 1983? -- No, in November.

November 1983? -- Because that is the next NEC after the September one. The Court may recall that in D1 we were asked to assess the situation there. That was in September. So, this is subsequent to that.

MR FICK : I put it to you that the ANC and UDF both opposed the same structures inside South Africa? -- I do not know what the ANC is doing inside the country, because there is (30)

no/...

no public organisation. We do not see them doing anything. I have not heard they call a meeting. We in the UDF have opposed these structures.

First of all both organisations oppose the tri-cameral parliament? -- I cannot talk to the position of the African National Congress, but the UDF opposes it. We must not be linked to the ANC. I do not know why is this attempt to link is to the ANC. We are an independent organisation.

Both organisations oppose the Black Local Authorities? -- I do not know about the ANC. The UDF is opposed to (10) that.

Both organisations are opposed to Bantustans? -- We are opposed to the Bantustans and I think the ANC also and also the PAC and also the BBCMA and also the NEUM and also the South African Council of Churches.

Both organisations criticise severely the South African police and the armed forces? -- We have criticised some of those actions of the SADF and the Police that took place whilst we were there and so on. But again we were not the only ones. So too have the South African Council of Churches, (20) so too have - I am even including leaders in the Bantustans in some instances.

I put it to you that both organisations criticise the government's involvement in Namibia? -- We are critical of that. I think the ANC also is critical of that, but also the United Nations has done so. The OAU has done so. The Non-Alliant Movement has done so. In fact the international court has ruled that the South African government should be out of there, it should not be there. So, South Africa is actually transgressing international law by remaining in (30) that/...

that territory. The South African Catholic Bishop's Conference has also criticised the government. It is not something unique to us. By the we did that, other people had been doing it a long time before us.

And I put it to you that both the UDF and the ANC criticise America, Israel and the United Kingdom for their involvement in South Africa? -- We did so in 1983 at our NGC, but so also did many nations of the world. Those which disagreed with them in the United Nations General Assembly, they also criticised them. Even here at home (10) the churches have criticised them and other leaders from other organisations. It is not something unique of the United Democratic Front.

I put it to you that the organisations the ANC and the UDF use the same phrases in describing their aims, methods, targets and the struggle? -- Which phrases?

First of all both the ANC and UDF called for unity in action? -- We in the UDF have called for unity in action. They ANC may well have done so, but also NEUM, as I have said this morning, Mr Bennie Kies, the late Mr Bennie Kies (20) when he called for the formation of the Non-European Unity Movement in 1943 he made what has come to be a very celebrated call for unity in organisations. Even people who do not support NEUM, from time to time they quote it. The formation of the ANC in 1912 was also in response to unity of various organisations of our people from various promises. It may be recalled that in our letter to Chief Buthelezi in 1984 we made the same point that when our forefathers made in Bloemfontein it was in response to the call in difference to the call for unity and he himself, he was (30) calling/...

calling on us to unite with him. He was also calling for unity in action. And then the homeland leaders when the referendum of the Whites passed in 1983 they came together and they made a call that they must unite and they must I think confederate and then oppose apartheid, because they saw themselves as part of South Africa. We have not done anything unique. The national forum when it was formed, it was also because of the call that it had been made amongst others by Dr Allan Boesak, people like Dr Neville Alexander had made a call. I think it will be seen in one of the (10) working progress where one of the Cape Action League people actually says now that the UDF, the idea of formation of the UDF was taken by Dr Allan Boesak from the Cape Action League or the Disorderly Bills Action Committee. So, the call for unity is not something unique for the ANC. I also said that even the Afrikaner organisations have united on the basis that they also believe that there must be unity so that they could move forward.

I would like to refer you to EXHIBIT W69 the first document, volume 11. This is the Speak newspaper dated (20) January 1984.

COURT : What is admitted in respect of this document?

MR FICK : It was found in the possession of M. Valli, Lena-sia. -- Again this is not a policy document of the UDF and we have no say in the running of this Speak.

Mafison Morobe, was he not on the executive of Speak?
-- I do not know. If he was, he was not representing the UDF, Even if he was.

Is he not in the executive of UDF Transvaal, Mafison Morobe? -- I may have to refer to something else. He may (30)
be/...

be serving in the executive there. I am not sure.

Was he in the employment of UDF in any other capacity?

-- Not UDF national. He may have been employed at some point by UDF Transvaal. I am not sure.

And the Reverend Frank Chikane. He was the vice-president of UDF Transvaal at that stage in January 1984. Is that correct? -- Yes.

Will you turn to the seventh page of EXHIBIT W69.

The heading of the document is "Speak focus on 1983." There is a photo of the Reverend Frank Chikane, -- Yes. (10)

The heading is "No to divide and rule, yes to unity in action." -- Yes, but that has been said many times by many other people. This phrase "divide and rule" in history what I have read comes from the old Roman Empire and I think it was some of the Roman Emperors who first called this Divide and rule. "Divide" and something. I cannot remember the full phrase now. It is an old, old thing. The UDF did not coin this. We just found people talking about this. It comes from ancient Rome.

Do you know whether the ANC declared 1982 as the (20) year of the unity in action? -- I do not know. I was serving a prison term then. It was the last year of my prison stay.

I want you to turn to EXHIBIT C8 volume 1. -- I am sorry to disturb the court, but I am just looking at this page for instance. At page 2 of C - the same document that counsel referred me to, W69. If one looks there at the middle it says "Unity at Lab strike." There it talks about the unity and persistence of the workers force management to re-employ them.

COURT : It would seem to be "Unity in Action"? -- Even the (30)
word/...

word union comes from the fact that as I understand it, the workers wanted to unite all the time so that they can defend themselves. The unions have been there long before the UDF. The idea is old.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 23 SEPTEMBER 1987.