

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-24

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 292

(Bladsye 16 277 - 16 363)

COURT RESUMES ON 24 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, let us turn to EXHIBIT A5. It is a document with the heading "The National launch 20 August 1983 Cape Town." Do you know this document? -- I must have seen this document at some point or another.

Are you satisfied that it is a UDF document? -- Do we have the original somewhere may be? You know these photostats, one gets a bit confused. (10)

COURT : Yes, if it is really necessary we will get it out but at the moment it is locked away. -- My impression is that it is a UDF Western Cape publication. I may be wrong, but I think that is the impression I form when I look at it.

MR FICK : Will you turn to page 5. The members of the Transvaal regional executive committee of UDF are mentioned on page 5. There is the name of Curtis Nkondo? -- Yes, it is there.

I put it to you that Mr Curtis Nkondo had been a supporter of the ANC? -- When? At this time? (20)

No, before.

COURT : Before what?

MR FICK : During the years 1980, 1981 and even during 1983? -- I do not know that and at that time, as far as I know the ANC was banned. I do not know on what basis counsel is making that point, but as far as I know he has nothing to do with the ANC.

I put it to you from EXHIBIT C130 and C131, volume 8 ... (Court intervenes)

COURT : Now what have we established by getting with a (30)
lot/...

lot of trouble A5?

MR FICK : I am referring to the members of the Transvaal first which ... (Court intervenes)

COURT : Is there an agreement between yourself and the witness that Mr Curtis Nkondo was a member of the REC Transvaal?

MR FICK : Do you agree with that that Mr Curtis Nkondo was a member of the REC Transvaal? -- Yes, on the strength of this document. That is so.

And from your own knowledge? --I cannot remember for a fact but I think it is correct. (10)

I put it to you that from EXHIBIT C130 and C131 it is clear that ... (Court intervenes)

COURT : What portion of C130?

MR FICK : The first page.

COURT : What is C130?

MR FICK : C130 is a document found in possession of Mr Curtis Nkondo with the heading "The struggle is our life" and from the third paragraph the first page it is stated that "Yesterday, 8 August 1981 I met the thirteen American congress men who were refused permission to visit our leader on the (20) island. It was not difficult for me to present the ANC's determination to make a success of the struggle for liberation."

COURT : Now you have put this to the witness. What do you want the witness to say?

MR FICK : I put it to you that Mr Curtis Nkondo was an active supporter of the ANC. Do you know that? -- No, I do not know that and I deny that. When was this letter written, if I may ask?

COURT : This must have been written in August 1981, 9 August (30) 1981/...

1981? -- I see. It just says Curtis at the end there. Could it be any other Curtis or what?

MR FICK : This document was found in possession of Curtis Nkondo.

COURT : What we are looking at is the typed version of the handwritten document which is just the next one. -- Oh, I see. No, I have no knowledge of Mr Curtis Nkondo's connection with the ANC, if there was any. I do not know that he has supported the ANC at the time that was put to me by the State. If, however, that is the position, that has nothing to do with (10) the UDF. He has never informed us about it. We have never sanctioned it. We do not know about it and certainly, if he has links with the ANC, he would not have had those links on behalf of the UDF. Perhaps the fact that this is 1981 may also show that it has nothing to do with the UDF.

When did Mr Nkondo come out of jail? -- I do not know that he was in jail.

I am sorry, then I must have mixed him up with somebody else. -- The only thing I know is that at some point in time he was restricted, but I do not know that he has ever been (20) in jail.

I was thinking of somebody else. -- He was the president of AZAPO when it was formed.

MR FICK : When was that? -- Late seventies.

Until when was he member of AZAPO? -- I am not sure. I was in jail. I am really telling the Court hearsay now because I was in jail. I know for a fact that he was president of AZAPO at some point or the other.

According to page 2 of the first document in EXHIBIT C130 it is stated "When I initiated", that is now the gentleman (30) Curtis/...

Curtis "When I initiated the formation of COSAS and AZASO, the intention was to create the Congress Youth League." --

It says "When I." The UDF was not involved in all that.

COURT : Do you know that he initiated COSAS and AZASO? --

I do not know that. It is news to me in fact.

MR FICK : The next person I would like to refer to, EXHIBIT

A5 is Mr Eric Molobi. Do you agree he was a member of the Regional Executive Committee of Transvaal UDF? -- Yes, he was. I know he was.

Do you also know he was an ex-Robben Island prisoner(10) as stated in A5 page 5? -- Yes, he was.

COURT : Political offences? -- Yes, he was charged for activities as a member of the Black People's Convention.

Could I have clarity. Were only political offenders kept at Robben Island? -- That is correct.

Not normal offenders? -- No, no, only political offenders both from South Africa and Namibia. What ever other offenders came, they only went on the beach, on the ships there, but they are not part of the prison population there.

ASSESSOR (MR KRUGEL) : How many prisons are there on the(20) island? -- They vary. I think it goes according to periods.

How many prisons are there?

COURT : Prison buildings?

ASSESSOR (MR KRUGEL) : Yes? -- Oh, I see. The prison itself is divided into a number of sections, but all of them, what one calls Robben Island Prison is one prison consisting out of a number of sections. It has about seven blocks. There are a number of other buildings on Robben Island, which are used for other purposes which I cannot explain because I do not know exactly what they are used for. For instance the(30) light house. It has been used for military observations and/...

and so on.

MR FICK : When was Mr Molobi released? Do you know? -- He was released I think about 1980 or 1981. I cannot remember the date.

We have dealt with Frances Baard. The next person I would like to refer you to is ... (Court intervenes)

COURT : How long was Mr Molobi in prison? -- He did five years.

MR FICK : The next person I would like to refer to is Ismail Mohammed of the Anti-President's Council. Can you (10) tell the Court something about his background? Was he a member of any organisation, the ANC, the Communist Party before it was banned? -- The least I know is that he held membership to the Non-European Unity Movement at some point but I do not know exactly when. As far as I know he has never held membership to the African National Congress.

The reason why I ask you this is because EXHIBIT C21 volume 2, it is a document with no date apparently in the handwriting of Professor Ismail Mohammed. On page 1 of C21 the last paragraph it is stated "Tonight we are thankful (20) to them that after a difficult year they have once more brought some of us together in their home. It is in gatherings like these of the old guard and of the youth, a gathering of those who were active in the workman's clubs, the trade unions, the Communist Party and the Congress Movement and of those active today in JODAC, DPSC, Black Sash and affiliates of UDF, that out of tradition and struggle and total commitment shall live forward." -- Well, first of all, this document is not known to me. I do not know on what occasion he was addressing here, if it was delivered at all, (30) but/...

but what is being put now in relation to that paragraph ...

(Mr Fick intervenes)

No, I am asking you whether you knew whether he was a member of the Communist Party of the Congress Movement? -- No, he has never held membership - as far as I know, he was a member of the Non-European Unity Movement. He may have held membership to the Yui Chiu-Chan Club, may be subsequent to that, but he comes from the unity tradition.

COURT : What is the Yui Chiu-Chan Club? -- It is a unity movement split into a number of pieces. At the time I (10) was talking about unity, anti-cared unity, AAC. They also split further and then people like Dr Alexander formed something that came to be known as the Yui Chiu-Chan Club, YCCC.

Where did it get that name? It is something like -- It is always the problem, people read a lot. It looks like they got it from the Chinese name - the name is a Chinese name as I see it. It is supposed to be either a Chinese name or the name of a Chinese politician or something of that nature. But they split those groups and then some went there, people like Dr Alexander were and Dr Abrahams (20) from South-west Africa and so on. But some of the pieces one pick up here and there in history. To the best of my knowledge Professor Mohammed has never held membership to the African National Congress.

MR FICK : The next name is that of Dr Nthato Motlana. -- Yes.

Do you agree he was the regional executive of Transvaal UDF? -- He was, yes.

Do you know that he had been a member of the ANC Youth League? -- I have read that in the history, yes.

Before moving away from the Transvaal Regional Executive (30)

Albertina/...

Albertina Sisulu, you spoke about her yesterday? -- Yes.

Do you know whether she was convicted on 24 February 1984 for taking part in the activities of the ANC and sentenced to four years imprisonment of which two years was suspended?

MR BIZOS : I invite My Learned Friend to the Appeal Court on Tuesday morning nextdoor to listen to the case. It was in 1984, it was in 1982 and the matter is subject to an appeal.

COURT : Coming on next Tuesday? (10)

MR BIZOS : Yes, next Tuesday.

COURT : In 1982. Why did it take so long?

MR BIZOS : I am partly responsible for that.

COURT : Because you were tied up in this case?

MR BIZOS : That is so. And the activity which is alleged in the indictment is paying her last respects to a woman of about 80 odd with whom she was working in 1950 and she made a speech at her funeral. That is the basis of - that is what the case is about. -- With the permission of the Court, yesterday I commented a little bit about the patrons of the (20) UDF. There are one or two points that I just want to add. One other point that I would like to make is that it will be seen from the list of our patrons that we tried to elect people from various walks of life. From church groups for instance. A number of people who are church people and so on, like Nazeem Mohammed, like Dr Boesak and later we added people like Bishop Tutu. So that all I am trying to put across is that these people were elected here on the basis of their positions in the community and in fact with regard to our patrons, the most important patrons in our (30) view/...

view have been those who are actually active in our society, unlike those who are in prison who cannot make press statements, who cannot talk to people, cannot address meetings. The most important patrons for us have been these ones who are outside here, who make the statements, who appear at public meetings and I can assure the Court that on very many occasions they have made public statements both on their own behalf indicating their position as committed to non-violence and at times making the point clear that the UDF of which they were patrons, they understood and they knew to be (10) a non-violent organisation. On various occasions also they have appealed for calm where there were situations of violence and we in the UDF have been heartened and in fact have been seen and perceived to be part and parcel of the pronouncements which they made, calling for peace, calling for peaceful resolution of the problems of our country. So, that I think emphasis - it is important that emphasis should be placed particularly on these patrons who are very active in South African society and even internationally and less those who are in prisons and who are not able to (20) say anything and who do not influence the course of events, because we in the UDF do not have access to those ones who are in the prisons. I have already of course indicated that patrons do not dictate the policy of the UDF, that we decide the policy of the Front in the councils of the Front ourselves independently.

MR FICK : Will you please turn to page 7 of EXHIBIT A5.

Do you agree that the president of the Natal Regional Executive was Mr Archie Gumede? -- Yes, that is correct.

We dealt with him yesterday? -- Yes.

(30)

Will/...

Will you then turn to page 9 please. That is the regional executive committee of the UDF Western Cape. Do you agree that the president was Mr Oscar Mpetha? -- Yes. I do not know whether I should wait until we are finished with each and every name or whether may be I can comment if I want to give the Court an explanation in relation to the one or the other. With some of them I will have something that I want to say to the Court, with others I do not have anything.

COURT : What do you want, Mr Fick? Do you want it all (10) in one shot at the end or by drips and drabs?

MR FICK : At the end.

COURT : Well, make a note then on a bit of paper.

MR FICK : The next name - do you agree that Rashid Seria was one of the treasurers of UDF Western Cape? It is on page 9 EXHIBIT A5. Do you agree? -- It is correct according to this document. I have always understood that it was Andrew Borraine. I was not aware that there were two of them. I think it is correct.

I put it to you that this man was the vice-president (20) of the Union Black Journalists which was banned? -- You say he was?

The vice-president of the Union of Black Journalists? -- It may be. I do not know.

This man Rashid Seria, I put it to you, was also secretary of Grassroots, the community newsletter published in the Cape? -- I do not know that. I do have my doubts about it, though I have never heard about it.

I put it to you that he was later elected as the chair person of Grassroots? -- I do not know about that. You see, (30)

Grassroots/...

Grassroots is an independent organisation or whatever it is. I am not familiar with it and nobody in the UDF structures, unless they were connected with it, would know what is happening in its councils.

In this regard I would like to refer you to EXHIBIT C95 volume 6. It is a document with the heading "National Patrons" and on the second page the heading "Western Cape UDF Executive Profiles." Will you turn to the third page under the heading "Treasurers."

COURT : What was admitted on this document? (10)

MR FICK : It was found in the UDF offices Cape Town. Page three the second paragraph under the heading "Treasurers." For record purposes I will read "Rashid Seria, sub-editor on the daily newspaper has a long involvement in the community press. He was secretary of Grassroots Community Newsletter for three years and was recently elected as the chair person. He was a vice-president of the banned Union of Black Journalists (UBJ) and a former vice-president of the Media Workers Association of South Africa (MWASA)." -- What is being put to me in relation to that. (20)

Were you as the publicity secretary not aware of the fact that Mr Rashid Seria was for three years secretary of Grassroots and he became later on the chair person? -- No, what is significant about that for the UDF? He can be secretary of any organisation. It is irrelevant to the UDF. Why should I know about this, that he was secretary of Grassroots? It is not our organisation, it is not our organ. It is an independent organisation. I do not understand why I should have known about that as publicity secretary of the UDF. As publicity secretary of the UDF I must know the policy (30)
of/...

of the UDF. That is what I have to know. Why should I go out and find out what this man was? And the fact that he was vice-president of the UBJ which was banned does not make him a criminal or does make him ANC. I do not know of any relationship that ever existed between UBJ and the ANC. Similarly with MWASA. It may have been banned, but he was never arrested and convicted for any crime. Similarly with MWASA. MWASA is a perfectly legal organisation. What is wrong about this? I do not see anything wrong here and in fact the government has banned lots of people before, we (10) know and no reasons were given why they were banned. Some of them have challenged those banning orders and they have been able to successfully show that there were no sufficient and proper reasons why they were banned. To be banned is just a thing that the administrator has just decided to do that. It is like myself getting detained in 1984 and staying in jail for three or four months and then coming out for having committed no crime. It is just arbitrary. It is part of the policies that we are against now, apartheid. It is part of apartheid. That is what we are complaining about. When (20) we express our opposition to apartheid, you get banned. When you express your opposition to apartheid, you get locked up under Section 28 when you have not committed any crime. That is what happens and we are not going to say people must not serve in organisations, some organisations were banned for no reason given, for no crime people had committed and were convicted. I said this yesterday here, I do not have anything against you, Mr Prosecutor, but I have something against the policies that you are supposed to defend here. I have something against that. (30)

David/...

David Peterson, are you aware of the fact that he was a former member of the Congress People's Convention? Page 9 A5. The Coloured People's Convention. -- To start with, I do not know this organisation. Quite frankly I do not know this organisation. I do not even know this David Peterson here. I cannot connect this man to any face that I have come across.

Was the Coloured People's Convention not part of the Congress of the People? --No, these are two different things. That was the Coloured People's Congress. This here is (10) Coloured People's Convention. It may be just one of these unity splinters and so on which are so common all over the Western Cape.

DISCUSSION BETWEEN COURT AND MR KRUGEL.

COURT : What we were discussing, Mr Fick, is that though the accused can hear you, the members of the public cannot and we will have to do something about that.

MR FICK : Can we now turn to EXHIBIT C102 volume 6 ... -- Are we finished with these patrons now, because I wanted to say something in relation to some of them? (20)

I am going to refer to the UDF national executive committee and members of the regional executive committee elected in 1985. -- Okay.

C102 document National General Council UDF 1985 the third page - the fourth one, sorry, from the front, the heading of the page "UDF National Executive Committee." There we have as chair person Curnick Ndlovu? -- That is correct.

I put it to you that Curnick Ndlovu was an ex-member of Umkhonto we Sizwe, he was convicted of sabotage and he served 20 years imprisonment? -- That is my understanding. (30)

COURT/...

COURT : When did he get out? -- He was released in early 1983. Well, let me not say early 1983. In 1983.

Together with Mr Nair? -- No, he was released earlier than Billy Nair.

MR FICK : We have referred previously to this document. Only for the Court's information, it is EXHIBIT C96 in the same volume. On the same page C102 under "Other members" we have the name Steve Tshwete? -- That is correct.

He had been a member of the ANC before. Is that correct? -- As far as I know he was a member of the African Students (10) Association, ASA.

COURT : Have we had that before, African Students Association? I do not seem to be able to place it somewhere. What was it? -- It was a student organisation which was formed between 1959 and 1960. It would have catered for students at high schools, in the African high schools.

MR FICK : Was it a Black Consciousness organisation, Charterist organisation or what? -- I am not so au fait with his policies. It was a student organisation. I did not really find his documents, but I know that he was a member of that (20) organisation.

Are you aware of the fact that Mr Steve Tshwete left the country and joined the ANC during 1985? -- I have heard about that, both in court here and I have also read that in the papers.

The next name I would like to refer to is that of Edgar Ngoyi. Do you know that he had been an ANC member and that he was convicted and served 17 years on Robben Island? -- That is correct.

For what was he convicted? -- I do not know the facts (30)

of/...

of his case, but it was for ANC activities any way.

When was Mr Ngoyi released? -- I cannot recall when he was released, but he was released ahead of me any way.

Was it during the 1980's? -- Just before 1980 or in 1980 or somewhere there. I cannot remember now. Many people get released when you are there.

Will you please turn the page, the next page the heading "UDF Regional Executive Committees". There we have the rural secretary Murphy Morobe. I put it to you that Mr Morobe was convicted of sedition and sentenced to 7 years' imprisonment and he was also on Robben Island? -- I think the sentence is a bit too long. In any case, he was convicted for some student activities in 1977/76 in Soweto.

COURT : Student activities can mean a lot of things. Playing marbles or reading books. -- As I see it, it was just those youth things. The young fellows in the SRC's and so on. I do not have the full facts of that. I think he did much less than 7 years.

MR BIZOS : I think that that group was released early. The sentence may be correct on the record, but I think (20) that this whole group, it is the TWALA case. They were released early by executive action.

MR FICK : Then the next name on the same page education officer Raymond Suttner. In this regard I would like to refer you to EXHIBIT AH8.

COURT : What do we know about this document?

MR FICK : It was found in the offices of UDF Johannesburg. On the seventh page it is stated in the left-hand column the second paragraph "After five months pre-trial detention in November 1975 Mr Suttner was sentenced to 7½ years' (30) imprisonment/...

imprisonment under the suppression of Communism Act for carrying out underground work for the ANC. He was released in May 1983.

COURT : It is actually page 6. -- It is correct that that is what it says here. I may just say to the Court that I think it is quite clear that this is not a UDF document, but it says at page 3 as we have been numbering it that this is the 26th T.B. Davy Memorial Lecture delivered at the University of Cape Town on September 26, 1984. So, this is clearly an initiative taken by that institution there (10) the University of Cape Town. It is not a matter of the UDF, that a copy of this document may have been found there or it even may have been read by some of the members of the UDF, but this is not our product. This is not the policy of the UDF and the position of the UDF in relation to the charter at that point in time, has been explained. It is like that. I myself was in detention at this point in time.

MR FICK : Were you aware of the fact that he had been convicted for ANC activities and that Mr Suttner served 7½ years' imprisonment? -- I knew that he had been convicted (20) and that he served a prison term and so on, but I did not know exactly what he had been convicted for.

But you knew it was for ANC activities? -- Well, here is the information. I have the information now.

Then the next name I would like to refer you to is that of Dan Montsisi, the Youth Portfolio. I put it to you that Mr Montsisi was convicted and he served 7 years' imprisonment on Robben Island? -- No, no, that is not true. Dan for a fact I know did only 4 years. It is true that he was convicted. He was also convicted for student activities in (30)

this/...

this Soweto Students Representative Council. It was student activities of 1976. There was no question of the ANC here as far as I was concerned.

Was he tried with Mr Morobe? -- In the same case, yes.

The next name on the same page I would like to refer you to is that of Mr Arthur Mkhwanazi. He held a civic portfolio? -- Yes, that is correct.

Were you aware of the fact that he also served 7 years on Robben Island for sabotage? -- That is correct. No, I do not think it was sabotage. I think in 1976 in the (10) rioting here they burnt a bus or something. It is just the ordinary activities of rioting in 1976. That is all it was.

When was Mr Mkhwanazi released? Do you know? -- I cannot recall. It was some time after I was released. About 1983/84. Somewhere there.

On the same page you will see that Billy Nair and Archie Gumede was re-elected to the Natal Regional Executive? -- That is correct.

Will you please turn the page with the heading "UDF Regional Executive Committee continued." First of all (20) Western Cape. I think that is a typing error. It is Mildred Lesia. Do you agree? -- Yes.

It is not Milfred but Mildred? -- Yes, Mildred.

ASSESSOR (MR KRUGEL) : And the "e" must come out ? -- Yes, it must be L-e-s-i-a.

MR FICK : And then the next name is that of Mountain Qumbula. I put it to you that this man was sentenced to 10 years' imprisonment for recruiting members for an unlawful organisation? -- Well, I do not know what he was in for, but it was not for 10 years. He did not do 10 years in there. (30)

He/...

He did less than that. About 5 years or so.

For what? -- I cannot recall now the circumstances of his case.

When was he released? Do you know? -- Around 1984 also. Somewhere round there.

The next name is that of Jeremy Cronin. He held the portfolio of education and training? -- Yes.

I put it to you that he was sentenced to 7 years' imprisonment for participation in terroristic activities. Do you know that? -- I know he did a period of time, but (10) I do not know what for.

Do you know when he was released? -- In the early eighties also. I do not know when.

Then the Regional Executive Committee of Border Steve Tshwete, who was re-elected as president. -- Yes.

Then the Eastern Cape Regional Executive Edgar Ngoyi, elected as president? -- Yes.

And the next name is that of Henry Fazzie, H. Fazzie, vice-president? -- Yes.

I put it to you that he was sentenced to 21 years' (20) imprisonment which he served on Robben Island? -- Well, I cannot - I do not remember how long he did, but he served time on Robben Island.

COURT : A long time? A long sentence? -- Much longer than I did. I thought it was 15 years, but it could be more than that. I do not know.

MR BIZOS : It is reported it was reduced on appeal. The records are not brought up to date, S v FAZZIE in the early sixties.

MR FICK : In this regard I would like to refer you to (30)

EXHIBIT/...

EXHIBIT W51. It is a document with the heading "Documents of the UDF Eastern Cape Annual General Meeting." It is in volume 8 on page 8.

COURT : What do we know about this document?

MR BIZOS : It was found at Cradock in the possession of one Puwani.

MR FICK : Page 8 the first paragraph the third sentence "In the 1960's (it is under the heading 'Henry Fazzie') he underwent military training in Umkhonto we Sizwe, spear of the Nation. Incarcerated on Robben Island for more than 21 (10) years makes Henry Fazzie a tested leader in the democratic movement of our time. He is also serving on the PEBCO Executive." PEBCO is the Port Elizabeth Black Civics Organisation? -- That is correct.

Is that an affiliate of the UDF? -- That is so.

Then the next name I would like to refer you to is that of S. Sizani. He held the portfolio of publicity secretary. -- Yes.

Is that now Mr Stone Sizani? -- That is correct.

On the same page of EXHIBIT W51 page 8 it says that (20) "Stone was deeply involved in the Soweto uprisings in 1976 and a member of the Black Consciousness Movement of the time. We was sent to Robben Island in 1976 and served for 5 years. He is an active member of PEYCO." PEYCO is that the Port Elizabeth Youth Congress? -- That is correct.

Also an affiliate of UDF? -- That is so.

I put it to you that these people were not only accepted in UDF but their backgrounds were popularised with the purpose to carry forward the message that the UDF and the ANC are working together? -- I deny that. I think as I have said(30) earlier/...

earlier, they were accepted because of their contribution to our people's struggle for a democratic future and where their background were mentioned, it was mentioned as a fact of life that they were what they are. We could not say that they were angles if they came from prison. We would have to say the truth about them, so that the people would know who they are. I also want to say at this point in time that with regard to people like the President Archie Gumede, I stayed with him in Claremont, within our communities there, stretching all the way from Maritzburg, Greater Durban area, in fact (10) the whole of Natal, Archie Gumede is highly respected, first as a lawyer. He has defended very many families of our people against the pass laws and against many other arbitrary laws. He himself comes from a tradition of a family in Natal which is highly respected, which has made tremendous amounts of contribution in the struggle for equality of African and White people in this country. The generation of the Gumede's are known for contributions they have made in our struggle and Archie has kept that tradition alive. In the churches in Natal he is highly respected. He is one of the deacons (20) in the church and his standing goes far beyond just politics. Indeed, in the educational sphere I know for a fact that he has participated in assisting various children from very poor families to gain access to some manner of education. All of those things have endeared Archie Gumede to the hearts of our people in the Natal region and those of others who come from other provinces who know what he has done. So, when the moment comes that they must choose a man who must lead them, the test is what he has done for them. It is impossible that anybody can deny them the right to (30) choose/...

choose the man who has proved himself over a period of 70 years of his life and therefore in Natal our people elected Archie to lead them when apartheid emerged. Here was a man who was tried and tested in the struggle and who would present to the government and whoever else may be available their genuine wishes and aspirations. It was on that basis. Similarly with President Oscar Mpetha. I have been to the Western Cape on a number of occasions. In fact various parts of the Cape. Oscar is highly respected. Apart from the fact that whilst the ANC was legal he was a member (10) of the ANC. He has been part and parcel of the lives of workers in that regions, migrant workers in the hostels, in the docks of the Cape, in the vineyards of the Western Cape. He has organised workers under the African Food and Canning Workers Union and other unions. He is respected and his name resounds far out in the Transkei, because migrant workers went to work in the Cape and so on and have been organised by Oscar Mpetha. He has made lots of sacrifices to see that they are organised, to see that he helps them in their struggles, for better wages and better working (20) conditions. He has contributed in the civic struggles of the Western Cape. Even in the Crossroads area and many other struggles of earlier on. He is respected for this role. I also said that when we organised in 1983, we organised communities which had a long tradition, which had their own heroes, which had their own distinguished campaigners for the betterment of their lives. We could not say to those people you may not elect Oscar Mpetha. If they said this is the man that we are satisfied would represent us, they elect you and I am satisfied that when people elected (30) these/...

these people here, it was not on the basis that they were the best criminals or that they had committed crimes. It was on the basis of the contribution they had made to the struggle of our people. I move to the category of people who had come from prison, like Steven Tshwete, Edgar Ngoyi, Curnick Ndlovu and many others who are not mentioned here. Again we will find at various levels within our communities, men and women who have paid the price of having dared to voice opposition to apartheid. Those who have mastered the courage to say to the government that what is happening (10) to the African people in this country is unacceptable. When they are elected, after they have paid the price for having voiced that opposition, people accept them with all the bona fides that they have paid the price for the crimes that they had committed or the transgressions of the law that they had committed and that there was a new beginning that was being made. We are not the only ones who have done this. The history of our country tells us that at the end of the second world war when Mr B.J. Vorster and General Van den Berg and others were released from Koffiefontein, (20) the concentration camp next to Bloemfontein, having held membership to the Ossewa Brandwag which was a violent organisation and which had sabotaged various railway lines and other installations in this country, the Afrikaner community welcomed them back, not on the basis that they were saboteurs, but on the basis that it could rehabilitate them and convert them into men who continued to make meaningful contribution to South Africa's life and particularly to the upliftment of the Afrikaner people. That happened and indeed by the late sixties once confined to Koffiefontein (30) for/...

for membership to Ossewa Brandwag, the late Mr B.J. Vorster became the Prime Minister of our country and so too General Van den Berg became head of the Intelligence Services of the country. Why should African people not, when they have had men who have been tried and tested in the crucible of struggle, why should they not elect them to positions of trust if they have proved themselves? We have that right and it was on that understanding not on the understanding that these people are going to go on with what they have been doing before. The struggle of our people must continue (10) whilst apartheid is there, because apartheid is the source of the problem. I am very sorry and I am sure we in the African communities are very sorry if the heroes, if the men and women who are revered in our communities today have got criminal records. It is not of their own making. It is of the making of the laws of the government. That does not rely on the will of the majority, but in minority. If the government had allowed our people the right to participate as mature and responsible citizens in the government of our country, it would not have been necessary for us (20) today to say that the people who are our heroes are the ones who are called criminals. They may be criminals in the perception of our communities. They are heroes in our own eyes. We know where their commitment lies. Their commitment lies in the reconciliation of our country. Their commitment lies in yours and our freedom. For indeed whilst apartheid is there and we are frightened of each other, we are all not free. We are all in the bondage of apartheid. That is why people get terrified. When we say we want to be equal with you, you have ruled for so long over Black people, (30) anything/...

anything that says that is wrong for White people to govern over us, is a threat to a privileged position.

COURT : Are you still on the point? -- Yes, the point I am making is that the reason the State is terrified, the reason the State is ... (Court intervenes)

That was not the question. The question was you wanted to add something to the names of various persons about whom you were asked questions, but while you ponder that question, I will have some tea.

WITNESS STANDS DOWN.

(10)

COURT ADJOURNS.

COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, the late Mr Vorster nor General Van den Berg was charged or convicted in any court for any unlawful act during ... -- That may be so. They held membership to a violent organisation at the time. The same position we have with Mewa Ramgobin, with so many others who have never been convicted, who have been banned and restricted and perhaps I may just add that in fact even Robbie Leybrandt although he was convicted, he (20) was released at the end of the war. The Afrikaner communities asked for his release and he was released. Not because they said what he was doing was right, but because they understood that the problems led the man to do what he did. When people have served their sentences and have completed them and they are still willing to serve in our communities and we are satisfied that the service that they offer is legal, we will elect them to carry on those tasks.

I put it to you that UDF not only elects or accepts these people in UDF, but they popularise the history, the (30) violent/...

violent history? -- That is not true.

Take for example the case of Mr Archie Gumede in EXHIBIT A1 page 54. It is said "Josia Gumede, his father, was one of the founding members of the ANC, president of the ANC from 1927" and then they say Archie himself was a member of the Durban delegation to the Historic Congress of the People in 1955. -- What is violent about that?

But they popularised his background, his ANC history? -- Look, his father was a president of the ANC. Should we say his afther was a shepherd? We must say what his (10) father was. His father was that and that is a fact. In fact, if we did not say this, you might have come in here and say you did not say it because you did not want the people to know because there is a conspiracy, we are hiding it. You would be saying that now.. It is his father and the people must know. If he was sent to jail, the people must know this is what he is. So, there is nothing that is hidden about it. It is not illegal and we would just say it in that spirit. Why should be hide that his father was a prisoner and if he was in the Congress of the People, (20) the people must know who they are electing. This is the person that they have elected president and this is what his background is. If he has been a thief and he stole some oranges, we will say so.

On the same page, Oscar Mpetha, it is said he was also elected president of Western Cape Region in the African National Congress. Page 55 "After a marathon three year trial Oscar was found guilty of terrorism and was released on bail. After his release Oscar was elected president of the Western Cape." -- Yes, he was released on R1,00 bail and (30) those/...

those are the facts of his life. Again, why should we hide it, because if we do not say that is what the man is, then it is going to be said no, why do you hide it, because you want to mislead people, because there is a conspiracy. We must tell the truth. It is our approach.

ASSESSOR (MR KRUGEL) : What has happened in this case against Mr Mpetha, do you know? -- When he was arrested, he was still on R1,00 bail out. His appeal was to be heard. As I understand it, from what I have seen in the papers, it appears that his appeal failed and that therefore he is serving (10) sentence.

Three years?

MR FICK : Five years.

MR BIZOS : The case is reported in the Appellate Division. It was a three-two decision as to whether the judge a quo was obliged to impose five years, but the Court of Appeal was unanimous that the executives should consider the earliest possible release because of the circumstances of the case. But it is reported under the same name.

MR FICK : I put it further to you that these people were (20) also accepted in UDF to simulise the nature of the struggle of the UDF? -- As being what?

As inter alia a violent struggle? -- No, no, that is not so. These people have never held membership to a violent organisation. These are people - Archie is member of Release Mandela in Durban there. Oscar is member of the civics and trade unions there. These are non-violent organisations. Their membership to the ANC elapsed when the ANC was banned way back in 1960.

I put it to you further it was important for the UDF (30)

to/...

to bring together all the people in UDF - all the people with a history of having been active in political struggles against the government? -- The UDF has never taken such a decision. These men here have attained their position of respect independent of the UDF, in the communities in which they serve. The UDF did not make these people. These people have long been there struggling with our communities.

I am going over to another topic. I put it to you that both the ANC and UDF seek the establishment of alternative structures to replace the structures of government? -- (10) I do not know the position of the African National Congress. I cannot talk to that, but the position of the UDF is that the present structures are unacceptable and that democratic structures must be established in consultation with the government and our people.

I would like to refer you to EXHIBIT A1 page 3 the second and third paragraph below the picture. "The main focus of the UDF campaign, however, will be at local and regional levels. Organisations affiliated to the UDF will run campaigns around certain aspects of the new constitu- (20) tion that affect their membership in a direct way. This is to ensure that the UDF does not simply become a political protest group but is able to build and strengthen non-racial democratic organisations as an alternative to apartheid itself." I put it to you nothing is said here about consultation with the government to put up the alternative? -- Just go back to page 2, please. The last paragraph just above the picture, it starts there by saying "As a minimum demand the UDF has called for all political prisoners to be released, for individuals and political organisations to be unbanned (30) and/...

and for the return of all exiles before a democratic constitution can be drawn up by all South Africans." That is the consultation and what counsel is reading in page 3 is premised upon this. It flows from that. This is one continuous ideology. Each time you take a thing out of context, it loses its meaning. That sentence there must be understood against this position here as stated before.

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I put it to you that there is still nothing in this document, on page 2 and page 3, which indicates that there should be consultation with the government? -- With whom (10) are we to understand that this here all is to refer to? I explained to the Court earlier that when the call for the National Convention was made, this booklet here, this A1 is a product of actually the proceedings of the national launch. It is on the basis of the outcome of the national launch that this document the Western Cape was asked to draft this document. That is why in fact I was not involved in its drafting. The Court asked yesterday, just by the way, why I was not familiar with anything in it, because when conference adjourned, the Western Cape was asked to draft (20) this, because they had all the documents and the papers and so on and I left because I did not stay in the Western Cape and I was not part of this particular project. In relation to the question of counsel, the point is that this preface is written here by the Western Cape, basing itself on the proceedings of the National General Council on 20 August 1983. There as I told the Court earlier on, when it was moved that there must be a call for a national convention, the speaker actually says those who rule, who are in power, the rulers of our country, must be persuaded to call a (30) national/...

national convention. That consultation relates to that.

But the man in the street who reads this, will not know what was said at the conference of the UDF? -- If he does not know, he will come to the UDF and he will get exactly the same explanation that I have given here. If he is interested. If he wants to do mischief, he will go and do his mischief, but if he wants to understand the UDF, he will come to us or he will go to any office of the UDF and he will get this explanation that I have just given the Court. Even if he did not come to the office, this (10) explanation of the fact that the UDF was making a call for a national convention has been made by the leaders of the UDF variously at public meetings, in the press, in publications of all types. I myself from time to time had to do so on behalf of the UDF throughout the period of its existence. Anybody who will say he does not know what the UDF is about, has not made an effort to understand what it is about. A little bit of what will be revealed by the UDF the UDF is about.

I put it to you that the campaigns of the UDF were (20) conducted to build the so-called democratic organisations since 1983 before a national convention as an alternative to apartheid itself? -- Where does it say that? Where does it say before and what not and what not? Where does it say that?

From paragraphs 2 and 3 it is clear that the main focus of the UDF's campaign, however, will be at local regional levels and organisations affiliated to the UDF will run campaigns around certain aspects of the new constitution that affect their membership in a direct way. That means (30) since/...

since 1983. This is to ensure that the UDF does not simply become a political protest group but is able to build and strengthen non-racial democratic organisations as an alternative to apartheid itself. -- Yes, because if we are going to talk to the government, we will set up organisations. How are we going to talk to the government if we do not set up organisations? The town councils and the UBC's and the Community Councils are not the type of things that represent us. They do not take our aspirations to the government. If we are going to talk to the government, we must set (10) up organisations of a democratic nature which will take what our people say to the government. If you say they will be alternative to those town councils, in that sense. I do not know what else counsel wants to know, but that is our position.

It is not stated in this document that the organisations should be built so that you can consult or speak to the government, but it is stated here that democratic organisations must become an alternative to apartheid itself. It is not for the purpose of consultation? -- I do not know whether (20) I may not refer to the - amongst others to the letter that we wrote to the State President. In the meantime, any way, I just want to say this that I have said here and also others have said here the reason why we set up the UDF and it is a United Democratic Front - the reason why we did so, is so that the United Democratic Front can take what our people say their aspirations are and go to the government and say to the government this is what our people want. Right. The reason why we did that was because those town councils and the Mr (?) and so on were not doing what our people (30) wanted/...

wanted them to do. They were not saying to the government what our people wanted them to say to the government. In any case they are ineffective, they are there to bring the policy of the government to us. They do not take it from us to the government. That is why the people have called them toy telephones sometimes, because they do not take the message there. We then set up our own organisations which are democratic. We must talk to our people, find out what they want and what they say must be said to the government and they must then go and say to the government this is what our(10) people want and the UDF in itself is a democratic organisation of that nature that says to the government what our people want and in that sense it is an alternative to structures which are ineffective and I do not see anything wrong with that. It is not illegal, it is not unconstitutionally, it is not violent. It is proper. That is why we wrote the State President a letter on behalf of the UDF and stating this issue here in that letter. It states clearly that our people want their leaders released and then a consultation and an atmosphere in which everybody can sit together and (20) draft a democratic constitution. That was not done arbitrarily. It pursued and it flowed out of the councils of the front and there we stand. We stand or fall by that. If we cannot persuade the government to do that or whilst we have not persuaded the government to do that, we have not yet achieved what the UDF is there for. What the UDF is there for is to persuade the government to call a national convention. It must continue to do so. Indeed it must not knock-knock. Because if we do not have - if we cannot vote, we cannot influence affairs in our country and really we plead to be(30) given/...

given a vote. Once we have got a vote, we can talk like responsible citizens to the government and contribute. Why should there be problems? There will not be any problems. I am sure even these other people who lose hope and despair and so on will have no excuse. They would have no reason to lose hope, but whilst we are frustrated like this and we are denied - we are not saying that other people must not have a share. The stake as we understand it is a shared future. We are asking for that and we demand it as of right because we are citizens of this country. (10)

Are you finished now? -- Not yet. I mean, it depends, if you want some more.

COURT : No, this is not going to deteriorate in merely a lot of verbal noise. We will stick to the point. The point that counsel made was that the words alternative to apartheid itself mean other organisations and you have answered that question. Next question.

MR FICK : Both the ANC and the UDF have the aim to unite the different and isolated structures in the one body to lead and direct them in a national struggle against the (20) government. -- I do not know the objectives of the ANC. We in the UDF sought to organise the various organisations in our communities so that they talk with one voice.

In this regard I would like to refer you to EXHIBIT C53 volume 4. It is a document with the heading "Report future program budget proposals UDF". Page 1, the date is November 1984. This document was found in the offices fo TIC Johannesburg.

COURT : Page?

MR FICK : Page 8. Paragraph 2.1 under the heading (30)
"Present/..."

"Present position democracy versus the State. The UDF was conceived as a body which would co-ordinate active struggle against the apartheid government. Many organisations had been waging struggles at local levels against high rents, the housing crisis, rising electricity rates, dummy bodies et cetera, but these were being conducted in isolation from one another. Today these organisations are united into a mammoth force under the banner of the UDF. The challenge which faces the UDF is today is to build a truly national voice to strengthen unity that action over the past (10) fourteen months has already forged and to advance the struggle for national liberation." In some documents of UDF we find sometimes there is reference to achievements by UDF and then victories by the people. On what basis did you in UDF decide when it is an achievement of the UDF and when is it ... (Court intervenes)

COURT : What are you extracting from paragraph 2.1? If you extract nothing, why did you refer us to it?

MR FICK : It was my intention to argue later on with the witness and also now ... (Court intervenes) (20)

COURT : You must not argue with the witness. You can argue at the end of the case. You must first question the witness. What did you want from paragraph 2.1? Or can I delete now what I have written down?

MR BIZOS : It is with some reluctance throughout this cross-examination that we have not raised objection. This is a document dated November 1984. The document was referred to in cross-examination on 15 and 16 and 18 September. On each of the occasions the witness said that he had not seen this document, he was in detention when it was drawn (30) and/...

and that he could not - he did not have any personal knowledge of it. We are now again returning to it. We are not unmindful of the difficulties that there are, both in our validly objecting and in Your Lordship ruling cross-examination out of order, but we submit with the greatest respect that where a document has been dealt with and more particularly where the witness was absent from the scene, no useful purpose is being served by returning to it from time to time and also of course I do not want to take the matter that Your Lordship raised with My Learned Friend as to this is what is (10) says, so what?

MNR. FICK : Dit is ongelukkig so dat die dokumente wat voor die Hof is, verwys almal nie net na een onderwerp nie en die Staat het die keuse om òf dokument vir dokument te vat en alles deurmekaar onder verskillende hoofde te probeer uitsorteer met 'n getuie òf om sy kruisverhoor op te deel onder sekere hoofde en dan te verwys ongelukkig telkens na dieselfde dokument en dit is wat doen om te probeer om die ding sistematies te maak. Dit is waarom dit gebeur dat daar meer as een keer na dieselfde dokument verwys word en verder (20) is dit so dat hierdie dokument gedateer is November 1984 maar in die dokument self word verwys na die tyd - paragraaf 2.1 op bladsy 8 spesifiek - toe UDF gestig is, toe hierdie getuie wel ... (Hof kom tussenbei)

HOF : Maar kom ons kyk nou wat is die onderwerp waarmee u besig is. Die onderwerp waarmee u besig is, is dat die UDF en die ANC het die bedoeling gehad om verskillende organisasies saam te snoer met 'n besondere doel. Wat die ANC betref sê die getuie daarvan weet hy nie. Wat die UDF betref, sê hy hulle wou organisasies saam snoer sodat hulle met een (30) stem/...

stem sou praat om gewig te hê teenoor die regering. Dit was vir my vanaf die begin duidelik - ek dink nie dit is in dispuut nie. Nou verwys u na 'n dokument wat die getuie nie van weet nie. Watter nut het dit op hierdie onderwerp?

MNR. FICK : Dit is my submissie, dit sal geargumenteer word later dat hierdie getuie nie kan kom sê hy weet nie van die ding nie, hy is daarna vrygelaat, dit is duidelik 'n UDF dokument... (Hof kom tussenbei)

HOF : Kom ons aanvaar dat u argumenteer later die getuie moes in elk geval van hom geweet het, hoe neem dit die (10) doel waarvoor ons hier is enigsins verder en dit is om te kyk of die Staat sy saak bewys het teen die beskuldigdes? U lees 'n paragraaf voor en dan neem u die paragraaf nie eers verder nie, laat staan nog die feit dat hierdie dokument nie eers deur die getuie erken word nie en op 'n onderwerp wat ek gedink het heeltemal buite dispuut lê op hierdie stadium.

MR FICK : The next point I would like to make is that both the ANC and the UDF seek to achieve their goal through extra-parliamentary opposition? -- That is true with regard to (20) the UDF. The methods which we sought to use were those extra-parliamentary.

The next point, both the ANC and the UDF seek the active participation of the masses and the so-called White democrats in the liberation struggle? -- I will not talk to the African National Congress's point, but with regard to the UDF it is correct that we sought unite people across racial boundaries to speak with one voice against apartheid, but as I understand it, there are also many other organisations like the South African Council of Churches and many other (30) organisations/...

organisations which feel that both Black and White must play a role in persuading the government to abandon apartheid.

I want to put it to you that the UDF did not only want the masses to speak, they want active participation? -- What is meant by active participation?

Active resistance against rent increases ...-- No, no, I must just be clear. Does that mean speaking, because you know even speaking is an active term. Active participation. People can stand there and say we do not want rent increases. That is active, but it can also mean something else now. (10) For instance it can mean rioting. I want to be clear whether by that it is meant that they join organisations and then they present their complaints to the government. If that is what is meant, it is true that we want them to participate actively in that sense, but not in the sense of violence.

And in the sense of getting the people to refuse to pay rent increases? -- No, that has never been the position of the UDF. At no stage has the UDF ever made a call that you must boycott the rent and what not. As far as I know never. (20)

And to get the people to reject Black Local Authorities? -- That is the purpose for which the UDF - the UDF was set up because we reject the Black Local Authorities Act, not to go and tell the people in any event they were rejected.

And to get the masses active so that they can force the councillors to resign? -- Well, we made calls for the councillors to resign. When you say we got the masses active to resign, what does that mean? Does that mean boycotting their businesses for instance and so on? If that is what is meant, that is correct. We said people must boycott (30) them/...

them, they must make the call, they must boycott them, they must not have anything to do with them, but we also said specifically that they must not use violence.

And to get the people to intimidate councillors? -- No, that is not true.

What is meant by the phrase "The masses are the makers of history"? -- May I have a look at the context?

EXHIBIT J3 is an input at the NEC of 10 and 11 November 1984 on the political aspects of the Front. Page 2 "Our view" Paragraph 2.2 "The masses are the makers of history. (10) It is they who must become active participants in the struggle Without this there cannot be any successful victory." What is meant by "The masses are the makers of history"? -- First of all I had already told the Court that I was not present at this meeting and where this paper was discussed. In my understanding here, all that it says is that it is the participation of the majority of the people and actually influence things and therefore that if the UDF hope to achieve what it wanted to do, it would have to win the majority's support of the people. (20)

But how do you explain the second sentence "It is they who must become active participants in the struggle"? -- Yes, that they must join the organisation. That is active. It is active as opposed to apathetic. People just sitting there not doing anything, but when they join organisations, they take decisions, they send their leaders to go and make representations. That is active.

COURT : When in the speeches I have seen that the word history or historical forces and that sort of thing is often used, you can see the same in paragraph 2.2.1 on the second(30) question/...

question. Does the word "history" and "historical forces" really mean history or does it mean something which affects the future? -- I can say quite truly and frankly to the Court as I understand it, it is just history.

It is just history? -- Yes. I think, as I understand it, if I were to construe that very sentence.

How could masses become effectively historical forces for change if it is just history? -- I do not understand this sentence. Unfortunately I was not part of this. This sentence here, on a closer look, is quite a difficult one. (10) If the author wanted to say that in the course of history we have seen that it is only parties which win majority support, that win the support of the masses, which influence change, I do not know what he meant and unfortunately it is also a question, it is not a statement.

MR FICK : Should the masses partake in a violent revolution to overthrow this government and they succeed, would they not be then historical forces for change? -- That is a highly hypothetical - it is a supposition. I do not know. When change takes place, there are obviously people or (20) factors which play a role in it. We in the UDF in any event would not talk about the question of violent revolution, because we are not a revolutionary organisation to start with. We are not committed to the use of violent methods. Once one takes the documents of the UDF and interprets them in that context, they will be misunderstood and they will just be wrong.

I put it to you that to achieve this aim of the active participation of the masses both the ANC and the UDF accepted that they must mobilise, organise and politicise the (30)

masses/...

masses? --May I put the question. I think I have attempted to answer the question before that. As far as I know any organisation or political party or whatever the nature of that organisation, if it is an organisation that seeks to effect social change or to effect constitutional change and so on, what change it wants to achieve must first gain the support of the masses of the people and that means that such a party would have to go and meet the people and persuade them to support its position. The UDF like any other political organisation which uses non-violent methods has no (10) choice but to win majority support and then only then can it hope to persuade the government to correspond to what it says. That was the position with the civil rights movement in the United States. It was the position also in South Africa with Mahatma Gandhi's movement, a non-violent movement earlier on in this century. It is actually a method that is employed, even by our political parties. The National Party, the PFP, they put advertisements in the newspapers and they would put their policies across in the pages of the newspaper in such a way that they must appeal (20) to the masses so that the masses support them, because it is only when they can win that they can do so. Here in the case of the UDF there is no other purpose other than that one. You can take it from me. It is really like that and even at this moment, our affiliates will be trying to win support. That is why I went to Rand Afrikaanse University amongst others. That is why we tried to talk to as many people as possible to win them for our side, because it is only then that we can begin to persuade people. So, organised not with the purpose, negative purpose that the State is (30) suggesting/...

suggesting, but with this simple straightforward thinking.

I put it to you that the ANC and both UDF mobilised, organised and politicised the masses so that they must become active in the sense that they must overthrow the government? -- I will not talk to the question of the ANC, but with regard to the United Democratic Front I deny that that is the purpose. I said the purpose of the Front is clearly set out, let the government release our leaders and call a national convention, draft a constitution in an atmosphere that conducive to such a task. (10)

I put it to you it is not only a question to get the mandate from the masses that UDF mobilised the people, but it is to get them active, the masses itself in the struggle? -- I have tried to give my own interpretation of active. May I at this point ask counsel to give me his meaning of active?

To partake in boycotts, intimidation, active in riots ... -- Let me just deal with those three before you go further.

COURT : Let us first get the list. I will give them back to you. -- Okay. (20)

MR FICK : Attacks on members of the government structures like police, councillors, attacks on buildings of Black Local Authorities, councillors, attacks on schools, all with the purpose to overthrow the government.

COURT : So, in fact what council is saying that with the purpose to overthrow the government, there were attacks on property and on people, or it was intended to have that, rioting intimidation and boycotts. -- My response is that it has never been the UDF's policy to advocate the overthrow of the government. It has been our policy to call on the (30) government/...

government to summon a national convention, to draft a new constitution. It is not correct that the UDF has advocated or urged anybody to engage in riots or violent acts either against the government or government supporters and agents. With regard to that the policy of the UDF has been that the methods must always be non-violent. It is correct that the UDF has called on communities to boycott businesses of those who support the policies of apartheid or the policies of the government. I hope I have replied to everyone of them.

MR FICK : I want to add something else to that. The UDF(10) mobilised, politicised and organised the masses so that they make the government structures unworkable and to make themselves and the country ungovernable? -- The policies of the government is foreign to me. It is correct that we made a call on our people not to support anyone of the structures of the government, so that they must die a political death and therefore they would die by being unworkable because they would not have any support. Once they do not have support, they would not operate and then they collapse. Though we talk about they must die, it is only to mean that(20) politically they are ineffective.

Is there a difference between a movement and a front? -- As I understand the concept of movement, it can actually be reduced to more meaning than one. There are times when the concept of movement reflects a certain type of thinking or ideology, where for instance one may talk about the Black Consciousness movement. But there are also times when the concept movement may be applied to a broader grouping, for instance where one may talk about all the anti-apartheid movement in South Africa and that would include the UDF, (30)

AZAPO/...

AZAPO, the PFP, you know, everybody, the South African Council of Churches, the whole of that category of people who oppose apartheid. Sometimes it can be applied in that way. So, once more we will need context, each time the word arise, we will have to look at the context in which it is applied.

I put it to you that both the ANC and the UDF describe themselves or is described as a democratic movement and being part of a democratic movement? -- If one is talking about democratic movement, one would be talking about (10) a category or a grouping of organisations that go far beyond the UDF. That would include all the organisations which seek democracy, all of them. They would constitute democratic movement, but we have specifically stated that the United Democratic Front is a front and on various occasions, whenever members of the NEC have had to explain that they have stated that it is an alliance of student, women, worker, et cetera, et cetera organisations. One will find that even in the letter we addressed to the State President in introducing the United Democratic Front in the first para-(20) graph, we state that the UDF is a front and then we explain by what we mean by that and that explanation is our understanding, is our official explanation we have put across at various times.

The ANC, would you include them in the democratic movement? -- If one accepts that the ANC seeks a democratic constitution, yes.

COURT : Without ifs and buts, do you or do you not? -- On the basis of the Freedom Charter, no I take them as part of a democratic movement. They seek democracy. They seek (30)

a/...

a democratic government in our country, but so does the PAC, so does AZAPO et cetera, et cetera and the South African Council of Churches also.

Yes, but now, you have a tendency to argue your case. Do not dispense of the valuable services of Mr Bizos. That is why he has been appointed. -- As a layman, sometimes we do not understand these things.

MR FICK : I would like to refer you to EXHIBIT C3 volume 1. It was found in the UDF offices Johannesburg. Do you know this document, a letter dated 13 September 1984 from the (10) national office? -- I had already told the Court that I was in detention at the time this document was written and that I did not know it.

I would like to refer to paragraph 2 of this letter addressed to UDF President from Popo Molefe general secretary. The second paragraph from the second sentence "Besides it does appear like the resolution of this problem hold for us the best prospects of building the front into a powerful democratic movement with a well-defined direction and program. The opposite can only spell doom for the young (20) democratic movement." Is this in accordance with UDF policy if it describes itself as a young democratic movement? -- It is not a question of policy. I have just explained to the Court here that the word always takes its meaning in context. The UDF was a combination of so many organisations. As I understand it in this context he is referring to the UDF as a movement and it is true that it is a movement. It is democratic because there you see in its name is also written democratic. So, it seeks democracy. Because it wants democracy, it is a democratic movement. (30)

I/...

I would like to move to the next point. I put it to you that both the ANC and the UDF propagated that the people in organisations which work with the government, are part of the enemy and are sell-outs? - I will not talk on behalf of the ANC or to the point of the ANC. We of the United Democratic Front have stated clearly that those who serve in structures which do not give us power are serving in puppet structures and sometimes other terms have been used, but generally it is so, that they are puppet structures.

Are they regarded as part of the enemy? The people (10) who work with the government? -- Because they are part of apartheid which is our enemy, yes. Because those structures promote apartheid. They are, yes. As long as we just keep in mind that as far as we are concerned, the enemy is apartheid and therefore any structure or anybody that builds up that thing there. Even the application of the term enemy, it must be understood to be political opponent, not enemy in any other sense that is unfamiliar to us.

I am going to another topic. I want to deal with campaigns in general and from there on move to the UDF and (20) autonomy of affiliated organisations. Is it correct that campaigns are regarded as important by UDF to mobilise and organise the masses against the government?-- Well, those campaigns which we undertake we regard as important.

Is it correct that during the campaigns the methods used by UDF activists include personal contact with the people, house visits, house meetings, mass rallies and disseminating publications on the issue? -- Yes, a campaign may be - various methods may be used in a campaign. Amongst others some of those methods are mentioned, not in every campaign but (30) variously/...

variously. Sometimes a combination of methods.

When you speak about UDF activists, do you mean the people in the affiliated organisations. Are they included in the concept UDF activists? -- Yes, especially if they are carrying out UDF programs.

Is it so that the role of the UDF head office with regard to campaigns was to initiate campaigns? -- No, it is not as mechanical as that. If a campaign is conducted by a region, it will be the region that will run the campaign and it will therefore be run from there. As to the initiation(10) of a campaign, sometimes it may be motivated of the idea may emanate from the leadership. Sometimes they idea may emanate from the membership. There is no hard and fast rules about it. There is a truer process so to say. Sometimes a region may suggest a campaign. The matter may be taken to the NEC, which may pass it on to the regions and if the regions accept it, it then becomes a campaign, a national campaign of the UDF. Sometimes the NEC may come forward with an idea and send it to the regions and after they have discussed and accepted it, it may become a campaign. (20) There is nothing hard and fast about it. The whole process of democracy must always take place. So, if the NEC was going to tell people to say this is what must be done and then it is just done like that, the principle of participation in joint decision taking would collapse.

Why I am putting this to you is because in EXHIBIT C53 on page 15 paragraph 4.4.1 volume 4 under the heading "Head office. The UDF head office serves as a linkage between the different regions. In addition its role can be broadly defined as initiating campaigns, information and contact (30) with/...

with the international community." What do you say to this?
--There is nothing that conflicts with what I have said there.
When a decision has been taken that a campaign must take place, a national campaign, the co-ordination and the running of the campaign would be the task of the national head office, unless we specially elected somebody to head it under normal circumstances. It will be co-ordinated by head office, but I think you were talking about initiating.

Yes. -- Initiating is as I understand it, to put it forward, to say here is a campaign that we are putting (10)
forward.

That is what is stated in paragraph 4.4.1? -- No, I think initiating in this context mean - it would have been discussed already, It would just be a question of setting in motion and starting off now doing the work, but the process of initiating the campaign would have been going on from the moment it is suggested.

The role of regions as far as campaigns are concerned, I put it to you the regions must advance the campaigns in the particular region? It is their task to advance the cam- (20)
paigns? -- There are two points to make there. If a campaign is a campaign of a region, it will have been discussed, debated and adopted by that region and it will be run by that region. If a campaign, however, is a national campaign and that has been decided upon nationally, what work has to be done in relation to that campaign in the regions, will fall to the regional structures.

In this regard I would like to refer you to page 16 of the same document C53 paragraph 4.4.2 "There exists within the UDF a divide between national and regional functions. (30)

The/...

The regions advance campaigns and the UDF within the province."

-- This is correct. I think it is dealing with campaigns which are national. That is why I say that if it is a national campaign, the task of running the campaign in the region, will fall to the regional councils or regional structures.

On page 16, the same page we find that paragraph 7 the second paragraph from the top ... (Court intervenes)

COURT : That is paragraph 4.4.17.

MR FICK : Under the heading "Resources and information. (10) Our information officer would have the responsibility of procuring, translating and disseminating information crucial to campaigns." Was an information officer appointed and who was the man? -- No, we did not come to appoint one. May be after we were arrested.

But whose task was it to procure, translate and disseminate information crucial to campaigns before your arrest? -- We did not have anybody who were specially charged with that.

Yes, but who in practice did it? -- No, anybody could do it. May be some times I could do it, may be accused no. 19 (20) could do it. May be we could get somebody to come and do it. It would depend on the circumstances. Anybody could do that but we realised that it was important that we must have somebody to do the task itself because our hands were full.

Full time national campaign co-ordinator, was such a person appointed? -- To the best of my knowledge, no.

Who co-ordinated campaigns nationally in UDF? -- We did not have a special person doing it. Sometimes NEC would have to ask somebody to do this or somebody to do that.

Did you ever act as a co-ordinator? -- At some point (30)

in/...

in 1984 we were asked to co-ordinate the million signature campaign.

I put it to you that campaigns were conducted, inter alia for the purpose to educate to train and deepen understanding and to heighten the political consciousness of the masses? -- Relating to which campaign? The million signature campaign for instance would have had amongst other things - it would have been explained to people what the BLA and other acts implied for them. So, one can talk about that as adjudicative(?) If that is what is meant, yes, that(10) is the position. People would have a better understanding of our political situation and they would make therefore better decisions than if they did not know anything about these issues.

Was it also the task of the NEC to encourage the UDF affiliates to take up certain issues or campaigns around issues at local level? -- It was not the task of the NEC to do so. The affiliates of the UDF had always existed with specific issues that they were tackling within their own communities, because they had existence before the UDF.(20)

In this regard I would like to refer you to EXHIBIT D1 found at the offices of UDF Johannesburg Minutes of the UDF meeting on 10 and 11 September 1983 Durban. Turn to page 3 please paragraph 10 under the heading "Program of action" the second paragraph "In line with these principles the NEC resolved to encourage the UDF affiliates to take up issues such as housing local authorities, CMC Coloured Management Committee and to commemorate all great events." -- Yes, but is it not clear? It says quite clearly that the NEC resolved to encourage. It does not say that it is the (30) task/...

task of the NEC to do so. It says it resolved to encourage the UDF affiliates to take up such issues.

If the affiliates out of their own took up issues like housing, local authorities and the elections and commemoration of all great events, why was it necessary for the NEC to encourage them to do it? -- Well, just to pep them up. Sometimes people have a task but they slack down, just to pep up their moral. You encourage them. You urge them on.

I put it to you the NEC was not happy with the performance of the affiliates and therefore they urged them to (10) take on campaigns - issues like housing, the elections? -- We in the UDF always look at ourselves and we criticise ourselves. If we would find that we were not happy with our performance, we would try to do better and I think it is not only the UDF. Every organisation does that. From time to time it takes stock of things, it looks whether it is still doing as it is supposed to do and then it says now, chaps we must fasten our belts our pull up our socks and push harder. That is all. It is only in that spirit. It does say clearly encourage. (20)

I put it further to you from this paragraph 10 page 3 EXHIBIT D1 it is clear that the NEC initiated the taking up of issues like housing by affiliates? -- It initiated?

Yes. -- No, that is not correct. In the Western Cape for instance the Cape Housing Action Committee had been tackling the question of housing long before the UDF was formed. I recall reading press reports from the Confidence of Roland(?) about its activities on the question of housing in the squatter struggles of Crossroads, KTC, Younger Bush, Younger Extension and so on. In Durban the Durban Housing (30) Action/...

Action Committee had been pursuing the question of housing long before the UDF was on the scene and such an organisation in Claremont Iso Lomzi had been looking into the question of housing before that. Umlazi also. The Umlazi Residents Association had also been pursuing the question of housing long before - many of the civics, even with the Soweto Civic Association we see that it had already been tackling the question of housing long before the UDF. These issues had been dealt with. All that the NEC was concerned about, just to pep up the moral of the people so that they can be a (10) little bit better.

I put it to you that the NEC saw in issues like housing, local authorities, Coloured Management Committee elections and the commemoration of certain events, golden opportunities to mobilise and organise the people for the liberation struggle and that is the reason why they encouraged the affiliates to take up issues like this? -- No. May I tell the Court this, the question of the Coloured Management elections, was coming up at that point in time. It was an issue that was going to come up. In the light of the new (20) dispensation and the reason why the UDF had been set up, it was only to be expected that the UDF would concern itself with those elections. That was in keeping with the UDF policy position and with regard to the question of local authorities, Black local - which is in fact Black Local Authorities, those elections were coming up in November and if the UDF hoped to register with the government, the correct position that the people did not support them, it had to begin to run its campaign at that point in time. So, it was in line with the conditions of the time. In relation (30) to/...

to the question of housing, we saw at the national launch from the speeches that I delivered in V26 the housing struggles in the Western Cape and housing struggles in the areas, even in Vryburg, where people were complaining about their houses and so on and in areas like Durban, where people were again busy with the question of housing in areas like Clarewood and so. Those were the issues that communities were confronted with. The NEC is only on this specific issue, because the issues which are there at hand and everybody is concerned with them. I deny that it is for the purpose that the (10) State alleges as such.

I put it to you that the MSC was conducted to build the organisational work to strengthen organisations and was seen as of vital propaganda value. It had vital propaganda value for the UDF? -- The primare purpose of the million signature campaign was to collect one million signatures of people to show that they reject the new constitution. As side effects, spin-off so to say of the campaign, we would be able to reach various communities and carry across the voice of the UDF. In the process we would be able to win a lot of people (20) into our organisations and so many other various side advantages were there, that would have come out of the campaign. But its primary purpose was to collection one million signatures and to illustrate that people oppose apartheid.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K941

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, we were busy with the MSC. I put it to you according to EXHIBIT E1 that is the minutes of the UDF NEC meeting held on 5 and 6 (30) November/...

November 1983 at Johannesburg page 5 paragraph 6.1.6 (a) deals with the signature campaign under the heading "How campaign can be used effectively. It was stated that the campaign had (1) to be built into organisational work to be used to strengthen organisations and thirdly it was of vital propaganda value." -- But this was only the beginning of the discussion. This was finalised at the conference subsequent to this meeting, but this is correct that these were some of the spin-offs from the campaign. As I said the main purpose of the campaign was to collect one million signatures. (10)

I put it further to you that UDF propagated that it had to focus on certain so-called crucial issues to mobilise and organise the masses in their liberation struggle? -- It was said it must focus on certain crucial issues. Was this at the same meeting?

No? -- This may have been said.

In the sense that UDF had to take up broad political issues such as removals, the government urban strategy, the Black Local Authorities, the constitution, education and to mobilise and organise the people, I put it to you and (20) also to enable the people to clearly identify the so-called true enemy? -- I think where those issues would have been picked up is where there were genuine complaints and with a view to help solve them. I do not know whether counsel is referring to a particular occasion or whether this is just in general, but if it is in general it would have been said with a view to, where there are problems, pick them up, help to solve those problems of affiliates and that would be that. But not for the intention of advancing the so-called conspiracy with the ANC. (30)

I/...

I would like to refer you to EXHIBIT J3 page 7 "Political input at NEC meeting 10/11 November 1984. Political input on political aspects of the Front" page 7 paragraph 10 "Present political situation in South Africa today demands that we review our strategical and objective approaches. It would appear that our immediate focus in the future of our struggle for the total liberation of the oppressed should be" then "the liberation of the African masses, trade unions, rural organisations, creation of support committees and we need to take up broad political issues such as removals, the govern-(10) ment urban strategy, the Black Local Authorities, must continue to challenge the implementation of the constitution, to take up education countrywide, to improve the level of organisations and leadership, and we need to mobilise and organise our people to enable them to clearly identify the true enemy." -- What is put?

I put it to you that the campaigns against the education, constitution, Black Local Authorities were taken up to mobilise and organise the people for the so-called total liberation and to enable the people to identify the true enemy? -- No, I dis-(20) agree with counsel. I think there is a misunderstanding of this. It does not seem to me that counsel realises that there was a meeting of the NEC, that somebody was asked or somebody made an input to that meeting. An input is a paper that may be delivered by a person in which he may put forward certain ideas of his own. Unless those suggestions or those ideas which are put forward are actually adopted as policy by the NEC, they are not policy of the government - I am sorry, of the UDF. All it means is that they have been put forward there and they have been considered. When I look at the (30) minute/...

minute I do not find anything here that suggests that this paper was adopted and that it became policy of the UDF.

ASSESSOR (MR KRUGEL) : I just want to ask you, on this particular input here, would this be an input of a particular person or would it be the input of some organisational backing? In other words is it perhaps an office document of the UDF or is it a personal document of a particular person? -- First of all I must tell the Court I was not at the meeting. That is the first point, but under normal circumstances, if we needed information on a particular matter, (10) we would ask an individual to prepare a paper on something. It may be somebody who is knowledgeable in that subject. As in the case of the NEC in November 1983, it will be remembered that on the question of removals we had invited somebody who was not even a member of the NEC, but whom we knew to be knowledgeable on the question of removals. Such a person came to the NEC and because the NEC wants the information, the person made the input, broadly informing the NEC on the subject. Flowing from that the NEC may adopt some of the suggestions or the ideas that are put forward by such a (20) person. In this instance what I think, I do not know for a fact, but what I think what happened is that somebody was asked to come and make an input that would be the basis of discussion on the question of political aspects of the Front. So, such a person would have come and read this paper. Discussions would have then ensued following the reading of the paper and if it adopted the paper, it would say this paper we adopt, in other words we agree with all the ideas that are put in here and it becomes a policy document of the Front. On the other hand it may pick up aspects or parts of the (30) document/...

document and incorporate that as part of the policy of the front. As it is, it is certainly not a policy document of the front. It was read at that meeting, may be.

Yes, but it is a paper that was - it was prepared in advance, it was neatly typed? -- That is correct.

It is quite a lengthy paper. I think it runs into seven pages? -- That is so.

So, it must be somebody here with proper office backing. It is not a handwritten document. It is not a person who talks from notes, or something like that? -- It is definitely (10) the ideas of somebody set down in a paper in a systematic fashion and such a person may have typed the paper, either at the office of the UDF or at any other office. The fact that it is typed and so on does not make it a policy document of the UDF.

COURT : Would such an input paper be handed to the participants in the meeting in advance? Would it go with the agenda or would it be given out at the meeting? -- Again that would be circumstantial. If he has made a number of copies for purposes of convenience everyone of the members should be (20) given one so that they could easily follow what he is saying. If the author has not done so, people would just sit and listen to what he has to say, but whenever the copies of the documents are given to these people it will only be for convenience and not that it is policy. I think if we refer to page 3 we may realise, for instance on the paper that deals with input on political aspects of the UDF. We have referred to this earlier on. It will be seen there at point 4 it says "Input on political aspects of the UDF." Then we are told by the minute that the document referred (30) to/...

to is attached. Then we are told there was - obviously it was read and then there was a discussion that flowed from that paper and this is when decisions and recommendations were made.

ASSESSOR (MR KRUGEL) : Are you now with J1? -- J1 page 3.

So, what the minute tells us clearly here is that the document was read. It does not say it was adopted. It does say though that following the discussions something was said about the Freedom Charter. So, we know what decision was taken flowing from that discussion and something was said about the (10) Transvaal stay-away and then some discussion on the question of the working class, the leadership, militants took place. So, we know now on the basis of these minutes that this particular paper was not adopted as such, but that these particular decisions were taken flowing from that paper. In some ways an input paper would be something more or less like a commission report. Let us say parliament appoints the De Lange commission or I do not know what commission it is. When that commission submit its report, that report, although the commission was set up by the government, is (20) not the policy of the government. The government will look at the report. It will then write or produce what is usually called a white paper, which will now say what the attitude of the government is in relation to that particular commission report. Sometimes it may be accepted as a whole, sometimes it may not. An input paper is something more or less of that nature and I think now what counsel is doing is to take an input by an individual and assume that everything that is said in there is policy of the UDF which is not the correct position. (30)

MR FICK/...

MR FICK : On page 1 of EXHIBIT J3 the fourth paragraph it is stated "In attempting to discuss the role and future of UDF, it is important to recall some of the fundamentals that guide us in our work." Then the rest of the paper follows.

ASSESSOR (MR KRUGEL) : The fourth paragraph of the introduction?

MR FICK : That is correct. -- Is it put on the basis that everything that follows here is what?

Is the rest of the contents of J3 not - does that not form part of the fundamentals that guide UDF in its work? (10) -- I have tried to explain this and the position is not as counsel for the State is putting it. These are the opinion of the author of this document.

Was it not the policy of UDF to place focus on the struggle for total liberation on the question of removals - of the so-called oppressed? -- No, where removals were picked up by the UDF affiliates, they were picked up on the basis of prevailing conditions in that particular area. We have not conducted a campaign as such on removals. Although the question was a burning question of deep concern to our (20) affiliates.

I am not busy with campaigns. I am busy with issues. Did the UDF not take up the issue of removals as part of the struggle for total liberation of the so-called oppressed? -- In what sense? In the sense that it may have said that removals are bad?

And it supported the affiliates in the affiliates' campaign on removals? -- The point that I am making, (1) we did not take a campaign on removals, (2) we did express criticism of forced removals. Those of our organisations (30) which/...

which were in settings in which the issue of removals was a burning or at least a practical problem, would have tackled the problem of removals.

Did the UDF not take up the issue of the government's urban strategy as part of its policy? -- The government's urban strategy?

Yes? -- Which strategy is that one?

Influx control, Black local authorities, migrant labour? -- The UDF did express criticism of the Black Local authorities, of the pass laws, group areas act, which of course also (10) includes influx control. We did express criticism about that. I do not know if anything else is implied beyond that.

Did UDF continue to challenge the implementation of the constitution after November 1984? -- The decision to challenge the new dispensation come out of the NGC in 1985.

And before that, what did the UDF do? -- We had merely expressed protest. I explained what we meant by challenge yesterday and I do not know, if one understands the interpretation and the explanation I gave to the Court here, that by challenge we mean that those structures must fulfil the (20) promises which had been made and then it will be seen that we could not have put demands of that nature to those structures before they had been implemented and by challenge we mean only that. Unless by challenge counsel for the State means something else, which I do not know.

Did the UDF not challenge the legitimacy of the government through its MSC campaign? -- In the million signature campaign. May I refer to the million signature campaign form. I think it says clearly that the people are asked to express rejection of the Koornhof Laws, that they are asked to declare (30) rejection/...

rejection of the new constitution, that they are asked to declare support for the United Democratic Front and may be one or two other things. I cannot recall that that form says that people must say that the government is legitimate. Elsewhere officials of the UDF did say that the government was illegitimate in the sense that the government is not - this government, the present government, is not based on the will of the majority of the people of our country.

Did UDF take up the education issue? -- If by that is meant that we expressed criticism of the education system, yes, we did. (10)

Did the UDF not support its affiliates like COSAS and AZASO on the education issue? -- Yes, where campaigns or where perhaps activities were undertaken to express protest against Bantu education or this inferior education, the UDF would have expressed support for such expression of protest.

Will you please have a look at EXHIBIT J3 the first page paragraph 2. I will read it "Our objection is to dismantle apartheid and replace it with a more just and democratic system." Is that in accordance with UDF's policy? (20) -- That is correct.

And the second sentence the same paragraph "Often in the day to day heat of the struggle we forget that our enemies, the apartheid system and not those whose views differ with ours." I would like to put to you, this EXHIBIT J3 the part I read as well as the other parts, but especially paragraph 2, appears in a different form as EXHIBIT ABB7 and according to the evidence it was found in an envelope addressed to Mr A. Khime in Alexandra Township and according to the date on the envelope, the date is 7 November 1984 (30) and/...

and I put it to you that EXHIBIT J3 was accepted by the NEC and it was later on distributed to various people of the affiliated organisations ... (Court intervenes)

COURT : Just a moment now. This is post marked prior to the meeting?

MR FICK : Yes.

COURT : And you are putting it that it was accepted at the meeting and then distributed? How do you get that from the post mark?

MR FICK : I put it that it was eventually accepted as (10) policy of the UDF and I put it to you that it was also distributed but in another form? -- May I have a copy of the document?

I will hand you my copy. I have no other copies.

COURT : The document you are now putting before the witness is C1.

MR FICK : Do you know EXHIBIT AAB7 or C1? -- No, I think I had already indicated to the Court that I did not know this document. I think I told the Court earlier on that I do not know this document. We have actually the original in handwritten form here? (20)

ASSESSOR (MR KRUGEL) : There is also a typed version. -- That is correct.

MR FICK : C1 was found in the offices of the UDF Johannesburg.

COURT : You have said all that. Where are we going?

MR FICK : I put it to you that this was distributed? -- I do not know about that. As far as I am concerned this document is not a UDF policy document. I know of no decision that was ever taken to distribute this paper.

Do you know Mr A. Khime of Alexandra? -- I do not (30)

know/...

know him.

I put it further that the purpose with the campaigns to mobilise the masses and organise them into a formidable front so that they will be able to render the government's reforms or plans unworkable? -- I think the purpose for which the UDF was set up was to express the very strong opposition of our communities to the new dispensation and in fact to persuade the government to abandon that and call a national convention that would draw an acceptable constitution. (10)

I put it to you further that it was the aim of the campaigns to strengthen the organisations so that they could -- so that they must become the initiators in the action against the government? -- No such decision was ever taken by the UDF. Where our organisations had to be strengthened, it was so that they could be effectively representative of the people.

I put it to you further that UDF urged the organisations to have house meetings? -- I cannot recall a decision of that nature taken by the UDF. However, it is true that from (20) time to time some of our affiliates did hold meetings and because there were constant problems where we could not get venues from time to time, they had to resort to meeting people in their homes.

I put it to you that house meetings were held to educate the people? -- If by educate is meant inform them about the activities of the United Democratic Front and its policies, that would have been done at some of the meetings.

And also to educate the people on the so-called uselessness of the constitution? -- Where such meetings were held, (30)
criticism/...

criticism against the policies of the government would have been expressed.

It was also held to popularise the UDF? -- That is the prime task of our activists, with the purpose of advancing the policy of the UDF, peaceful policies of calling for a national convention and a peaceful resolution of the problems of our country.

It was also held to mobilise the people for action to assess what the people are prepared to do? -- If by action is meant expressing protest against the new dispensation, (10) that is correct.

Did UDF and the NIC draft any briefing documents for its activists to educate the activists on the need for house visits? -- The NIC is an affiliate of the UDF. It is correct that the UDF did from time to time put out publications in order to update and to guide the activists of the UDF as to what to do. If that is what is referred to, then the NIC would have been part of that, as being part of the UDF.

I put it to you further that the UDF campaigned against the government, the Black Local Authorities and other (20) structures of the government so that they could exploit the masses and so that they could use the so-called anger of the masses to take the liberation struggle forward? -- I disagree with that. Where the UDF has expressed criticism it has been for the specific purpose of seeking to persuade the government to abandon apartheid.

I put it to you further that the UDF saw it as its task to take the struggle into the hands of the people? -- If by taking the struggle into the hands of the people is meant that the people must participate in the struggle, in (30) the/...

the context of the policies and methods of the UDF, that is correct.

I put it to you further that the campaigns were conducted so that the UDF could mobilise the angered people to act against the government structures? -- That is not true. It has never been the purpose of the UDF to use anger. In fact it has been the purpose of the UDF to find the calling of a national convention so as to do away with the conflict that in our judgment was increasing in our society.

I would like to refer you in this regard to EXHIBIT (10) C138 volume 8. This is the report on resolutions ... (Court intervenes)

COURT : Where was this found?

MR BIZOS : Merely in Cape Town.

MR FICK : In Cape Town. With the heading "First Annual General Meeting 16/17 March 1985. Reports on resolutions UDF Western Cape Region." Will you please turn to page 6. -- I may just say that although I do not know this document of my own. it looks like a Western Cape document.

Page 6, part of the secretarial report, part 1 overview(20) work done. The fourth paragraph from the top "It is often said that we have tried to march too far ahead of our organisations and that we have not done sufficient ground work, yet we must remember that our people will not wait until we believe that we have adequately prepared the ground. The anger that exploding all around the country bears testimony of our people's readiness for mass action and we must be committed to taking this forward." I put it to you from this it is clear that UDF Western Cape was planning to use the anger of the people to further the liberation struggle of (30) the/...

the UDF?-- By anger in this context I understand dissatisfaction and as I understand this paragraph what whoever wrote it is saying that people are dissatisfied and it is the task of our organisations to take the lead in guiding them so that they can take constructive action. In the context of the UDF that would mean instead of allowing people to run a morgue, organise them into an organisation to present cogent systematic complaints to the government so that they can be corrected. If this is an affiliate of the UDF, it cannot be more than that. Otherwise it would be out of context (10) with the policy of the United Democratic Front.

I put it to you there is no such explanation in this document as you are now tendering to the court that that is what they intended to do, UDF Western Cape? -- Those words which I have expressed are not here, but this region is part of the UDF. They are subject to the policies of the UDF. They cannot do just as they please, otherwise they would be violating the policy of the Front.

Is it not so that the regions must submit their reports to the national office of UDF each year? -- The proceedings (20) of this meeting if it was an AGM would have been sent to the head office, yes, subsequently. In fact what would have happened is that the decisions of this conference - you see, this report here as I see it, was made to the AGM of the Western Cape, but when the AGM is over the secretariate writes a report - the Western Cape Secretariate writes a report about the AGM and that is the report that goes now to the head office.

COURT : Well, this appears to be a document which was published after the events, because it contains the (30) resolutions/...

resolutions? -- Yes, I think what would have happened is, having made the report, as it seems to me looking at this document, having made the report to the AGM Western -Cape, when they now put together the outcome of the report, of the AGM, with the resolutions and so on, they possibly included this report, put it together with those papers. It is a paper which is part of the product of the proceedings of the AGM.

MR FICK : On the same page, page 6 the last paragraph you will find the following under the heading "The new deal. (10) We have seen throughout the country the anger of our people against the structures, such as the Black Local Authorities and community councils and anger that in many places made it impossible for these structures to continue their oppressive practices. We salute our people and we will continue to ensure that the influence of such structures over our people's lives is challenged. Wherever possible we will mobilise mass action against these community councils, management committees and the tri-cameral parliament itself." -- I think that is just straight forward. (20)

Do you not find it strange that peaceful organisations salute the people for their acts of violence we know which occurred? -- There is no where in this section that has just been read where it says that we salute our people for their violent actions. It does not begin to say that. Where people have expressed protest, we would salute them for that, but our position is quite evidently clear on the question of violence. There is not a bit of doubt about the fact that the UDF is a non-violent organisation. To read this to me here that we salute you for violence is taking it (30)

beyond/...

beyond what appears in this paper.

The person who wrote this report, surely must have known about the riots in the town against the Black Local Authorities. What other anger could he have referred to? -- The person who wrote this report here would surely have known that the UDF does not support violent action. He would have known that people would have expressed protest against specific issues like for instance rents which they could not pay and so on, but he could never say that the UDF salutes you for violent actions. That is not so. (10)

One final point. There is no reference in this specific paragraph to any peaceful protest. Do you agree? -- I have not had occasion to read through this document. Once again of course we are debating a paragraph of seven lines, in a report that spans - in a document that spans some approximately 31 pages, we take seven lines. It is very easy to take them out of context, because elsewhere this report will deal with the policy of the Front, it will deal about decisions which were taken there and we may find very many decisions which show clearly that the commitment remained one of non-violence. In any event the Western Cape was part of the NGC in April 1985 where the UDF decided that it would continue to pursue the non-violent path and I was asked to make that public after the conference. The Western Cape was there. They did not protest and say look we have chosen violent methods. As far as I am concerned, they remained committed to non-violent methods and that these statements must be understood in the context of the well-known policy of the UDF. That has not changed until I was arrested.

The basis for co-operation between the organisations (30)
and/...

and the UDF is the national declaration. Is that correct, of UDF? -- That is correct.

Is it not also so that at the time of the national launch extensive plans had already been made to engage the State?

-- At the time of the national launch?

Yes? -- Made by whom?

The people who organised and participated in the national launch of the UDF or its regions? -- I have no knowledge of any extensive plans which had been made before the UDF was formed. If counsel means that the various regions of the (10) UDF had programs that they were pursuing in their regions and so on, I cannot quarrel with that. I do not know what he means by extensive plans had been made by the UDF. For the UDF its decisions, its programs, its policies nationally were decided at the national launch on Saturday, 20 August 1983.

I put it to you that campaigns had already been planned against the Black Local Authorities and the Community Councils before the launch? -- By the regions?

Yes. -- That may be so. I do not know - I was not part (20) of - I was not in the structures of any region, because even in my region I was not in the executive structures.

I put it further to you that the secretariate comprising of the two secretaries of each region of UDF must carry out the decisions and policies as determined by the NEC. Do you agree with that? -- When was that?

That was - since the launch, the national launch? -- After the launch? After the launch it became - the secretariate of course is the arm of the NEC.

I put it further to you that only after acceptance of (30) the/...

the UDF declaration were organisations allowed to affiliate to UDF? -- At some point after the national launch we took a decision that any organisation that wanted to affiliate to the UDF amongst others must be seen to sign the declaration of the UDF. This was merely to ensure that before an organisation affiliate to the UDF, it has read the declaration of the UDF and then a formal decision has been taken by that organisation. For our own purposes to be able to show proof that this is the position, we would then have a signed copy of the declaration of the UDF. So, that decision was taken. (10) Exactly to what extent it was pursued, is a question that I cannot attest to, but it was a decision that was taken.

I am not interested in the signing of the declaration by affiliate organisations, but I put it to you at the launch it was decided that only organisations which are prepared to commit themselves to the declaration and the program of action ... (Court intervenes)

COURT : Why do you make this intricate point, Mr Fick? I thought that was obvious from the word go in this case. If you do not subscribe to the declaration, working principles, resolutions, you do not join the front. -- That is correct. (20)

What are you worried about? I asked that question about three months ago from Mr Molefe.

MR FICK : Is it also so that only the UDF may decide on the question of inconsistency between the policy of an affiliate and the UDF policy?

COURT : Do not ask the witness something which is in the working principles which is a specific article in the working principles and he has said the working principles (30) apply/...

apply. Do not waste our time, Mr Fick.

MR FICK : I put it to you that when an organisation affiliate it adheres to the following principles of the freedom struggle ... -- It adheres?

To the following principles. First of all it agrees to fight in united action against the constitution and the Koornhof Bills? -- I think the conditions of affiliation are clearly set out in the working principles, but in any event, to accept the declaration is already to accept opposition to the new dispensation. Those things are set(10) out in the document.

Such an organisation also commits itself to build and strengthen all organisations of the people ... -- No, no, no. Every organisation has got its own obligations. We cannot have the Soweto Civic Association leaving its work here going elsewhere to strengthen other organisations. It must do its work the way it is and then strengthen itself.

Such an organisation when it affiliates, commits itself to conscientise the masses on the so-called coming dangers and the need for unity. Do you agree with that? -- If (20) it affiliates to the UDF, if it commits itself to informing people about our objections to the new constitution and the Black Local Authorities I do not know what else, if there is anything else, that is meant other than that.

Is it also not so that UDF is seen not as a talk shop but that the UDF is seen that the UDF must lead in every struggle of the people?-- Yes, it is not a talk shop. It is an organisation that has got a program and it must carry it out. But the struggle that the UDF was leading, was a struggle against the new dispensation, not just any struggle(30) around/...

around. We have a definite program of what we are working for and what we have set the organisation for. Its task therefore is to do that for which it was set up for. That is why we made it clear, even when some people suggested at the national launch that we must expand the objectives of the Front. We said no, no, the Front has been set up for this purpose. It must do that.

UDF also receives the reports of affiliates about the affiliates' participation in UDF's campaigns. Is that correct? -- When the counsel say that every affiliate will report (10) to the regional general council, where it is relevant?

That is done to see that the affiliates do participate in the campaigns of the UDF? -- Not necessarily about the campaigns as such. In any event, we would be interested to know that we have affiliates which are lively organisations and which are doing something. It would be an unfortunate thing if we would go around talking about having affiliates when we had no organisations.

Is it also not so that UDF's regions had to implement the major decisions that the general secretary's task is it (20) to see to it that regions carry out their tasks? -- I think that is set out somewhere in the minutes. If a decision is taken by the UDF, it is for each affiliate and region to implement them.

Is it not so that UDF's programs must be carried out by the members, the affiliated organisations are obliged? -- The affiliates of the UDF must carry out - they constitute the UDF. So, the UDF must carry out its own programs.

A new topic, the question of the media and publicity. Do you know EXHIBIT C28 volume 2, a document found in the (30) offices/...

offices of the UDF Johannesburg. It is a document with the heading UDF Publicity and the UDF. -- I have seen this paper before. I may just say, however, that this is not a UDF policy document.

COURT : Where did you see it before? -- I saw at the offices of the UDF. I think there had been a media workshop some time in 1983 and I had not been there, but I asked for this paper because it had been read there. I wanted to see what it had to say there.

MR FICK : At the time when you saw the document, did you (10) read it? -- I think I read it, yes. I cannot remember whether I read it right through or whether I remember everything about it, but I read it, yes.

But were you satisfied with the contents, of the UDF policy? -- No.

According to UDF policy? -- No, I was not satisfied - I did not agree with it.

Why did you keep it? -- I did not keep it for any specific reason.

But I understood that you did not have enough space (20) in the UDF offices. Why did you keep documents like this? -- If I did not finish reading it, that may be one of the reasons or I may have put it away with the hope of coming back to it with a fine toothcomb, I am not quite sure of the reason why. I did not have any special reason why I kept it, but from what I read of it, I was not happy with it.

COURT : Was this a media workshop? -- One has these service organisations like Media and Research ... (Court intervenes)

MARS? -- Yes. It was a workshop. I am not sure whether it was run by MARS or a number of organisations that asked (30) them/...

them to do so, but the reason that I took interest in this is because at the time I was myself considering to review the position of the media of the UDF and I wanted to see if there was anything that I could pick up, that I would find constructive.

Can you put an approximate date to this document? --
It is about November, as far as I remember.

ASSESSOR (MR KRUGEL) : 1984? -- 1983.

MR FICK : Why did you not as the national publicity secretary attend the media workshop on a topic like publicity and (10) the UDF? -- No, no, this was not a UDF workshop. In any case I had other things - at the time I was still very largely in Natal and when November came up, I was busy in the Eastern Cape preparing for the launch of the Eastern Cape in 1983.

Did any other official of UDF attend the workshop? --
Not that I know of, but I think from some of the affiliates of the UDF some of the people may have been there.

Are you not sure who held the workshop? Was it MARS or can you not say? -- I can just say that I am not sure who was primarily responsible for it. (20)

Did you take this up with anyone after you received the document? Did you discuss it with anybody? -- No, I did not.

Why not? -- The question may why should I have? It was not my business, nor the business of the UDF.

You were not happy with the document with the heading "Publicity and the UDF", why did you not discuss it with the people who held the workshop? -- Yes, but this workshop was run independent of us.

Why did you not inform them that they had the wrong (30)
perception/...

perception about the UDF and publicity? -- It will be seen that when I presented my own address early in January 1984 to our media workshops, I stated clearly what the position of the UDF is and that will be seen in C29. You will find that there is a substantial difference between these two documents.

No. Why did you not inform the people at the workshop that this is not the policy of the UDF, they ... -- Because (1) I was not in the workshop, (2) because the workshop was not our workshop. (10)

COURT : The number you gave was C29? -- My own paper on the question of media is C29. The last page of C29.

MR FICK : I put it to you, this document you kept ... (Court intervenes)

COURT : This document being?

MR FICK : C28 you kept in your office because it was reflecting UDF policy, you were satisfied with the document and therefore you kept it for all the years in your office?-- No, that is not correct.

And that is also the reason why you did not take it (20) up with the people who held the workshop and that is also why you did not inform them that they had the wrong perception about UDF publicity? -- That is not so.

Media and Research Services, was it an affiliate during 1983 of the UDF? --I seem to recall that that is so.

Until when were they affiliated? -- They disaffiliated, as I understand it, some time in 1984. I am not sure when.

Who were the people in the executive of MARS? -- I do not know.

Did you not make contact with the people of MARS (30)

itself/...

itself? -- Yes, some of the people - I am being asked who were in the executive. I did not sit in their meetings, I do not know who was in the executive.

With whom did you make contact? -- With some of the individuals who were working there.

And their names? -- Right now as I stand here I can think of Mr Guy Berger.

Who else? -- That is who I can say for sure was working there. I am not sure who else. They have got one building, but there are a number of organisations in there. I am (10) not sure for which organisation he worked.

This Mr Guy Berger, was he not also on one or other committee of UDF itself? -- He may have served in one of the committees in the Transvaal. I think the media committee of the Transvaal.

Did you not take it up with this man after the workshop and after you read this document and told him look, you are of the media, you are of UDF Transvaal, you have a totally wrong perception about the UDF and publicity? -- No, I did not do that. (20)

Why not? He is a man, he is an official, he is from the publicity committee in UDF Transvaal? -- Was he responsible for this?

He was one of the people of MARS? -- Now now I would have had to go and find out who was responsible for the paper and so on and so on. What standing did I have there in MARS to go and tell them do not do this and do not do that. I have not any standing in that thing. If it concerns the UDF then I have a standing in it and I have got authority that I can stand on. (30)

But/...

But surely if someone issues a document with the heading "Publicity and UDF", and it is wrong ... -- This is a theoretical paper. This here does not say it is the policy of the UDF. It is a theoretical paper. If you read this paper, you will see here it is just theory, the theory of this thing and the man is putting forward or whoever wrote this, is putting forward his thoughts.

Are there any parts of this document with which you agree? -- I will have to look at it.

Paragraph 1 page 1 ... (Court intervenes) (10)

COURT : Let me just get clarity on the pages. The first page consists of two pages. One on the left-hand side and number 2 is on the right-hand side. "UDF Media 2" that is page 2. The next one is 3 and 4. The next one will be 5 and 6 and so on. So, when we refer to page 1, it is the left-hand column on that page.

MR FICK : Page 2 paragraph 1 "Publicity means making public. It means that knowledge is made known to a wider group of people than those already in the know. Central to publicity is media by which is meant newspapers, newsletters, leaflets, (20) stickers, banners, posters, public demonstrations, placards, flags and songs." Do you agree with that? -- I would agree with newspapers, leaflets, newsletters, stickers, banners, posters. As I understand a public demonstration has a different purpose than publicity. Placards, yes and these last two no. I cannot see how that can be. These are more to me - I do not see that as part of publicity.

If a song is sung with the purpose to educate the people on UDF's views on a certain matter, why can it not be publicity? -- I do not know of a song that has been sung with a (30) view/...

view to tell people of UDF policy. Which song is that?

If the people sing a song about Mandela or Oliver Tambo and says he is our father, he must come back, we will follow him, why can that not be publicity? -- The issues of the freedom songs - I have explained my understanding of them.

COURT : We are not going to run right through that again. Mr Fick, the sentence says "central to publicity is media by which is meant" and then a number of things are set out. Are you saying that public demonstrations, flags and songs(10) can by any stretch of the imagination be called media? If you are saying that, you can go on with your cross-examination. If you are not saying that, please do not continue.

MR FICK : (No reply)

COURT : So, from your silence all of us agree that the author is wrong in paragraph 1. Next paragraph.

MR FICK : On page 1 the last paragraph "Yet at the same time we know that for truly decent publicity we need to rely on the media in our own camp. These media are those put out in the form of community and student newspapers, (20) stickers, brochures coming from out civics and women organisations and as UDF's media." Do you agree with that? -- I see what this man is saying here, but now you see, this is a problem with theoretical paper. He is talking on behalf of the UDF, of the unions, of women's organisations and so on. Whilst it is true that even student organisations and other organisations have got their own publications and media, that media is not of the UDF. The UDF has got its own media and I do not want the wrong impression presented here that the publications of affiliates and so on are those (30) of/...

of the UDF.

Do you regard the community and student newspapers as media in your camp? -- I would say I see community media and serving the communities. Student media serving the student interests. It depends whether those student organisations - if they are affiliates of the UDF, the tendency that would attempt to reflect UDF policy where they speak about it. Although they are autonomous a lot of the things that go into their papers will reflect specifically their own policy and not that of the UDF. . (10)

Let us give the community newspapers names. Do you regard Grassroots, SASPU National, The Nation, The Eye, Speak as media in your camp? -- I would say I regard them as being papers which on the whole will be sympathetic to the policies of the UDF but there are a lot of things that they put forward which are not necessarily UDF policy.

Do you regard them as newspapers in your camp or not? -- I would regard them more as progressive newspapers. What am I to understand if you say they are in my camp? What am I to understand by that? That they express UDF policy (20) ... (Court intervenes)

COURT : Well, I take it it goes back to paragraph 2 which has been skipped, which says "Media in our country can be divided into two camps, those on our side and those against. On the opposing side we have the State, radio and TV, commercial newspapers, advertisement leaflets which try to rip off our pockets, unanimous smear pamphlets, leaflets, et cetera, et cetera." -- I am indebted to the Court. It is true some of the media in the commercial sector is hostile to us, but it is also true that there are some of the (30) commercial/...

commercial newspapers who are sympathetic to the opinions that we express and again I will differ with this man on this point.

ASSESSOR (MR KRUGEL) : So, you differ on this two camp theory? -- This two camp theory here is another point. I think I showed that when we were submitting documents, we did show for instance when the UDF was formed that some of the newspapers were receptive towards the UDF to say and others had a different - it is clear that even in the commercial sector one cannot - this pigeon-holing is not safe most of the (10) time. It is not quite accurate.

MR FICK : On page 2 the third paragraph "Media can fulfil many functions. For example one of the roles of the media produced by those hostile to us is a disorganising and confusion sowing role, but there are others roles they play which we could learn something from. The media helps to mobilise the forces, it helps to educate the forces and through these roles it helps to unify their forces. We are then mobilising, educating and unifying." Do you agree that mobilising, educating and unifying are roles? -- I agree that (1) there(20) are some medial, like the bogus pamphlets which we submitted which disorganise and sow confusion about what the UDF really is and then he says that the media - I think he is talking ... (Court intervenes)

COURT : Where is this cross-examination leading, Mr Fick? We all know the mighty press and what they attempt to sometimes achieve?

MR FICK : I will cut it short. I put it to you that the media is used by UDF to give the people a common identity so that the masses must accept that they are oppressed, that(30) they/...

they must get a common outlook ... (Court intervenes)

COURT : Put that question, media is a wide term. We have the UDF News which is official, we have Grassroots and Eye and the like, which are supportive but not tied to UDF as we have heard. We have the commercial press, some antagonistic and some supportive. Which media are you referring to?

MR FICK : UDF media.

COURT : UDF's own media?

MR FICK : UDF's own media. -- Please repeat the question?(10)

COURT : The question is?

MR FICK : UDF media tries to give the people a common identity, in other words to make them to accept that they are all part of the oppressed people in South Africa? -- No, I disagree with counsel. We have not set out to convince people that they are oppressed. As far as we understand it, that is the position. We articulate to the best of our ability their views and feelings and their wishes. We do not go out to create certain impressions which are not reality. It is the same thing that we have spoken earlier of that (20) our activists do not go out to the people and tell them certain things. It will be seen that that is the position, because if we refer to the last page of C29 with regard to the UDF workshop there, it is stated clearly in paragraph 2 on the left-hand column. In that paragraph I said "As publicity and media workers we have the task of bringing to the attention of the public certain valuable factual information in as accurate a fashion as possible. That is the approach of the UDF. We may then of course, having presented people with the truth, with hard facts, objective as they(30) are/...

are, we may move on to the next step of interpreting them, but again we will make clear that we are expressing our opinion about this. If it is said that we use media to make people feel in a certain way or think in a certain way, we are not magicians. We do not work that way. It does not accord with our approach.

I put it to you UDF media ... (Court intervenes)

COURT : Well, you can go a bit further and look at the last paragraph in the first column "We are at the same time interpreters who assist the masses of our people to read meaning(10) into the events - into events." -- That is correct. That is why I say the next step would be then, having presented the solid facts, we could express our opinion by interpreting that, but again, we would make that now we are here, we were expressing our opinions on the questions.

You state for example that this is the position and therefore you are oppressed? -- No, no. The point is they are oppressed.

Whether they are oppressed, that is a deduction from certain facts? -- May be it depends on where we start. (20)

Yes. -- I Must agree ... (Court intervenes)

If you do not have any facts, you cannot say that anybody is oppressed? -- That is correct.

So, if you do not mention any facts, you are making a deduction without any facts? -- That is true, yes.

MR FICK : And then you read meanings into events in such a way I put it, to mobilise the masses against the government and the structures? -- Not for the purpose of mobilising against the government, but for purposes of winning more support for ourselves to that we can persuade the government(30)

to/...

to resolve the problems of our country.

I put it to you further that UDF's own media was used to give the people common symbols? -- Like what?

Nelson Mandela as a true leader of the people? -- By the time the UDF was launched, the position of Nelson Mandela as a leader of our people was long unassailable. We did not have to teach people. I have told the Court here that even the presidents of the UDF, these people had long been established as leaders within our communities. It was not for the UDF to say who the leaders of the people were. (10) The people had made their choice and at the national launch they expressed their choice. All we did with honesty was to state what their choice is and that their choice is that their leaders who are in Robben Island in prisons and so on must be released, the government must negotiate with them for a peaceful future. We did not tie them.

Other symbols are the armed terrorists of the ANC? -- I deny that.

They are depicted as the heroes, our brothers, courageous people? -- There has never been any decision or plan (20) of the UDF to do anything like that.

I put it to you that that is what in practice happened? -- No.

Is it further correct that you as the national publicity secretary controlled or co-ordinated the activities of all the other media committees of the regions? -- No, that is not correct. Everyone of the media committees has got it own programs. With regard to the production of national media, from time to time whenever I had to produce that, I consulted with some of them, but ordinarily they are (30) independent/...

independent with the provisions of the working principles of the UDF.

Will you turn to EXHIBIT C29.

COURT : We have two separate documents it seems. The last one you have referred to, that is at page 4, are the first three pages of this document, part of your documentation? -- They are independent pages. This is a report following the national seminar.

Is this the proceedings of the seminar at which you delivered your speech or paper "Our publicity campaign 1984"? (10) -- Yes, I was of course not there. It was read on my behalf. It will be seen that this took place on 21 and 22 January 1984. That was the same weekend when the national executive committee was holding a meeting here in Pretoria. The minutes of that will be EXHIBIT F1.

MR FICK : Your speech page 4, is that reflecting the UDF policy? -- To the best of my knowledge, yes. In any event I was at the head of the UDF media. It is this line here that I approached, that I adopted.

Was this the contents of your speech before it was read (20) at the meeting of 21 and 22 January 1984 discussed at any meeting of the NEC? -- No, it was not discussed.

So, although it was not accepted by the NEC or any other UDF executive body, you say it is reflecting the UDF policy? -- I say so on the basis that this the approach which in my operation with the regional media committees of the Front as at the head of the publicity department of the UDF I adopted. So that constantly I would seek to make sure that this is how our approach is and to the best of my knowledge it accorded with the thinking within the NDC. I had never (30) known/...

known that the NEC had a different approach to it.

We were busy with page 4, the very first paragraph of your speech the second sentence "This workshop is designed both to review our publicity work to date and to plan for the future? -- Yes.

I put it to you it is for this purposes that all workshops are held by UDF to plan for future action? -- No, that is not correct. I specifically state here that the purpose of this workshop is this one, because it could have have any other purpose than this one. It could have been a work- (10) shop for people to come and see purely to review the publicity of the UDF over that point and leave it there, but I am actually saying that we must not only review what we have done, with a view to correct the past mistakes, but we must also look ahead and attempt to plan. In fact, what the workshop would do would be to recommend, because it could only recommend and what decisions have been taken here or recommendations have been made here, can only become policy when they are subsequently adopted by the national executive of the meeting. So, not all workshops are for this purpose. (20)

Will you look at the second column the third paragraph "Our task then entails also the revelation of this birth of a new order, new slogans, new values, new ambitions and new South Africa. To make this known to help and find role for classes and strate of our society if they are to play their role properly in history is our obligation." What did you mean by new slogans? -- Up until 1983 the big slogan written in big blockletters across the fact of South Africa was apartheid. One of the new slogans that we had to write across the face of our country is democracy and equality. New (30) values/...

values, advance them, begin to talk to people about a new South Africa, mention to them look, we are that apartheid, what has it done to us, this is what it has done. Now we want a new order. Let us popularise the idea of a democratic society of non-racialism where we as South Africans may begin to judge each other not on the basis of the colour, but on the basis of the content of our character and so on and so on. New idea, all I am saying is that is the thing. To put forward new ideas. You see, this period was important period in our country, because the government was also talking (10) about reform and the government was also saying that apartheid, some of the government spokesmen had said that apartheid is dirt and so on. Now we had to introduce new ideas, to popularise them, to persuade people, the national convention for instance was one of the immediate slogans that was important. Popularise and let more and more people call for a national convention.

What about the slogan "Power to the people"? -- That is an old slogan. I explained that yesterday. That is much older than the UDF. It would not have been creating anything (20) new, but when we say that there must be equality, something that South Africa has not known so far, if we say there must as a national convention, set people thinking in new directions.

What was decided at this workshop on how to use commercial press? You will see on page 1 of EXHIBIT C29 it was part of the agenda point number 15. -- It does not look like - the report does not tell us what recommendations were made there.

Did you ask the people afterwards what happened to (30)
that/...

that? -- I cannot recall pursuing that. That actually introduces a new element now which had not - are we sure that this document is complete?

Did you not read this after the workshop? -- Yes, I did, that was the beginning of 1984 now. It is a couple of years now.

Were you then satisfied that it was complete or did you ask the people what about the proposal on the use of commercial press? -- What I cannot recall now is whether his report went only up to this page or whether it went (10) further than that. I cannot remember that.

Did you before the seminar read the proposals? -- Which proposals?

Any of the proposals which formed part of the agenda? -- No, I think counsel is misunderstanding this document. This document, what it is saying under the agenda is that at the workshop people who discussed what proposals to make in relation to UDF media today at national, regional and so on, proposals on this, proposals on that. It was not for me or for the organisers to make recommendations to (20) the workshop. It was for the workshop to make proposals to the UDF. It seems to me that counsel is reading this to mean that there were proposals which were made to the workshop. No, that is not the position. The workshop must make proposals this way.

But whose idea was it that the use of commercial press should be discussed at the seminar? -- When I was preparing for this, I had to consult and I had to look at the position of the UDF. One of the things was because the UDF was a new organisation to explore ways in which we could improve our (30) relations/...

relations with the commercial press. So, I myself was quite concerned about the question of our relationship with the newspapers. I cannot specifically say somebody else did, but I think everybody who looking at the position of the UDF at that point in time would have realised that it is important for us to work out our approach to the commercial press, how we could build a healthy report with the newspapers. Every organisation does that.

Will you turn to page 2 left-hand column paragraph 10 "Each media committe to discuss handling of video showings, (10) T-shirts, button stickers, banners in their region." What can you tell the Court about video showings? -- What I can tell the Court is this, that at the national launch of the UDF a video of the proceedings of the national launch was made and largely for the fact that so many of our people were not able to because may of financial reasons or may be for other reasons, be there at the national launch, to bring it - at least to give them an idea of what had happened. An edited version of the video of the proceedings of the national launch was made and it would then be sent to the various regions(20) to enable - many other people were not able to go there to see from those videos what had happened. May be some of the officials whom they might never be able to see because may be they do not stay in the same places and so on. There is only one video, that is the only video that the UDF offices ever edited and produced and it made available to some of the regions. It was sold on the minutes for R40,00 to R50,00 at the time.

COURT : Is that the video we have in the form of of the tape we have in the form of V1 and V26? -- That is correct. (30)

It/...

It is the only one. I may just mention whilst I am on it that all these others videos which we saw here are not the property of the UDF, although they were of course done with our permission. Many of them were done by independent organisations like Afrapics(?), some were done by journalism students in some of the universities for their own purposes as in the case of Grahamstown for instance, the other one about Port Elizabeth and so on, were also done there. I suppose students take these things and then they use them to study journalism. I do not know exactly how, but some (10) of them were done with that purpose and so on. But as far as we were concerned, because of our activities, which were just legal activities, we did not have any problems of anybody taping them. In any event, we have always thought that at some point if we wanted to write the history of the UDF, we could refer to those people and ask them to lend us some of the material. Unfortunately they have lend it to the Court now.

Well, actually the Court lent it from you it seems. Were these videos not found in the UDF offices? -- No, they (20) were found in the offices of Afrapics.

Afrascope. -- They were their property actually. We were of course free, if we wanted we could have loaned them if we wanted to use them for some purpose, but mostly they were not our property.

MR FICK : Who in UDF made the video recording on the launch of UDF? -- To the best of my knowledge somebody was given the task to do that. Whether it was the Western Cape - you see, when we were building for the national launch, some of the things were in the hands of the regions and I do not (30) know/...

know exactly who made the arrangements, but a definite arrangement was made for them - for the proceedings to be taped. I think the edited version of the video, not the tape, was done by the Western Cape. Who exactly I do not know.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 25 SEPTEMBER 1987.