

SAAKNOMMER: CC 482/85

PRETORIA

1987-10-01

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 297

(Bladsye 16 644 - 16 746)

COURT RESUMES ON 1 OCTOBER 1987.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota I am going to refer you to two documents and then we will move onto the V series. First of all EXHIBIT AX.14.

COURT: Fourteen?

MR FICK: Fourteen, one four. One of the documents found in the possession of accused no. 16, page no. 38. Do you have it Mr Lekota? -- I have it.

Page 38. -- Yes 38. (10)

This is a document with the heading "Circular to Transvaal Secretaries, Circumstances Surrounding the Visit of Donald Anderson". -- Yes.

There is no date on this document. Now on page 38, paragraph 10 it states:

"Some general points about the visit."

And then 10.3:

"Every bit of international mileage makes it increasingly more difficult for the State to ban the UDF."

-- Yes. Maybe I should just say that this document is not (20) known to me but at the time that this visit of Mr Donald Anderson took place I was in detention again, 1984.

COURT: What do we know about this document Mr Fick? It was compiled by accused no. 16?

MR FICK: My Lord no it was only found in the possession of accused no. 16.

COURT: Found in his possession.

MR FICK: In the possession of accused no. 16. Now before I put anything to you about that passage I would like also to refer you to EXHIBIT AF.2. EXHIBIT AF.2 is a document with (30) the/....

the heading "The Occupation of the British Consulate in Durban, the Anderson Visit and the Role of UDF in the International Struggle against Apartheid". It was found in the possession of Roland White, Port Elizabeth. -- I had already I think indicated to the Court that this document is not known to me but in any event I did say that as far as I know this document is not a UDF policy document because I do not know that it was ever adopted by the UDF. Similarly with this other document I really do not know its position.

Will you turn to page 5, the second paragraph of (10)
EXHIBIT AF.2. -- Yes.

Do you have it Mr Lekota? -- Page 5, paragraph 2, yes I have got it.

What would be the correct response for the UDF in this situation? The scale of oppression appears to signal a return to darker times with the possible banning of UDF, whole-sale banning of affiliates and leaders. The job of the UDF it is suggested was on the one hand to take defensive action, action on whatever, whatever action that could give our organisations protection. At the same time it had to in- (20)
tensify its offensive against the apartheid regime and its allies. In a changing situation it had to adopt flexible tactics in order to obtain maximum advantage. Its job was to ensure that whatever the regime sought to do to the democratic movement would cost it a great deal, whether in internal resistance or increased international embarrassment and isolation. For everything that is done to us we must try and exact a price sufficiently dear to make the racists think before they attack us again. Now I put it to you that one of the reasons why the UDF reacted to the commercial press, (30)

made/....

made statements to the commercial press about its non-violent action was because the UDF feared banning and the UDF made the statements to make it difficult for the State and to embarrass the State should it ban UDF? -- No I disagree with counsel on that suggestion. In the first place the reason why the UDF stated publicly its non-violent position was first and foremost because that was in fact its policy. Secondly because we were interested that everybody should know exactly the policy position of the United Democratic Front on the question of its methods and the path which it proposed in order to (10) resolve the problems of our country. Thirdly the position of the United Democratic Front on the question of violence and the relationship of organisations which are violent was stated as early as on the eve of its launch in Cape Town. It had been repeated time and time again until our arrest in August 1984. Fourthly after our arrest in, or let me put it this way that after the elections in 1984 at the Congress of the Transvaal National Party, I think it was in Alberton, Minister Le Grange made some statements which suggested that the State was intending to take action against the UDF. Again those (20) of our officials who remained outside prison responded and restated the position of the United Democratic Front, amongst other things rebutting allegations which had been made that the UDF was a violent organisation. At the specific time when this visit of Mr Donald Anderson took place it was shortly after that Transvaal Congress of the National Party. So in the context of the prevailing political climate it was proper for the UDF to correct and to state its position in relation to those allegations. It is, however, true that in the face of allegations of that nature by the State or its supporters (30)

part/....

part of our drive was to put across the position of the United Democratic Front to the international community because amongst other things what the government was saying about the United Democratic Front was not only restricted to the South African community, it went beyond and even at that level it was proper that we should correct that position. We of course realised that if the international community had a proper understanding of the policy position of the United Democratic Front they would not therefore accept the false allegations that the United Democratic Front was a violent organisation and the (10) tendency would be that the impact or the effect of that would be to discourage the government to take action against the United Democratic Front on the basis of allegations which did, which were not properly based. In relation to these two documents, as far as I can see it, they comment generally on that kind of question and this second document more particularly impresses itself on me as a personal effort by somebody who was commenting on the political situation at the time and I cannot, I cannot give this document any other status other than that.

Now I want to make one last general proposition with (20) regard to the documents. I put it to you that the documents issued by the UDF, by UDF, issued in the name of affiliates of the UDF. -- Which document?

In general all the documents which I have referred to so far. -- Oh I see, yes.

As well as the documents issued by leaders of UDF and leaders of affiliates, except for the press statements referred to in the DA series, press statements to the commercial press, were either policy documents of UDF or they were issued in execution of UDF's call to mobilise, (30) organise,/....

organise, politicise the masses around the day to day issues or around UDF campaigns or they were drafted and issued in the planning of strategy in the campaigns or actions of UDF and its affiliates to engage the State in the liberation struggle or they were issued to state what the UDF and its affiliates had achieved so far in the liberation struggle. And I put it to you that all these documents were issued in furtherance... -- It is now so extensive that I certainly do not know where counsel started.

COURT: Let us start at the end. What is the last statement (10) you want to make. It may well be that that includes all the others?

MR FICK: Yes My Lord. All the documents which were issued in furtherance of the ANC/UDF aim to overthrow the government in South Africa?

COURT: Now just answer the last statement. -- I deny that.

That is a good answer, short. Now do you want to put anything else.

MR FICK: I will leave it at that.

COURT: Then you must put it in sections. (20)

MR FICK: As the Court pleases. I put it to you that the documents issued by UDF or its leaders or its affiliates or the leaders of affiliates were either firstly policy documents of UDF? I can refer you for example to EXHIBIT A.1 and C.102, the documents of the national launch and the documents of the NGC meeting of April 1985. -- I deny that all the documents that counsel has referred to were official UDF documents. I have indicated to the Court, as we were going along which were the documents I regarded as UDF official documents and which were not. (30)

And/....

And I put it to you that ... -- Those, I am sorry in relation to those which are, which I indicated were UDF documents I deny that they were issued with the purpose that is attributed to us by counsel for the State.

I put it to you secondly that the documents were issued in execution of UDF's call to mobilise and organise and concentrise the masses around day to day issues and UDF campaigns in the liberation struggle? -- Where documents, official UDF documents were issued they would have been in pursuit of the policy of the UDF as I have explained it (10) but documents of affiliates are not official, UDF official documents, and they do not represent the UDF as such but represent the position of the affiliates themselves.

I put it to you further, thirdly, that some of the documents, like workshop papers, were drafted and issued in the planning of strategy in the campaigns or actions of UDF and its affiliates to engage the State in the liberation struggle? -- No I deny that general proposition. I have explained the purpose for which for instance workshops were called and I stand by the explanations I gave earlier on. (20)

And fourthly I put it to you that the documents were also issued to state what UDF and its affiliates had achieved in the liberation struggle and in this regard I refer to the publications UDF News and the community newspapers affiliated to UDF as well as EXHIBIT CA.1. Now what do you say to that? -- Well some of the UDF News, it may be that we did indicate what UDF had achieved. I have, however, responded specifically to CA.1 and I think the explanations I gave the Court yesterday I stand by those explanations.

Now let us turn now to the V series of documents. You (30)

made/....

made mention of the fact that you had spoken at many mass meetings? -- That is correct.

And that these meetings are not all recorded in the evidence before Court? -- That is correct.

Now I put it to you that your legal representatives were given the opportunity to view all the video recordings in the possession of the investigating officers in this case and that they in fact did view a large number of video recordings in the possession of the investigating officers but that they stopped this procedure of their own accord. -- I am not aware of (10) that, that they stopped of their own accord.

MR BIZOS: I am informed My Lord that an opportunity was given to us to have a look at certain videos but I am instructed that none of them were meetings of the UDF, videos of meetings of the UDF.

COURT: Well let us just get it straight. Did you call for insight or sight of all the videos and tapes in possession of the State?

MR BIZOS: Yes My Lord, we did.

COURT: Did you get it? (20)

MR BIZOS: We got that.

COURT: So what you got was not UDF meetings?

MR BIZOS: That is so My Lord. We got a number of videos but, hundreds of them but they dealt with, Miss Potter here looked at Western films and things like that, all sorts of videos that were taken but no UDF meetings.

COURT: Very well. -- I may add perhaps because during the adjournment last year we were given an opportunity to go to the Court in Delmas and whilst we were there one of the issues that were raised, of ourselves, was that we wanted to see (30)

videos/....

videos of the meeting that we had held. The information which we got from Major Kruger is that he had given a list of the videos they had but he had only said, the list only said Video and then, "Video Opname" or so, just like that without specifically saying now what meeting it was and so on. Now when we said we wanted to see the films ourselves so that we could decide which ones they are Major Kruger told us that now they were, others were being used elsewhere in the country by the police and that he could not make them available to us.

Did he speak to you personally? -- He spoke to me, (10)
accused no. 21 and accused no. 19. So under those circumstances we were not able ourselves to see that. We do not know of course what videos they have got because as I told the Court the videos which, even the videos which are before the Court they are not our property, they were not taken from our office.

But I understood the position to be Mr Lekota that you called for all and you got all but now you are saying that you called for all but you did not get all? -- No let me put it this way, the list which was given to the lawyers had, it had all the, it therefore recorded all the videos that the (20)
police had in their possession but from the list itself we could not tell which video, this video and what meeting it is.

Yes, that is why Miss Potter was given the task, unenjoyable as it was, to look at all the videos. Now I am informed that many of them were Westerns. -- That corrects the picture.

MR FICK: Can we turn to EXHIBIT V.1. V.1 is the transcript of the national launch, the United Democratic Front, Rocklands, Mitchells Plain, Cape Town on 20 August 1983. Would you please turn to page 5. Do you have page 5 Mr Lekota? -- Yes I have page 5. (30)

The/....

The first paragraph. I would like to refer you to the last part of it. This is part of the speech of Mr Frank Chikane.

COURT: What are you referring to? The first paragraph on page 5?

MR FICK: On page 5, the last part of the first paragraph.

COURT: Yes, part of the conference?

MR FICK: That is correct. It is stated:

"And I want to call upon you all peace loving people in South Africa"

Do you have it Mr Lekota? I see you are paging through... (10)

COURT: I have not got the place, where is it now? Oh yes thank you.

MR FICK: The sixth last line My Lord, the first paragraph.

Do you have it Mr Lekota? -- I have it.

Yes, I will read:

"And I want to call upon you, all peace loving people in South Africa to put hands together to work side by side to fight against the implementation of these reform proposals so that we then can destroy the system and put up a government by the people where the people (20) shall govern according to their will. Thank you Mr Chairman."

Now what I would like to put to you that there is no indication in the speech of Mr Frank Chikane that he meant anything else but violence. -- I deny that, there is nowhere where he says that there must be used violence here.

And I put it to you, if you turn to the next page, page 6, the last paragraph, you will see when there is a call for more songs, less announcements please.

COURT: Yes but now you should not mix things up. The (30)

first/....

first part was at the conference. This part is at the, call it the launch or the Rally. -- The Rally.

MR FICK: Well let us first stop then at page 5. There is no explanation from Mr Frank Chikane what he meant with the phrase "destroy the system".

COURT: Are we now back at page 5?

MR FICK: Page 5 My Lord.

COURT: Well I thought we had dealt with that.

MR FICK: As the Court pleases. Can we then turn to page 6. On page 6 at the bottom you will find there when someone (10) asked more songs, less announcements please there was the slogan "Oliver Tambo" and it was shouted fourteen times. -- That is what it says.

Yes. Now you gave an explanation about this "Oliver Tambo". You referred to the Boy Scouts. -- Yes.

Now for record purposes do you agree there is no connection whatsoever between the ANC and the Boy Scouts? -- I do not know of any connection but my explanation to the Court was as to how in my understanding, how this kind of thing had come about. I was not saying that there was a connection between (20) the ANC and the Boy Scouts.

And do you agree the Boy Scouts organisation is not a political organisation? -- I do not know whether one can strictly say that you know because as I understand the Boy Scouts, amongst other things, it has to do with developing patriotism in young people, patriotism in their own country and that a political side of things. For instance the Boy Scout thing you have to do your honour to your country and to your King and so on. It is connected with political development and in fact when Lord Baden-Powell began the Boy Scouts (30) movement/....

movement it was involved in the political development of our country in Mafikeng for instance during the siege. The Boy Scouts served there as messengers and at times as guides for people who did not know how to go, who did not know the country-side and the paths.

COURT: Were the Boy Scouts formed during the siege of Mafeking?
-- The original idea came to Lord Baden-Powell ...

I thought it was Baden-Powell's scouts but not Boy Scouts that were in the siege of Mafeking. -- Let me put it this way, the idea of Boy Scouts came to, occurred to Lord (10) Baden-Powell whilst he was serving with the British forces in India. He was, however, not in a position to implement it, you know to put it into practice there but during the siege of Mafeking here for the first time he found himself in conditions in which he could actually put it into practice and it did, rudimentary practice began there.

Yes but why do we have to go back so far. The question was a simple one. It is is the Boy Scouts a political organisation and counsel thought it was not and you seem to think it is. Forget about how it started. In the relevant (20) time, that is in 1983 and afterwards, was the Boy Scouts a political organisation? -- Well I thought I explained that I understood it as a cultural movement that had, it had links with political development because as I said amongst other things its purpose is to develop patriotism, amongst other things, in young people. The love of their country, service to their country. In fact that is what the Boy Scouts honour is about. But the important thing I think, the point that I was trying to make is that people who had come from the Boy Scouts movement had, because I had first met this call of (30)

Oliver/....

Oliver Zee(?), I first met it there in the Boy Scouts and the point which I was making to the Court in terms of my explanation is that when people, as people go around they, some of the background of things that they have experienced they carry along with them. They may be adapted and I can find no other way as to how this came to be "Oliver Tambo". Coincidentally his name is Oliver and because that slogan is "Oliver" and then people respond "Zee". When they shout it in political circles people say "Oliver" and others respond "Tambo", because I cannot explain how it is that they do not call the name of(10) any other leader. For instance they do not say "Albert" and then people say "Luthuli" but it is more convenient because people had learnt it as young kids at Boy Scouts or Cubs and then they repeat it that way.

MR FICK: Mr Lekota I put it to you they simply call, use this name Oliver Tambo because it was the name of the ANC leader, you want to popularise the ANC leader? -- No they may also have called it because he is an accepted leader within our communities. Not because they want to popularise it. Before the ANC was banned and the ANC, he was serving in the(20) executive of the African National Congress and the ANC was the biggest African political organisation in this country. So their mothers and fathers and their grandfathers and everybody would have told them about Oliver Tambo as having been one of their leaders and then they come and shout it.

Now will you turn to page 7. -- Yes.

Approximately the twelfth line from the top. There we find the shouting of "Tambo", not "Oliver Tambo" but "Tambo". -- Yes. That again will happen. You know opinion polls have been showing Tambo as being one of the most popular leaders (30)

in/....

in the country within Black communities. Every opinion poll, I think not one of these Bantustan leaders here if an opinion poll is held out here has ever scored more points than Oliver Tambo. What does one do about that? Their parents, their mothers and so on tell them about this thing, their grandparents tell them about it and the children when they just meet there they just shout and play these games, they shout that thing. Long before we were on the scene. We ourselves, our own mothers and fathers and grandfathers and uncles, and whatnot, they will talk about these people and they will (10) say that these people are their leaders. How do I come and tell my father and my mother and my grandfather no you are wrong? We are born into a community with its culture, with its heroes, with its history. What, how can we, we cannot deny our past. We cannot deny what we are.

Mr Lekota will you please turn to page 9(a). Now page 9(a) is a song. -- Page?

9(a) is a song, the translation is at the back of the document. You will find page 71 at the back and then the translations of the songs. -- Yes. (20)

Page 1(a), 6(a) and then 9(a). Now here the people sang:

"Here is the Supreme Courts put on fire, we are going."

-- Yes.

Several times.

"Here is Gaza's house ablaze. The boys will say they attacked it yesterday. We are going, we are going."

-- Yes.

Now the Supreme Court in Pietermaritzburg was bombed on more than one occasion, do you know that? -- Well some (30)

Supreme/....

Supreme Court, I do not know when it was bombed but I think some Supreme Court was burned. I was probably in jail at that time.

Now how was it that the people at this launching of this unviolent organisation sing about Supreme Courts spitting fire, the boys will say they attacked it yesterday? -- Here is a song now that is written, and perhaps I must ask the court to examine the facts with me. An incident of sabotage takes place, the newspapers of the country from Beeld to Rand Daily Mail and so on, everybody, reports the radio and TV, they (10) report that there was a bombing that has taken place of such a place and people hear about this, it is all over the place people hear about it. The first reaction which one generally observes, and the police will bear me out on this, out of curiosity everyone wants to go and see what is happening, what has happened there. People move towards that point to go and see what has happened there. Now when I look at this song and when I hear this song being sung. For instance sometimes they have also sung about Sasolburg. I get the impression that well people are saying look well there is a Supreme Court that (20) has been bombed or there is Sasolburg that has been bombed and the newspapers have reported on all that, maybe the ANC or whoever it is has done it. And then these children start singing and then they say "Siyaya" and then I have always understood that they mean they are going to see what has happened there because that is what usually happens, people go to these places to see what happens and some police have to set up cordons and try to drive people away. People do not run away, people want to come there and see what has happened. That is what I have always understood. I do not know if (30) there/....

there is any other explanation that counsel can give as to, for instance where are they going? As far as I understood they are going to see what has happened there. Now to say that now it is a call to violence and so on it defies my understanding and I do not accept that. These children start these songs and they sing about these things. Now Gaza, there is something like Gaza's house there is ...

COURT: Who is Gaza, can it not be Gatsha? -- No, no, it is Gaza My Lord. You see ...

Who is Gaza? -- Gaza was the mayor of Lamontville, the (10) ones who killed Msizi Dube.

ASSESSOR (MR KRUGEL): Are you saying that the mayor of Lamontville killed somebody? -- I am saying that that is how the courts found it and he is serving ten years at the moment.

I see. And who was the person killed? -- Msizi Dube, M-s-i-z-i, and then Dube is D-u-b-e.

COURT: And who was he? Who was Msizi Dube? -- Msizi Dube was a Councillor of Lamontville and Gaza and the others, Gaza was the mayor of Lamontville and Msizi was also one of the councillors there. Then they clashed on the questions of the (20) rents, rent hikes and so on. So Gaza and these other people hired people and they got him shot and killed and then they were arrested afterwards.

Now when did this happen? Did it happen before the inaugural meeting of the UDF or not? -- It was before.

And had he been convicted and sentenced before, before August 1983? -- No, no, he had not been. But the song does not here talk about that he has been arrested. It is talking about the fact that his house was subsequently attacked by people and then they burnt that house and then what the song (30) says/....

says is that now "Nangu umuzi Ka-Gaza Umvuthu umlilo", there is Gaza's house burning, and that is again something that has happened, and then they say Siyaya. I understand they are going to see what is taking place. It is just any incident that happens. It happens and the people just put that thing in there and they sing about it. And then we do not teach them, they just sing that thing. The UDF has never composed any of these songs here.

MR FICK: I cannot see anything from the record where the people we asked to stop singing about the burning of the (10) Supreme Court and the burning of Gaza's house. -- Yes.

And the boys who attacked the house of Gaza. -- Nor can I also see anything there that says so.

And I put it to you nothing was said because it was in accordance with UDF's policy? -- No I deny that.

Now will you please turn to page 19, page 19 is part of the speech of Samson Ndou, the speech which starts at page 16. -- Oh that will be at the Rally I think.

COURT: This is all at the Rally from page 6 onwards. -- In fact My Lord now, you know once in a situation of a Rally, (20) like there at the Rally now we had something in the region of 15 000 people and people sang and they did, it was just like a public gathering you know. Anybody just sings what they want to sing there, anybody shouts what they want to shout you see. It is not the policy of the organisation. But these are communities from which we come and within those communities these things happen day in and day out and nobody ever raised an eyebrow about it. They are not a crime. We are not saying people must commit crimes.

MR FICK: But there are no songs about other disasters (30)

like/....

like floods and things like that which the people also flock to go and see what is going on there? -- Not all the songs which are sung in the townships were sung at this meeting. There are literally thousands of these songs, thousands of them.

Well now why is that most, by far most of the songs sung at these public meetings refer to violence or acts of violence or the armed wing of the ANC? -- No, no, I do not know why you should say now most of them refer to violence. I do not see most of them referring to violence here. And in any event (10) what counsel is doing here is to look at about approximately 25, 26 meetings. Within the communities you know public gatherings which take place, Matsemi, Pitiki, Manyalo, Diphphu, you know, at all those in work situations people sing all round. Now we are just selecting 25 meetings and then on the basis of some, and some of these songs which are sung here would be sung at weddings, at funerals. They will be sung at, this Pitiki which I have just referred to, Manyalo, you know, Letsema, you know.

COURT: Now will you please spell all those words for the (20) record. -- I must just add one more, Phabadimo.

Yes, just spell it also.

ASSESSOR (MR KRUGEL): Have you put the translations with it Mr Lekota?

COURT: He will have to speak that into the record. Just give us the translations, you need not write it down. -- Yes. Manyalo would be weddings, Letsema I had already explained earlier on where say a member of a village wants to complete a certain job and he makes some beer and he invites people to some there, that would be Letsema. Pitiki is an occasion (30) when/....

when the child is born, you usually keep the child in the house for a certain period of time. When the child comes out they will slaughter something and bring the child and everybody will be invited there. Then you has Phupu which is now funerals. Then you have Phabadimo, sometimes a family has some setback of some kind, maybe bad luck, anything that they can say is bad luck. After some time they decide that no they must give, they must slaughter something for their ancestors because they believe that well the ancestors have brought the bad luck on them because they are not happy. So they slaughter that and (10) they invite everybody to come there and eat and rejoice. It is just giving people like that so that they win back the luck.

It is called Phabadimo. Then I must maybe just raise the issue of circumcison, when people come from circumcison, you know we come from the mountain. Again it is a big occasion of celebration and then again there will be slaughtering, again there will be singing, there will be narratives, dithoko, you know what one calls dithoko. So in all of these occasions and others some of these songs will be sung there. Indeed some of the tunes come from these occasions. So it is not only in (20) these political meetings that one, well I have mentioned football matches, boxing matches. I listen to football matches on Saturday afternoons. Sometimes people are playing here in Attridgeville Super Stadium, Orlando Stadium, and you listen to supporters there sometimes if they come through over the background and they are singing these songs that we are charged with, they are singing those songs there. At other times even newspapers will report. At the fight of Mayisela, when I think he was fighting Pinango(?) or somebody, they actually, one of the reporters actually reported that they (30) were/....

were singing Seyenzi Na and there were shouts of Amandla and so on. And you why they came with then Seyenzi Na is because it was not, oh no it was not Pinango, I think it was Volbrecht and the decision that had been given against Mayisela was unsatisfactory. His supporters in order to register their protest I suppose they then started singing Seyenzi Na. So you will find these songs will be sung everywhere. Not in some meeting of UDF and these people will come to this meeting because they are used to, when they come together they are used to singing these songs. They sing them anyway and they(10) will dance anywhere. Those of us who know about this are not alarmed by anything.

MR FICK: These songs you are referring to, are you talking about Seyenzi Na? -- I say one of the songs that I know was reported, there are so many which are sung and not necessarily reported but over SABC I see even if you can listen for a football match on Saturday in the afternoon you may hear from the background some of the people singing, supporters singing these songs in the football, Ellis Park, Orlando Stadium, you can hear some of them singing them. And if (20) you travel with them by bus going to those matches they will be singing these songs.

COURT: Have you ever heard anybody singing Seyenzi Na at a wedding? -- I cannot remember a specific wedding where ...

It might be at a shotgun wedding. Yes, next question.

MR FICK: Now will you turn to page 19, the speech of Samson Ndou. -- Yes.

The first paragraph the sixth line from the top, there Samson Ndou stated:

"In 1976 our children took the lead and shook the (30)
system/....

system with eighteen months of continuous action against apartheid domination saying that they will rather die fighting for freedom than live passively as slaves.

(Clapping). They stood unflinching in the face of police guns, batons, dogs and teargas. This is then marked a point of no return that left a memory in the minds of freedom loving people which could never be rubbed. With the suffering of their children in mind workers threw themselves into the task of organising to smash this brutal system." (10)

-- Yes.

Now I put it to you the reference is made to the 1976 Soweto uprisings. -- Yes.

To incite the people to violence and to make it clear to the people what the nature of the struggle is, violent struggle, that they must be prepared to die fighting? -- No I deny that. If we look at that incident systematically we will discover that the people who went to protest were just little children, it has never been suggested that they were armed. It is correct of course that subsequently there was rioting that (20) took place. One does not want to ignore that. But I think in the context in which this statement is made it is made in the same way that any non-violent organisation would make a statement of this nature. I wish to say to the Court if we take an example of a man such as Martin Luther King Jnr, who is well known for his non-violent stance in the world, and second only perhaps to Mahatma Ghandi, we find an interesting thing if we look at a number of his speeches we will find from time to time where he makes the point about the fact that he would die for freedom. One of my favourite quotations from (30)

Martin/....

Martin Luther King's words is the ones where once he said that there are things so dear, some things so precious that they are worth dying for and if a man does not discover something that he is going to die for he is not fit to live. When he made that statement he was not suggesting that he was going to use violence but what he was saying is that he was prepared to live for the idea, whatever the consequences may be for himself. Indeed in my reading of the Dialogues of Socrates in ancient Greek history one will find ...

COURT: Did you read it in the original? -- Not in Greek but (10) in English. Where he makes the point that, he says the following that a man who is worth being called a man does not worry about how long he is going to live about whether what he is doing is right. The quotation may not be absolutely accurate but, maybe it may be out with two or three words but that is what he says. Again Socrates, from my reading, was a man of a very high level of intellectual performance and he debated issues within the Athenian society and with his colleagues and there is nowhere where it is suggested that he was a man who advocated violence. My point, however, is that people often (20) say that we will die for this or you know we are not afraid to die for freedom. They do not mean that they are going to take up arms and fight. All that they mean is that they are prepared to give everything that they have for that. These metaphorical expressions are not only you know peculiar to us, they are found all over in political circles.

MR FICK: Will you now turn to page 21. The second paragraph, there is an announcement:

"Now I am going to call the mother of the struggle Helen Joseph."

(30)

-- Yes./....

-- Yes.

Then there was a song, then the people shouted again "Oliver Tambo" eleven times. -- That is correct. But Helen Joseph is not Oliver Tambo. You see people just shout anything that comes first to their mind, whoever starts shouting it.

Well I put it to you that this slogan was shouted to show that solidarity with Oliver Tambo? -- No.

Then on the same page at the bottom you see Helen Joseph refers to the leaders who cannot be with us yet their voices(10) must be heard and then she referred to Nelson Mandela, Dennis Goldberg, Walter Sisulu, Govern(?) Mbeke, Wilson Mkwayi, a certain Gibson, and on page 22 just below the heading "The Chanting UDF" she also referred to Dorah Thamana and Lilian Ngoyi. Now Lilian Ngoyi and Dorah Thamana were they members of the ANC? -- Lilian Ngoyi as I know was the President of the Women's Federation, she was the leader of the march to the Union Buildings in March 1956 together with Helen Joseph. In fact, in fact one reason why Helen Joseph is so highly respected within our communities is because she was one of the leaders(20) who came up here to protest against the pass laws being imposed on African women. That is one of the things that endeared her to the hearts of so many of our people and I will not repeat myself in relation to these other people that she quotes here.

Now you have said a lot of things except answering the question. Lilian Ngoyi and Dorah Thamana, were they members of the ANC? -- Well I thought I said yes, not Dorah Thamana, I do not know about Dorah Thamana. I know that Lilian Ngoyi was the President of the Women's Federation and that she came here. I do not know so much about, I have heard this name (30)

of/....

of Dorah Thamana but I cannot say anything about her really, I do not know her.

Now on page 22 just below the references to Lilian Ngoyi and Dorah Thamana Helen Joseph states that their spirit called to the men of the present for you are our daughters, you are the young and the future of this land belongs to you. We have opened the doors but you must go forward. -- Yes.

And then at the end of her speech we find the reaction of the crowd inter alia as "The Power is Ours, Oliver". That is on page 23. Now I put it to you ... (10)

COURT: Where does one fit in page 22(a)? And also 21(a)?

MR FICK: My Lord 22(a), on page 22 at the bottom is, the fourth last line there is a song "Hlanganani Bazebenzi as attached"

COURT: As attached.

MR FICK: Yes, and 22(a) is ...

COURT: Do we find the same on 21 then? Because we have a 21(a) as well?

MR FICK: That is correct, on the ...

COURT: Yes it is also there, "as attached". Thank you. (20)

MR BIZOS: My Lord I am sorry to interrupt but I thought that he might have taken the opportunity, as he apparently left out the name of Mrs Albertina Sisulu on top of page 22 when he put to the witness that she was convicted of furthering the aims of the ANC. He knows that her appeal was successful and that she is not a convicted person for furthering the aims of the ANC and the reference to her being in prison was that she was an awaiting trial prisoner at that time. -- I think there is some confusion here. After the end of this speech she says "Long Live the United Demo" and then people shout, and then (30)

they/....

they clap and then they shout "UDF, UDF, UDF" you know. That is what actually at the end of her speech they said, "UDF, UDF, UDF", we are not told how many times. It just says several times. And then they go again "UDF, UDF, UDF", repeatedly and we are not told how many times. And then there is a song Hlanganani Bazebenzi e Khona Inhlangano iUDF. They do not say iANC, iUDF. I will just put the song just quickly here.

COURT: Well the song is on the next page, 22(a). -- Yes the chronology, it is only to put it in full there but the (10) chronology is, the chronology of what really happened when she finished speaking is set out here. And then if we look at page 23 which is what counsel is putting, that is the question of Helen, I do not know what happens there but we now find the beginning of the speech of Samson Ndou. I think the tape ends there so there is a bit of a mixture of these things here.

Yes the tape was switched off in the middle of page 23, just before Samson Ndou says "An injury to one". -- Yes that is right. And then, with the permission of the Court may I refer to, at page 23, may I refer to this song again. Here (20) is the song, just next to 705, "Song", "Igama Lika Helen Joseph Malibongwe". Again this song I remember my mother and other women singing this song as early as about 1960-61. This song I have come also to know was sung by the women as early as the 50's. All it says is the name of the women must be thanked. In this instance it says the name of Helen Joseph must be praised or thanked. If there is anybody, they just sing about anybody they like, they say we must thank the name of so and so, we must thank the name of so and so. Now this again is an old song. As I say I remember my mother and other women (30) singing/....

singing this song when I was just a little boy running around stealing peaches in the township. Now it is not a question as with the ANC, it is just part of our life.

MR FICK: Now Mr Lekota will you please turn to page 30. -- Yes.

There starts a song and then some slogans and I put it to you from page 30 and 31, it continues on page 31, it is made clear that not only Helen Joseph is praised but also Oliver Tambo, on page 31 at the top, approximately 19 times. -- yes.

And at the same time Joe Slovo. -- Yes.

Is praised. Is Joe Slovo regarded by the UDF as a (10) leader of the people? -- Not by the UDF, the people regard him as such. You know he was also one of the people, one of the 156 leaders who were charged in 1956. Where were we at that time? We were just little children but within the communities their names are established today. When we are born and then we come of age we find that their names are established within the communities. That case last from 1956 to 1960-61. Families were focussing their attention there, the ANC which was the organisation which was involved in it. Who are we to come around in 1983 as little boys and say look you cannot talk (20) about Oliver Tambo, you cannot talk about so and so. Every opinion poll, just now the government has just announced the results of another opinion poll where the Minister of, Van der Merwe I think, just indicated that in that poll which was order by the government Nelson Mandela came out miles ahead of everybody. Now people know about that, they have been, the poll was conducted and even though they keep quiet when they know that they can say it without being penalised they say it and in the polls they say it and then that is what the position is. We are not responsible for it. (30)

Mr Lekota/....

Mr Lekota page 31 there is also the chanting "Botha is a terrorist". -- Yes.

You see that? -- Yes I see that.

And at the same time there is, just after that shout there is a song about ... -- You see, I am sorry.

... about Tambo. -- You know there is another point that I would like to make here. People in the Black communities, for instance here we are in Cape Town, just a number of kilometres away from Rocklands where we were was at that time Crossroads squatter camp, Nyanga Bush, KTC and so on. Now (10) what was happening is this, at that time as I remember from time to time, especially in winter when these people did not have house, police would come in there in the middle of winter and smash down these shacks, plastic shacks that they had there and so on and in the eyes of those communities and in the eyes of the people watching these things it was terrorising them.

Mr Lekota on what basis can you speak for that people? The people of Crossroads? -- Amongst the people who are here were people who came from those squatter camps, amongst the people who were here were organisations which came from (20) there and representing them and what I am saying is experiences of that nature, it is in the light of experiences of that nature that people say that this is terrorism. It may not be plain to some of the people but it is a fact, that is how people feel about it. If the police come there in winter and they smash their shacks and they sit, women sit there in the open with little kids in their arms. They do not know what they are going to do when night comes. People say that is terrorism and I personally I feel hurt about that and as far as I am concerned it does amount to terrorising those communities. (30)

Well/....

Well then they also say ... -- And not only that, I am sorry, not only that people are sitting in their homes in the townships or they are sleeping there at night, the early hours of the morning, 02h00, 01h00, 03h00, police come and Gagaga, hit the doors, open, get in, everybody wake up, where is your pass, kick, kom kaffer wat, and throw them in the cars. These things build a picture, a certain perception by those communities is based on those experience that people will say things like this and that is why we are saying that apartheid must be abandoned so that the people of our country can all live (10) in peace with each other. It cannot be expected that people who live in conditions like that can say every day "Thank you baas, thank you baas". It will not happen that way. And certainly I do not, I myself do not agree with it. I have spent many nights when I have been sitting at home as a little child and I have been worried when my father was not coming back home and we did not know whether he was arrested for a pass or what and we were all terrified. We would sit there with wide eyes wondering what is going to happen because if he does not come back there is no money, there is no, who is (20) going to pay the rent and all that and everybody is uncomfortable, including my mother. So it is those experiences which have shaped the perceptions of people of the government and really there is no problem if the government could just allow for our communities, participate in the government of the country, vote and participate. There would be peace. I have said it again and again. We have forgotten and we have forgiven everything that has happened. Can we not make a new beginning? Can we not make a new beginning and share the future in this country? (30)

Mr Lekota/....

Mr Lekota on page 31 the song is sung about Tambo. -- Yes.

He is in the bush, he is teaching the soldiers, he is learning the soldiers. Now I put it to you that this song was sung to popularise the ANC and the armed struggle as well as Mkhonto we Sizwe? -- No I deny that.

And there is also, as part of the song it is said "Come, come boys", I want to put it to you that ... -- Where is that "Come, come boys"?

Will you please look at page 31(a), the translation at the back. -- Yes. (10)

The fourteenth line from the bottom. -- Yes.

Now I put it to you it is made clear in this song that the UDF and Mkhonto we Sizwe are part of the same struggle and that the UDF identifies with Mkhonto we Sizwe? -- No that is not so. Did you say 31(a)?

31(a).

COURT: You must look right at the back of this volume and you will find the translations. -- Oh yes. Where is the "Come, come boys"?

MR FICK: The fourteenth line from the bottom, page 31(a). (20)

COURT: Yes now what is the point Mr Fick?

MR FICK: I put it to you it is made clear in this song that the UDF identifies with Mkhonto we Sizwe? -- No, no, I deny that.

ASSESSOR (MR KRUGEL): What do you base this, it is not plain what you mean Mr Fick.

MR FICK: My Lord from page 31 ...

ASSESSOR (MR KRUGEL): 31(a), yes that is the translation of the song.

MR FICK: Yes, there is a song about Tambo training the (30)
soldiers/....

soldiers in the bush and then he is still teaching the soldiers and then "Come, come boys". Now I put it to the witness that that refers to the members of Mkhonto we Sizwe, that the members of Mkhonto we Sizwe are called upon to come. -- No I deny that. I do not know ever that anybody has heard this song being sung and then decided now I must go to Mkhonto.

MR BIZOS: My Lord a few lines before that it says "Come enquire boys, and then come, come."

COURT: While you all study the song we will have a cup of tea. (10)

COURT ADJOURNS. COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Now Mr Lekota still on page 31, approximately in the middle of the page, there is a song "The gun in Angola". On page 31(b) at the back of the, of V.1, you find the translation. -- Yes.

I put it to you that it is made clear through this song that the struggle for liberation is a violent struggle and that the gun must be brought from Angola. -- That effectively is the wording of the song. (20)

Now ... -- But as I have said these songs were just sung all over, they are not, in fact they are not to be taken just literally.

At, the ANC, do you know whether they have camps also in Angola? -- Well I heard in evidence in this court.

And I put it to you this refers to the armed members of the ANC, that they must come from Angola? -- I do not know who composed this song, I do not know its origin.

Now can we turn to page 32. On page 32 is part of the speech of George Sewpersadh, the speech starts on page 31, (30)

at/....

at the bottom. Now I would like to refer to the second and the third paragraphs of the speech of George Sewpersadh. It starts with:

"This gathering makes it clear".

Do you have it Mr Lekota? -- Did you say it starts at page 32?

The speech starts at page 31 but I am going to refer to page 32, the second paragraph. -- Yes I have got that place.

Yes. The second paragraph:

"This gathering makes it clear that the people of South Africa are not merely asking for a change but they, (10) by their activities and their struggle they are actually changing South Africa and will bring about a South Africa in which power will be transferred to the people. Then the ideals of the Freedom Charter will be pursued by the United Democratic Front and we will never rest, we will continue with the struggle until our leaders like Nelson Mandela are freed to govern this country. Thank you very much."

-- That is what it says.

Now I put it to you that this is typical of UDF's (20) actions and policies. It states in some meetings certain things but in practice at the mass meetings something quite different is preached. -- No that is not so. I think I have explained that even at this point in time the UDF had not adopted the Freedom Charter. This man here was not speaking on behalf of the UDF. He was the President of the NIC and insofar as it had in itself already adopted the Freedom Charter he was quoting from the document that he believed was appropriate for South Africa.

Yes but no one stood up and said after the speech of (30)

Mr Sewpersadh/....

Mr Sewpersadh that is wrong, the UDF will not pursue the Freedom Charter, the ideas of the Freedom Charter? We have not adopted the Freedom Charter? -- That is so. That was his opinion and the UDF had not adopted the Freedom Charter. We have shown that already.

COURT: What was Mr Sewpersadh's position in the UDF? -- I think at the time he may have sat in the Natal Region. I cannot remember specifically what he did.

MR FICK: And it is from this passage clear that he did not speak as the representative of the TIC but he made it clear (10) that ...

ASSESSOR (MR KRUGEL): TIC or NIC?

MR FICK: NIC, I am sorry, NIC. But he made it clear that he is talking about the United Democratic Front. -- No all the speakers who spoke at the Rally on Saturday evening on 20 August 1983 were not speaking on behalf of the UDF.

And it is also clear from this passage that the reason why Nelson Mandela should be freed is because the United Democratic Front want Nelson Mandela to govern this country? -- Not exclusively. Following the national convention which we had (20) agreed upon earlier on that day. That national convention would decide who would rule.

Now can we move to page 37. Now on page 37 is the speech of Aubrey Mokoena. -- That is so.

Line 25, from line 25 it is stated:

"We can see that Black people are keen to have liberation. Black people will stop at nothing to be free and we must all congratulate the committee that has made this occasion very very successful."

-- Yes.

(30)

Now/....

Now I put it to you that if we take regard to the songs sung, namely that Mandela is in the bush training the soldiers, that the guns be brought from Angola and then this man after that stood up and said that the Black people would stop at nothing he made it clear that violence is not excluded in the liberation struggle? -- If we take into account the policies upon which the United Democratic Front conference had decided in the course of the day before this Rally was called it is clear that the UDF policy is one of non-violence and what was to guide the activities of the UDF after Saturday 20 August (10) 1983 was not the rally but the decisions taken in the conference.

Now will you turn to page 38, still the speech of Mr Aubrey Mokoena. -- Yes.

The first paragraph, the last seven lines of the first paragraph:

"We must remember our leaders on Robben Island and we must pray but when we pray we must not do like the missionaries who said we must close our eyes and look up and in the meantime they pull the land beneath our (20) feet. I would like to call upon you as you pray as revolutionaries with your eyes open, wide open, because I believe we can never win the struggle unless God is amongst us."

And then the next paragraph:

"We also call on the people, I would like us to pray for those people who are in exile and I beseech you to pray with your eyes wide open as revolutionaries."

And then at the bottom of that paragraph:

"Right coming through the ages, culminating in 1976 (30)

when/....

when the youth said enough was enough. The youth said enough was enough and that blood which was shed is surely going to irrigate the tree of freedom."

Now I put it to you also on this page it is made clear that the struggle is in fact a revolution and it is a violent struggle? -- No, that is not so. In any event I think counsel is misreading this part here. What he is mainly saying the blood that was spilt, he is not saying that we must go and spill blood but he says the blood that was spilt and he is referring to the blood of the people who died struggling (10) for betterment of their lives but it will irrigate the tree of freedom. As far as I am concerned that he means that it will inspire others to continue along that path because if in fact we look at page 40 when he finishes off this speech he says that we have come back here to energise ourselves and to be charged as terminals of this battery and then we go back to our places to form branches of the UDF throughout the country. He is not saying we are now going for military training or we are going to collect weapons. We go back to build the image of the UDF, we go back to popularise UDF, (20) we go back to set up meaningful community projects that are going to improve the quality of the lives of our people. That is what in practical terms now he is saying what we are going to do now, and that man I assure the Court, that man was even here the other day in the court here. He is still busy here in the communities here, he has never carried a weapon or anything like that. His meaning is clear from this passage.

COURT: Does he pray with his eyes open or shut? -- Well if his speech is anything to go by it would seem that he keeps them open. We in the Roman Catholic Church do not close (30)

our/....

our eyes, we pray with them open.

Now why is this said? What is the meaning of all this? -- It is part of old political rhetoric, you know it has been said that when people were colonised the first people who came here were the missionaries and then they said that people must pray and then were seeing that after they were praying they found that they have lost their land. It is just common, old political rhetoric. It has been said time and time again. I think I have heard it when I was a little boy already.

But now does it apply? -- I do not ... (10)

How does one apply it to the facts of South Africa? -- No, no what I am saying is this, even here when White people came, the first people who arrived were missionaries.

Well is that correct? -- Well in the early part yes, people like Casselli(?), Sabosit(?) and so on for instance were the first people to arrive in areas like Lesotho for instance. But it is not specifically for South Africa as such.

But did they then take Lesotho away from the people there? -- No, no, I am not saying .. (20)

I want to know how all this is relevant at the launch of the UDF? -- Well the man was delivering his speech and he chose to comment on that aspect of the matter. And as I say if one reads literature on these African countries here and so on one will find this kind of talk from time to time. So as I say it is really an old thing. People are used to saying that and then I think he must have come across it somewhere in his reading and he decided to use it.

MR FICK: Now will you turn to page 39. Still the speech of Aubrey Mokoena. -- I am sorry, I just wanted to finish this (30)

part/....

part here, where he was saying that now they are going to build projects which will improve the quality of hte lives of the people, that are going to show the people that there is hope at the end of the tunnel.

ASSESSOR (MR KRUGEL): You are back at page 40 now? -- Yes, I was just reading the, I come up to the projects. Now he said that those projects are going to show the people that there is hope at the end of the tunnel. The resolutions that we have taken must be fully implemented with dedication and with genuineness and finally in order to exhort you I would like (10) to say that the Gospel of UDF might be seen to all the ends of the country ...

Must be preached. There is a change there.

COURT: It is not "seen", it is preached, we amended that.

C.956 -- Oh I see, yes. The gospel must be preached, yes then we must be united and so on. The other thing is that this man is a highly religious man. I think as far as I know he is a Deacon in the African Methodist Episcopal Church and you know his whole disposition is not a disposition of a man of violence. I am quite certain. (20)

MR FICK: Now page 39, the first paragraph. -- Yes.

The second last sentence:

"Here the Western power wants to grab their own justice. They want to subject us to perpetual servitude and the Eastern Bloc, the Eastern Hemisphere is saying no to human injustice."

Is that in accordance with UDF's policy? -- No the UDF has never taken such a policy position.

Do you regard the Eastern Bloc as the guardians against human injustice? -- That is not the policy position of the (30)

UDF./....

UDF.

Then the second paragraph, the same page, I am not going to read the first sentence:

"There is a time when the racist regime here are saying here was saying that the status quo was going to continue for a long time because they had Portuguese Mocambique pushing them in the East and they had Ian Smith pushing them North and they had Angola pushing them on the other side. But then all those buffer States have collapsed and the truth is now emerging and the morale of the (10) people is coming up, it is being boosted and nothing is going to stop us from being free."

Now all these parts, Mocambique, Angola and Zimbabwe violent revolutions were fought, is that correct? -- Armed struggles were fought there.

And I put it to you that again there is reference to the armed struggle and it is calling on the people to liberate themselves and that nothing is going to stop the masses from being free, even violence would be part of the liberation struggle? -- No, no I deny that. (20)

Now at page 41, the end of the speech of Mr Aubrey Mokoena, the first paragraph, he refers to the people on Robben Island and he states in the last part of the paragraph:

"Those men and women are one day going the streets of Cape Town, they are going to walk the streets of Durban, they are going to walk the streets of Bloemfontein, Durban, Pretoria and Johannesburg and govern the country. The people shall govern."

-- Yes.

I put it to you it is also made clear in this part of (30)
the/....

the speech that Nelson Mandela and his comrades should be released, freed to govern the country, for that purpose? -- Yes that is why we have said that they are the leaders of our communities, the government must release them, call a national convention and decide the future of the country. We on our part I expect will vote them into power. So they will serve with others in that sense, not in the sense of governing exclusive to everybody else but with the rest of the others who will be elected together. That is how I understand it.

Will you now turn to page 60. -- Yes. (10)

Now page 60 we find again chanting about Oliver Tambo, Joe Slovo and Boesak. -- Yes.

And then the speaker:

"We remind you that you will form the people when you can leave. We ask you to sing, we ask you to sing for our freedom."

-- Yes.

And then there is a song about Mandela and the people sang about "Where is the gun, did Angola come with it? There is the gun, Angola come with it." Several times. Now, (20) and after that the people chanted Oliver Tambo's name again and then the speaker thanked the audience. Now I put it to you that from all this it is clear that the UDF regarded the armed struggle as part of the liberation. -- No I deny that.

There is no reference in this transcript that the Chairman or anybody else informed the audience that they cannot, if they sing for the freedom sing about the guns in Angola, that it creates a wrong impression about UDF? -- Yes I have already said that as far as we are concerned in our communities these songs are never taken literally but I may also perhaps point (30)

out/....

out that it seems to me that here at page 60 in fact what is happening is that the proceedings were over and some of the people wanted to leave but, you know they had to go into their buses and then, because they were leaving now Cape Town and going away. So in order to avoid people just going out of the hall and then the marquee and then filling the streets and then of course constituting illegal gatherings outside they were asked to remain inside and then they would be told when to go out. So that they could then leave, and I think it was in that kind of atmosphere that people were just singing (10) or whatever they were doing, dancing and so on. There was whistling, laughing in between and that was that.

Will you now turn to EXHIBIT V.2. Now V.2 is Solidarity with SAAWU and the people of Ciskei, meeting held on 22 September 1983 at Khotso House. And will you please turn to page 5, page 5 is part of the speech of accused no. 19. -- Yes.

The 22nd line from the top, page 5. -- Yes.

It is stated:

"And we are here this afternoon to say to the world at large that let us all unite and fight for the destruc- (20)
tion of apartheid in this country."

-- yes.

"Let us unite to bring an end to the system of
separate ..."

COURT: Just a moment, where are we now?

MR FICK: The 22nd line from the top of page 5 My Lord. Of
V.2:

"And we are here this afternoon to say to the world at large that let us all unite and fight for the destruc-
tion of apartheid in this country. Let us unite to (30)

bring/....

bring an end to the system of separate development, let us unite to challenge Botha's reform initiative. Let the struggle go beyond the question of a referendum. Let us challenge the Local Authorities in this country. Let us challenge brutalisation of the workers, of farms in domestic areas where domestic workers are not protected by the laws, the labour laws of this country. Let us unite to fight taxes on food and workers and communities."

Now the first part I put it to you that accused no. 19 called for the destruction of the apartheid in this country and (10) the system of separate development and I put it to you it is clear from that that he intends a violent, violence also? -- No that is not so. I was not at this meeting but I certainly do not understand that to mean that. All it means is to get rid of apartheid and all these other complaints which he raises. But he does not suggest violence.

Now at page 7, the second paragraph the very last line, the second last sentence sorry, page 7 the second paragraph accused no. 19 said the following:

"Can we have one of our greatest songs please before (20) I call on the next speaker."

And then again the crowd sang about "Where are the guns, where are the guns" and the audience chanted "Bring the guns, where are the guns. They are in Africa." -- Yes.

And they sang another song ... -- I may just say that you know the sentence, the statement by accused no. 19 is just asking for a song. People of course just choose any song that comes to their mind you know.

But I put it to you that even accused no. 19, who is the General Secretary of UDF, did not reprimand the people after (30) they/....

they sang that song. -- Yes because he did not, as far as I am concerned he would not have understood anything mischievous about it. These songs are not understood in just literal sense like they suggest that people must go and use violence. If he understood that that was the purpose he would have called them to order but he did not understand it that way I am sure.

Now will you turn to page 10. -- Yes.

The last six lines on page 10. It is the speech of Frank Chikane. -- Yes. (10)

The last six lines:

"Don't you see that this is the sign of times. It happened in 1976 and people realised that it was the sign of times but nevertheless they tended to forget that now it is the time. Can't you read the time? That it is just ripe for people to take action against the system that kills people every day."

Then page 11, the same speech, line 8 Mr Chikane continues:

"Don't you see that the organisations are ready, there is a network that is ready to act against the system (20) today. The labour movement is becoming more organised than ever before. Community organisations are ready to get into action and the United Democratic Front has linked all the existing organisations to have a national network that will be ready when it is called into action to break the system."

-- Yes.

Line 19:

"No powerful oppressor has ever gone out of office without being removed because people have power and therefore (30)

we/....

we need people's power to bring a change in South Africa. We need worker's power to bring about change in South Africa and it is now the time for all the workers to come together and speak in one voice. It is now the time for all organisations in South Africa to work for a joint action together to break the system. The UDF has undertaken a two months programme of action which programme of action will produce the necessary network in the country that will be called into action, and when it is ready the people are going to call that we take (10) action and I believe we are not going to continue talking and talking, agonising about our pain but we should start to act and remove the system and create a peaceful South Africa."

-- Yes.

Now I put it to you from all this it is clear that the masses are called upon not to start a negotiating process with the government through the organisations but they are called upon to become active in the struggle so that they themselves can remove the system and the government? -- No I deny that. (20) He in fact does say that people must get into organisations. He refers to the fact that the UDF has got a programme of action and he says well people must come together in organisations and speak with one voice and he says that they must take action, of course they must take action and that means they must organise, they must take their complaints to the government and they must demonstrate clearly their rejection of apartheid so that the government can then call for a new constitution and then we can create a peaceful South Africa.

Mr Lekota page 10, the last paragraph Reverend Chikane (30) referred/....

referred to 1976, clearly the uprisings, and he then concluded:

"Can't you read the time that it is just ripe for people to take action against the system."

-- Yes.

Now he clearly incites the people to take similar action as the action which had been taken during 1976, the eighteen months of violence? -- No not the eighteen months of violence but the action of protest. You see in 1976 what happened is that the students protested against the imposition of Afrikaans medium of instruction and as a result of that protest they (10) were successful because that thing was not carried forward. So that is what he is referring to. If they did not protest they were just going to be stuck with that thing.

Mr Lekota... -- And what he is calling for here is that if the people protested and then it was successful.

Mr Lekota Reverend Frank Chikane did not refer to the protest. He said nothing, he only referred to what happened in 1976. -- There is nowhere here where he says that people must take, must use violence and what we know is that in 1976 students protested and as a result of that protest the govern-(20) ment did not force them to use the Afrikaans medium of instruction. That is what happened.

Now on page 11, line 19 there we find the definition of People's Power and the purpose of People's Power, page 11, line 19:

"No powerful oppressor has ever gone out of office without being removed because people have power and therefore we need people's power to bring a change in South Africa."

Now what is People's Power there?

It is definitely not the right to vote he is referring (30)

to/....

to here. -- No, no. It is exactly this, people must have the right to influence things. It is only then when they have the power to vote that they can vote for a government that they want in power and vote the one that they do not want out of power. That is all it means.

No Mr Lekota it says "No powerful oppressor has ever gone out of office without being removed". -- Yes people must vote and then they get it out. You vote it out. That is how you get rid, that is how you remove it, you vote it out but you will not do that if you do not have the voting power. (10)

On line 27 can you enlighten the Court on what is meant here, seeing that you are the Publicity Secretary of UDF:

"The UDF has undertaken a two months programme of action which action will, programme of action will produce the necessary network in the country that will be called into action."

-- Yes as I see it this was on 22 September 1983. It was after the NEC meeting of September 11 in Durban where it had been decided that the weekend of 28, 29 and 30 would be the people's weekend and during that there were going to be visuals, there(20) were going to be public demonstrations and there were going to be public rallies to address people and so on. That is what is referred to here, not violence.

Now will you turn then to page 12, the second paragraph. Accused no. 19 said:

"Comrades let us unite in action to destroy apartheid.
Let us unite in action to take freedom in our own hands.
To take our own destinies in our own hands."

Now I put it to you that it clearly refers to not, he was clearly not referring to discussions with the government (30)

when/....

when he called on the people to destroy apartheid and to take freedom into their own hands? -- He refers exactly to that. All that he is saying is that our people must themselves take action that will bring about their freedom. They must take their own destinies in their own hands, they must influence the course of events and then the only way they can do it is that they must join organisations, they must persuade and pressure the government into calling a national convention and there they must elect their own leaders who must go and represent them correctly and then that is how they take it into their (10) own hands. If they are going to sit there in the township and just drink beer or whatever else they are not doing anything about it, they are not taking it into their own hands, they are not taking any action and that is what he is calling for here.

Will you turn to page 14. -- 14?

Fourteen, one four. At the bottom, the last paragraph, accused no. 19 stated:

"Shall we have one song, after that song it may be important for this meeting to say precisely where we (20) must go to from here."

And then after the call for a song the song sung was "We are going, we are going, there is Sasolburg on fire, we are going. We are going, the young men lighted the fire. We are going, there is the Supreme Court on fire, we are going, we are going." -- First of all I did say that these songs cannot be translated literally. Where are they going? If they are going to be literal where are they going?

I put it to you this song was sung to popularise the actions of the Mkhonto we Sizwe and to identify with (30)

Mkhonto/....

Mkhonto we Sizwe. -- I deny that because if that is the position then these newspapers which report these incidents when they have happened they can also be accused of the same thing. In fact they make the news known what has happened. It is as a result of people reading the newspaper that this has happened and then they sing about these things.

I put it to you this song was sung because the people understood the speeches of accused no. 19 and Reverend Chikane to mean exactly that, namely violence. -- I deny that completely.

Against the system. -- I deny that completely. (10)

And again at this meeting, at the end of this meeting, page 22, you find the slogan "Oliver Tambo". -- It is found there.

This was shouted in solidarity with the ANC? -- I deny that.

Will you now turn to EXHIBIT V.3. V.3 is the UDF-AZASO protest meeting in respect of students killed at Ngoyen(?) University held at Khotso House on 3 November 1983. Will you please turn to page 2. -- I am sorry, did you say 3 November?

COURT: Yes 3 November, that date has been changed, you (20) must change it.

MR FICK: On page 2 you find the song "The guerillas are soldiers, Oliver Tambo, Nelson Mandela is our father." I put it to you this was sung at this meeting to popularise Mkhonto we Sizwe as well as Oliver Tambo and Nelson Mandela? -- No I disagree with that. I was of course not present at this meeting.

Then on page 3, the third paragraph, the last six lines of the third paragraph it is stated:

"So let us have comrades a few of those songs and (30)

because/....

because there are young dynamic people here who are prepared to relentlessly and gallantly fight for their freedom which belongs to them, which has got ...

(inaudible) .. let us then comrades give us freedom songs so as to rededicate ourselves."

So this song was not sung for the love of singing but in re-dedication to the struggle? -- No, no, you see a man called for a song, any song. He did not say they must sing this song. He said they must just sing a song.

Yes and then the audience, well the people, sang a (10) song, "We are following Tambo, we do not want Westeners". -- Yes well somebody, some individual decided to start that song.

Yes. -- Some individual.

And then there was also the chanting of Oliver Tambo's name nine times. -- Yes.

And then the next song was sung, that is "Our father the guerillas, the soldiers our father, he is a soldier, he is a soldier" and "Oliver Tambo" was shouted six times. -- That is not a song, that is just a chant. These young people just (20) make all kinds of chants. It is just a chant.

Now nobody at this meeting, not even accused no. 19, who is the secretary of UDF, reprimanded the people not to sing about Tambo and "We are following Tambo" as UDF is not following Tambo? -- Well I do not know what his position was at this meeting. In any event these songs, as I say these songs and these chants are not taken in that literal way that counsel is attempting to employ.

Now then turn to page no. 18, page 18 is part of the speech of Oupa Monareng. Now Oupa Monareng spoke on behalf (30)

of/....

of SOYCO, the organisation you called upon to follow in the footsteps of the ANC Youth League? Now on page 18, the third paragraph ... -- I am sorry did counsel that I said they must follow the ANC?

No, no, we referred earlier to a document which you sent a message to SOYCO, I think this was the launch of SOYCO. -- Yes.

And at that meeting you called upon SOYCO to follow the footsteps of the ANC Youth League of the 40's and 50's. -- Yes in the first place that meeting took place, the meeting to (10) which I sent the message of support was some time in August of 1984, long after this. Secondly I thought I heard that you were putting that I said they must follow the ANC. I did say that they inherit the record of the African National Congress Youth League and as I told the Court that was a completely non-violent organisation.

Now will you turn to page 18, the third paragraph, it is stated by Oupa Monareng, I think he is the President of SOYCO:

"In this era of darkness and brutality our revolution, cadres and comrades are prepared to chase, attack and (20) destroy the enemy from all areas, levels and corners of the world despite the fact that they are White, Black, Yellow and Green."

Now from this it is clear that SOYCO saw the liberation struggle as a revolution, as a violent revolution in which the enemy must be attacked and destroyed? What do you say to that? -- No not a violent revolution. The concept of revolution is employed so variously. Sometimes people refer to changes which take place in society as revolution, not necessarily violence. You know the Industrial Revolution for instance was talked about (30)

in/....

in history extensively. It was not something violent but it produced new changes in production and so on. So as far as I am concerned in the context of this organisation to which this man belonged I can only understand that he meant change and no more than that.

But Mr Lekota attack and destroy the enemy can only mean one thing and that is violence? -- No it can not only mean that. You know when two rugby teams or football teams are playing when the other one has got the ball you say these fellows are on the attack. Not with violence. This is (10) metaphor. This thing of taking every word just literally, it just misses the point completely.

Will you please turn then to page 19, the third paragraph. The same speaker:

"We shall attack them in their homes, hostels, places of employment and their offices for we loathe them very much. This then taken should not be seen as causing fights in between our people but between freedom lovers and agents of oppression."

This is a reference to violence Mr Lekota. -- This I understand. (20) He is talking about Inkatha here and then as I understand this it is quite clear he is actually suggesting that they must go and attack these people violently.

And I put it to you that no one at this meeting stopped this man or reprimanded him or repudiated him in public? -- Well I was not at this meeting and I cannot say what happened and what did not happen. I think we have already heard evidence from accused no. 19 who was there. I can only say that if I look for instance at the speech of Tiego Moseneke it suggests something different to me because he does say that the (30) people/....

people of Inkatha are our own people and so on, and that is the problem that I think would be in keeping with our perception in the UDF. Because even Monareng was not speaking on behalf of the UDF here and I suppose Tiego was speaking on behalf of his organisation AZASO also.

Yes. At page ... -- But it is clear that there was no, he did not agree with him if one looks at this transcript.

Will you turn to page 24. The third paragraph, it is part of the speech of Tiego Moseneke of AZASO. -- Yes.

He is also talking about Chief Gatsha Buthelezi: (10)

"This man serves to reproduce an unjust system that we find in this country. This man is part of the system and when we all go out and destroy this system he shall be part of the enemy and we shall destroy the system together with him."

-- Where is that?

The third paragraph from the top on page 24. -- Yes I see that now.

This is also Mr Lekota clear reference to violence? -- No, no, no, political destrucation. Political. You see you can (20) mobilise people not to vote for him and he is just putting it at that, he is finished.

Mr Lekota here the words are clear, there is no explanation or it is not stated that this thing is meant in a political sense. -- That is how we understand it.

And I put it to you that is now how the audience understood it. -- No as far as I, I was not there but as far as I am concerned that is how they understood it. I even heard that after that they left there and they went to cause some violence somewhere. (30)

Now/....

Now will you turn to page 27. That is part of the speech of Siphon Radebe, spelling R-a-d-e-b-e, the name Siphon, S-i-p-h-o. From CUSA. Now the second paragraph at the top, the second sentence:

"It is up to us comrades to take up this challenge. The enemy is challenging us. We should therefore mobilise all our liberatory efforts so as to conquer once and for all."

I put it to you that is also a reference to violence? -- I deny that. (10)

And not a call for voting rights. -- I disagree with counsel there.

And I see this man also called for a socialist Azanian Republic on the, that is the fourth paragraph on page 27, as well as the last sentence on page 28, the first paragraph. -- That may be so. As it can be seen even from that language he is a member of Black Consciousness organisations so it is their language and I think it goes more or less with their policies.

Yes. Now will you turn to page 29. (20)

COURT: What organisation does he belong to? -- Well he came here as I understand from this document from CUSA but he is with the Black Consciousness organisations. I cannot specifically say which one. Most probably AZAPO.

And are they socialist? -- I think they have got they have a document that is called the Azanian Manifesto which calls for a socialist society or socialist, something socialist, a republic or Socialist Azania or something like that.

MR FICK: Will you please turn to page 29. -- Yes.

Almost at the bottom of the page, the song: (30)

"There/...."

"There is Warmbaths on fire, we are going, the boys of the spear hit it yesterday, we are going."

Now I put it to you that this song was sung as a result of the message the people got from the speakers, namely that this is a violent struggle they are engaged in. -- I deny that.

And also the audience are not reprimanded after they sang this song? Do you agree? -- They are not reprimanded because the song is not understood in the context of the interpretation that is given by the State.

But you know, if you look at page 29, just the passage (10) below the song. -- Yes.

"MC", Master of Ceremonies I think, look what is his reaction:

"Thank you very much comrades, I can understand my comrades outbreak. We are very angry, we are very bitter and I understand my comrades."

-- What outbreak is referred to there?

The song sung. -- No it cannot be. It can never be that a song is an outbreak.

Now will you turn then to page 31. -- In fact if we (20) look at page 29 and we just look just above the song we see that something happened there because "Song" and then in brackets it says "Started while MC is busy with one of the people sitting next to him which he attempts to stop". Now it is clear somethign did happen there and so on. It does not refer to the song as an outbreak. Maybe one of the members of the family who had lost a child there may have cried or whatever else it is but it certainly does not refer to this song.

Will you turn to page 31. -- Yes.

Now on page 31 it is clear that Oliver Tambo is (30)
popularised,/....

popularised, they shouted his name six times there and the audience also sang the song "The boys of Mkhonto struck yesterday, we are going, we are going". They also popularised the members of Mkhonto we Sizwe? -- I disagree with that.

I put it to you that they sang about Mkhonto we Sizwe because they, because of the speeches they heard at the meeting and they wished to identify with Mkhonto we Sizwe? -- No that is not so.

Will you now turn to EXHIBIT V.4. V.4 is the transcript of the meeting of, inauguration meeting of Alexandra Youth (10) Congress held on 29 October 1983.

COURT: 25 September 1983 we have here.

MR FICK: I am sorry, mine is not corrected. 25 September. Will you please turn to page 3. At page 3 the song is sung "We are Mandela's soldiers, wherever we go we are waiting for our death". -- It says so.

And I put it to you this is not a song which was sung for the love of singing but it was a song which was sung by youths carrying a banner "Soweto Youth Congress", SOYCO, and they sang this song as they entered the hall. -- I was not (20) at this meeting. I can only say to the Court in relation to this song this is an adaptation of the hymn "Onwards Christian Soldiers" and then these young people took this hymn obviously and then they just added their own words here and there. But this a very well known common hymn, "Onwards Christian Soldiers". Now when one sings "Onwards Christian Soldiers" one is not talking about going to take up arms and in the same context people do not understand this as a call to violence.

Mr Lekota this was not sung as a hymn. This was sung as a freedom song. -- No but they mean it, people, the (30)

understanding/....

understanding of people derives from the background of the song and they do not understand it in that way.

Now on the same page still, after the song was sung, we find that there is a slogan "Oliver Tambo" was shouted. -- We have already been through that.

And on page 4 you find also again the slogan "Oliver Tambo" shouted fifteen times. -- Yes.

And on the same page, page 4 just below the number 7, paragraph number 7 I think, there was singing about a bazooka.

-- Below no. 7? (10)

Yes at the bottom of the page, page 4. -- Yes I see that.

Yes. -- Well I do not know what a bazooka is, I just read about it in the newspapers.

But I put it to you it was made clear at this meeting that they are identifying with the ANC? -- No I deny that.

Now can you turn to page 6. -- Yes.

It is part of a speech by an unknown Black male. Now page 6 at the top you see he refers the audience to Moses...

COURT: This gentleman was identified as Brian. -- Which one?

The unknown Black male who addressed the audience at (20) page 5, the bottom of the page, he was identified as Brian.

MR FICK: As the Court pleases. Now this Brian on page 6 at the top he referred to Moses Kotane. -- Yes.

Now Moses Kotane, can you tell the Court who Moses Kotane is? -- As far as I know he was one of the leaders of the African National Congress in the 40's and 50's and of the African Mineworkers Union.

And was he not also a member of the South African Communist Party? -- I do not know about that.

Now then on the same page, after referring to Moses (30)

Kotane/....

Kotane, the fifth paragraph, Brian stated:

"You not just see revolution, the people must ..."

COURT: That must be "sing" not "see".

MR FICK: I am sorry.

"You not just sing revolution, the people of Vienam never sang revolution, the people of Nicaragua never sang revolution and the people in Cuba never just sang revolution. They entered first the revolution. Go out and organise all those who are around us, our friends, our schoolmates, our brothers, our sisters." (10)

Now Vietnam, Cuba, Nicaragua, all these countries violent revolutions were fought, is that correct? -- In Vietnam yes, and in Cuba.

And Nicaragua? -- I am not sure what happened in Nicaragua. We read in one of the documents here that their army or something approach there, something like that yes.

Now I put it to you it is made clear to the audience, to the people of Alexandra Youth Congress that they are part of the revolution and a violent revolution? -- Although I was not here and I know this organisation is affiliated to the UDF (20) and it is a perfectly non-violent organisation.

Yes. And after the man Brian called on the people to enter the revolution, go and organise for the revolution, the Chairman or apparently the Chairman had nothing else to say but "Thank you". He did not reprimand this man and say look we are not part of the revolution, you are mistaken. -- No if he understood him to mean non-violent activity of course he could not reprimand him.

Now I put it to you the audience understood very well what this man had meant, namely a violent revolution, for (30)

when/....

when you turn to page 7 you can hear, at the top it is said:

"While the singing occurs someone can be heard shouting
'Bazooka' repeatedly."

-- Yes what about bazooka.

Now I put it to you from that it is clear that they understand that this man referred to a violent revolution?

-- No I do not agree with that interpretation.

And also from the song, page 7 the last paragraph:

"Here is on fire, the boys hit it yesterday. We are going."(10)

Also from the song it is clear that they understood that he meant violence? -- No I have already dealt with the question of that song.

MR BIZOS: My Lord only one person is recorded to have shouted "Bazooka", not the audience as was put.

COURT: I am sorry?

MR BIZOS: On top of page 7.

COURT: "Someone shouted".

MR BIZOS: "Someone", not the audience.

COURT: No someone shouted.(20)

MR BIZOS: Yes it was put on the basis that the audience must have understood it.

MR FICK: I did not put it that the audience shouted it. I stated that the audience understood...

COURT: We are not sure Mr Fick whether that song, song no. 4, is correctly transcribed there. We have deleted it in our copy. So either the words were something else or there was something different there. We will have to listen again to that one.

MR FICK: As the Court pleases. Thank you My Lord. Now I(30)
would/....

would like to refer you to page no. 16, tht is part of the speech of Frank Chikane. Now the speech of Frank Chikane starts on page 10. Now Mr Chikane spoke after the audience had sung "We are Mandel's soldiers", "Oliver Tambo" was shouted, "There, there, we are going" and then Frank Chikane spoke. Now will you please turn now to page 16, the first paragraph, the last six lines of the first paragraph:

"And we want to pledge that once the elections of the upgraded Community Councils called the Local Authorities Act we are going to make sure that the people regis- (10)
ter their protest. Out of this network that we are going to create nationally people at the end are going to decide to break that system and that will be the day."

I put it to you from this it is clear that the Reverend Frank Chikane did not exclude violence? -- No he certainly did not include violence there. It is clear when we look at the top of that same paragraph and where it begins, we are going to do it and we want before the end of October the greater part of South Africa to have been covered and at the end of (20)
October we are going to call for a mass of Provincial rallies to take place. Now one cannot say that is violent activity.

Will you turn to page no. 19. Page 19 is part of an unknown speaker, the second paragraph, the sixth line from the top of the second paragraph:

"To understand the role of the youth in society we must draw on the experiences of the youth from the world over. We must especially take the experiences of the youth in for example Nicaragua...(inaudible) ... a specific of particular importance is that we have got to draw of (30)
the/....

the rich experiences of the youth movement in the 40's and the 50's. The activities of the youth of South Africa to illustrate let me point out that our recognised leaders, Mandela, Tambo, and others were at a certain point the youth like we are here now. They were the leaders of the Youth Movement. If we remember African National Congress Youth League was composed and was catering for all the youth from the age of 12 to the age of 40. So the present leaders and the present recognised leadership were the leadership of the youth (10) movement of their day. There is experiences that we can draw from the Youth League, from the African National Congress, I mean the ANC Youth League will be illustrated by the following."

And then there is an illustration about the slogan Mayibuyi i' Afrika and the extended, the clenched fist with the extended thumb. -- Yes.

Now this man clearly called on the youth to follow the example of the youth in Nicaragua where there was violent revolution. He also called on the youth of Alexandra to (20) follow the example of Mandela and Tambo. -- Where that reference is raised in relation to the ANC Youth League that was the period when it was pursuing non-violent and legal methods. I do not see anything wrong with that.

Will you turn to page 20. There is the explanation about the slogan and the clenched fist continued, and then the second paragraph:

"The youth were very happy when the African National Congress, we are talking about 1949 or 50, adopted that as a sign of the African National Congress. For me I (30)

see/....

see the Youth Congress providing the former and the platform of information because the youth, all the youth, are just like trees."

Now this man popularised the ANC and also the history of the ANC, he called on the youth to follow the example of the ANC youth League. What do you say to that? -- No he is not popularising the ANC. He certainly is saying that experience can be drawn from the activities of the youth in the ANC in the 40's and 50's and it was pursuing non-violent methods and I do not see anything wrong with it. (10)

And then on page 22 as part of the same speech it is said at the top:

"So that I must say is that the youth must make an analysis and clarity of thought ... (inaudible) ... and all that action must meet our emblems. Until that we must crush apartheid and come to liberation."

COURT: Mr Fick My Learned Assessor has not got page 22 and also has not got page 22(a). At a stage he was promised that he would get it but he never got it.

MR FICK: Yes I will arrange for it now. (20)

COURT: That is the new page 22 and page 22(a). Yes what are you referring to?

MR FICK: I put it to you from this passage it is also clear that the youth are called upon to crush apartheid and that is a reference to violence? -- No I would understand it more in the political sense.

Now can you turn now to EXHIBIT V.6. V.6 is the transcript of the UDF Meeting, Burger Sentrum, Claremont, Cape Town on 26 November 1984. Can we turn to page 3 please. -- I must just say that I was not present at this meeting. In (30)

fact/...

fact at this time I was in detention. That is November 1984.

Page?

Three, page 3 is part of the speech of Reverend Frank Chikane. Line 11 from the top. -- Yes.

"To be more precise the war declared against the people in the last few months proved beyond a doubt that the SAP and the SADF are actually an enemy army. They are actually mobilised and trained to attack the people, the legitimate people of this country. The enemy army has in actual fact achieved through the (10) operation Palmiet in the Vaal actually there to make the achievement they made was to make the residents actually begin to realise that actually, that they actually do not have an army."

And the same, on the same topic still will you please turn to page 4, the sixth line from the top which is part of the speech of Reverend Frank Chikane:

"They really need some form of defence. Now I want to take this opportunity to warn South Africa at this stage that those people who are actually acted against (20) through an army, those people who do not have guns in those townships in the Vaal, Soweto, Tembisa, in Khatlehong are very soon, or they may have started already, looking for an alternative army and it is not going to be very difficult (hande geklap), it is not going to be very difficult to identify a friendly army."

I put it to you that Mkhonto we Sizwe was referred to and the people were conscientised to accept Mkhonto we Sizwe as the friendly army? -- I see nowhere where he says here Mkhonto we Sizwe is the friendly army. There is nothing that says (30)

that/....

that here.

Do you know of any other so-called friendly army? About which the people say a lot at UDF's meetings? -- I have not heard people singing about the friendly army. I was not at this meeting, I do not know what this man was talking about here.

ASSESSOR (MR KRUGEL): Well he is talking about an alternative army. -- That is what he says. What he means by that I do not know.

MR FICK: Well I put it to you he meant, he referred to (10)
Mkhonto we Sizwe? -- No I deny that.

COURT ADJOURNS UNTIL 14h00.

C.957 COURT RESUMES AT 14h00.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

MR BIZOS: Your Lordship will recall that it is necessary from time to time for Mr Ramagula, accused no. 9, to go to the hospital in order to supervise his condition. Some time ago, before we knew that tomorrow would be a non-hearing day an appointment was made with the specialist for Monday, that would be the 5th of October, would Your Lordship grant him (20) leave to absent himself from court for that day but that he should report as if it were a non-sitting day in his case, both in the morning and in the evening?

COURT: Yes permission is granted, leave of absence is granted to Mr Ramagula, accused no. 9, for 5 October 1987. He is to report on that day as if it is a non-court day.

MR FICK: My Lord I have copies available of Pages 22 and 22(a) for the Learned Assessor of EXHIBIT V.4. Mr Lekota can we turn now to page 8 of EXHIBIT V.6, page 8 the very last sentence: (30)

"I/....

"I do not have time now in my conclusion but I want to say that the message in the Transvaal is that people want to government, Amandla, (toe skreeu die gehoor en hande geklap). The people are saying we are not going to be administered by an enemy because this is an enemy. The people are saying we are no more prepared to accept, in actual fact at one stage or another I begin to dream as I am walking along the streets of Soweto."

Now I put it to you this is still part of the speech of Reverend Frank Chikane, page 8 the last line to page 9 (10) the first four lines. -- That may be so.

Yes. And I put it to you that this is a call on the people to make themselves ungovernable. -- I disagree there.

And then will you turn ... -- I would rather say it is a call for them not to support undemocratic structures, that is all.

Turn to page 10, that is still part of the speech of Reverend Frank Chikane, the last nine lines page 10:

"You can't maintain an unjust system without actually acting against those people. It is impossible. You (20) need a big army to maintain that and the people are saying that what is being said in the Vaal and elsewhere, and I am concluding, they are saying 'Let us make sure that the army stays with us, let us make it impossible for them to administer us, let us let this message become clear that even if we died, all of us, we are prepared to die for the sake of a just order.'"

Now this I put it to you is a clear call by the Reverend Frank Chikane to the people to make themselves ungovernable. -- No I disagree with that proposal. (30)

And/....

And that they must be prepared to die in the struggle. -- I disagree with that proposition. Where there is a reference to the question of preparedness to die in the struggle it is, as I explained earlier on, as I understand it simply that they should be prepared to sacrifice for their freedom.

Mr Lekota this is also a call to make themselves ungovernable. "Let us make sure that the army stays with us, let us make it impossible for them to administer us". -- I understand that merely to mean that they must not support those structures which are undemocratic. (10)

But Mr Lekota if it is mere passive resistance against certain structures why would it be necessary for the army to stay in the townships? -- Well I do not know exactly, you know, what the main had to say here but as I understand it, for instance in the case of the Vaal people had protested against the rents and the army had come there as a result of the protest.

COURT: I thought the call in the Vaal was that the army should leave them and not stay with them? -- That is how I also know that the call had been made. I was not here. I do not know the exact context of this speech, what this man was thinking about I do not know. (20)

MR FICK: This man was speaking, talking about, he is one of the leaders of UDF. -- Yes but I do not know, I was not at this meeting. He did not consult me when he wrote this speech. I can venture an opinion on it but I cannot pretend to know what he was trying to say here. It is because it is correct that I also know, whilst I was in prison and he was making this speech there were also calls that the army must leave there./.... (30)

there. Now I was at a distance when these things were happening.

I put it to you this is another instance, an example, of the UDF's strategy. To the press they say "We are non-violent" but at the meetings of the masses they say "Let us make it impossible to administer us". -- No but where does that say, where does it say here then that now we are violent? It does not say so.

Will you now turn to page 15. Page 15 is part of the speech of Mr Nick Borrairie, which starts on page 14. (10)

COURT: Who is Mr Nick Borrairie? -- I do not know what page counsel is referring to because here I see Andrew Borrairie in my

Yes but we have Nick Borrairie written in, just before "unknown speaker" but on the right-hand side beyond "alternatives", next to "alternatives", instead of "inaudible". -- He must have been one of the people in the meeting, I do not know who he is.

Do you know Andrew Borrairie? -- I know Andrew Borrairie, yes. (20)

MR FICK: Now page 15. -- Page?

Page 15, one five. -- Yes.

Approximately the 27th line from the top. It says:

"It is becoming clear that our country is entering into a state of civil war. Ranged on one side of that battle field are the people of Sebokeng, Khatlehong, Tembisa, Chekane, (I think that should Tsakane), Soweto, and many other townships around the country protesting against rent increases and Community Councils that imposed them, or it is the schoolchildren who sometimes heroically, (30)

and/....

and sometimes desperately are putting their lives on the line in the fight against Bantu education."

Now I put it to you it was propagated in this meeting of UDF that the country is in a state of civil war? -- Well this appears to be the opinion of the speaker here.

I put it to you he was never repudiated at this meeting? -- I do not know, I was not there. I cannot see any evidence that he was.

We find on page 18 at the top, that Andrew Borraine thanks, says:

(10)

"Thanks very much Nick."

And Andrew Borraine, is he one of the leaders of the UDF in the Cape? -- He served in the Western Cape Region, yes.

COURT: That is now in the Regional Executive Council? -- That is correct.

MR FICK: Now I would like to turn to EXHIBIT V.7. V.7 is the transcript of the commemoration, the Krish Rabilal commemoration service at St. Michael's Church in Durban on 25 February 1984. Now Paul David, he is on the executive of Natal UDF, is that correct? -- He was in the executive of the NIC. (20)

COURT: Well the NIC, he was in the NIC, not in the executive of the NIC, not NEC, NIC? -- NIC.

Natal Indian Congress? -- Yes that is correct. I am not sure that he served in the Natal Executive.

Is he an Indian or is the Indian Congress not only for Indians? -- No he is an Indian person.

MR FICK: Mr M.J. Naidoo? -- He was in the executive of the NIC.

Was he a member of the UDF in Natal, in the executive? -- To the best of my memory not. (30)

The/....

The Reverend Xundu, X-u-n-d-u, he was in the executive of UDF? -- Yes that is correct.

And Victoria Mxenge, was she a member of any organisation of the UDF? -- Yes she also served in the, she was in the RMC and she also served in the UDF.

COURT: What do you mean in the UDF? In the REC of the UDF, Natal? -- Natal Region.

MR FICK: And then of course Archie Gumede, he is on the executive of UDF? -- That is so.

Now Krish Rabilal, do you know who Krish Rabilal was? (10)
-- I know he was one of the prominent people, I cannot give the Court any more information.

COURT: You mean a prominent man where? -- In the Natal, I think Natal Indian Congress.

MR FICK: Did he not leave the country? -- I am very sorry, really I cannot give the Court information about this person.

Now I put it to you at this meeting Paul David, Victoria Mxenge, Archie Gumede, the Reverend Xundu were speakers. -- I was there and I cannot contest the matter.

And I put it to you that various freedom songs were (20)
sung at this meeting. -- That may be so.

Popularising Mandela, that is song no. 1 Mr Lekota, at the end of the transcript, page 55, when you turn the page you will find there are the translations of the songs. Now song no. 1 ... -- Did you say page 55?

The page following page 55. -- Oh we do not have the same, similar copies because mine goes only to ...

Do you have V.7. -- Oh this is V.7(a). Sorry. No I have got it now, it is here. Sorry. Again it does not have page 55 sorry. (30)

Do/....

Do you have the translations of the songs.

ASSESSOR (MR KRUGEL): Mr Lekota round about there. The pages start ...

COURT: Roughly in the middle. -- Oh there are two 55's I think. Oh yes I have got it now. Yes I have got it.

MR FICK: I would just like to put it to you that according to the admissions Paul David was in the Natal Executive of UDF. -- Oh yes, okay. I would not contest that.

Now the first song the people sang "We are Mandela's soldiers, there we are going, we are waiting for our death." (10) I put it to you that this song was sung to identify with Mkhonto we Sizwe and the ANC? -- No I would say it was just sung the usual cause that all these songs are sung by people, not in order to identify with the ANC, or to popularise Mkhonto.

Now will you turn the page, page no. 2, there is a number on the left-hand side, 63. -- Yes.

That is another song they sang. "They do not know the spear will hit with mortar and AK, they do not know the spear". I put it to you here they are popularising violence and Mkhonto we Sizwe at this meeting? -- No I do not know this (20) song. I cannot remember ever hearing a song of this nature. In any case as far as I am concerned it would have been sung in the usual vein that other songs are sung. And not for purposes of any popularising of the ANC or violence.

Now on the same page, next to the no. 81, there is a song "The power is ours, let Africa come back. We take it this way and that way, we smash it. They kill the wizards, the White person is dead, Vorster is dead. Vorster is dead, Botha is twitching." Then the song continues on page 3, "The spear, Mandela, Kathrada, we will take this way and that way and (30)

smash/....

smash it, Nelson Mandela. They kill the wizards, the wizards, Viva." Now I put it to you ... -- I am sorry Mr Fick can you please refer me to the original of this?

COURT: Yes right in the beginning of this document, if you start at page 1 of the document you see that next to the song there are numbers. The first song has a number 001, the next one has a number 019, then at page 2, 63, 65, 81, and in that way you can pick it up. -- Okay. No this is not a song. These are just chants which were just shouted this way and that but this is not a song. (10)

MR FICK: Now ... -- In any event what appears there in the original appears to be what is said here.

I put it to you that this chant, the audience are conscientised against the government, they are conscientised to accept the spear, that is Mkhonto we Sizwe, Mandela and Kathrada. What do you say? -- No, these are just chants and games that some of these young people play around with here. They certainly have nothing to do with the policies of our organisations.

Now will you turn to page 5 of the translations. Next (20) to the no. 127 . -- Yes.

There is a song "We shall fight for it, we will shoot them, the Boers. When we shoot them, the Boers, we shall fight for it. We will shoot them, of course the Boers, the Boers". Now I put it to you this song was sung to incite the people to violence in the liberation struggle? -- No that is not so. You know I may say to the Court I know a song along this line but you know like these phrases, amapuna siwa dubula mapuna(?), which means when we shoot them the Boers, Boers, these are just completely new to me you know. The period that I have (30) not/....

not been able to listen, but I have never really heard a song which goes this way. Anyway when this song has been sung, as I know it, all it really conveys is that we will struggle for our freedom and we will struggle for our land and so on. That is all and it is an old song again.

I put it to you that this song, the wording is very clear and it is an incitement to shoot the boers, being the government? -- No it is not taken that literally.

Will you turn to page 6, there is a slogan next to the no. 146. -- Yes. (10)

"Power is ours, Viva UDF, Viva the Spear of the Nation, Viva ANC, Power is ours, Freedom Charter, Oliver Tambo, Nelson Mandela, Power is ours." This I put it to you was sung to make it known to the audience that the UDF, Mkhonto we Sizwe and the ANC are fighting together the same struggle? -- No it is not in that sense. People just shout anything that they shout, especially these young people when the proceedings are not on, they just play and they shout this and they shout that of their own and so on.

Then on the same page, page 6 next to no. 155, again (20) the song, "Here spitting fire, we are going." And then on page 7 at the top still the same song, "We are going, we are going, the boys indeed hit it yesterday, the boys hit it yesterday." I put it to you this is a reference to the actions of Mkhonto we Sizwe, popularising Mkhonto we Sizwe? -- No this is a song that we spoke about earlier on and I cannot say anything new, more than what I have already said about it.

Then on page 7 next to the no. 183 I put it to you that Tambo and Mkhonto we Sizwe members are popularised? -- Tambo and? No I do not see any reference here to start with to (30)

Mkhonto/....

Mkhonto we Sizwe.

Well I put it to you the soldier it refers to refers to the soldiers of Tambo and that is Mkhonto we Sizwe? -- No, no it is not so.

Will you turn to page 9, next to the, it is the song next to no. 196, "This work is difficult, the work of freedom, soldiers, Father Tambo wants soldiers, soldiers of freedom. Father Tambo wants soldiers." -- Yes.

And there again the audience identifies them with the ANC and Mkhonto we Sizwe. -- No. (10)

Will you turn then to page 13, no. 446, it is another song. "Whether they kill us we are going, we are going, whether they shoot us indeed we are going, we are going carrying bazookas, we are going, we are going carrying bazookas." And then on page 14 still the same song, "We are going, whether it is bad, so says Xundu indeed we are going carrying bazookas, we are going whether it is bad. So says Kathrada indeed, we are going. So says Rabilal indeed, we are going carrying bazookas." And on page 15 at the end of the song we find "Onward, onward, we come from the Soviet yonder, we are carrying bazookas, we are going whether it is bad." Now this I put it to you was sung to put forward the message that also UDF is engaged in a violent struggle. -- No this has nothing to do with the policies of the UDF. These songs as I say are sung all round the place and they are not at all related to the policies of the UDF. (20)

Yes but on page 14 the second verse, "So says Xundu, indeed we are going, carrying bazookas." There they ... -- They are going where to?

Whether it is bad. -- Yes this is the point I am making (30)
to/....

to the Court that where are we going to? Because these songs are not understood literally in the communities in which they are sung. That man is a priest, right now he is administering to his congregation in Port Elizabeth, he has not gone anywhere and I do not know that he has ever said people must go anywhere.

I put it to you this "We are going" is a reference to we are going to join the struggle. -- No, no to join the struggle?

To join or continue with the struggle. -- There is a struggle.

Then at page 15 next to the number 508 there is another (10) song, "Tambo is in the bush, he is training soldiers." That is apopularisation of Oliver Tambo and Mkhonto we Sizwe? -- Well I do not agree, you know the point is that I do not know that people would understand this in the sense in which the State is interpreting it. I do not accept that.

And now will you turn to page 42 then. There is a song next to the number 311.

COURT: 42?

MR FICK: 42. It starts "Our Charter, we shall follow it."

I would like to refer you to the last verse on that page: (20)

"Our ANC we shall follow it, we shall follow it our ANC.

We shall follow it whether we are imprisoned."

It continues on page 43:

"We shall follow it whether we are imprisoned."

-- Yes.

It is repeated in the next verse also. This meeting made it clear that they side with the ANC Mr Lekota. -- But this is a song. You see people sing about anything. They do not mean those things in that literal sense. Like now here they are singing that they will follow the Charter but the (30)

Charter/....

Charter is not like a leader that you can go after and so on, it is a particular document we know.

Yes what they are actually saying Mr Lekota, and you know it as well as I do that they say they subscribe to the Freedom Charter? -- Well for instance where do you follow the ANC in this country because the ANC is banned and is not operating.

Mr Lekota the ANC is operating but illegally. -- Well as far as I know it is banned and no one can, and it is not operating because no one can actually join it or follow it.

And I put it to you at no stage did any of these members (10) of the UDF at this meeting repudiate any message of this meeting or any songs sung at this meeting? -- I do not know, I was not there. That maybe so, there may be other things which they said which are not here.

Can we now turn to EXHIBIT V.8. EXHIBIT V.8 is the UDF One Year Rally held in Port Elizabeth 25 August 1984, that you testified ...

COURT: It was 20 August.

MR FICK: 20 August, yes My Lord. -- It is the 20th, yes.

Now at this meeting, will you please turn to page 2, (20) you find that the flags black, green and yellow are being waved by the singers. Can you tell the Court whose flags were waved by the singers? -- I think in my evidence-in-chief I also pointed out that I was at that meeting. I cannot recall seeing a flag that was black, green and gold there. I did say, however, that as far as I know the Port Elizabeth Youth Congress uses the same colours. So maybe they may have had T-shirts that, T-shirts there and so on which have got those colours. But I positively cannot recall a flag of that nature there. Because even the flags that were on the walls (30) were/....

were those of the organisations which were participating there and there was no flag that was black, green and gold. Right on the stage was a banner of the United Democratic Front.

Mr Lekota will you turn to page 5, two thirds down the page. -- Yes.

"The audience jumps around with raised fists and shouts 'Oliver Tambo', 'Oliver Tambo'. -- Yes.

The flags black, yellow and green were displayed. Did you also shout ... -- I cannot recall seeing any flag of this nature there. (10)

Did you also shout with the audience "Oliver Tambo, Oliver Tambo". -- No I did not shout that.

Why not? -- Well I did not.

No why not Mr Lekota? -- Well because I did not. Sometimes I might feel like doing a thing and then I do it. If I do not feel like doing it I just do not do it. But at some point when people were singing there I sung with them one of the songs that I liked. It just depends whether I am in the mood to do it or not.

Now did you sing with the audience at the meeting? -- (20)
At some point.

Now I would like you to turn to page 17. -- Yes.

ASSESSOR (MR KRUGEL): Just before you go there please Mr Fick, Mr Lekota we did see this on video. -- Yes.

And you were at the meeting. Where were you again, I cannot remember? -- Where was I?

At this meeting, were you on the platform? -- I was on the platform yes.

On the platform? -- Yes.

Now this note on page 5, and also the one on page 2, (30)
about/....

about the green, yellow and black flags being waved. This was actually visible on the video. Did you not see it? -- What size flag was it?

Well it is not so vivid in my mind at the moment but we did see it otherwise I would have made a note about that. -- Unless it was at a point at which from where I was I could not see it. Unless that is the position. But when one talks about a flag I think about a big thing that anybody would be able to see if one is in the meeting and that is why I can (10) say to the Court positively on the top, just below, just above (10) where we were there was a banner of the UDF there, there were a number of banners on the walls to the right and this side which were banners of the organisations which organised the meeting. I cannot recall a flag positively, or maybe if somebody was holding something, maybe a T-shirt in his hand that was black, green and gold, that may be something like that, I might, I would not have seen. But I cannot recall a flag there of that nature. Maybe I can have a look, it is a pity I cannot see the video there and so on, because this meeting was also quite packed. So that maybe people could (20) have taken positions, maybe I might put it this way, from where we were on the stage there were people behind us but if there was a flag there I would have seen it, if it was to the back of us. If there was a flag, because as the stage is like this there is also a space that disappears that one cannot see from more or less where the bench is one cannot see the full view that way and the full view this way. So maybe some people had taken positions there and they had a flag. But if it was a flag it would be unusual for them to go into corners like that. (30)

MR FICK:/...

MR FICK: Now on page 5 I see there is a song "Our country South Africa, it is our country and we shall never, Mandela, Sisulu, Goven, Mbeke, save our country, that was once away."

-- Is it page 17?

No, no, page 5, did you also sing along? -- No, no, I did not sing, I do not even know, I did not sing here. I will tell the Court where I sang, towards the end of the meeting. I think that was after Dr Allan Boesak had spoken and people were singing one of the songs there. I remember singing with them along there and then I also sang with the people when (10) they sang the national anthem, of course that was now at the closing of the meeting.

And this other, the chanting, I think it is the chanting but not the song, "Guerillas, hi, hi, guerillas." Did you partake in that? -- No, no, this is after the meeting was over here. You see the meeting ended there with the national anthem. After we sang the national anthem the meeting now was over. Maybe these, it is in fact true that these young people were just playing around in the hall and so on. But I got busy with other people because there were other people (20) who arrived at the meeting late, I remember, from the Coloured communities that we also had to speak with, you know, for a while. I was not in these games.

Well I put it to you they popularised the ANC guerillas, Mkhonto we Sizwe, they even referred to the incident in Roodepoort, the bomb blast, that you will find on page 18. They referred to Joe Modise, also saying Joe Modise is a communist, he is a general, Thabo Mbeki is a commandant, he is a communist. Oliver Tambo is our father, Oliver Tambo is a communist. -- All that may have happened. (30)

And/....

And nobody stopped them doing that? -- Well as we can see from here the meeting was over and these young people were just playing and doing whatever they want to do there when we were not there.

But nobody told them not to chant things like that? -- No I do not know that anybody did.

At the UDF One Year Rally. -- In any event I explained to the Court that this meeting here was a meeting, that it was not only the UDF and a number of other organisations which were not affiliated to the UDF. (10)

Now will you please have a look at EXHIBIT V.9.

COURT: Yes, you must have the one that says "Hersiende Uitgawe". -- Dit is so gemerk Edele.

MR FICK: V.9 is a transcript of the TIC Meeting, Lenasia, 8 February 1984. -- Yes.

Now on page 8, at the top. It is part of your speech, is that correct. Yes your speech started on page 7. -- That is correct.

The first paragraph you referred to the new constitution drafted by the people of South Africa for themselves. (20) Did you have the national convention in mind? -- Yes. Where I say we want a constitution that shall be drafted by the people of South Africa for themselves, yes I was thinking about the national convention.

And none of the pre-conditions or if you want to call it immediate demands were mentioned by you? -- No the issue of immediate demands only arose at the meeting of July 1984. This is February 1984.

Now on page 11, the last paragraph, the last eight lines, still part of your speech: (30)

"The/....

"The United Democratic Front is therefore united pulling together students, workers, peasants (I think), pulling together every sector of the population ..."

COURT: I am sorry I missed you, where are you, what page?

MR FICK: Page 11, the last paragraph, the last eight lines:

"The United Democratic Front therefore is united pulling together students, workers, peasants, pulling together every sector of the population of our country across religion, across social positions, whether they are rich or poor, all of them, pulling them together (10) building them into one forceful force that must in fact bring down apartheid."

-- Yes.

Now you did not state how they must bring down apartheid? Is that correct? -- First of all I was speaking to people who were familiar with the United Democratic Front to start with. Secondly I had already made the point quite clear there that we want an opportunity for people to draw up a constitution that is acceptable to them. There is no suggestion there that people must use violence. And then these people here, (20) who were here they also know the Transvaal Indian Congress is a non-violent organisation in itself.

Yes Mr Lekota but you were not representing TIC, you were representing the UDF? -- Yes and they also know that the UDF is non-violent. I had already, and the UDF had made that known time and time again before that time.

Will you now turn to EXHIBIT V.10. EXHIBIT V.10, a transcript of the June the 16th Commemoration Service held in the Regina Mundi, 1984. Now the Reverend Lebamang Sibidi, is he a member of the executive of the Soweto Civic Association? (30)

-- I/....

-- I do not know. I know that he is a member of the Ministers United for Christian Co-Responsibility.

Will you please turn to page 2. -- Page 2?

Page 2. The second paragraph, there was chanting of Oliver Tambo inside the hall, singing and dancing. A black, green and gold flag was tied to something. It was not clear whether it was the barrel of ...

COURT: Were you present at this meeting? -- I was present at this meeting.

MR FICK: I am sorry. Inside the hall there was singing (10) and dancing and a black, green and gold flag tied to something, it is not clear whether it was the barrel of an AK 47 or not, was carried by an unknown Black male dressed in khaki. Did you see this at the meeting Mr Lekota? -- No I did not see this. I do not know at what stage this was. But you know this thing that there was an AK 47 there. I do not agree with that. In the first place you know the whole place was just teeming with police. I myself had a lot of time with the police just at the entrance of the hall there pleading with them to give way and so on. I do not think anybody would come here (20) with an AK 47. Unless it was just that maybe some of these toys that kids play with and so on but I do not, throughout the period I was there there was no AK 47 and I was there at the beginning of the meeting.

Did you see the black, green and gold flag or any black, green and gold flag? -- I did not see a flag there but there were a number of people with scarves and skull caps you know with those colours and other kinds, all kinds of these colours. There were some of the people with those colours there. That of course one finds, wherever there are organisations with (30) some/....

some of these colours one will find that. You know it is like if you go to the football ground, if Orlando Pirates is playing you must find a combination of black and white. If it is Kaiser Chiefs you will find people wearing clothing with colours of black and gold. This is the kind of thing that is just common you know.

Did you hear Bishop Manis(?) Buthelezi speaking at this meeting or not? -- I heard him pray.

Did you hear the song on page 2 at the bottom, "They go in, they come out, they are shivering the cowards, they are (10) scared the cowards." -- No I cannot remember what song I heard at that meeting and which one I did not hear.

And then page 3 at the top you find again dancing and singing and something that looks like an AK 47 was displayed at the meeting. Did you see that? -- No.

Did you see the people walk across the floor with a black, green and yellow flag? -- No I did not see that. You see the problem is that I was outside there for a considerable time discussing with the police and so on. If these things took place before the start of the proceedings I would not have (20) seen them.

Then did you also see, and I am still on page 3 the second paragraph, did you see the man with the black, green and yellow scarf walks past with something that looks like an AK 47? -- No, no, I did not see all that. You see when I got into the meeting the proceedings were starting and people were already seated there and so on. But there were among the people here who were seated there were people there with scarves and skull caps and so on, there were just many of them.

Now I put it to you from the speech of Ishmael Mkhabela, (30)

on/....

on page 3 the last paragraph, he made it clear that AZAPO and the UDF have a common enemy.

COURT: Just refresh my memory, Ishmael Mkhabela, what is he?

-- I think he is a member of AZAPO, to start with.

Was he on the executive? -- I am not sure whether at this point he was but in any event he was serving in some official capacity of AZAPO, one way or the other.

MR FICK: I put it to you that he stated at this meeting that the UDF and AZAPO they have a common enemy. -- He said that.

And he also said, at page 4:

"I want to stand here and refute very categorically (10)
that we know what we are up to, we know what our enemy
is, we are in no way going to fight for small things,
trivial things, we are fighting for the recompense of
our country and on that we are all united."

-- Yes. Yes he said that.

I put it to you from this it is clear at this very meeting, June the 16th Commemoration meeting, 1984, that AZAPO and UDF were working together ... -- No that is not so.

... against the government. -- No that is not so. In fact as I said earlier on the reason why this meeting was (20) chaired by the Ministers United for Christian Co-Responsibility is precisely because of the sharp differences that had taken place in the course of that week, almost breaking out into fist cuffs and that all he came here really to do is to refute the fact that the pamphlets which had been distributed against the UDF were distributed by AZAPO and this was just an attempt to calm things down I think and let tempers cool down. That is all it is. It does not go further than that.

Now will you turn to page 5, the last paragraph, it is part of the speech of Frank Chikane. -- Yes. (30)

The/....

The last five lines, page 5, the last paragraph:

"We remember those who have been forced in actual fact to leave the country, away from their families and their beloved country. We remember well those who decided to join the guerilla warfare not out of their own choice but out of pressure and compulsion to die for what they believe to be a just cause."

-- Yes.

Here Reverend Chikane popularises the armed struggle of the ANC. Do you agree? -- I deny that. This was the occasion of June 16th on which it will be remembered that following the events of June 16th very many young people were reported to have left the country and some of them had ended up resorting to armed methods of struggle but he is not saying that, well like that he said they have been pushed not out of their own choice but by pressure and compulsion. He is not saying that this is a good thing we must go and do it. And then he extends condolences to those whose family members died in the course of that event, some in fact as a result of resorting to arms were sentenced and sentenced to death. It is a commemoration service, when we think about all those setbacks. (10) (20)

Yes. Now will you turn to page 7, still part of the speech of Reverend Chikane, the first paragraph, from line 11:

"But we call that he be free, we know that he is deaf."

Now that is a reference to the State President Mr Botha.

"But we know he is deaf, he is not going to hear us, we know that he is not going to hear us, we know that he is not prepared to hear us and listen to what God says.

He says 'I know that'. He won't unless he is compelled (30)

by/....

by a mighty hand. If he is not compelled he is not going to move, and I want us to understand that the reactionaries of this world, the oppressors of this world, are not going to let go without being put under pressure."

-- Yes.

Now I put it to you that the Reverend Frank Chikane made it clear to the audience that the government has no plans to heed to the demands of the people. -- Yes.

And that therefore pressure is needed. -- He does not (10) say violent pressure, he does say pressure but not violent pressure. He is not saying so. Indeed in the last, the sentence that counsel is leaving out he goes on to say "So I will stretch, says God, out my hand and smite Egypt with all the wonders which I do in it". So he is really preaching, you know he is preaching here and he is, as I understand him what he is saying is that God will do wonders and then freedom will come as a result. He is not saying people must go and take up arms.

No, no, he is not saying God is going to do wonders. (20)

The next paragraph:

"All that I want to say to you this afternoon that God wants all of you here to go and if he says you must go you must go irrespective of the consequences. Don't think that you have no power, don't think that you have no guns, don't think that you have nothing that you can rely on."

-- You have God.

That is it. -- You have God. He says that. You have God. What is he saying is that you must not feel weak, (30)

do/....

do not feel helpless and so on, you see because even though you do not have guns or you do not have anything that, or etcetera, etcetera, you have, he says you have God and that, and he has said there that, he has said that in that line. So I will stretch, says God, out my hand and smite Egypt with all the wonders which I will do in it. After that he will let you go. So he is preaching, this is preaching here.

Yes. -- It is just that I am not a theologian, maybe I would construe it even better.

He is trying to convince the people that God wants them(10) to stand up? -- Yes they must stand up and they must say look apartheid ...

And put pressure on the government, yes. -- Yes, you see that is why we formed the UDF, so that we could persuade and pressure the government. Not with violence but we must say to the government we do not want this.

Now will you please turn to page 10. There is a song, "We will enter in the dark" and then repeatedly "Oliver Tambo, Oliver Tambo, Oliver Tambo". -- That is correct.

Now it is clear what the audience understood from the (20) speeches so far, namely that they will be liberated through a violent struggle? -- No I deny that.

They do not at this stage sing a hymn in praise to God. -- We will find, if you were at that meeting you will find that at the end of it all they would stand up and say "God Bless Africa", Nkosi Sikelele 'iAfrika, and that is the one that would summarise everything that would have taken place there.

On page 13, the speaker Siphso Radebe. -- Yes.

COURT: Was that the speaker there, did he speak?

MR FICK: No, no I am sorry My Lord. -- I must just say to (30) the/....

the Court that I was there at the time that I say I was there, but I left as soon as I had spoken, I had to leave. So some of the, a fair number of the people who spoke subsequent to me I was no longer there.

Now after Sipho Rade Dan Montsisi spoke. -- Yes.

Did you hear Dan Montsisi at the meeting? -- I cannot remember now, I cannot quite remember at what stage I left now.

On page 13, the 13th line from the top Dan Montsisi referred to Simon Mogoerane, Bobby Tsotsobe and he told the audience that "We can learn later from the experiences of people like (10) Simon Mogoerane and Bobby Tsotsobe. Now Bobby Tsotsobe and Simon Mogoerane were ANC members. Do you agree? -- Well they says he were his fellow students here.

Now I ask you Simon Mogoerane and Bobby Tsotsobe they were convicted, do you know that? -- That may be. That may be, I cannot remember now. There are so many people who have been convicted here.

I put it to you they were convicted for acts of violence on behalf of the ANC. -- I cannot contest that.

I put it to you they were popularised to the meeting. (20) -- Well as I see this piece here it seems that he is saying that they went to school together or something.

Mr Lekota it is clear from the passage, the passage I am referring to that they were charged and at the trial they made statements. -- Yes I see a statement there, that is correct.

I put it to you the audience were urged to learn from the examples set by Simon Mogoerane and Bobby Tsotsobe? -- No if we look at this same page at the top, well I start at the last paragraph on page 12, he says that the Lieutenant in charge (30)

actually/....

actually released a dog, after that dog had beaten one of the students the students decided that he should disappear among the students, then he did disappear indeed. So he seems to be narrating about June 16th. When we were trying to disperse, when we were moving in different directions overcome by the gas they started shooting. When they started shooting obviously students at that time were quite surprised. We were all shocked, we did not believe our eyes, we did not believe this was actually happening. Now what we actually saw was that now one of the lady students actually fell down. When we looked (10) at here there was a gaping wound in the chest, there was blood flowing from her dress, there was blood flowing in her mouth and so on. Now he seems to be telling people what happened on this day. He must have been there. And then he says now a lot of these atrocities continued when we started dispersing, running in all directions, they started shooting and shooting and shooting. What happened was that now some of the students realised that now they cannot be running forever. What they did in fact as we can learn later from the experiences of people like Simon Mogoerane, of people like Tsotsobe and so (20) on, they actually say themselves during their trial, Simon Mogoerane something says "My experience in 1976 had the effect of reinforcing the hatred I already have for the government. I thought the war had started and that freedom was here. We decided that it was pointless making placards because one would get shot while doing so. I decided to go out of this country to go and get myself a gun to fight these people." Now he is narrating, he is telling the people there, and there I would assume maybe he got that in the newspapers or something but he is telling that, and it is all in this page. He goes down (30) and/...

and he says "Now comrades what we realise here is another statement which was made by his three comrades while they were actually tried, now here they are saying all three also told the Court that the ANC had given them a choice of military training or to further their own education. But what they did was to opt for military training, to undergo military training. These are the words of people who were demonstrating peacefully, these are the words of students who were students to their teachers, these are the words of people who were loving children to their own parents but later we were (10) actually led to believe that these people are actually terrorists, these people are actually instigators, these people are actually communists and so on. But as I say he is telling the story, he was there with them and then these things happened and then these people went for military training and he is telling the story of what had happened and on the occasion of June 16th people will narrate their experiences about it, what they had seen, what they experienced, how they had felt about it and so on. And while we in the UDF, whilst we in the UDF continued to say to people let us peacefully move up to the (20) government and ask it to begin a process so that the problems of our country can be resolved without bloodshed is because we do not want this kind of situation to go on. That is our motivation indeed.

Can we now go to EXHIBIT V.11 Mr Lekota. EXHIBIT V.11 is the AZASO 1984 Annual Congress, Women's meeting held at Orlando YMCA Hall, Soweto on 28 and 29 June 1984. Kate Mboweni, do you know Kate Mboweni? -- That is correct.

She is a member of which organisation? -- As far as I know she was a member of AZASO. (30)

Was/.....

Was she on the executive of UDF at any stage? -- No.

Benedicta Monama? -- She was also one of the students.

A member of which organisation? -- A student, AZASO.

AZASO. Now Albertina Sisulu we know. Amanda Kwadi? -- Amanda, I think she was in Soweto Civic Association or something.

She was also elected to the Regional Executive of the Transvaal UDF? -- 1985.

1985. And Dorothy Nyembe, she is a patron. -- Of the UDF, yes. (10)

Of the UDF. Now page 2 please. There is song no. 1. "Lead us Tambo, lead us, lead us Tambo". The meeting made it clear with whom they sided, namely the ANC and they popularised the ANC leader Oliver Tambo. -- Well that is just one of the songs that people sing around but I have also explained the position as I understand it in relation to Tambo.

Yes. And song no. 2, "We enter Pretoria and there cried a Boer woman", "Oliver Tambo" shouted four times. -- Yes.

Do you know this song Mr Lekota? -- It is one of the songs that is sung around. (20)

With this wording and "There cried a Boer Woman"? -- Yes it is sung like that. But I do not know who entered Pretoria and then a Boer woman cried.

Is this not obviously Mr Lekota a reference to a violent struggle led by Oliver Tambo? -- No sir. Look the chant is not part of the song. The song is a different thing there and the chant is some other thing by itself there.

Yes. But by chanting "Oliver Tambo" they made it clear that they would enter Pretoria? -- No, no, this is just a literal translation is not like that. (30)

Then/....

Then song no. 3 is, popularised Nelson Mandela. -- I do not think there is anybody who can popularise Mandela, he is already too popular in this country.

Song no. 4, there is the song "We will catch them with their children, Tambo's stone has been made hard and made hard" and there is also a reference to bazooka in the same song. -- No, no, I am sorry there is one point I just want to, on this question of Mandela I just want to add one point. Right now the, for instance these people of the Eminent Persons group of the Commonwealth they came here, they were given permission (10) by the government to go and meet Mr Mandela. They later wrote an extensive report just giving very glowing terms of the man and that is everybody is reading the thing around here in the country, they are saying about how he is interested in the process of negotiation, how he has told them that he is not embittered against his White compatriots and he would like to help the process of resolving the problems of our country peacefully. People read those things all over in this country, they are freely available. That whole report is freely available, the CNA, anywhere. Now apart from the stories and (20) narratives which young people hear from their parents and so on this is what the position is. Now we will be blamed for this again you see. Internationally that report is in all, all the heads of government and so on have got it. Just to say very glowing things about the man. Now we cannot be held responsible for that.

Now Mr Lekota I did not refer to that, I referred to the song, song no. 3 sung by this meeting and all I said is that at this meeting you popularised Nelson Mandela, it was simple. -- No, no I do not agree. I think people just sing about (30)

Nelson/....

Nelson because he is an acknowledged leader of our people anyway.

And song no. 4, sung about Tambo. There they refer to a bazooka but I see that is not part of the translation, "We will catch them with their children, Tambo's stone has been made hard and made hard." -- Yes.

This, I put it to you is also a reference to a violent struggle. -- That is not reference to violence, it is just reference to leaders who are acknowledged.

And why did they refer to a bazooka Mr Lekota? -- I (10) cannot explain that, that is why I am saying that now you see if one wants to interpret these songs literally then we will find that we cannot reach that point. YOU see a song is like a poem, it is a piece of art, it is like a drawing, it is a piece of art. You know when Michaelangelo Buonarotti decorated the Sistine Chapel in the Vatican City whilst he was doing that he was decorating the church but at the same time he was also recording a moment, a very important moment in the history of the church. So when one looks at a piece of art there are various interpretations which can be attached (20) to it. If one wants to take it literally we will just fall into problems.

And page 3 the top there they sing again "Tambo is in the forest, he is training soldiers". -- Yes.

And they also sang "Take my hand Tambo, don't let it go, take my hand" and four AK 47's appear in the crowd as they marched around the hall. -- Yes that is the thing, you see what shall I say now, we cannot take these things literally. Take my hand Tambo and so on. Now I remember that Elvis Presley you know he used to sing this song "Take my hand (30)

Precious/....

Precious Lord", you know people are singing those things. One cannot take it literally. You know.

Now on page 3 from the songs and the fact that they march around with four AK 47's ...

COURT: My recollection is that there were two AK 47's and two others were shadows against the wall.

MR FICK: As the Court pleases.

MR BIZOS: My Lord I do not recall that they were AK 47's or images, the actual, were they dummies or actual ...

COURT: Two AK 47's and two shadows, well if they were (10)
actual AK's we could not see that.

MR BIZOS: That is ...

COURT: Things that looked like.

MR BIZOS: They looked like AK 47's.

MR FICK: From that and the songs, the wording of the songs sung, it is clear that the audience and the meeting popularised an armed struggle? -- No I do not agree with that.

Can we now turn to page 4? - - Yes.

Page 4 is part of the speech of Kate Mboweni. The first paragraph. -- Yes. (20)

"And let me give an illustration, by birth I like giving this illustration, that in every birth there is blood but the end result of this blood and this suffering is joy, it is life. That is how the struggle is. The struggle needs our sacrifice, needs our blood."

-- Yes.

Now this is a call to the audience to partake in a violent struggle, that is why she referred to the blood that is needed for the struggle? -- No. I think she actually says she is giving an example and being a woman, I do not know if maybe (30)

she/....

she had given birth before but anyway she does say that that is an example that comes to her, if she is a person who is a woman she might know that there is a lot of suffering that is involved but as she says at the end there is joy. So what I understand here she is saying to people that we must be prepared to make the sacrifices and we will suffer the pain and so on but at the end there will be joy for all of us. Indeed I remember reading some of the older philosophers from Western Europe who have said that joy that is to be enjoyed must come as a contrast, that you know you cannot just sit back nicely(10) and think everything will be nice. If you want to have a beautiful thing you will work hard, you will deny yourself leisure time and that after all that suffering you will have something nice, a produce of your work, you must work for it. I understand that simply to mean that. The fact that she uses this example does not mean that she is saying people must take up arms.

Now in the same paragraph, the last sentence, she made it even clearer:

"That you must die in the struggle if (and then some- (20)
thing inaudible) liberation has not yet come."

-- Yes but just this morning I was even quoting Martin Luther King and other people who said similar things but who were not men of violence. Chief Luthuli himself has said that. But we know quite well that he was never a man of violence, he went into his grave without ever raising his hand against anybody. I myself have said that I am prepared to give my life for this and that but I have never taken, used violence against anybody, nor do I intend to do so.

Page 5 is part of the speech of Benedicta Monama, the (30)
first/....

first paragraph the third line from the top:

"1976 provided a radical break with the past. Our struggle was changed qualitatively. In a short time the peace that the apartheid regime had was gone. Hopefully not to come back."

-- Sorry, where is that?

Page 5 the third line from the top. -- Yes.

I put it to you that Benedicta Monama at this meeting called on the women to make themselves ungovernable so that there cannot be peace in this country. -- Yes. I am sorry (10) I did not hear that.

Benedicta Monama called on the women at this meeting to make themselves ungovernable so that there will not be peace in this country for the so-called liberation. -- I do not see where she says that they must be ungovernable. But what she does say is that, she is taking the example of 1976 during which students actually rejected the racist and inferior Bantu education and she is taking a cue from there that people must reject apartheid.

Now will you turn to page 6, the last eight lines. -- (20) Yes.

Then it becomes clear what she really meant, page 6 the last eight lines:

"And that change, genuine change shall be brought through revolutions, through the total overthrow of the racist regime. This knowledge that the students so acquired must be made available to the masses of our people."

-- Yes.

Now I put it to you from this it is clear that the violent revolution is seen as the only way to bring change in this (30) country, /....

country, a violent revolution through which the regime must be overthrown.

COURT: Yes Mr Fick? Are you waiting for an answer? -- I was just, I am trying to look at the context My Lord, I am sorry.

Yes, have a look. -- But I do not agree with the proposition that the intention here is to advocate violence. I think it may be colourful language used but I contest that in the context of AZASO as an organisation and affiliated to the United Democratic Front, with the policies of that organisation that I know, that these here would have been the purpose to say people must take up to arms. Even this person who is speaking here is just working, right now is still working here in the country, in Johannesburg here. Now if I was going to say that this is to say that people must take, here is a person who was telling people in 1984 to take up to arms but that person is just sitting here in Johannesburg and working there and so on, it does not fit in with the fact of what we are faced with. (10)

MR FICK: Will you turn to page 9. First of all Thandi Modise, do you know Thandi Modise? -- No I do not know that person. (20)

Lydia Keagile? -- I do not know that person.

Matlagaa? -- Who?

Matlagaa, M-a-t-l-a-g-a-a. -- I do not know these people.

Were they not members of the ANC? -- I do not know these people.

Can we then turn to page 10. You will see from the last paragraph on page 9 that Kate Mboweni says:

"I will call upon our mother Albertina Sisulu." (30)

-- Yes./....

-- Yes.

And on page 10, the first paragraph, you see she is being introduced as one of the Presidents of the United Democratic Front and then the audience are called upon to raise her a good revolutionary song. -- Yes.

And then the song "There is a gun, come with the guns", and the audience chanted "Oliver Tambo" 24 times. -- That is so, it says so.

Now according to this it is clear that this is not a song which is merely sung for the love of it but it is (10) called in UDF circles itself as a good revolutionary song? -- No not in UDF circles, this was just a meeting of students here. This is a meeting of students here and then they just make their pranks and say whatever they want to say there and all these things. This cannot be placed at the door of the United Democratic Front.

Yes but you see Dorothy Nyembe, the patron of the UDF joins in the singing. -- Well of course you see the songs, as I said, and the people do not understand the songs in this literal sense that is being done here. So they just, the (20) kids just sing around and they play around and that is that. It is just their little pranks there and so on.

COURT: Who is Kate Mboweni? Is she young or old? -- She is a young little girl.

ASSESSOR (MR KRUGEL): A little girl? -- Yes she is just a little, she is just a little girl, yes that is correct.

MR FICK: No, no, I have seen from the papers that the ANC youth had members up to the age of 40. Now what is a little girl? -- Well she is just a little girl of about, she must be about 20 or 21, somewhere there. (30)

COURT: /.....

COURT: Now or at the time? -- At the time. But I mean she, as far as I am concerned she is just one of the little girls.

ASSESSOR (MR KRUGEL): You must explain that to us properly because you know the law I think sees a little girl as a girl of eleven years of age. -- Oh yes.

Or below. -- Oh no I am not using the legal connotation.

So a little girl in your view can be a person of 20, 23, 40 years of age? -- Not 40.

It was not in the view of Maurice Chevalier. -- No let me put it this way of course there is always this problem (10) when we are wielding English because we come from this African background, but anybody who is a younger than one-self you know you are entitled to say that they are just little girls or something, one is entitled to say that. But she was actually, as far as I am concerned she was only about, she should have been about average 20, she should have been that age. Because she is also of a tiny build, that is another thing. But I have always ...

COURT: Was she a student at the time? -- She was a student.

MR FICK: Is she married? -- She was not married. (20)

Now will you please turn to page 15, one five, V.11.

That is part of the speech of Albertina Sisulu. -- Yes.

ASSESSOR (MR KRUGEL): I am sorry Mr Fick to come in again, Mr Lekota when an African person speaks of children or a little girl, something like that, what they actually mean is somebody young than themselves? -- First of all let me put it this way that one will find if we have a man of seventy years in here, seventy years old, he might look at some of the senior citizens in the court here who are maybe in their 50's and so on and talk about them as boys, not that they (30) are/....

are boys in the literal sense but he will just talk about them as boys in the sense that they are young. So that is, it is quite a very common way of wielding language. But in fact, it is therefore important from time to time to actually ascertain by other facts exactly the age of that person involved, and now then of course we will go to the question of the age and so on.

You see we have had evidence by many people in this court about children being involved in this and that and the other thing. -- Yes. (10)

And it is plain that it is not always children in the sense of very young people. -- That is correct, yes.

When you talk about children, children that have been involved in, well to take one thing, that have been involved in singing these songs. -- No but mostly, yes I see that.

They may be quite old people, they may be quite grown up people. -- No but usually on my experience, I am now taking the legal interpretation of child. The tendency is that one will find predominantly you know under 20's, kids of under 20's let me say, just predominantly one will find that. It (20) is true that one may find amongst the others some who are in their early 20's and so on but as a general rule the preponderant element is this under 20's. Because usually where, well actually where these things have been started in the townships in the evenings, and you know they do not have, maybe they do not have money, mostly they do not have money to go to the bioscopes and things like that, they have to start something that must just keep them busy in the evenings. One will find them in groups on the streets there singing these songs and then and so on and so on. But as time goes on these songs (30) are/....

are established among them. You know accused no. 19 was talking about, one of the examples he was talking about dealing with the question of the songs, with the question of the games that we used to play when we were young and so on, and it is surprising how much of our culture of music actually comes from those games and these chants because I recall that when I came to visit my mother the other time in Kroonstad in early 1984 once I was just sitting with my mother on the verandah at home and there were some of these little children of 9, 10, 11, they were playing in the street not far from (10) us. Now they have got a game that they make, they draw these blocks on the floor and then they look up like this and then they put the foot forward and then they come there. Ordinarily what they do when they do that they say, when we were growing up we used to play that, we would say "In", you know the thing is you must not look where you are putting your foot because that is an exercise of being accurate. Now if you put your foot on the line then you are out because there are squares put on there. Now usually you lose balance when you are doing this and then you are moving forward. Now when we were play-(20) ing that thing we used to say "In" and the game was actually called "In" at that time. So they say "in, in" and then the others are watching but you must be looking up. If we just, the moment you put your foot on the line then they say "out" and then you are out. But now I was sitting with my mother and I was looking

Yes I wonder whether we are still near the point.

COURT: We are no longer in we are out.

ASSESSOR (MR KRUGEL): We are out. -- I was just rattling it off because I wanted to show how these things are adapted, (30) because/....

because now instead of saying "in" they are saying, they say "Mandela", "Tambo", "Mandela, Tambo" and if you are out they say maybe "Mopede" or "Gatsha" or "Matanzima", they just shout this thing. Again when, the way the children get it, they listen over, eavesdrop when their parents are talking and they know what is light and what is not light.

The point is it seems reasonable to say that if one hears talk about children you must be very careful to ascertain what we are talking about? -- That is correct.

It may be a child and it may be a grown up person? -- (10) legally yes, it may be somebody above 21, it may be somebody above 21 certainly. It may be, as a general rule anyway it would be people in the case of these songs the predominant element there tends to be people under 20, 15 and so on you see. You find them there.

MR FICK: I am given to understand that Kate Mboweni is also a mother, she has children? -- Children. I do not know about that. But she, she has children?

Yes. -- Well then I do not know really ...

I might be wrong, that is why I ask you. -- You might (20) be wrong?

Yes, therefore I ask you. -- No, no but as I said as far as I know one she is not married, I do not know if she may be an unmarried mother, I do not know about that. But as far as I have always thought, I have always thought she was just a little girl, just one of the young kids.

Now let us try and get to page 50. -- 50?

15, one five. That is now the speech of, part of the speech of Mrs Albertina Sisulu, one of the Presidents of the UDF, page 15 the top: (30)

"Now/....

Now we become one of the standard pillars of the revolutionary efforts. It will be your task to organise and mobilise, not only you but all freedom loving people in this country.

-- Yes.

And I put it to you from this it is clear that Mrs Albertina Sisulu also sees the liberation struggle as a revolution? -- No that is positively not so. If by revolution is meant violence and so on certainly not so. The word is, this word "revolution" is used variously and people apply it without taking into account most of the time all this connotation (10) that the State is bringing forward. I have myself found that often when I address meetings when I used it I must make clear what I am saying because then I must make sure that people understand that I am using this word and I am using it in this context.

Now will you turn to page 16, part of the speech of Amanda Kwadi. -- Page?

Sixteen, one six. -- Yes.

The thirteenth line from the top, Amanda Kwadi is referring to the government. Then she says that because they were (20) aware in their way that the military and unity of the oppressed and exploited masses is going to crush apartheid and its manifestations. Now that, I put it to you, is also an indication to the audience that the struggle is not only mere protest but also military? -- No I am afraid, you know looking at this sentence this comes to mean, is not the word there "militancy"?

COURT: Well you can take it that it is probably correct.

Whether she intended militancy or not I do not know. -- My impression is that she would have intended militancy. The (30) military/....

military and unity of the oppressed, no, no. I think it might have been a slip of the tongue but as I look at it it comes to me that it is more like militancy.

Now will you turn to page 22. -- Page?

Page 22. The middle of the page under the heading "Another Unknown Black Male":

"Those of you who listen to the music of Michael Jackson will be, will be forced to listen to the beautiful voice of Miriam Makeba and dance to the Merabi, dance when the revolution comes." (10)

That is repeated four times.

"Those of you who read William Shakespeare will be forced to read the Freedom Charter. Those of you who watch the treacherous Dallas will be forced to watch the video on guerilla warfare. I am the soul that emerged from the annals of Ghettoland, naked. I come from out of my mother's womb into this world of Masepa, I am, I am the revolutionary. I sing revolution."

So it continues. It is ...

ASSESSOR (MR KRUGEL): It sounds like jingles but I do not know, (2 I am not sure.

MR FICK: Yes. -- Yes I think it sounds like somebody in that, of that general people of jingles. It sounds like it is supposed to be a poem or something like that.

Yes. Now ... -- I sing revolution and all these things now. No again one finds these type of things. If this thing is a poem I do not know what is it, if we can agree that this is a poem ...

Well I put it to you that this person, whether it is a poem or speech, he made it clear that the struggle is a (30)
revolution, /....

revolution, that he is a revolutionary and he popularised the armed struggle. -- No I think it would be best if we did not take that approach. People like Michael Jackson have nothing, I do not know if he has got anything to do with politics to start with. William Shakespeare we know quite well about. I think it is a muddle of some type but I do not think it should be given any status better than that really. This here is one of these, those childish things which are done by some of these young people. One cannot do anything about this kind of thing. But this would not accord with (10) the UDF policy and it has nothing to do with us really. In the first place we ourselves would not even be able to explain this.

This, let us call it a poem, this poem was repeatedly used at the meetings of UDF and its affiliates, this man Jingles, he was called upon at more than one meeting. -- No to start with I am not saying that this is Jingles. I do not know ...

ASSESSOR (MR KRUGEL): I did not say so either. It sounds like Jingles, it is the same type of thing, that is all I meant. (20)
-- That is correct, ja.

MR FICK: The same type of thing. -- It just is in that line but we do not know who did this.

But I put it ... -- But I may say to the Court that there is a lot of people who do these so-called poems of this nature and so on, there are very many of them and ...

If it is not UDF or its affiliates policy why was Jingles called upon to recite this poem at more than one meeting? -- I do not even know if he was called upon.

Well why was he allowed? -- Well I do not, maybe he (30)
came/....

came and asked.

And why was he allowed? -- Well you know, a meeting like that, the public come together. Maybe I must just deal with this a little bit. Each time we have a public gathering it is more than just a meeting dealing with these things, it is also a cultural event. So one will find that while speeches are being delivered here other people want to do some performance of one type or the other. Sometimes some people have got a little bit of a play and they just want to contribute as people are there and these things are done like that you see. (10) Now it is the flame which our meetings have taken, things have been done like that for a long time even before we were on the scene. So when people, when we have a meeting and then somebody comes and says no I would like to sing a song or I would like to recite something and so on, ordinarily in the course of events in good faith people allow them to do so. We are only, most of the, in fact all of the time we get to know afterwards what the person wanted to do there and so on. And I can assure the Court that it is never done with any, with the intention that something untoward should be done. The (20) Court may have also noticed, even from the anniversary meeting of the UDF we saw that thing in the video, in the hall, some of these young people want to come and do gumboot dancing and some of the elderly people, the women want to sing some other song and make those renditions. They are ordinarily allowed as just part of cultural activity. But never with the intention to promote the conspiracy or whatever else it is.

Yes and at no stage did anybody on behalf of the UDF informed the meeting that this is only part of culture, it is not meant to be a call to revolution? (30)

COURT:/.....

COURT: Was this a UDF meeting? -- No this was an AZASO meeting.

MR FICK: Now at no stage at any meeting where this man Jingles recited his poem did UDF or any of the affiliates of UDF stand up and informed the audience that this is merely a cultural event, it is not the policy of the affiliate or the UDF? -- At which meeting?

Any of the meetings where Jingles recited this poem, like this one for instance? -- Well I do not know who recited this poem here. At the meetings at which Jingles may have done so I do not know what happened there. (10)

On page 23, after this recital you find that the audience sang "Take my hand Tambo, don't let it go." -- Yes.

I put it to you it is clear from the song that they did understand this as a call to a revolution? -- No, no, that is not so. I have said anybody starts the song you know. They just sing a song, if you look at the connotation, you will find it is just not connected with the speech whatsoever. But who starts the song first just starts what he feels like starting.

Now at this meeting, also on page 34, before they sang (20) Nkosi Sikelele 'iAfrika they first praised Oliver Tambo. -- Yes. You know the song that I know will definitely have been put on the programme by the organisers of the meeting is Nkosi Sikelele 'iAfrika. That one will have been put there, it will be official, that it must be sung.

COURT: Does Dorothy Nyembe belong to an organisation of which the colours are green, black and gold? -- She is a member of the Natal Organisation of Women and I think their colours are, I think their colours correspond to that or at least two of them. I am not sure exactly. (30)

MR FICK: /....

MR FICK: Dorothy Nyembe we all knew she was a member of the ANC, is that not so? -- As I understand that was the position in its legal days.

And the colours of the ANC is black, green and yellow? -- Yes but so are the colours of so many organisations. In Natal where she comes from there are many other organisations other than Nkatha which use those colours.

Yes but you know in her speech on page 28 of the translation, page 28. -- Yes.

Dorothy Nyembe spoke about the history of the ANC, the (10) Women's League. -- Yes.

And she called it in the last paragraph as "our banned organisation". -- Yes, banned.

Yes. And I put it to you that the colours she wears, the green and black dress with the yellow scarf, was to carry forward the message that the struggle of the ANC and that of AZASO is the same? -- No that is not so, she is not a member of AZASO.

My Lord I am going onto the next exhibit, may I ask the Court whether it is the appropriate time to adjourn? (20)

COURT ADJOURNS UNTIL 5 OCTOBER 1987.