

IN DIE HOOGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-29

A

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 29 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: We were busy with EXHIBIT W.13. -- Excuse me My Lord just before Mr Fick starts off there is a point I want to raise with the Court. Last night I took a further look at C.85, Volume 5, and at page 11 of the exhibit, there I think the third line from below I uncovered that under the Transvaal the issue of defiance was raised there, defiance of, symbolic defiance of selective laws it says. I formed the impression that on the(10) strength of this and the other, I think two parts that were raised yesterday, it is quite evident that the matter was raised at that level although I could not remember it, and I further would just mention to the Court that I think I was wrong on the basis of this and I must apologise to the Court for that.

COURT: Before we leave this document look at the first page of this document, C.85, at the bottom of that page, the last third, we see "Transvaal Motivation for NEC Meeting pre- 22 August, State Proposals on Local Government Suggested 21/22 (20) July Terror by 13/7/84". What does that mean? -- It is not one point. It is two different points.

Yes? -- Where it says "suggested terror 13/7/84" it was a decision that I must go to Bloemfontein for arrangements for the venue for the meeting but Transvaal quite independent of that point had moved that there must be held a National Executive Committee meeting before 22 August.

Why before 22 August? Was that a set date for in any event for an NEC? -- On 22 August there was going to be the elections for the Coloured, of the coloured community. So (30)

it/....

it would have been the climax of the, already the elections would have been taking place. I think they were thinking that it should be before that date. In relation to this point that State proposals for local government I cannot recall the discussions but on the basis of this sentence I think they would have suggested that they would want a thorough and in depth discussion on the question of local government.

But now what I could not understand here, this is the middle of July, this is the middle of 1984. The local government proposals already became effective at the end of 1983. (10) So what was new in local government in the middle of 1984? -- I think, I do not think it is specifically only for the African, I think it was for all of the areas, possibly why Transvaal was suggesting was that we should have an in depth discussion to prepare, let me say what one would call an alternative format of the proposals that maybe we could put to the government in relation to local government. I am afraid that I cannot remember in detail the issues that were raised here. I do not know, it may be T

Yes well we can get to T.8 just now. Let us just (20) deal with C.85 first. You see because if you turn the page to page 2, one third from the top you also find "Local Government, Trevor and Terror". -- This is the attention to the question of local government would have been I think at, placed as the responsibility or at least Trevor and I to take the lead in looking into it.

You had to study it? -- To study it or to perhaps make arrangements with other people who may be knowledgeable on the matter so that we could have some kind of information for the NEC. I think that is so because even the question of the (30) housing/....

housing conference was an issue that had largely been handled by the Western Cape and Trevor was heavily involved in that matter.

Yes you wanted to refer to T.8? -- Yes that is so.

What are you looking for, the defiance part? -- I am looking for, no this part where the Court raised the issue on at page 1 and 2. I just wanted to see whether maybe it might not throw better light on the question of local government.

Well local government we find at the second page. If (10) you look at page 2 of T.8. -- Yes.

You see one third from the top "Venue OB". I take it that is Bloemfontein. -- Yes that is.

Moss and Terror before Friday 13/7/84. -- Yes that now explains the 13/7/84 that the Court referred to.

Yes, would that then mean that before Friday the 13th you would have to do something about a venue? -- Yes we would have to be there to make sure that there is a venue.

That there is a venue. -- Yes by that date.

And then it follows, "Motivation. 1. Proposals for (20) Local Government", I take the "L" for local. -- Yes.

"2.", it looks like "United Campaign" but I am not sure, and "3. Critique must be presented by Secretary". -- Yes.

Is the word "united", it is not very clear? -- It is not very clear but it does also appear to me to be United.

Well now let us deal with 1 first. What does "motivation" mean and what does "Motivation 1. Proposal for L Government" mean? -- One it means, it says people must arrive, well people, after the first one it says "arrival Friday". It says that now the people who are coming to the meeting in Bloemfontein (30)

must/....

must arrive on Friday. Then it says there must be worked out proposals for local government, as I can reconstruct it.

So what you had in mind at the time is that you would want to improve or replace the present local government structure? -- No, I think so, just as we were dealing with the question of the national convention and discussing it in depth even with the question of proposals for local government to discuss that in depth and work out you know a clear presentation of what our position is on that question.

Now the next page, page 3, you find the same, the second(10) line from the top, "Local government input". It is no. 12. "12. Local government input". -- Yes.

Is that the same sort of thing? -- Yes it actually says that it must be analysed and despatched. It refers to the same thing.

Now below that you find point 15, "Centre for", what is that? "Integral studies". -- Integral studies invites UDF for Wednesday, it is some kind of organisation. I cannot remember now what it is but what it says is that it invites UDF for Wednesday. (20)

Well it is a discussion with Mr Wynand Malan, the MP for Jeppe. -- In panel, no, no the UDF is invited there, amongst those others who are invited to deliver papers is Mr Wynand Malan, Chief Gatsha Buthelezi and Dr Mtata Motlana.

Yes, and the invitation was rejected? -- The invitation rejected, yes.

And Transvaal had to persuade Dr Motlana not to attend. -- The said meeting, yes. I cannot remember now what was the purpose of this meeting.

Will you turn to page, while we are busy with this (30) document./....

document. I find there point 21, "Tribunal, People's Tribunal". Could you explain that please? -- As I recall this it was something like a proposal like for a commission that would put together information on harrassment and things like that, and the matter was referred to Region for discussion.

Why would one call it a tribunal, why not just merely call it a committee? -- I do not think there is any special reason but I think what happens, usuall if somebody moves a point he may use certain words and everybody uses those words.

Yes, thank you, is there anything else you wanted to (10) refer to before Mr Fick starts? -- No My Lord that is the only point I wanted to raise with the Court.

Yes Mr Fick?

MR FICK : Thank you My Lord. Will you turn now to EXHIBIT W.13, that is in volume 3. The last page, page no. 7. Now the very last line on the page below the photo, "Terror Lekota from the UDF addresses a Free Mandela Rally at Medunsa". -- That is correct.

Who invited you to this rally Mr Lekota? -- I was invited by AZASO members, branch at Medunsa. (20)

Can you tell the Court when this happened, this rally? -- Some time in 1984, I cannot remember the date now.

Were you at that stage still a member of the Release Mandela Committee? -- Yes.

Were you the only speaker at this rally? -- No I think there were other speakers and I cannot remember, some of the speakers were members of AZASO but I cannot remember now.

Now I would like to turn to the events in Parys on 15 July 1984, Tumahole. Now you told the Court that you were during that day in Kroonstad with your mother? -- Yes. (30)

Did/....

Did you visit your mother for the weekend? -- No I arrived in Kroonstad on Saturday afternoon or Saturday evening.

Did you go to Kroonstad only for the purpose to visit your mother? -- No you see I was coming from the Cape and when I got there I decided to spend the day there.

COURT: Were you coming by train? -- By car.

MR FICK: Were you alone? -- I was in the company of Papi Kgare.

Papi? -- Papa Kganare.

K-g-a-n-a-r-e? -- That is right. (10)

Now who is Papi Kganare? -- At the time he was a trade union organiser for CCAWUSA in Bloemfontein. CCAWUSA is Commercial, Catering and Allied Workers Union.

Now why was Mr Kganare with you? -- No I had given him a lift because he was going to Johannesburg to the head office, the head office of CCAWUSA.

Now you left Kroonstad on 15 July 1984 and at what time did you reach Tumahole, or Parys? -- I was in Parys at about 19h00, 19h15.

ASSESSOR (MR KRUGEL): In the morning? -- In the evening. (20) Sunday in the evening.

MR FICK: Did you drive through the town, Parys? -- Through the town, yes.

Well you later ended up in Tumahole? -- Yes.

Why? -- Because as I drove past the Police Station I saw an unusually large number of riot police cars there and that is what brought my curiosity.

Is that the only reason why you went into Tumahole? -- Yes.

And did Papi Kganare accompany you into Tumahole? -- Yes (30)

he/....

he was with me in the car.

COURT: How far is Tumahole from Parys? -- It is just ...

Let us say from the Parys Police Station? -- I think maybe about half a kilometre. It is just next to, it is just the township of Parys so it is just almost where the White suburbs end.

On which side of Parys is it? -- Eastern side.

MR FICK: Did you see anything or find anything when you entered Tumahole, were you free to enter? -- Yes I was free to go in but it was clear that when I got there there was a (10) lot of smoke and things like that.

Right, now you entered Tumahole and what did you do? -- You see I was trying to get to, my intention was to get to Vuyo Dabi's place.

Whose place? -- Vuyo Dabi. But now the roads were blocked with stones and things like that and ...

Now, now, Vuyo, will you please spell the name? -- v-u-y-o, Dabi is D-a-b-i.

Now what happened, you were on your way to Mr Dabi's place? -- You know halfway as we were trying to make our way, (20) trying to drive on the sides of the road and so on but it was very difficult making headway and then we met somebody there that I knew.

With the name of? -- Daphne.

Daphne? -- Yes. And I then enquired about Vuyo and I was told that no he is not there because he was already working in Vereeniging. I was told he was working in Vereeniging. It had been some time that I had not been this way and I did not know that he had started working elsewhere and he was not staying there. So I attempted to find out from her what (30)

had/....

had happened and what was taking place and obtained an account of the rent protest that had taken place in the course of the day.

This Mr Dabi is he a member of any organisation? -- He was a member of the Tumahole Students Organisation as I knew earlier but now he was working I think he had ceased to be a member. I do not know whether he still held membership or not.

COURT: Is this Vuyo Dabi the same as Vuyisile Dabi? -- Yes, Vuyo is actually short for Vuyisile.

MR FICK: Right, and now this lady informed you that Mr Dabi (10) had left Vereeniging and what did you do then? -- After we got this information from her we turned back to drive back. But when we got to the entrance in front of the church there was a roadblock there and that is where we met Warrant Officer Jenkins.

So you never reached the house of Mr Dabi? -- No I was not able to get there.

Right, now what happened at the roadblock? -- At first the police wanted to search but then when they discovered that, they discovered a lot of documents. Then they said no I (20) must park on the side of the road and wait and they are going to call the security police and we waited there for a considerable amount of time. I say maybe about an hour to one and a half hours and then Warrant Officer De Wet arrived and I knew him to be a ...

COURT: Who came, De Wet? -- Warrant Officer de Wet. I knew him to be stationed in Kroonstad and he and the others, he came with somebody, I cannot remember who was the other officer who was with him. Meantime in any event Warrant Officer Jenkins had already begun with making an inventory of the (30)

things/....

things that I had in the car. So they continued with their inventory and looking at them. Now it was very cold. Then at some point I asked that we should go to the Police Station.

MR FICK: Right, now you went to the Police Station. What happened at the Police Station? -- They continued with the inventory.

And where were you? -- In the police station.

The charge office? -- Yes.

And then? -- And then at some point I was taken into one of the rooms there for interrogation by Warrant Officer (10) De Wet. That did not take long really because he wanted to know how I had come there and what I had come to do and so on and I told him I had come to find out, I was going past and that I had noticed this and then I got into the township, that I had attempted to get to Vuyo's place but I had been informed that he was working in Vereeniging and he was not around, and that as I was coming out I was blocked by the roadblock.

Yes, and what happened then? -- As I was coming back from the interrogation room, as I came into the charge office there was this young man who came in with two police officers, (20) riot police fellows, they came with him through one of the other doors and they were hitting him and I went back into the charge office and they went on with the inventory to the end, after which I was asked to sign for it. Of course whilst we were there there were still some rumblings and some sounds taking place in the other side of the charge office between this fellow who had come in and the police.

Could you see? -- Not all the time but at some point I did see him again.

Is this now Mr Ngalo? -- Who?

(30)

Mr Ngalo?/....

Mr Ngalo? -- I came to know him to be that later, yes.

Was Mr Ngalo injured? -- At the point when I saw him for the second time he was definitely bleeding from the nose.

And what happened after that? -- After?

You saw Mr Ngalo's nose bleeding, what happened after that? -- Well there was a lot of altercation going on between him and the police there and I do not know if you want me to detail that. In any event I was finally given this inventory which I had to sign and the police gave me, I have the receipt after signing it and then they allowed me to go. (10)

Mr Lekota did you make a statement previously on what had happened at Tumahole on 15 July 1985? What you saw? -- Yes.

To whom did you make this statement? -- I made it to my lawyers.

This statement was it filed with the magistrate in Tumahole? -- To the best of my knowledge, yes.

Were you called ...

ASSESSOR (MR KRUGEL): Filed with the magistrate at Tumahole?

MR FICK: Parys, I am sorry.

ASSESSOR (MR KRUGEL): Is there a magistrate at Tumahole? (20)

MR FICK: Parys. I am sorry. Were you called...

COURT: Yes we do not have judicial knowledge of everything but we know a little.

MR FICK: As the Court pleases. Were you called to give evidence? -- That is correct.

Before the magistrate at Parys? -- That is correct.

COURT: You were called to give evidence. Was there a trial or did the magistrate ... -- There was an inquest.

An inquest? -- Yes.

And you came at the inquest? -- Yes I was taken from (30)

Modderbee/....

Modderbee to go and testify there.

MR FICK: Mr Lekota before you there is, as the second part of the documents, a document with the heading "Statement". -- Yes.

By Mosiuoa Gerard Patrick Lekota. -- Yes.

On the second page of that document there is a signature, is that your signature? -- Yes.

Is that the statement you made? -- That is correct.

With regard to the incidents at Tumahole on 15 July 1984? -- Yes.

(10)

In the first three ...

COURT: Are you going to hand this in?

MR FICK: As the Court pleases.

COURT: What will the exhibit number be?

MR FICK: CA.15 My Lord.

COURT: Do you want all the documents together or only the statement?

MR FICK: Only the statement. Now the statement, EXHIBIT CA.15, now you told the Court that the only reason why you went to Tumahole on 15 July was because of the police vehicles you saw at the Police Station in Parys? -- Yes.

(20)

Now I put it to you that is not what you said in paragraph 1 of your statement, there you gave another reason? Now which statement is now correct Mr Lekota? -- The correct thing is that when I went past the Police Station I saw these vehicles and it was as a result of this that I decided to go to Dabi's place because that was the person that I knew and I thought I would be able to get information from him.

Now why did you tell your lawyers that "As I passed Parys I decided to visit Dabi who stays in Tumahole"? -- Well it

(30)

is/....

is not fully stated here.

No, no, no. Mr Lekota "As I passed Parys I decided to visit Vuyisile Dabi who stays in Tumahole." That was given as the only reason. -- That is so.

Now why did you not tell your lawyers that you went to Tumahole because of the police vehicles you saw at the Police Station? -- I cannot recall exactly what happened here but I think it may have been an oversight.

An oversight? -- Yes.

In the same paragraph "I was returning to " (10)

COURT: Just a moment now. Feizila, F-e-i-z-i-l-a, is that the same as Vuyisile which I thought was spelt with a V-u-y? -- No, not it is not, you see there are two brothers. I think I confused their names here.

Is there a brother Feizila? -- Yes, in fact the man I was going to is this one. The other brother is Vuyisile, I remember now. Both are, both the brothers are there and I just mixed up their names there.

You went to visit Feizila? -- Feizila.

How do you say it? -- It is actually spelt F-e-z-i-l-e. (20) Fezile. -- Ja.

And not Vuyo or Vuyisile? -- The other one is Vuyisile, V-u-y-i-s-i-l-e.

Yes?

MR FICK: Now Mr Lekota according to this statement, paragraph 1, "I was returning to Johannesburg from Bloemfontein", and now we learnt that you were from Cape Town? -- I was coming from the Cape. It is when I got to Bloemfontein I took Papi there and then I came to Kroonstad and then I came up, this is all in the same route. The reason I had Papi is because (30)

I/....

I had collected him in Bloemfontein when I was passing there.

Yes but you said nothing in your statement that you were actually at that stage coming from Kroonstad, from your mother's home? -- I had come from the Cape and then I got to Bloemfontein and then I went to Kroonstad. Now when the lawyers take a statement they want to know where you had come this way and if they wanted the detail you went from here to here, from there to there, I would have given that.

But why did you then tell your lawyers Bloemfontein and why not Cape Town? Because that was the starting point of (10) the trip? Why did you choose Bloemfontein? -- Because I had come from there. In any event I had been arrested the week before, that Friday before, I had been arrested there by the police amongst other things.

And then there is another problem. "I went to Fezile's house and was informed that he was in Vereeniging." -- Yes but the position is as I stated it. I was going there you see and as I say on the way there, because the roads were blocked and so on I met this person who told me that this man was not there and he was in Vereeniging because he was employed there now. (20)

Now how many police brought Mr Ngalo into the police station? -- He came in with one but there were two of them.

COURT: But did they come together, were the three of them coming in together? -- Yes. You see in other words you see as the door is like that he came in side by side with one riot policeman and then immediately behind them was another one.

MR FICK: Now will you turn to page 2 of your statement? The third sentence, "I saw one policeman in camouflage fist him on the left side of his head." -- Yes.

And the police behind him were punching him on his body (30)

and/....

and in the back of sides. How many police do you say were there? -- One.

And at what stage did you see that Mr Ngalo's nose was bleeding? -- When I was in the charge office at the time when the inventory was being completed and I looked around the partition that is when I saw him bleeding.

Now you were also questioned before the magistrate at Parys? -- Yes, that is correct.

And you were represented by a Mr Hannon on that occasion, is that correct? -- Well he was representing the family. (10)

The family? -- Yes.

And you, did you have any legal representative at the inquest? -- No I was a witness, I was only a witness.

Now will you please turn to page 2 of the document containing the questions and answers. -- Yes.

Now approximately the ninth line from the bottom, you were asked:

"From his speech and actions was there anything physically wrong with him?"

And then your answer came: (20)

"Well the first time I saw him I saw his nose was bleeding." Now that is not what you have testified Mr Lekota. -- I think what I intended to say was that the first time I saw him at close quarters.

Mr Lekota that is not what you said in questions. Are you sure you were on 15 July 1984 during the day with your mother Mr Lekota? -- Yes of course, yes I am definite. -- I am absolutely certain about that.

COURT: Are you leaving this document?

MR FICK: As the Court pleases. (30)

COURT:/....

COURT: Should it not be given a number.

MR FICK: As the Court pleases, I am sorry, CA.16. Mr Lekota while did you conceal the fact that you with your mother? -- Why did I?

Conceal the fact when you made your statement to the lawyers that you were that day with your mother? -- No I did not conceal it.

Did you tell them before the statement was taken? -- I cannot recall exactly what I said to them but I did not conceal it, I had no reason to conceal that. (10)

COURT: Did you sleep at your mother's place? -- I slept at home on Saturday.

One night? -- On Saturday into Sunday, yes.

Did you sleep at Bloemfontein too? -- I got to Bloemfontein on Friday. I slept there on Friday. I got to Kroonstad on Saturday, I slept there on Saturday. I could not move from Bloemfontein because the tyres of the car were finished. In fact I had to fix them up there because one of the things that the police wanted to arrest me for those tyres.

MR FICK: Now let us turn now to the evidence of IC.17, also (20) on Tumahole, and your evidence. -- Yes.

Now you were called to the office of Bishop Tutu, is that correct? -- That is correct.

You alone? -- I alone, yes.

Was accused no. 19 not with you when you were called? -- He was, he was present in the office. He was in the office of the UDF.

But Bishop Tutu only called you? -- He specifically, his secretary told me that he wanted to see me. I then told accused no. 19 that Bishop Tutu wanted to see me I am going down there, (30) and/....

and I left him in the office.

Now when you came to the office of Bishop Tutu you found IC.17, his wife and two other people? -- No, no, I found Bishop Tutu with his secretary in his secretary's office and then, I do not know what he was busy with there. He took me with him into his office and that is when we found IC.17 and the rest of the other people there.

Now at what stage were you informed why were you called to the office of -- When, after he had introduced me to these people, after Bishop Tutu had introduced me to them. (10)

Now what was given as the reason why you had been called? -- As I recall it Bishop Tutu said that now IC.17 had visited him the previous day also and I do not know exactly what arrangement was made but they agreed that he must come here, that is now IC.17 must come here to Bishop Tutu's office and then Bishop Tutu would facilitate the meeting between us. He then informed me that now the old man had, that is IC.17, had heard some rumours or he had formed the impression that Tumahole Students Organisation and the UDF, with my involvement, more or less, had been responsible for what had happened to his (20) businesses there and I cannot remember whether he said the old man wanted an explanation why that thing had happened or what but in any case he put it that way.

And what was IC.17's reaction? -- To what?

To what the Bishop had said? -- No, no he did not say anything. He was just sitting there. He did not say a word at that stage. At that stage.

And you? What did you say? -- I then responded, after Bishop Tutu had finished I responded by denying any knowledge of plans or anything to destroy the old man's business. In (30)

fact/....

fact as I said to him at that time his name had, I had just seen his name in the papers. I did not know him. I had never heard anybody complaining about him. Around that stage I then thought this was quite an important matter. Then I excused myself and went into Bishop Tutu's Secretary's office and I asked her to phone the office and call Chief to come down, I am sorry accused no. 19.

ASSESSOR (MR KRUGEL): Well Mr Lekota just on this matter of Chief, apart from the fact that you do call Mr Molefe "Chief" is he in fact your Chief? -- He is just a Chief administr- (10) tive office, well in that sense he is the Chief Administrative Officer of the Front. It is so.

MR FICK: Now do I understand you correct that after Bishop Tutu had informed you about the allegations made by accused, by IC.17, you reacted to it and then you stated in that you were aware of the fact that certain properties were damaged in Tumahole? -- No, no, just repeat that please?

What was your reaction to Bishop Tutu's statement? -- I denied that we were involved in any attack on his property and I even said I did not, I had never known anything about his (20) property being attacked. He was not even known, his name was not even known to me. I said I had only seen it in the papers. Because indeed that was the position. I did not know the man.

And what happened thereafter? -- After what, after I had gone to ask for the calling of accused no. 19?

Yes. -- Well I returned. I think they, when I came I got the impression they had been chatting a bit when I was not there but when I got back I continued to explain that it was not you know the policy of the UDF to attack its opponents violently. And then I also mentioned to him that from the (30)

information/....

information that I had got when I was there I had been told that people had had a protest march against the rent and so on and that as they were leaving the police had shot teargas and that that had started the rioting.

COURT: You said that? -- That is what I had been told because I was not there when these things happened. I had only been told when I got there what had happened during the day and now I said to him that is as I understood the position, that is what had happened.

MR FICK: Now who had told you that? -- Daphne, I said now (10) when Daphne had told us there that that is what had happened. The people, she said the protest was over and people were going away, the police had said people must go and people were going away and then at some point now teargas was shot by the police and that that is the thing that started it off. But I could only tell him what I had been told because I was not there. I do not know what happened.

Daphne was she a member of any organisation in Tumahole?
-- As far as I know she was a member of the trade union CCAWUSA.

Now what happened after you said what Daphne had told (20) you, what happened then? -- After I told him the, I cannot recall the chronicle order very clearly but in any case at some point I remember Bishop Tutu saying that as far as he understood the position the UDF was a non-violent organisation but that when people are angry, a group or the mobs of people get angry they act irrationally and that that may explain what happened, following the story that I had just told the old man. He said something to that effect.

Was accused no. 19 at that stage in the office? -- I cannot remember now whether he was already there when (30)

Bishop/....

Bishop Tutu said that.

And after Tutu had said that was there any reaction from IC.17? -- I cannot remember him specifically reacting to that. The next thing that I do remember is that at some point somewhere there accused no. 19 arrived and then Bishop Tutu explained to him afresh also, you know what the position was, and he went on the similar vein that I had been going on about the fact that the UDF did not encourage the use of violence against its opponents. It was not in fact the style of work of the UDF to do things that way. (10)

Was that the only thing accused no. 19 had to say at the meeting? -- Well that is what I recall. He may have said a bit more. I cannot remember everything he said but that is what I recall him saying.

And what happened after that? -- There may have been other exchanges but the next thing that I remember is that IC.17 spoke at length about the fact that he had served his community for many many years and that the people had not been grateful because he had lost his business and a business which really he said his wife had devoted almost all her life's energies (20) to building. And then while he was speaking in that vein he also made the point that it seemed to him that it was the policies of the Administration Board which had placed him where he was and that he was going to go back to them and find out if they could compensate him but that he was going to sever relations with those structures.

Now.... -- But maybe even before that one of the other things that I recall is that he did ask Bishop Tutu if Bishop Tutu could not issue a statement appealing to the community to, not to attack his business. (30)

And/....

And what was the reaction of Bishop Tutu? -- Bishop Tutu said that he could issue such a statement but he was uncertain as to what the response of the people would be if they continue to feel that the Council and the Councillors were responsible for their problems, whether in fact they would respond to his statement.

And what did IC.17 say to that? -- You see now I am not putting it chronologically because I cannot remember the chronological order. I cannot remember specifically that he said anything in particular in relation to that. (10)

Are you sure Mr Lekota that you told the meeting there what you had heard from Daphne? -- You mean that I told the meeting what I had been told had happened?

Yes. -- Of course I am certain I did.

Well I put it to you that in Volume 97, page 4 754, it was put by Mr Bizos to IC.17, the third line from the top:

"Kan u onthou dat mnr Lekota gesê het dat hy niks daarvan weet behalwe wat hy in die koerante gelees het?"

-- No, no, that, well he, I do not know, Mr Bizos may have put it that way but it is quite clear that I, apart from the (20) newspapers, by the time I read the newspapers I had been there.

My information cannot be restricted to the newspapers, I had been there. Not only had I been there, the newspapers had reported that I had been there and I had been arrested. I could not say no I have only read about it in the newspapers.

I said I did not know about his name, I had first come across his name in the newspapers yes. But I had been to Parys, I had met people there and I had been told by people there what had happened. In fact IC.17, one of the other reasons what he got to know about it is because he had read in the, he (30)

would/....

would have read in the newspapers that I was arrested there on the Sunday because on Monday and Tuesday and so on the papers did report that. I cannot remember him saying that in the meeting but as far as I was concerned he had seen those reports that I had been there.

But then you must have given the wrong information to Mr Bizo? -- No, no I did not. I am sure I did not.

Did you make mention of any discussions you had with the Tumahole Students Organisation and other organisations in Tumahole? -- Which other organisations now? (10)

The Tumahole Civic Association for instance? -- No, no I had never met the Tumahole Civic Association before that, in fact before that week, after this thing had happened. The only other organisation that I knew that was in Parys was Pro-Humanism.

COURT: Just a minute, you did not meet TSO until when? -- No, no, the Tumahole Civic Association. That organisation I had not even known about. I only got to know about it subsequent to that Sunday. I had not known about it even before that.

MR FICK: Now did you inform the meeting, or IC.17, that (20) you had discussions with TSO, or any other organisations, in Tumahole? -- Well I may have mentioned that in the past I had met some of the people from that organisation. I cannot recall specifically. I did say to him though that now up to the time when this whole thing had happened I had never heard anybody from Parys complaining about him or anything. I did not know his name, I just read it in the papers there that week.

Did anyone at the meeting say what the UDF's policy is in regard to the government, whether they oppose the government and on what basis? -- At some point I myself did mention (30) that/....

that although the UDF is opposed to the Black Local Authorities we do not use violence. Accused no. 19 said the same thing at a later stage.

Now at the end of the meeting did IC.17, or anybody else, say anything about further contact? -- Not that I am aware of. In fact when we parted we parted with the old man, IC.17, for me it was, I thought he had come for an explanation and we had given him an explanation of our position and I thought it was all over. For me it was finished. And I never heard from him, I never had anything to do with him subsequent to that. They (10) were in distress you see and they had, as I understood it, the impression that the UDF was responsible for their distress and we had done our best to explain to them the position of the UDF, that we were not responsible and we did not know about it.

Did he not say that he will come back at a later stage to the Bishop? -- I do not know if maybe he said that when they were together somewhere, I do not know really.

No, no, in your presence? -- I did not hear anything like that. (20)

Did Bishop Tutu invite him to call again? -- I did not hear that. You see he was Bishop Tutu's host, and then we left. I do not know if maybe they stayed behind and discussed other things. I do not know, but not in my presence. No I do not know about that.

Did not anyone inform IC.17 that as long as he stays on the Council the UDF or the Bishop cannot help him? -- No. Bishop Tutu, even before that meeting Bishop Tutu had already made a call, as far as I can recall, which was published in the paper where he called on the people, or he called for (30)

calm./....

calm, you know, in that situation. Before that meeting he had already done that. And he, well maybe I should not analyse anything here but I do not know about that. I never heard that and no one ever said that and the atmosphere of that meeting was different from that remark. We were quite upset by. IC.17's wife was an elderly person and he himself an elderly person, were upset, and they were in the problem in which they were.

Well why did you not undertake to contact the people in Tumahole and try and find out what had happened there and call on them not to continue with any violence? -- That day, that (10) same day, quite independent from his visit we made a call and we made it quite clear that the UDF does not use violence and we said people must not burn the people's cars and burn their houses and their shops. I was specifically charged with that and I went to make, I made a public statement where at that meeting at which I spoke there were also some of the people from Tumahole and I did that, I also reported to President Archie Gumede in advance. So he, I was not asked by him to do anything but we in the UDF felt that it was necessary that the UDF must state its position clearly and that even when (20) those people of Parys were there, they heard for themselves. They cannot say, and they know what the UDF's position is, even our affiliates were there. It was a lunch time meeting. They know what our position is. We stated that publicly.

Do we have that statement before Court? -- Yes I submitted it here.

MR MARCUS: DA.43 My Lord.

ASSESSOR (MR KRUGEL): Was this the one on the smear pamphlets?

-- No.

DA.45? -- 43 My Lord.

(30)

MR FICK:/....

MR FICK: DA.43 dated 20 July 1984? -- Yes that is correct.

The Star. -- But the meeting had taken place on Thursday the 19th.

COURT: But now on the Monday were you also referred to by the newspapers? -- Yes, I had been, the Monday newspapers were reporting the Sunday newspapers, the Sunday's incidents.

Sunday's happenings. -- Yes.

MR FICK: Now were there a lot of commercial newspapers represented at this meeting Mr Lekota? -- Yes, including international newspapers, including diplomats from these embassies (10) in Johannesburg were also there.

And this was a meeting for what purpose? Was it only a press release or what? A press conference or what was it? -- No it was a public meeting, there were a lot of people there. It was called in solidarity with the community of Parys by the Detainees Parents Support Committee.

COURT: Why were you asked to speak? -- Well I did not ask them the reason why they asked me but I think maybe because they had also read in the paper that I had been there.

MR FICK: Now I put it to you that in this statement you put (20) the blame on the government in the first instance? -- Well you know we had said right from the beginning that the new dispensation would not solve the problems in the communities and one of the points which we pointed out, one which has been considered finally, is that the DLA's were not economically viable and that the tenants would be, that they tend to push the rents up and that communities would not be able to afford them. That point we had made as early as 1983 and it had been made by many other people other than ourselves. Today it has been considered even by the government that those things are (30)

not/....

not viable because they do not have, of themselves, they do not have the money. And that is the point that I made there.

Mr Lekota I put it to you that in the light of the allegation made by IC.17, namely that UDF and TSO was responsible for the violence in Tumahole you simply had no other option but to make a statement like this?

MR MARCUS: My Lord I am sorry to interrupt My Learned Friend but could I refer My Learned Friend to page 4 754 of the record, to which he referred earlier. It is approximately lines 18 to 21 which is not in accordance with the proposition My Learned(10) Friend has just put to the witness.

COURT: But there is different evidence where the witness stated that the UDF had something to do with it or had said something about Parys, is that not the evidence?

MR MARCUS: My Lord I ...

COURT: Well that is the reason why he went to Bishop Tutu because Bishop Tutu and accused no. 20 had said something about Parys.

MR MARCUS: My recollection of the evidence is that IC.17 had read something about it in the paper but on the specific (20) proposition that is now being put to the witness My Learned Friend did not state the position correctly and it is only on that basis that I raise the objection.

COURT: Yes. Thank you.

MR FICK: Was this statement by you not in reaction to an allegation or an inquiry by IC.17 whether UDF or Tumahole Students Organisation were behind the violence in Tumahole?

- No, the meeting, the arrangement for this meeting began the day before. Long before, it had nothing to do with IC.17.

That is why even he himself does not say, does not even (30)

know/....

know about this meeting. It had nothing to do with him at all. It was an independent thing this.

ASSESSOR (MR KRUGEL): The DPSC meeting? -- Yes.

COURT: Was arranged by the DPSC? -- The Detainees Parents Support Committee.

And when was it arranged, just after that weekend? -- I do not know but I was invited at least on the Wednesday, the day before.

Now in Tumahole had there been people detained? -- Yes that is true. (10)

Lots? -- Yes quite a lot of people had been detained, and amongst other things also the death of this young man, also there was, he was not the only one who was detained, many people were detained there in the course of the day.

MR FICK: Well I put it further to you that in the presence of the commercial press and diplomats you could not have said anything else but that UDF is not a violent organisation? -- No I reject that, you know I really reject that. If it is suggested that because there was the commercial press and because there were diplomats that is really, you know, it (20) is just despising us. We have got a policy, we have got a position that we stand for. I do not know why I should say things just because there are some diplomats around and so on. Because they will not tell us, they cannot tell us what to do. We decide what we want to do.

Now Mr Lekota I want to turn to another aspect. You were convicted on two charges of contravening Section 2 of the Act 83 of 1967, is that correct? -- That is correct.

Now is it correct that you were accused no. 3 in the case? -- That is correct. (30)

Is/....

Is it also correct that a certain Mr Nefolovhodhwe. I will spell the the full names, the first name is Phandelani, P-h-a-n-d-e-l-a-n-i, Phandelane, the second name Jeremiah and the surname N-e-f-o-l-o-v-h-o-d-w-e, he was accused no. 6 in the case, is that correct? -- That is correct.

COURT: Who was accused no. 1? -- Satasivan Cooper.

Cooper?

MR FICK: Cooper, I will spell the name, S-a-t-h-a-s-i-v-a-n

COURT: Cooper?

MR FICK: Cooper. The second accused was a Mr Myeza, is (10) that now Muntu Myeza? -- That is correct.

The surname is M-y-e-z-a. Were there also a number of persons named as co-conspirators in the case? -- That is correct.

Now we have, first of all is it correct, the name of Mr A. Bawa, B-a-w-a? -- That is correct.

Who is Mr Bawa Mr Lekota? -- He was one of the students at the time.

And today? -- I do not know what he does today.

Then there is another conspirator named, namely Mr M. Kgaka, K-g-a-k-a. -- That is correct. (20)

Is that now Mr Mike Kgaka? -- To the best of my memory, yes.

Now he is one of the persons named in this case as one of the executives of the area committees of the VCA in the Vaal, is that the same man? -- I think so.

Now this Mrs Nefolovhodwe is he the same Nefolovhodwe who stays in the Vaal and is a member of I think AZASUM, or in the Vaal? -- No, he does not, he has never stayed in the Vaal. He does not stay there at all. He is just not connected to the Vaal. (30)

Where/....

Where does he stay? -- In Vendaland, Sibasa.

Vendaland. Now is it correct Mr Lekota on the first count you were also charged with conspiracy? -- That is correct.

And at that time were you one of the primary ...

COURT: Conspiracy to do what?

MR FICK: That you entered into a conspiracy with the intent to endanger the maintenance of law and order in the Republic and to commit certain acts, namely acts to bring about a revolutionary change of the political, social and economic system in the Republic. Is that ... -- More or less, it was (10) something to that effect. I cannot remember the details now.

But now is it correct that in your case the Court found on count no. 1 that you entered into the conspiracy with the intention to endanger the law and order of the Republic? -- I was also found guilty on count 1, yes.

Yes.

COURT: What was the last sentence, I am sorry I did not hear the last sentence? -- I am just also going on, along with counsel because I do not have all the facts of what he is saying. (20)

Well now do not agree with him when you do not understand what he is saying, please do not. -- Well I just saying that I was found guilty on count 1, that is correct, and I take it he is reading from there what is written in the document.

MR FICK: Now on the second charge, the second count, you were also charged with a conspiracy with the intent to endanger the maintenance of law and order of the Republic in that you organised and arranged the holding of so-called pro-Frelimo rallies in Durban, Turfloop, Johannesburg, Cape Town and/or Port Elizabeth? -- That is correct. (30)

Also/....

Also on this count you were convicted? -- Yes I was also convicted.

COURT ADJOURNS UNTIL 14h00.

C.949 COURT RESUMES AT 14h00.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota whilst you were on Robben Island did you have ample opportunity to talk to Mr Mandela and the other Rivonia trialists? -- In the period that I stayed with them, yes.

And what period is that now? -- Well between 1978 and (10) 1979.

COURT: Why were you separated later on? -- In prison from time to time the prison authorities place you wherever they feel like and sometimes they change you and you have no control over the matters and they do not give you an official explanation.

Reason? -- Yes.

MR FICK: Did you discussed, I take it you discussed the liberation struggle with Mr Mandela and his comrades? -- A fair amount of the history of the struggle, yes.

You also discussed with Mr Mandela the reason for the (20) ANC to change its policy to a violent policy? -- Well he did inform me why they had changed and opted for armed struggle.

Did he also tell you what they had planned to do in the armed struggle Mr Lekota? -- Does that mean specifically?

In general? -- In general that they were going to used armed struggle, armed methods of struggle.

Did they tell you what their attitude was at that time towards the armed struggle?

COURT: You mean when they decided upon it or when this was discussed on Robben Island? (30)

MR FICK:/.....

MR FICK: When this was discussed. --No I cannot remember specifically dealing with that question but on occasions they have made the point quite clear that they were prepared to participate in a negotiated settlement.

Did they expect to be released after some time? Did they discuss that with you Mr Lekota? -- No they have never said to me that they were expecting to be released. In fact as far as I am concerned they never expected to be released.

But do you agree that Mr Mandela and the others in the Rivonia trial, they were instrumental to the ANC's policy (10) of violence? -- From what I have understood from Nelson amongst others they decided to set up Mkhonto we Sizwe.

COURT: Who is now "they"? -- Nelson Mandela and his colleagues.

MR FICK: Now they told you that, you were aware of the fact that the armed struggle was still going on outside the prison and you say they did not tell you what their attitude was at that time during the discussions, about the armed struggle which was going on? -- Well as far as I was concerned they had taken the decision and I did not have any specific reason to think that they had changed their mind on anything as such, (20) except as I say to you that on occasion Nelson has indicated that if the government opened up what they considered to be a genuine process of negotiation they would be keen to participate. He has stated that.

Did you and Mr Mandela and his co-accused discuss the Freedom Charter? -- It was mentioned at times, yes. Because the Congress of the People was also mentioned to me in the course of their narratives.

Did they persuade you to become a Charterist? -- No.

When you left the prison were you still a supporter (30)

of/....

of the Black Consciousness? -- Well my attitude towards Black Consciousness has never changed. I have explained here what the position is. As far as I, even now as I stand here I still feel that there is a place for Black Consciousness, not the type that I explained, that I indicated to the Court that I do not accept but I did indicate that as long as racism prevails in our society and the humanity of Black people is not acknowledged, as far as I am concerned Black Consciousness has a place, a role in our political life because Black people must assert their humanity as people. (10)

Did you and Mr Mandela and his co-accused discuss ways how the masses should be liberated in South Africa? -- No.

Did you and Mr Mandela and his co-accused discuss the question of the role of the masses, if any, in the liberation struggle? -- No.

Did Mr Mandela inform you what his attitude was towards communism? -- No.

Do you know that Mr Mandela wrote a book on how to become, how to be a good communist? -- I do not know about such a book. In fact I have never heard that there is a book called "How (20) to Become a Good Communist".

Were you aware of the fact that the Court had found, in the case of Mr Mandela, that many if not most of the members of the ANC at that time were communists? -- No.

Did Mr Mandela or any of his other co-accused of Mr Mandela discuss with you the so-called Operation Mayebuya? -- No.

Had you heard about it? -- I have never heard about that.
MR MARCUS: My Lord I am reluctant to interrupt this line of cross-examination but with respect it seems to have no (30) relevance/....

relevance whatsoever to the matter presently before Your Lordship. There is no allegation whatsoever of any conspiracy hatched some time in 1978 while Mr Lekota was in prison and had contact with Mr Mandela and with respect it seems to be traversing areas which are entirely collateral to this trial.

MR FICK: Edele die beskuldigde het self besluit om te getuig oor sy tydperk wat hy in die gevangenis aangehou was, oor sy samesprekings met Nelson Mandela, hy het besluit om net een deel daarvan te vertel en ek doen aan die hand die Staat is geregtig om ook die ander kant aan hom te stel. Hy kan keer(10) as hy wil maar die Staat wil net die ander kant aan hom stel, van die saak. Dit is verder ook so dat die beskuldigde in hierdie hof voorhou dat mnr Nelson Mandela is die sogenaamde ware leier van die massas en sy medebeskuldigdes is ook die sogenamde ware leiers van die massas. Dan is ek sekerlik geregtig om aan hom te stel of hy bewus was, onder die omstandighede dat mnr Nelson Mandela volgens sy eie skrywes klaarblyklik 'n kommunis is, dat hy bevind is as 'n kommunis en dan later daaroor uit te vra ten aansien van die UDF. Dit is op hierdie basis. (20)

MR MARCUS: My Lord with respect to My Learned Friend it really is traversing matter way beyond the issues ...

COURT: Why was the evidence led of the discussions in prison, what was the purpose of it?

MR MARCUS: My Lord because, the reason for that, as Your Lordship is aware, there is a reference to such discussions in one of the meetings which forms a, the transcript of which is presently before Your Lordship and it was in order to get clarity.

COURT: Well you chose to pre-empt the matter, it was not (30) relevant/....

relevant at that stage, the questions are allowed.

MR MARCUS: As Your Lordship pleases.

MR FICK: Thank you My Lord. Do you know what Operation Mayebuya is Mr Lekota? -- No.

Have you heard about the so-called M plan? -- I think I heard about it in the course of some of the discussions in the court here.

Have you not heard from Mr Mandela anything about the M plan? -- No.

Did you or anyone else in UDF make a study of the case (10) of Mr Mandela? -- No.

Would you still regard Mr Nelson Mandela as your true leader should he be a communist? - Well as far as I know he is a member of the Methodist Church and I have no reason to believe that he is a communist. From my contact with him. And I do not operate on suppositions, I operate on my experience with the man and I am satisfied that he is a genuine leader of my people.

No that is not the question Mr Lekota. Would you still regard Mr Nelson Mandela as your leader should he be a (20) communist? -- Well he has never told me that he is a communist and I do not believe that he is a communist.

For the third time would you regard him as your leader should he be a communist? Are you prepared to answer? -- I must just be clear about this question. Is the question that he is a communist and do I regard him as a communist or is it just pure supposition?

Would you still regard Mr Mandela as your true leader should he be a communist? -- No.

And his co-accused? -- What about them?

(30)

Would/....

Would you still regard them as your true leaders should they be communists? -- Maybe I could put the question this way, I would regard them as the leaders of my people not because they are communists but because I think they have represented the aspirations of my people accurately.

ASSESSOR (MR KRUGEL): What do you intend to convey by that reply Mr Lekota? I am at a loss to understand what you mean now. -- I am satisfied in my mind that when they were asked to represent the government, the wishes of our people, they went and represented them as accurately as those wishes of our (10) people were put to them and our respect for them does not arise from whether they are communists or what, assuming they are communists. It arises from the fact that they have satisfactorily served those wishes which are in the hearts of our people and it is for that reason alone that we regard them as our people, not because they are communists. They may be Catholics, they may be Anglicans, they may be anything but the measuring yard, the measurement is whether they have been faithful to the wishes of our people or not and that is the measurement that I use. (20)

MR FICK: Do you want to say to this Court that you were not aware about the evidence in Mr Mandela's case, you have never read about it? -- I have not read the evidence in his, I was not here when he was tried. I know the fact that he was tried in this court and found guilty here. That I came to know afterwards as a matter of history but I do not have the basic facts of what had happened where.

Why not Mr Lekota, you are the history student? -- I was not in that case here and I have not been able to come across literature that details the proceedings of the case. If I (30)

found/....

found it I would read it.

But did you not make a point of it to read more about the history of Mr Mandela, your true leader? -- Yes but which books are available? All the books that are available and that I could lay my hands on I have read, which are the available books that perhaps counsel can refer me to?

I will come back to that, I will give you a list of it, but the evidence in the case ...

COURT: Would that be required reading or recommended reading?

MR FICK: Recommended My Lord. Now why have you not, a (10) student of history, tried to obtain the judgment in the case of Mr Mandela? -- I am not, I do not know what counsel means by saying a student of history. I have not gone to university and qualified as a historian. I read history as of personal interest and I read what literature I may land my hands on. I have not been able to obtain or to come across any literature relating to the trial that I could have read, and that is the thing. Maybe, because maybe I did not have the money because you know I have just come out of jail. Maybe if I have the money or maybe if the time allowed for it I might have been (20) able to find it. And if it was freely available in the bookshops I most probably would have found such books and I would have read them but I am not aware that there is any literature relating to that trial that is available in the bookshops or the CNA that I could have found and I could have read.

Are you aware of the fact that the court found in the case of Mr Mandela that he did not act and was not motivated entirely by a desire to ameliorate the grievances of the Black people? -- I have not read the judgment. I do not know the specific findings of the trial but from what I have heard (30)

from/....

from Nelson's mouth himself he has been deeply inspired by the suffering of the African people and that has been the basis, the motivation for him to take the political action that he took. Both before and after 1960, that is what I heard from the man.

Now after your release from prison which organisation did you join Mr Lekota? -- I joined in March or April 1983 the Release Mandela Campaign Committee in Natal.

Did you join any other organisaton except the Release Mandela Committee? -- For a while I also served in the offices of the General Workers Union and I also became the founding member of the Claremont People's Advice office. (10)

Now which organisation did you first join? The RMC, the Claremont People's Advice Office or the General Workers Union? -- I cannot now remember very well whether I was first with GWU or with the RMC but certainly the Claremont People's Advice Office came much later.

Now when did you join the RMC? -- Around March/April, to the best of my memory.

1980? -- Three. (20)

1983. Why did you join the RMC at that stage Mr Lekota? -- Well I decided to join it.

Yes but why Mr Lekota? -- Why?

Yes. -- Because I felt that the Release Mandela Campaign Committee, from what I had seen, was doing very constructive work, important work and so I allied myself with it. Amongst other things because as I understood his policy at the time it was also working for a national convention calling for the release of the leaders of our people so that there could be a negotiated settlement of the problems of the country. That (30)

is/....

is how at least I understood it. It had a myriad of other things of course, it also helped families of people who were in prison for political activities.

Now is it correct that the RMC is a Charterist organisation? -- It subscribes to the Freedom Charter, yes.

Now were you invited or recruited to join the RMC in Natal? -- Yes I was invited by the President, Mr Archie Gumede.

When were you released? -- I was released on 20 December 1982.

Now were you at that stage, when you joined the RMC, (10) aware of any plans to form a UDF? -- I came to be aware of that a little later.

Now what does that mean? When is a little later? -- Some time after that. I was not aware of any steps that were being taken to form the UDF before that time as far as I can recall.

And what was your attitude towards the formation of a UDF? -- Well my initial attitude was that it was not a wise step and therefore I argued against the idea of forming the United Democratic Front.

Is that now the United Democratic Front, Natal Region? (20) you are talking about? -- No as I understood it it was to be a national, a front of organisations around the country so it was to be a national organisation. At that point in time as far as I know it the debate was around whether a front should be formed or not. So it was on that basis that I joined the debate.

Now when was the UDF Natal formed Mr Lekota? -- I think around May-June, somewhere there.

The Release Mandela Committee, was that one of the organisations which formed the Natal REgion of UDF? -- That is (30) correct./....

correct.

Were you involved in the formation of UDF Natal? -- No I was not involved.

With whom did you argue the question of the formation of the UDF, the desirability of the formation of the UDF? -- Well with a number of the members in the RMC and other local organisations in Durban. Some were members of the Durban Housing Action Committee, DHAC, others were members of JORAC, Joint Rent Action Committee, and ISOLUMZI, and other organisations. The NIC, some of them were members of the NIC, (10) and so on. It was quite a wide debate, you know it was quite polemic.

Was that now before May-June 1983 or after May-June 1983? -- Into June, into as far as I can recall even into the beginning of July or so. I really remained debating the issue for a fair amount of time with people around.

Now what was your objection against the formation of the UDF? -- You see the call for the formation of the front as I understood it was to unite all the organisations and first of all my own impression was that we did not have a sufficient number of organisations to, in the country to justify such a move. That was one of the arguments that I advanced. But of course I was tackled on that because people said no look you know you do not know, you know what organisations are there and therefore you have no information really, you have no feel of the situation. (20)

The second point that I raised was that some of the organisations that were there had already grouped themselves under the national forum, although at the time it was not clear to me how the national forum was going to operate. (30)

But/....

But I formed the impression that it was not going to be possible for us to win those organisations which were in the national forum to join, so that it seemed to me that there was just going to be, you know a cluster of organisations there.

Now were your ... -- Those are some of the arguments that I recall.

Were your views generally known in the RMC, your objection against the UDF? -- Some of the people in the RMC would have known that that was my argument. Those who would have (10) been with the argument would have heard about it.

Now when did you change your mind on the UDF, the desirability of the UDF? -- I would say around July. By July in fact, you know when Transvaal had set up a region and the Western Cape had set up a region it was, I realised that my argument was a lost cause so to say. But there were also other arguments which people were advancing which were proven to be stronger than my own argument.

Now who asked you to go to the national conference of the UDF? -- I was asked by the Natal Secretariat. In fact I (20) think I was asked at a meeting of the RMC.

Was there any reason why you were asked to go? -- Well to the best of my memory the decision had been taken, according to the report we got at the RMC, that every one of the regions must send people to constitute the advance planning committee for the national launch. Now in the case of Natal I was asked to play that role. Maybe because I was one of the people who were available and I was not employed, so to say.

Were you the only member of UDF, from the UDF Natal Region? On the advance planning committee? -- I went ahead but no, (30)

I/....

I was not the only one, of course the secretaries of Natal also constituted part of that. They came a little bit later of course because they were employed people.

Now who were the secretaries at that stage? -- One was Mr Yunus Mahammed and also Joseph Phaahla.

Joseph? -- Phaahla.

Will you spell that please for the record? -- P-h-a-a-h-l-a.

Is that now the man who was also President of AZASO at one stage? -- That is correct.

COURT: These were the secretaries of the Natal UDF? -- (10) Region, that is correct.

MR FICK: Now who in the Transvaal and Western Cape recommended that you should become the National Publicity Secretary Mr Lekota? -- I do not know because I was not at the meeting of the joint secretaries but that is the report which we received in the RMC when they reported.

Before the start of the conference were you aware of the fact that you had been nominated as the National Publicity Secretary? -- Before the start of the conference? Yes. In fact the issue was resolved, I must explain that on the (20) Friday when the people got there the matter was reopened again because I had objected to it and Natal also had objected to it but when both Transvaal and the Western Cape were there they reopened the matter and there was heavy debate about it and a lot of argument that went into the early hours of 20 August 1983 and ultimately I realised that, or at least I came to the conclusion that there was no alternative but the best thing for me was to accept the obligation because people were really putting pressure on me.

Now did you plan any role during the press conference (30)

which/....

which was held prior to the national launch? -- Which press conference? The one that was in Cape Town on Thursday?

Yes. -- Or Wednesday, yes. Actually I chaired that conference. But now that was in the ordinary course of activities of the advance planning committee so I was asked by the Western Cape to share it.

But you were at that stage the only one who was not a secretary of any region? -- Yes but I had been sent there by Natal, I was representing Natal.

Now is it correct that the meeting of 20 August 1983, (10) that is the launch of the UDF, is it correct that that meeting was banned? -- The meeting of the 20th, of the launch?

Yes. -- No that has never happened. That is completely wrong.

And the conference? -- No nothing was banned, nothing. This is unheard of.

Did not the magistrate, I think of Wynberg, ban the meeting? -- The meeting, all the meetings that took place on 20 August 1983 at the launch of the UDF, none of them were banned. This is completely new and there is no basis for (20) that.

Do you know of any court case in regard to the meeting of 20 August 1983? Which UDF was the applicant? -- We have not made any application for, the UDF has not made any application in relation to that meeting. That meeting was not banned. That is as a matter of fact. In fact it will be seen even from some of the minutes here, and documents, that when meetings of the UDF were banned subsequent to the national launch one of the points that was raised was that possibly because of the very successful launch of the UDF now this was, the attitude (30)

of/....

of the government had changed towards the United Democratic Front. I think we will see, we can find that in some of the documents. I will see if I can remember them before I leave the witness box here.

COURT: Yes well let us return to the 20th. -- But it was not banned. The only thing I may say is that there were some false pamphlets, bogus pamphlets, that were distributed that morning claiming that the meeting was not taking place any more. That is the only thing.

Not that it had been banned? -- No the pamphlet did not (10) say it was banned. It had said that the UDF had postponed the meeting because the UDF was expecting that people would get arrested. That is all it said.

MR FICK: Do you know of any other meetings in the Cape of the UDF which had been banned? -- When?

In 1983. -- Subsequent to the national launch?

Yes. -- Yes I think there were some meetings which were banned and they were contested in court. At least one that I can recall.

Which meeting was that Mr Lekota? -- It was a meeting (20) of the Western Cape. I cannot remember what the issues were but it was a meeting of the Western Cape and it was banned and they went to contest it in court. I cannot remember where it was supposed to be held and so on.

And it was during 1983? -- To the best of my memory it was. I may be wrong but I think to the best of my memory it was in 1983.

COURT: Was not that case reported Mr Fick? The judge was ROSE-INNES, J. and it went on appeal later on. The judgment was upset if I have it right. (30)

MR FICK:/....

MR FICK: As the Court pleases. Now do you regard the Argus and the Sowetan, the City Press, as so-called progressive media? -- No those are commercial newspapers. I regard them as commercial newspapers.

COURT: Now just a moment now. Can commercial newspapers not be progressive media? -- I think they can be but as I understand the employment of the phrase, as it is commonly used, the tendency is that it tends to refer to these community newspapers which are not profit making newspapers. That is how I generally understand it unless of course I am missing (10) the meaning of counsel.

MR FICK: Is it correct that the Argus, The Sowetan and City Press project the UDF in a very favourable light right from the launch? -- No I would not say that, in fact there have been very serious complaints , for instance in relation to The Sowetan, that it gives UDF negative publicity. What I would say is that they are more receptive than the other, you know, newspapers. More receptive in the sense that they may, you know they do publish news about the UDF and so on but not like they project the UDF as such. (20)

Will you please have a look at EXHIBIT DA.55.

COURT: Have you got it? -- Not yet.

MR MARCUS: My Lord shall we make available

COURT: If you have one.

MR FICK: This is a report, an article which appeared in The Star of 20 August 1983. -- Yes, that is correct.

About an interview or a press conference. -- This article relates to the press conference that I said had been held on the Wednesday or Thursday of the week just before the national launch. (30)

There/....

There were a lot of reporters at the conference, of various newspapers, is that correct? -- Yes an estimate of 40 yes.

They were from the commercial press as well, mostly? -- Mostly yes.

I want to put it to you Mr Lekota that no organisation in this country or any other place in the world can, especially if it is the truth, state openly to the press that it has a violent policy? -- Please repeat the question?

I put it to you that no organisation in this country (10) or any other place in the world, especially if it is the truth, can state openly to the press that it has a violent policy. Is that correct? -- If it is violent it would not say so?

Yes. -- No as far as I am concerned it will say so, if it is violent it will say that it is violent.

Even if ...

COURT: What would happen to it if it says so? It would be banned immediately? -- Yes but the question that is asked, that is put to me is that if it is violent it will not say that it is violent. As far as I know if it is a violent organisa- (20) tion it will say that it is a violent organisation because when it adopts that policy it would then be aware that whatever consequences are there for it. I think we have got a number of examples in this country itself.

MR FICK: I want to put it to you that you had no other option but to state that UDF is a non-violent organisation? -- We said so because the UDF is in fact a non-violent organisation. You know in the 1940's, if I may just add this rider, the Ossewabrandwag was a violent organisation. It stated so publicly. In 1960 or so a number of organisations as (30)

violent/....

violent organisations formed themselves, they stated that they were violent organisations. That is how we know that they are violent. History just abounds with those things but the UDF is a non-violent organisation and we made bold to say that, we made bold to say that today again.

We will come to the question of violence later on Mr Lekota. Now will you please turn to EXHIBIT DA.65. -- Yes I have got the document.

DA.65 is an article which appeared in the Evening Post on 5 December 1983. -- Yes. (10)

And I put it to you this statement was after an allegation that the UDF was a violent organisation and therefore you reacted to that statement and for that purpose only you issued this statement? -- I do not understand, if you are talking, can I have the question clearer?

Yes, you reacted to a statement issued by the ANC, is that correct? -- That is correct.

And I put it to you you reacted to the statement of the ANC because you were aware of the fact that silence on your part could be construed as an admission by UDF? -- No I made this (20) statement because I had to state the truth and clarify the public on this question. When this statement came to me I was informed that Minister Le Grange had given special permission for the ANC statement to be published and it was important for the public to know where we stood, especially because he had made an allegation that the UDF was a front, if we look there at paragraph 2 in column 2 it says:

"Mr Lekota said the UDF was concerned about allegations by some government officials that the UDF was a front for the ANC." (30)

I/....

I had then pointed out in the paragraph before that, in fact in the third paragraph in the first column I had said there that "there are no links between UDF and the ANC nor can there be any links under present circumstances." This was because the ANC was banned and because the methods of the UDF were different from those of the African National Congress. That position we had stated in the UDF time and time again. We had stated that, as it can be seen, before the national launch and subsequent to that at various places and various times into 1984, right through, that that is our position. (10) It has not changed.

Mr Lekota will you turn to EXHIBIT DA.66. -- I have got the document.

This document is said to be an extract from the SA Foundation News, March 1985. -- That is correct.

Now the SA Foundation was at no stage affiliated to the UDF, is that correct? -- No it is not an affiliate of the United Democratic Front.

For what purpose did you address them Mr Lekota? -- I beg your pardon. (20)

For what purpose did you make this statement to the SA Foundation News? -- I was approached by the editor of the publication who then said that they wanted to, an article to publish in their magazine for their readership because their readership was interested in understanding the UDF and what it was about and its policies, etcetera, etcetera. It was as a result of that that I drafted this article.

Did UDF on its part want more members? -- Well all the time the UDF wants to have more members. But as I understood the purpose of this article it was really to inform the (30) business/....

business world, or those companies that are connected to the South African Foundation, because they were interested in knowing what the position of the UDF was.

Did UDF at any stage fear that the government would ban UDF? -- I think such views have been expressed at various times.

I myself, as will be seen from this article of 5 December 1983, made the point that the fact that the UDF was being accused of being a front of the ANC simply to indicate that at some future date the government would take action against UDF or that it was intending to do so. In any event the banning of the (10) meetings of the UDF between August, the end of August 1983 and the time when we wrote the State President a letter, had already raised a lot of concern on our part.

I put it to you that the fear of banning was one of the other reasons why UDF would never say or admit that it was a violent organisation? -- No, no the UDF cannot admit that it is violent. It is not violent. So it can only say that it is not violent and that is the position. But if somebody is going to say that the UDF is violent we cannot keep quiet, just so that no we can say we are brave. We must say the (20) truth because people will believe that we are violent if they hear those false allegations. So the reason that we, the primary reason that we corrected that thing is because we are not a violent organisation and it was important for us to set the record straight so that the public can know the UDF for what it is.

Now the next document I would like to refer you to is
EXHIBIT DA.21.

ASSESSOR (MR KRUGEL): DA.21?

MR FICK: DA.21.

(30)

MR MARCUS:/....

MR MARCUS: My Lord it is apparently not available. Shall we make our copy ...

COURT: Yes please.

MR FICK: DA.21. -- Yes.

It is a letter dated 25 October 1983 addressed to The honourable Prime Minister, Pretoria. -- That is correct.

And it is signed by Mr A. Gume and Mr O. Mpetha, Presidents, on behalf of the UDF. -- That is correct.

Now I put it to you this letter UDF wrote as a publicity stunt, that you were not interested in any answers from the (10) Prime Minister, you were not interested in any discussions with the Prime Minister but you were only stating your own view? -- That is ...

And you told the Prime Minister what he should do? -- That is completely untrue.

COURT: You will have to liven up the proceedings Mr Fick otherwise they will fall asleep. -- That is not correct. The letter was written as a very serious step by the UDF to state its position to the government. It will be seen that when the reply was not coming after one month the NEC instructed me (20) to send yet another letter requesting an acknowledgement of this letter and even urged discussion on the possibility of meeting the Prime Minister at the time. I do not know on what basis the State says that this was a publicity stunt. I have not heard, none of us in the UDF, whether the Secretariat or the NEC, have ever said that this was a publicity stunt and I do not know really what is the basis of saying it is a publicity stunt.

MR FICK: Well you will agree in EXHIBIT DA.21 there is no request for discussions? With the Prime Minister? -- This (30)

letter/....

letter specifically was not the letter that was asking now let us have a discussion here. But it does state here that we sincerely believe that a, that is the last paragraph of page 2:

"We sincerely believe that a speedy and harmonious solution to the country's problems can be found. To this end we call upon your government not to implement the constitution and not enact the Koornhof Bills. We urge you to release all political prisoners unconditionally, to lift the bans from those who are silenced and re- (10) stricted and to recall those who have been forced into exile by the inhuman and racist policies of successive White minority governments. The chosen leaders of all our country's people can then sit together in an atmosphere free of fear and suspicion to work out a constitution based on the will of the people, a constitution acceptable to all."

If that is not a call for consultation, for discussion, to work out a new constitution I do not know what else should be a call for that. (20)

COURT: Well there are a number of pre-conditions. The first is not to implement the constitution Act, the second is not to implement the Koornhof Bills and the third is to release the imprisoned people. So it is not a question of just sitting down and discussing matters. -- But, that is correct but the basis, all of that is said so that this process here may take place and in (e) the position even goes further because there the NEC asked the constituents to discuss the possibility of it, the NEC, going up, asking for a meeting with the Prime Minister to discuss these issues with the Prime Minister. (30)

Even/....

Even in advance of the national convention we were asking the membership to give us an agenda, to give us a green light to ask for a meeting with the Prime Minister so that we could discuss the matter with him. That

Mr Lekota did you at any stage ask the Prime Minister "Could we have an audience"? "Could we come and see you please?" -- At this point in time, no. We wrote this letter and whilst we were waiting for a response to this letter we asked our membership to consider the matter. But now the Prime Minister did not even reply this letter. Now we (10) could have piled letter after letter after letter into the office of the Prime Minister. It would not have been of any, in fact people would then have said no this was just a past time.

MR FICK: Mr Lekota would you please refer to the paragraph in EXHIBIT DA.21 where you ask for a reply. -- That is in the next letter, that on....

No, no, no, DA.21. Where did you ask for a reply in DA.21? -- A reply to what?

Your letter. -- But this is a letter. What does one (20) do with a letter? One does not write a person a letter and then say reply this letter. I have never heard that anything like that is done.

COURT: Was it in fact a personal letter? Was it intended as a personal letter? That is actually what the whole questioning is about. -- Was it ...

Was it intended as a personal letter? If so was it made public? -- It was written to the Prime Minister in his capacity as the head of the government and the letter was taken and delivered there. Subsequently to that it was made known (30) that/....

that we had written the letter to the Prime Minister. The reason to do that also was so that people can understand the UDF as what kind of organisation it is, how it is working. There were allegations that we were just a violent organisation. If people see that the UDF is writing a letter to the Prime Minister and it is raising issues with the government and so on there is no basis to say then that the UDF is a violent organisation because we are asking for issues to be discussed. How else, I do not know how else we should have done it. Right now the Prime Minister publishes in the newspapers, he does (10) not write us a letter, he publishes in the newspapers that he would like to consult with the leaders of the various sections on certain issues. One cannot say that he is joking, he is not joking. He put it in various newspapers, he knows people, leaders from various organisations will read it and that they will respond. We specifically write and address a letter to the Prime Minister. This is what we have done. Subsequently we make it known. Of course we will, this is not something that we are hiding. It is something that we are doing and then we also want the public of our country to know that (20) this is how we propose to go about it. We are not hiding it from our membership, we are not hiding it from anybody.

How long after this letter was delivered to the Prime Minister did you hand the letter to the press? -- I cannot remember exactly but it was something like, it was some days after that.

Now that is even before he could reply? He has got lots of things to do. If you within a couple of days you hand the letter to the press how do you expect a reply by that time? -- No, well you know, no well maybe one may say it was a (30) couple/....

couple of days before he replied but the essence of, the important thing is that the letter must reach that person before anything else. I may give the Court another example.

Now let me just give you a difficulty that I have with this letter. Apart from the fact that you handed it to the press the contents of the letter does not seem to me to be very different from the political debate at the time, the political debate, many of the points set out in this letter were points made by the Progressive Federal Party at the time were they not? -- Well I must just be careful, like which one? (10)

Well let us deal with the paragraph in the middle of page 2:

"We condemn the undemocratic style of government and must remind you of the escalating racial and violent conflict in our country."

-- Yes.

Then you can deal with the next one:

"We appeal to you and your government to desist from what is clearly a dangerous path of confrontation."

And the next one, that is the: (20)

"Don't implement the Constitution Act and do not enact the Koornhof Bills."

I mean that was all part of the ongoing political debate, at the time. Now why do you want an answer to this? It was debated on public platforms day after day. -- But the issue that was being debated was the political situation of the country. We could not talk about things which were not being talked about at the point in time.

No that is not the point. The point is not that you were not entitled to send the letter. The point is not that (30)

you/....

you were not entitled to make the letter public. The point is whether this letter was intended as a personal letter or merely the UDF's input in the debate of the day about political matters. -- It was not intended as a political input in the debate of the matter. It was a letter addressed to the State President in his capacity as a public figure, in fact drawing his attention to the fact, introducing the UDF, that this is the UDF. Secondly this is how the UDF feels about the matter and that we would, we propose and we suggest that this is how things should be handled. I was just about to say (10) this that in 1983 around this same period Chief Buthelezi made public the fact that he wanted to talk to the UDF. He made that statement before he wrote the UDF a letter. We had no letter or anything like that, and then we, the first time we read about the fact that he intended to talk to the UDF was in the newspapers. We were asked for a response on the matter and then we said no we have not received such a letter from Inkatha as of now or from Chief Buthelezi and we will only respond when we have seen such a communication. When the letter was finally written the date was the date after (20) he had made the matter public. But when the letter came to us, when we received the letter we did not say no he had said, he had said that now he wanted to talk to us before but we look at the issue that the letter picks and we find that this is an important issue. And we respond to the matter as is there and then that letter is the letter that we put in here as the correspondence between ourselves and Chief Buthelezi. My point, the point I am trying to make is that when we raised an issue like this, give and take the discrepancies perhaps which some people may observe but who will deny that here is an (30) organisation/....

organisation of people making a genuine effort to begin a process of, some process of consultation and interaction. When we go to our NEC meeting we took a decision. We did not know then that the Prime Minister might not reply or was not going to reply to our letter. We took a decision that now we must tell our membership and say to them please be, we anticipated that we would get a response from the government and we said to them consider the matter of a possibility of the NEC requesting a meeting to go and meet the State President so that they could discuss the issues with them, and in the (10) same meeting the NEC said allow for a certain amount of time if the reply has not come just to impress on the government that we are quite, you know we mean what we are saying about this. Draft another letter asking for an acknowledgement of this letter. That was done and I may say our thinking here was based amongst other things also inspired by what we knew had happened in history. In 1935 and 1936 when our people from the All African Convention, the issues that were being debated were the laws, the Hertzog Bills of 1935. When certain organisations, people came, organisations came together like(20) that the immediate issue is to say to the government that we are not happy with this law. In that instance they went on to ask the government for consultation and indeed the All African Convention succeeded to gain access to the government to go and raise the issue there. We were unlucky in these particular circumstances that we were not able to obtain a response and we were not able to go up to the point of meeting the government. But I make bold to say that we wanted to meet the Prime Minister so that we could state even better what the position of the United Democratic Front is. (30)

I/....

I seem to recall Mr Lekota that you did have an appointment with the Prime Minister and that it was not kept? -- That was in a different line.

Was that before or after this letter? -- This was when this letter was supposed to be delivered.

Yes? -- That was for the 19th and what actually did happen is that we sent this letter to the President in Natal to sign and from there it had to go to the Western Cape to be signed by President Mpetha and then we had to work very fast because the appointment had already been made and unfortunately for (10) us the letter first of all, when it came it had a lot of fingerprints on it, it was just not in a presentable condition. We therefore could not take a dirty copy there. We decided that something else should be done. But in any event it came after the period and we had had to cancel that appointment. But at that time ...

But could you not without the letter go and see the Prime Minister and tell him what you thought about the matter, and the letter could follow? -- The point is that when the appointment was made it was not made to go and meet the Prime (20) Minister. The appointment was made specifically to deliver the letter there. The fact that he was in the Union Buildings in that period, it was just coincidental quite frankly. It was just coincidental. It was not that we had asked to go and meet him there. We had asked just to come and deliver the letter. But seeing, it was actually on the initiative of the secretary or something who said that we may even gain access to see him because he would be there. But that was not, the issue was that we had to deliver this letter on the 19th. And the reason that we did not deliver it is that (30)

it/....

it came late and even when it came it was dirty and we had to redraft the other one. That is why accused no. 19 had to sign this copy, because we did not want to take the risk of it going through many hands and getting dirty again.

MR FICK: Now I am not talking about a call for a national convention. Can you refer the Court to any document where the UDF asked for an interview with the then Prime Minister? -- You know the whole thing that I have just explained here is what happened. There is nothing new I can say. We did not ask, we have not written a letter to the Prime Minister and . (10) asked for an interview.

Now when EXHIBIT H.1 was discussed some days ago you said that the six pre-conditions or demands, whatever you want to call them, were referred back to the Regions for discussion, is that correct? -- I said those demands which were raised in the NEC in July in Bloemfontein, the ones that were raised there afresh, those ones, yes. But not the ones that had been decided upon and decision taken upon by the first National General Council.

Did you get any feedback from the Regions in 1984? -- I (20) got arrested shortly afterwards and I do not know what happened after that. I am not aware that there was a feedback.

Now I would like to refer to EXHIBIT DA.68. -- Yes.

This is a statement in the Sunday Express of 24 February 1985. -- That is correct.

Now I put it to you in this statement no reference was made to the so-called pre-conditions or demands? -- Yes you see the position is this, this is a newspaper report. Now when one talks to the newspapers they select what they are going to include and they leave some of the things out. I (30)

cannot/....

cannot recall whether I specifically mentioned the conditions or not but the point is one cannot go on the basis that this is the only things that were said. Some of the things the papers leave out because they have got the question of space to take into account. But I did mention there that the UDF was committed to the call for a national convention. In an atmosphere that is conducive to concerted discussion. To work out, to hammer out a new constitution.

Mr Lekota after your release on 10 December 1984, I think? -- Yes, that is correct. (10)

Did you not make any enquiries about the feedback from the Regions with regard to the national convention? -- No at the time of my release in December there was a lot of, you know the situation had changed over the last three months or so. Some of our leaders were detained, some people could not be found, they were in hiding. The situation was just completely different, and I cannot remember any information relating to this matter specifically. There had been meetings that had been held when we were not there.

Will you please turn to EXHIBIT DA.72. -- Yes. (20) Which is an article in The Star of 6 April 1985, presumably. -- Yes.

Now you agree that this statement was issued at a time when a lot of UDF's leaders and activists were detained? -- Yes some were detained, quite a number of leaders yes.

NOW I put it to you that it would be unthinkable in any organisation in such circumstances to say anything else but that it is a non-violent organisation? -- No, the UDF had stated its position on non-violence as early as 1983. We had restated that position from time to time and we were (30)

only/....

only stating what was our position. We cannot keep lying to the public, you know, because that means people will not even know what the UDF is about. Because if we lie about this and lie about that I do not know when ultimately people will never get to know the UDF.

Will you turn to EXHIBIT DA.73, a statement in The Star of 12 April 1985. -- Yes.

This statement was issued as a result of allegations that UDF might be involved in violence against the All Blacks. -- Yes, this kind of, there were those kind of allegations. (10) And I was rebutting them here.

Will you please turn to EXHIBIT DA.75, 76 rather. -- Yes I have the document.

This is an article in The Sunday Tribune of 19 August 1984. -- Yes.

Also in this case the statement is in reaction to an allegation of conspiracy between UDF and Moscow. -- Well there had been all this kind of allegations and this was actually, there was not a specific allegation at this point in time but this was a response to the general allegation that had been (20) made against the UDF ever since it had been formed because this was the anniversary of the UDF in Pietermaritzburg.

COURT: Are we looking at 75.

MR FICK: 76 My Lord. Will you turn to EXHIBIT DA.78. -- I have the document.

This is an article published in the Rand Daily Mail of 27th July, 1984 presumably. Is it also correct that this article was published as a result of allegations of violence? -- This particular article was published specifically because we had asked to put an advertisement in Rapport replying (30)

to/....

to some allegations that had been made against the UDF and then Rapport refused. So this really reports the refusal of Rapport to allow us to put an advertisement in their pages.

Now Mr Lekota I want to turn to another subject. That is paragraph 3.4 of EXHIBIT A.1. It is page 8 of A.1.

COURT: Paragraph 3.4 of the Working Principles.

MR FICK: That is it My Lord. Now you told the court that there was a group at the meeting of 20 August 1983, they were afraid to be swallowed in, as you call it, by UDF should they affiliate to UDF. -- No maybe I must just clarify that. I (10) said I found a group of people discussing and amongst them were people who came from some of the organisations that were not affiliated and they were raising the issue in that particular group as to whether if they affiliated with the UDF they would not be amalgamated so to say, you know, into the Front, lose their identity as an organisation. And it was in that context that I said it.

Was it for that reason that paragraph 3.4 was accepted as part of the Working Principles? -- Yes, when I dictated this, or when this amendment was raised from the floor I related (20) it to this discussion and when I dictated it to the house everybody accepted it.

Why was it necessary to do that? Will you look at paragraph 6.1? -- Sorry to do what?

To add this paragraph 3.4 to the Working Principles. Would you look at paragraph 6.1 of the Working Principles? -- Yes.

According to paragraph 6.1 of the Working Principles, that is on page 9:

"All Regional formations and member organisations shall have complete independence within the umbrella of the (30)

United/....

United Democratic Front provided that actions and policies of members are not inconsistent with the policy of the UDF."

Did you not refer this group to the provisions of paragraph 6.1? -- No, no, this here has to do with the relationship, practical relationship between the UDF and the affiliates. This here has to do with the ideological position of the organisations. Two different aspects of the matter.

Now the question of AZAPO. -- Yes.

Now is it correct that the Transvaal UDF was mandated (10) to discuss the issue of AZAPO's affiliation and relationship with UDF with AZAPO? -- It is correct that Transvaal was given the leeway to consult with AZAPO with a view to drawing them into the UDF.

And then in EXHIBIT M.2, page 1, 6.9. It is reported that the UDF delegation met AZAPO on 11 November 1983. AZAPO will not affiliate to the UDF. They will, however, co-operate with the UDF on issues which do not compromise their principles or policy. -- Yes.

Now can you refer the Court to any document, any report (20) by anyone in the UDF to any meeting where it was reported that AZAPO refuse to co-operate with the UDF on issues which do not compromise their principles or policy? -- I cannot refer the Court to any such document but I can inform the Court that ever since this sentence was written here, to the best of my knowledge it ended here. I know of nothing, know of no co-operation that ever took place between the UDF and AZAPO. If anything the situation simply deteriorated further and further.

Now I want to turn to the question of violence. Will you please look at EXHIBIT C.6. It is a document with the (30)

heading/....

C.950 heading "UDF Border Extraordinary Regional General Council Meeting, Rhodes University, June 10, 1984". It is a second paper by Comrade Nkenke Stofile, "The Role of the Youth in Liberation Struggle". Now will you turn to page 2, the third paragraph:

"But we are revolutionaries and not narrow Nationalists. We fully accept the idea of a unity in action between all the oppressed groups as being fundamental to the advancement of our liberation struggle. How could we forget the proud record of such patriots and comrades (10) as Basil February, Aburahmann, Ghandi, Kathrada, Fisher, Furst, Aggett and many others. Our struggle being for a non-racial democratic South Africa. We cannot delay our non-racial approach."

The second paragraph:

"But we must not be ambiguous on the question of the primary role of the most oppressed African masses. But of course those belonging to the other oppressed Black groups and the White revolutionaries who show themselves ready to make common cause with our aspirations must (20) be fully integrated on the basis of individual parity. There can be no second or third class participation in the democratic movement of our liberation. It is for the enemy that we reserve our assertiveness and our justified sense of grievances. In the vanguard of this struggle is the working class. Their cherished aim and purpose is to destroy the exploiting monster that is capitalism. The workers have nothing to lose but their chains."

Then the last paragraph:

(30)

"But/....

"But for all these to work well together for the same goal, liberation, there must be a directing organ. The struggle has to be won in an all round political organisation. This includes education and agitational work throughout the country to cope with the sophisticated torrent of misleading propaganda of the enemy."

Then the third page at the top:

"It is therefore all the more vital that the revolutionary leadership is nationwide to ensure that when victory comes it is not a hollow one. The masses must be (10) brought to power at the head of which stands its organised political leadership."

Then the second paragraph only the first line:

"It is within such a framework that in 1944 the Youth Group was formed that became a model of the role the youth should play in the struggle."

Now I put it to you from this paper it is clear that this N. Stofile regarded the people in the UDF as revolutionaries and not narrow Nationalists. What do you say to that? -- That is what the paper says but as I have said this is not a UDF (20) policy document. It is not our policy document. And I do not know even with regard to that revolutionary, what is the meaning attached to that. He speaks here about the proud record of Abdurahmann. As far as I know Dr Abdurahmann was the leader of the African People's Organisation, APO. He died in 1940. I cannot recall anywhere else that he was a man of violence. I do not know Basil February. He speaks about Ghandi whom I know as the outstanding campaigner, both in this country and in India and who is a world renowned for his non-violent approach to struggles for oppressed people. He (30)

in/....

in fact has been the inspiration of such people as Martin Luther King Junior. And then he speaks about Kathrada, Fisher, Furst, he speaks about Aggett, whom to the best of my knowledge was only a trade union organiser here, has never as far as I know been involved in any violent activity or some kind of thing like that. Now this is a man expressing his views here. This is not UDF policy. I mean in the context of that I do not know, what meaning now to attach to all these other things that he is saying here.

All these people were opposed to the government, is (10) that correct? -- They were opposed to the policies of, earlier on in the case of Ghandi the colour bar and in the case of the others later on apartheid and simply the oppression of the African people. Some of them and some of them the oppression of the Indian people. Some of them the oppression of every section.

I put it to you further on page 3 it is made clear that the ANC Youth League is depicted as a model of the role the youth should play in the struggle? -- That is what he says. Again to the best of my knowledge until its demise the Youth(20) League remained a non-violent organisation. I have never read anywhere that it was a violent organisation.

Were they not the Mandelas and the Sisulus? -- At some point they held membership to the Youth League. Not all the time. They were not youth forever. But the Youth League as far as I know from every piece of literature that I have read the Youth League has never been a, adopted a policy of violence.

Was it not Mr Nelson Mandela and Sisulu whilst they were in the Youth League who propagated, who started propagating the policy of violence? -- That is news to me. There has (30)

never/....

never been anything like that.

Do you know of anyone in the UDF Border who was expelled from the UDF Border for his policy of, for preaching a policy of violence? -- I have not heard about such a thing.

Will you please turn to EXHIBIT C.75. That is in volume 5. This document was found in the possession of E. Ramgobin in Durban. A document with the heading "Congress Prospective on the Constitutional Proposals Presented at the South African Institute of Race Relations". Is the "Congress" referring to the NIC? -- Again I may just mention that this document is (10) not a UDF policy document. The first time I saw it was here in court.

Yes. -- It does appear that it presents the position of Congress.

And that Congress is the NIC? -- I do not know who wrote this article but if it is written by, did you say Mayor Ramgobin or Eli Ramgobin?

Found in the possession of E. Ramgobin. -- It is very likely to be the Natal Indian Congress.

Is it the view of the UDF that there is civil war in (20) the country? -- No. In fact as far as I am aware even the Attorney-General has pointed out that there is no civil war here.

COURT: I am sorry, are you relying on the Attorney-General for your views? -- No, no, I am not relying on his views. I was just saying I do not appear to be wrong because even the Attorney-General seems to have also stated a similar position.

The fact that the Attorney-General states something does not mean he is right. -- No I, well usually when we put an argument forward we look for supporters. (30)

You/....

You are looking for supporters in a strange camp. What is the next question?

MR FICK: Will you turn to page 12 of the document. Here it is stated in the last paragraph:

"We can enter into negotiations honourably as equals only if the objective of such negotiations is the creation of a non-racial united democratic South Africa."

Is it also UDF's view? -- No the UDF view is that we must enter into negotiations so that we jointly seek a non-racial united democratic South Africa. (10)

Now will you please turn to EXHIBIT C.138 in volume 8. C.138 is the report and resolutions of the first Annual General Meeting of 16 and 17 March 1985 of the UDF Western Cape. Would you please turn to page 7. -- I have the page.

It is the secretarial report. Can you please turn to page 6 then from there on we can move to page 7. The fifth paragraph from the top.

COURT: Just a moment. The pages are numbered at the top and at the bottom. Are you looking at the bottom?

MR FICK: The number on the bottom is no. 5 My Lord. I (20) am sorry but I actually have three numbers on my pages.

COURT: Well then just pick one please and tell me which one it is.

MR FICK: Page no. 5 in the right-hand corner at the bottom.

ASSESSOR (MR KRUGEL): And better issues.

COURT: It appears to be 2, page 2 at the top?

MR FICK: Yes My Lord.

COURT: Yes very well then.

MR FICK: The fifth paragraph. There it is stated, and I am not going to read from the top of the paragraph, the second (30)

sentence:/....

sentence:

"In many areas UDF structures have given birth to strong and militant grass roots organisations. The UDF has awakened our people's determination to fight back. It has become the symbol of our people's will throughout the country."

Do you agree with that, that the UDF structures have given Birth to strong militant grass roots organisations? -- I assume maybe he is talking about the Western Cape. That may be so.

(10)

Then will you turn the page to page 6 of the numbers at the bottom of the page. The fourth paragraph from the top, it is also stated there:

"It is often said that we have tried to march too far ahead of our organisations and that we have not done sufficient groundwork. Yet we must remember that our people will not wait until we believe we have adequately prepared the ground. The anger that is exploding all around the country is testimony to our people's readiness for mass action and we must be committed to taking (20) this forward."

Is that according to UDF's policy? -- No that is what he says here. You see this is not a policy thing. This is, he is suggesting what line of action to take. Now that is a suggestion, a tactic. He is suggesting a tactic. It is not a policy position.

MR MARCUS: My Lord I am sorry to interrupt. Accused no. 14 is apparently not feeling well, may he be excused for a moment?

COURT: Yes.

MR FICK: Now would you regard this then as a tactic and is (30)

it/....

it a tactic in accordance with UDF's policies? -- No, no, it cannot be a policy of the UDF. You see he is suggesting that people are ready to take action you know, and ...

COURT: We dealt with this passage on 24 September. -- That is correct.

Why are we coming back to it?

MR FICK: My Lord it is under another heading but I will skip it.

COURT: Under what heading?

MR FICK: I am busy with the policy of violence now. (10)

COURT: Well we have dealt with it. Why do we come back to something we have dealt with?

MR FICK: As the Court pleases, then I will skip it. Please turn to EXHIBIT AB.7. -- I am sorry to interrupt the Court. Earlier on counsel raised the issue of May Day.

COURT: May Day? -- Yes, and I just wanted to get some guide maybe from the Court because over the weekend I was reading some of the papers and I discovered an article which I think throws a very good light on the question of May Day in South Africa. (20)

Well your counsel will have heard now that you want to talk about May Day and in re-examination he will ask you about May Day. -- Thank you My Lord.

MR FICK: AB.7, the sixth document. This is a document referring to, at the top the heading "Press Statement issued by the Transvaal Area Committee". The Transvaal Area Committee is an area committee of UDF. Do you agree Mr Lekota? -- Is this the document?

COURT: "Press Statement". -- This is the one.

Document 6, it looks like it yes. It starts "On the (30)

10th/....

10th of October 1984". -- I have got it yes, that is correct.

And if you look right at the, on the last page you will find it is issued by the Transvaal Area Committee. Now the question is, or it is put to you, that this is an area committee of the UDF. -- To the best of my knowledge the UDF does not have a committee that is called "Transvaal Area Committee". I think the other day I was explaining to the Court what my understanding of area committees is like. It is just incongruous to say Transvaal area committee. Ordinarily it would be a small area. Transvaal is a whole region. So, (10) and it is the first time that I see this document here. I may say to the Court that this is not a UDF policy document.

MR FICK: Well I put it to you Mr Lekota according to the document there are various organisations which are affiliated to the UDF. If you look at page 1 and page 2. -- Yes.

Who partook in this stayaway of 5 and 6 November 1984. -- Yes. I may again tell the Court for a fact that that stayaway was not a UDF stayaway. There were some of the organisations here which were affiliated to the UDF but there are others here which are not affiliated to the UDF. It (20) was not at all a UDF business.

But I put it to you that this Transvaal Stayaway Committee, do you know anything about the Transvaal Stayaway Committee? -- No at this time I was in jail. I know that there was a stayaway, two stayaways, one in October and in November but that is as much as I can say because I was in jail.

I put it to you that there was a report or a reference to this stayaway in the Minutes of the NEC meeting held on 10 and 11 November 1984? J.1. -- That may be, that may be. I do not, J.1? (30)

I/....

I would like to refer you to J.1 page 3. Now page 3, paragraph 4.1, the second paragraph:

"A brief report was given on discussion of the assessment meeting of the Transvaal Stayaway Committee. There would not be another Stayaway. Instead the ~~TAC~~ TSC would support the call for a Black Christmas."

And then the NEC unanimously decided to support the Black Christmas call. -- I see that that is so. I was not here. I did not know about this. But as far as I have always understood it the Transvaal Stayaway Committee is not an organ (10) of the UDF.

Was the Transvaal Stayaway Committee not formed by a number of affiliates of UDF Mr Lekota? -- Well if we go by this document here, AB.7, it is clear that, look there were organisations like FOSATU in it which are not affiliated to the UDF. If we look at no. 5, FOSATU, now that was not an affiliate of the UDF. Then there was at this time, to the best of my knowledge SASWU was also no longer affiliated. I am not sure about SARU. So as I understood it it was an ad hoc structure set up specifically for that purpose and that was (20) that.

Well I put it to you Mr Lekota from AB.7 it is clear that the Transvaal Area Committee in which a number of affiliates of the UDF are represented, preached violence? -- That the Transvaal Area Committee preaches violence?

Yes. -- Not to my knowledge.

Will you please look at the last paragraph of this sixth document. It is stated:

"But the call still remains adopt or die. Meet our demands or face the wrath of the people. The ball is (30) now/....

now rolling on the courts of the authorities. The powers that be, the government, for we are on the offensive, on the march towards a democratic future."

-- Well I do not know whether one can interpret that as a call to violence. Earlier on I told the Court that this phrase here "Adapt or die" I know its origin to have been the State President. Some time in the beginning of the 80's and that when the statement was made it was not made as a call to violence. It was, as I understood it at the time, a warning that if our country did not adapt to new conditions, it did (10) not abandon the policies of apartheid we may find ourselves engulfed with an all consuming conflict. Now I do not know in what sense it was used here but as far as I am concerned these organisations that are cited here are non-violent organisations, they have remained non-violent organisations to the best of my knowledge until now and that they could not have been calling for violent action.

COURT ADJOURNS UNTIL 30 SEPTEMBER 1987.