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SAAKNOMMER: CC 482/85

PRETORIA

1987-10-06

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

COURT RESUMES ON 6 OCTOBER 1987

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Can we now turn to EXHIBIT V.26. V.26 the transcript of the UDF conference held on 20 August 1983. Now you were present? -- That is correct.

Did you speak at the conference? -- I did not deliver a speech but I did participate in the proceedings.

Now Virgil Bonhomme, did he speak at the conference? -- He was a co-chairman at some point. (10)

And he is from UDF, Natal? -- Durban, that is right.

One of the secretaries? -- No, no.

What is his position? -- He just serves in the Natal UDF but he is not a secretary.

On the REC? -- On the REC, yes.

Then Ellen Lambert, did she speak? -- She spoke, she read the declaration. I think she also addressed the conference on some point or the other at some stage.

Is she on the executive of UDF or any regional executives? -- As far as I am concerned, no. (20)

To which organisation did she belong? -- I think she, I think Ryger Park Residents Association, I am not sure.

COURT: Ryger Park? -- Ryger Park Residents Association.

Where is that? -- That will be Benoni.

MR FICK: That is one of the affiliates of UDF? -- Yes, as far as I know, yes.

Now Reverend Xundu we had yesterday. Did he speak at the meeting, the conference? -- I think he would have made some comments, maybe discussed a resolution or something.

R.D. Naidoo, did he speak? -- He did. (30)

From/....

From which organisation is Mr R.D. Naidoo? -- From the Natal Indian Congress.

Is he on the Natal Executive of UDF? -- No.

Then this Mahlangu, is that Mrs Mahlangu? -- I think so.

Did she speak? -- No, I cannot remember her speaking there at all.

Then accused no. 19, did he speak? -- He read one of the documents that is in the programme of action, he may have done something else other than that.

Now Paul David, did he speak? -- He also at some point (10) read the declaration and I think he may have commented on the proceedings at some point or the other.

Mr Marks, did he speak? -- I seem to recall that at some stage he was introduced, I cannot remember whether he spoke or not.

COURT: What is his first name? -- Joseph My Lord.

Joseph.

MR FICK: He is on the Regional Executive Committee of UDF Cape, Western Cape? -- That is correct.

And the Reverend Frank Chikane, did he speak? -- Yes (20) he delivered the opening address to the conference.

Mewa Ramgobin, did he speak? -- He was not a speaker but I think he spoke to one of the resolutions at some point or the other in the course of the conference.

And Mr Khan, did he speak? -- Yes he spoke, he was not a speaker but he spoke to the debate on the declaration of the UDF. This is the man who raised the question on the trades, businessmen and so on.

COURT: What is his first name? -- I only know him as Mr Khan, I do not know his first name. (30)

MR FICK: /....

MR FICK: Is he a member of any regional executive committee of UDF? -- No he is not, he is just, I think he is one of the leaders of the Western Cape Traders Association.

Is that an affiliated organisation? -- That is correct.

Did Dr Motlana speak? -- Yes. Well he was not a speaker but he spoke to some of the resolutions and the debates.

And Curtis Nkondo, did he speak? -- He was not a speaker but he spoke to one or other of the resolutions.

At that time, August 1983, was he a member of any affiliated organisation of UDF? -- I think he was a member (10) of the National Education Union, NEUSA.

It is an affiliated organisation? -- Yes.

Paddy Kearney, did Paddy Kearney speak? -- He spoke to one of the resolutions, I think. He was not a speaker otherwise.

To which organisation did he belong? -- The Diakonia group of churches in Durban.

Are they affiliated? -- At the time they were affiliated.

Imam Solomons, did he speak? -- I cannot recall.

ASSESSOR (MR KRUGEL): While we are busy with this Imam Solomons may I just ask a question. You remember Mr Lekota (20) there was an Imam, a Muslim person. -- Yes.

A speaker at the meeting at, was it Kimberley? -- Kimberley, yes.

Is this the same man? -- That is not the same man.

Not the same man. Thank you.

MR FICK: Now Imam Solomons, did he belong to any organisation affiliated to UDF? -- One of the Western Cape organisations, I cannot say what organisation he belonged to.

And M.J. Naidoo, did he speak at the meeting? -- I cannot even recall that he was there, I cannot remember him speaking. (30)

He/....

He may have spoken, I cannot remember.

Is he a member of the NIC? -- That is correct.

And so is he a member of any regional executive committee of UDF? -- As far as I know he is only in the executive of the NIC.

Pius Langa, did he speak? -- He conducted the elections, he may have taken part in some of the other things before that. I can remember him specifically conducting the elections.

Was he a member of any affiliated organisation? -- I am not sure. He is an advocate and he belongs to some of these (10) lawyers associations and I am not sure whether that association was actually affiliated or not, or whether he came there in a different capacity.

Is he a member of any of the REC's of UDF? -- No.

Can we turn then to page 8?

ASSESSOR (MR KRUGEL): 8 or 18?

MR FICK: Eight. It is part of the speech delivered by Mr R.D. Naidoo, the speech starts on page 7. -- Yes.

The fourth last paragraph, let us start there:

"As long as we the working class will man the machinery, (20) who handles the tools, we are going to lie down and going to wait for something to fall ...

COURT: Lie low.

MR FICK: I am sorry, lie low.

"And going to wait for something to fall from Heaven. Then I am sorry to say the fascist machinery will come into oppression, they will destroy the entire trade union structure to the machinery that the government has now created and we need support from the opportunists in our ranks. Therefore comrades we now say (30)

the/....

the time has come, the revolution is now beginning under the banners of the United Front."

-- Yes.

Then on page 9:

"We the working class, we the working class, wherever you are, whether you are domestic servants or a mine worker, white collar worker, must now rally or organisation and march behind the United Democratic Front and work for the system where the exploitation of man by man will be done away with and, and we must, we must (10) relentlessly work until the means of production is in the hands of the working class."

-- Yes.

Now I put it to you that this man, Mr Naidoo, propagated at this conference of UDF that the UDF is party to a revolution in South Africa. -- I also recall this speech by Mr Naidoo. I must just say to the Court that you know R.D. is, although R.D. spoke in this vein the policy position of the United Democratic Front will be found in the resolutions that were adopted at a later stage. I think I said earlier on (20) that part of what happens at the meetings, public meetings of this nature, is that one finds that they are more than just meetings and people, sometimes people vent their feelings and they say all kinds of things. But decisions which are taken is what constitutes the policy of the movement. Now one of the other things, as Comrade Popo also pointed out, R.D. is a very jocular kind of person and people hardly take him all that seriously. So one will find for instance after he has spoken there is a lot of shouting and whistling and so on, because he comes forward as a fairly jocular type of (30) person./....

person. I do not know how, I am not suggesting that in his own mind he was just joking but we did take our own decisions after that on the questions and the policy of the UDF can be drawn from the actual decisions that were taken. So, I deny that at the formation of the UDF we adopted for instance what he had to say here.

I put it to you from page 9 it is clear that the Chairman did not repudiate Mr Naidoo but the Chairman thanked Mr Naidoo and he said:

"We asked for a further contribution and I am very (10)  
sure everybody else will be in the shadow now."

-- Yes. In fact even that remark it was quite in a jocular vein because what he was really saying is that no one would outdo you know R.D. with all the antics you see. That is all he meant. But as I say this was not adopted. There are many things that people say in the course of discussion, when you are going to adopt a policy position, in fact some of those things or some of the suggestions are ideas which are put forward naturally fall away because they are not just realistic and they do not match up to what the meeting is about; (20) and then they are just left aside. And I say that this is part of his comments which just ended there and it has never become part of the policy position of the organisation.

Will you please turn to page 28. It is part of the speech of Reverend Frank Chikane. -- Yes.

The third paragraph from the top, he said:

"To put hands together, to walk side by side, to fight against the implementation of these reform proposals so that we can then destroy the system and put up a government by the people where the people shall govern (30)

according/....

according to their will."

-- yes.

Now I put it to you that this is also a reference to violence, especially in the light of what Mr Naidoo had said?

-- No, no that is not so. In any event the order of these things here is confused. The first man to speak was the Reverend Chikane at the beginning of the conference, and this other input, like this one of R.D. Naidoo, followed afterwards. But this passage here does not suggest violence.

COURT: I have a note here that right to the bottom of page (10) 28 that portion is also to be found in V.1 on page 1 to 5. So there is a duplication here and it is not certain whether we are dealing here with the conference or whether we are dealing here with the rally.

MR FICK: Can you possibly explain? -- If I may help the Court I can say that the passages that have been referred to, for instance the one of Mr R.D. Naidoo, that input was made in the course of the conference. The speech of Reverend Chikane was the first thing that happened when the conference started. So the speech of Reverend Chikane would have come first and (20) then after that there would have been discussions during which, amongst other things, Mr R.D.'s remarks were made. He was not of course, R.D. was not speaking to any specific resolution, it was just an open discussion and debate at that time. No resolutions had been moved as yet. You will find that the resolutions would be moved at a later stage.

MR BIZOS: Whilst My Learned Friend is on page 28, just a question of punctuation in the paragraph, at the end of the first substantial paragraph:

"And I want to call upon you, all people, peace loving (30)  
people/....

people in South Africa to put hands together."

With a small "t" in the same paragraph. It is obviously one sentence.

ASSESSOR (MR KRUGEL): And the addition of the full stop after "Africa".

MR BIZOS: That is so My Lord.

MR FICK: Now V.1 on page 5. -- Page 5?

Page 5 in V.1. -- Yes.

It is correct that at page 5 the first paragraph, the last part, we find the same words, it is also part of the (10) speech of Reverend Chikane. Now ... -- Yes in fact it is better transcribed at page 5. There it says quite clearly

"And I want to call upon you all peace loving people in South Africa to put hands together, to walk side by side ..."

COURT: What I do not understand Mr Fick is we dealt with this specific passage on 1 October. Now five days later we deal with it again.

MR FICK: As the Court pleases, I will leave it there. Can we turn to page 36 of V.26. (20)

ASSESSOR (MR KRUGEL): Mr Lekota just before we go away from page 5 would it be in order to say that your testimony is that this speech was delivered at the conference and not at the launch? -- The speech of Reverend ...

Of Reverend Chikane, at the conference, not at the launch? -- At the conference. We have used the word "launch" to ...

I am sorry, .. -- Not at the rally.

Not at the rally. -- That is correct, yes. That is the only speech which was delivered there. There will be some remarks at the end of the conference by the President (30)

Archie/.....

Archie Gumede. But all the other speakers were at the Rally.

MR FICK: Now page 36 ...

COURT: Just a moment then. So there was only one speech at the conference, the opening speech at the conference? -- That is correct.

All the other speeches were at the Rally itself? -- That is, yes, all the other, Aubrey Mokoena, Samson Ndou and those people. I am not now referring to the remarks like those of Mr R.D. Naidoo.

Well that, yes. -- Well I will not call that a speech (10) because the Chairman calls upon the house, he says now "We discuss housing for instance, or something". So the remarks are made in that light.

MR FICK: Page 36 Mr Lekota, V.26. -- Yes.

And the middle of the page.

COURT: 36?

MR FICK: V.26 page 36 My Lord, the middle of the page, part of the speech by Mr Khan. -- Yes.

The last six lines of that paragraph:

"And when the time comes that they want to remove our (20) brothers from Langa and Nyanga against their will we and other races, the Coloured and Indians, must be ready to go into action and stop the removals even if we go to jail. By sitting here and watching our people being removed what will we achieve? Thank you."

-- Yes.

Now I put it to you this is incitement by Mr Khan to act illegally, unlawfully, to stop removals? -- No that is not his meaning. All he says, he means is that when the government removes people, the forced removals, the Indian and (30)

Coloured/....

Coloured communities must join their voice to the others and protest against it, they must, for instance he did not say what he meant but as I understand it they must demonstrate against it and what not. Even if they go to jail but they must protest, that is what he says.

COURT: But does one go to jail for protesting legally?

-- It happens so many times, people take action that they consider to be legal and then one way or the other they get themselves arrested. All I am trying to say that his meaning is that they must express opposition and they must take (10) steps to express that opposition. But I deny that he meant that the law must be broken.

MR FICK: Well I put it to you that there is no reference in the speech of Mr Khan to mere protest or lawful protest. -- Nor does he say we must break the law.

Well if he said to the audience "even if we go to jail" is that not a reference to unlawful action? -- No, you know let me put it this way to the Court, when anything takes place and people are not happy about it let us assume for a moment they demonstrate with placards and they take a position some- (20) where and so on, the important thing for them is that they want to say that they are not happy about that. It has happened many times before people find themselves arrested as a result of that. Now as far as I am concerned all that he means is that people will take action to express protest and it may happen as a consequence, not because it is the intention but as a unforeseen consequence that they may find themselves arrested and then they go to jail and what he is saying here is that they must not, because of the fear of the possibility of going to jail they must not be afraid to express their (30) protest./....

protest. That is how I understand it and that is how we have always been doing things.

Will you now turn to page 39(a). I am sorry page 39 first.  
-- Yes.

Now I put it to you, that is the bottom of the page, we find there next to the no. 64 a song led by the Reverend Xundu and next to it is the number 39(a). Now will you, and after the song we find a chanter, "Oliver" and then the audience chanted "Tambo" three times. -- Yes.

ASSESSOR (MR KRUGEL): That would not happen to be the addi- (10)  
tions to the resolutions committee Mr Lekota? -- What would  
My Lord?

Oliver Tambo. -- It is not an addition, no it is not from the ...

MR FICK: And I put it to you this was done, the chanting of Oliver Tambo's name, to popularise the ANC leader and to make it clear to the audience that the UDF and the ANC are connected? -- No you see I think it was some young fellows who started to shout there and then the Chairman stopped them you see, as you can see there. (20)

No, no, I put it to you he did not stop them, he thanked them. -- No, no, you see there "thank you, thank you", that is now they must keep quiet, that is how you do it.

Now will you have a look at page 39(a), we find the song led by Reverend Xundu, you will find this reverend led the song about the Supreme Court which is on fire. -- No, no, I think there is a misunderstanding there. You see it says that he led the song at 39, at page 39, and then there was Mayibuya, free Africa, Mayibuya and so on, and then there was this thing about Tambo and then the Chairman stopped the meeting and (30)  
somebody/....

somebody started singing there.

Mr Lekota according to page 39 the song led by Reverend Xundu, you find on page 39(a). Page 39(a) ... -- Oh I see.

MR BIZOS: My Lord on our copy that is struck out. I do not know what Your Lordship has got.

COURT: It is not struck out.

MR FICK: No, it is not struck out. And ...

COURT: Of what denomination is the Reverend Xundu a priest?

-- I am not sure whether he is a, I am not certain, he could be Anglican or Methodist. I cannot ... (10)

Thank you.

MR FICK: The song is:

"Here is the Supreme Court, it is on fire. We go, the Spear boys hit it yesterday."

-- Yes.

Now I put it to you this was sung by this UDF leader to indicate to the audience that the UDF and the ANC are fighting together in this liberation struggle. -- No, no that is not so.

And that the violent actions of Mkhonto we Sizwe are popularised. -- No, no I deny that. (20)

And it is part of UDF's strategy. -- It is not.

Now for what reason did they sing this song at this meeting? -- I have already explained to the Court ...

If not for that reason? -- I have explained to the Court why people sing, how they sing the songs and how they understand them. I do not know if I should repeat all that again now.

Now can we then turn to page 41(a). -- Yes.

Mr Lekota will you turn to the back of the volume. There you will find a number of translations and the translation (30)  
of/....

of this song, this slogan, is to be found on page no. 9 at the back of the volume. -- Yes.

You see on page 41(a) next to the slogan there is a number 106 and at page 9 you find the same number 106 and "slogan".

-- Yes.

Now I put it to you there the slogan they shouted:

"We have agreed soldiers, we have agreed and UDF it joins ..."

And then the reference to Joshua Nkomo:

"Our father Oscar Mpheta, our leader Msizi Dube, our (10) leader."

And I put it to you this was also sung at this meeting to popularise Mkhonto we Sizwe and to indicate the connection between the UDF and Mkhonto we Sizwe? -- No that is not so. These are just chants by young people. In fact as will be seen there they just shout any name that comes to their mind, they just shout it and they are just playing there.

But no one at the meeting Mr Lekota made it clear that this is only youths playing? -- No but we can see, we know that. We come from these communities, we know what happens (20) there, we understand what is going on. Now why should we be alarmed about a thing, you know these little children are playing there and these are the games they play around. Only a person who does not understand and who does not know these things would be alarmed but we are not alarmed. I told the Court here in the townships there they do not have the money to go to the bioscopes or some other thing. They play around, they sing these songs, they compose them, they sing about their girlfriends, about their leaders, about everything and so on. This is just the culture of the people. We ourselves are (30) products/....

products of that community, we are products of that background. Why should we suddenly be alarmed when the things that we grew up doing are done by our own children or our little brothers and sisters? It does not shock us.

Now will you turn to page 49. There you find after you, you yourself, have read the Working Principles. -- Yes. Page 49?

Yes, then on page 49 at the top there is a song and the chanting of "Oliver Tambo" again. -- Yes.

And then we find that on page 49 that a number of songs (10) were sung. -- I am sorry but where do I read the Principles?

Look at page 47. -- Yes, I see that is correct, yes.

Then the Chairman thanks you, then the Chairman says the copies of the Working Principles are available. -- Yes.

And then songs are sung. -- That is correct.

Then on page 49, the top, the chanting of "Oliver Tambo" and then a number of songs were sung. Now ... -- And one of the, for instance if one takes, look I read the Working Principles and now the Working Principles are not even what one can call a speech you know and when I was finished they (20) are just singing some song or they chant about Nelson Mandela, about Oliver Tambo and so on. Now it cannot possibly be suggested that the Working Principles contained anything that suggests to them that they must sing about these people. It is just that it is a cultural event. It is not just a formal dry debate, we do not gather in that spirit.

Now the first song they sang, page 49(a), the translation is on page 10 at the back, that song is the popularising of, popularised Nelson Mandela. -- No they sing about Nelson.

Then we find also on page 49(b) the next song, that is, (30)  
the/....

the translation is on page 12 of the song on page 49(b). -- Yes.

There they sang "Tambo, hi, hi what is he doing. He is still teaching the soldiers. Tambo is in the bush mother. What is he doing? He is still teaching the soldiers." -- Yes.

Now this song was sung to popularise Tambo and Mkhonto we Sizwe, I put it to you. -- No. In fact there is perhaps an important consideration just to look at this. This is the first meeting of the United Democratic Front. It is not even yet said, it is going to be said in that meeting, it is going to be formed there. People come from the Cape, from Trans- (10) vaal, from the Free State and so on and then when they come there they come from the backgrounds, they come with their cultural activities and so on. When did we in the UDF now have time to teach them that now, when they come back they must come and do this? So it is clear that here is a community of people coming from their own backgrounds meeting for the first time and there is no decision that is taken here now that now we must sing these songs and what not and do that. But on their own they start their own songs and they sing them and they do that. My point is it is a culture that has been with (20) our people before we were born. We grew up in it and we cannot come and tell the people today that it is wrong. It is as good as trying to tell my mother that she must not put nappies on me or so, it is wrong to use nappies on me. But she brought me up before I knew anything else she had to use nappies to bring me up. Now we must suddenly come, if we are a product of a culture, of a community, we are made by that community, we are products of that community, we cannot come like a man who comes from Sri Lanka and then come with a different thing.

Mr Lekota the people at the conference of UDF they were(30)

affiliates, /...

affiliates, members of the affiliates of UDF? -- The UDF was being formed on that day there. It had not been formed.

Yes by all, by these people who sang about Tambo and Mandela, the Supreme Court on fire, is that correct? -- But what I am saying is those songs is the culture that has been there much much longer than us. As I understand it the accusation we are facing is that now we said or we taught people to sing these songs or we composed these songs or we said people must sing these songs. I am saying no that thing pre-dates us long, long before that thing has been going on. (10)

COURT: Mr Fick could you just help me. At the bottom of page 48 we see a song which is asked for by the Chairman. That song is stated at 419 and is to be seen I take it at 48(a)?

MR FICK: That is correct.

COURT: Now if you look at 48(a) you find it in the original version. Where is your translation to be found?

MR FICK: If the Court will bear with me a minute. -- What appears in 48(a), next to no. 419, that is actually a chant, it is not a song. These young people make some formation and they just chant this thing. I see also that at 48, at the (20) base of 48 a song had been asked for. But this is actually a chant here.

My Lord I cannot find it at the moment.

COURT: You will not find it. Yes go on.

MR FICK: Now page 49. -- Yes.

A number of songs sung. Now 49(a) we have dealt with that. Page 49(b), the translation is on page 12 at the back of the, we have dealt with that one, it is popularising Oliver Tambo training the soldiers in the bush. That is what I put to you. -- No, no I deny that. (30)

49(c) is Hlanganani basabenzi, the translation is on page 13. Song no. 49(d), the translation is on page 14 at the back. I put it to you this song was sung to convey the message to the audience that Inkatha is rejected? -- It is just a chant in the spirit of all the other chants.

Then I put it to you on page 49(e) the translation of that slogan is on page 15 at the back. That slogan was shouted to popularise Mkhonto we Sizwe, Mandela, Mxenge, Msizi Dube, Archie Gumede and Oscar Mpheta. -- No I deny that.

And the translation continues up to page, the song, up (10) to page 20. -- Yes.

And on page 19, it is part of the slogan, I put it to you that violence is popularised. -- Page 19?

Page 19 yes:

"Hi soldiers, hit the bazooka, explode the bomb, explode the bomb, explode the bomb. The UDF the joiner, hi soldiers."

-- I disagree with that.

Will you then turn to page 58 please. -- Yes.

Page 58 is part of the speech by an unknown female, (20) from the sixth line of the third paragraph, the speech of the unknown female:

"The SADF is spending one million Rand a day on the war in Namibia and the people of Namibia have rejected the role that the SADF is playing and see the SADF as an army of occupation and at the same time we have a civil war in our country. We have, after incidents like Soweto in 1976, of (inaudible), KTC, Driefontein, Lamontville and what is going on in the Ciskei at the moment."

And then I skip one sentence, then she says again: (30)

"There/...."

"There is a civil war in South Africa and the SADF is playing a role of defending apartheid." Now no one repudiated this female at this meeting, I put it to you? -- Yes, no one repudiated this. But counsel jumps a very important sentence in reading this way he is reading for this lady actually says "More and more of South Africa's youth giving up any hope of a peaceful solution in South Africa and crossing our borders to take up arms." The concern of the people is this one that as the policies of apartheid continue and all these things happen more and more of young people are giving up hope of (10) a peaceful solution and then they are going out to take up arms and we moved the United Democratic Front on the basis that if the government goes on with the new constitution and therefore retains apartheid this problem will worsen and we do not want that to worsen and I told the meeting in Ladysmith we do not want it to deepen.

That was Ladysmith Mr Lekota. I am asking about this meeting now. -- Yes she says there more and more of the young people are leaving the country and crossing the borders to take up arms, that is what she says and we should not jump that (20) sentence, it is a most important sentence, concern.

I am dealing with something else at the moment. If it is not the perception in UDF that there is a civil war in South Africa going on why did not anyone in UDF repudiate this lady? -- No we never adopted that policy position. That is not the policy position of the UDF.

Yes and why did you not repudiate it, for the second time? -- Well when we adopted the resolution, you see if it was going to be a policy, these things, some of these things just fall off. I just told the Court now, they fall off because when (30) you/....

you adopt the resolution that is what constitutes your policy position.

Mr Lekota I put it to you that you cannot in your policy document state openly things like this and hope to be continuing, operating as a lawful organisation? -- We cannot what?

You cannot say in your policy documents there is a civil war in the country going on. -- And then?

Hope to continue operating as a lawful organisation? -- No but the UDF did not say so. Some individual said that, that was not adopted as policy of the UDF. (10)

But you left it hanging in the air? -- We did not leave it hanging in the air, we took a decision at the end of that, before the end of that conference that the UDF must call on the government to call a national convention to resolve the problems of the country.

Can we turn to page 65. Page 65, the last paragraph, part of a speech by an unknown speaker:

"Okay I want to support the last speaker there, the resolution. I want to add that there is another dangerous nation in the world which is siding with the terrorist (20) government of South Africa, that is the people, the Begin administration who is working hand in glove and co-operates very strongly with this racist regime."

-- Yes.

Now also this was not repudiated at this meeting, is that correct? That the government is a terrorist government? -- It was, well not specifically but if you look at the resolution that was taken the point that was made was that both Israel and Great Britain and the United States have come out ostensibly in favour or in support of the new dispensation and the new (30) constitution/...

constitution of which we were opposed and they were criticised for that.

Mr Lekota which resolution are you referring to when you say that the resolution was adopted that you would call for a national convention? -- Okay let me just start again. Let us find it just now. At the top of page 69 of V.26 there is there a discussion on the resolution that deals with, amongst other things the release of all detained under security legislation, the release of all political prisoners, the repeal of all security legislation relating to the detention, (10) banning and banishment of people engaged in the freedom struggle, and that is the debate there and, no, no, I am sorry. Oh no that is not the page.

ASSESSOR (MR KRUGEL): At the bottom Mr Lekota. -- I beg your pardon?

At the bottom of page 69. -- Yes that is right.

You testified to the same effect on 17 September. -- That is correct, yes. That is correct. There at the bottom of that page it is moved in the course of this debate that it must be added to this resolution, and this is myself: (20)

"My Chairman what I would like to add on the question of political prisoners, detainees, one point I would like to add is that apart from political prisoners and detainees there should also be the unconditional return of all political exiles. One other point is that it is the conference of this nature that can work along the lines of bringing to the notice of those who are in power the need of a national convention consisting of all the people of this country with a view of shaping the future of this country." (30)

So/....

So this other point I wanted to add on the release of all political prisoners, unconditionally, so that is my addition on top of that because the future of this country lies on the wishes of all of the people of this country irrespective of colour, creed or sex and I am mindful of the fact that there are people in this country who still believe that people of a particular colour are the only people that are better than other people. So the most important thing is that people of this country should unite on equal basis in all spheres of life and shape the future of this country. That is the addition (10) and I said now that is now, that is where the thing on the national convention was moved. This is in the conference here.

COURT: But now does it seem that the, or does it appear that the Chairman accepted this as an amendment because then it would have had to have been referred to the committee for proper formulation? -- Yes the task of this fell to the resolution committee because, as will be seen there, the amendment was accepted by the house in our understanding the Resolutions Committee would have just worked on that because not everybody had the facilities to write these things out.(20) Now it does appear that when one was drawn up the people of the Western Cape missed this point, or because there was shortage of time at this time because there was already, at this time there was already complaint that there were too many people who were outside waiting for the beginning of the Rally and we were also worried about the fact that the police might feel that there is an illegal gathering because people were standing outside. Now this, it is on this basis that in the introduction of A.1 the point is made that the UDF is committed to a national convention and it has been on that basis that (30) constantly,/....

constantly, even when we wrote letters to other people or we introduced the United Democratic Front, we have made the point that the UDF calls for a national convention as a solution. The various meetings which we addressed and we stated this and our basis was this ...

Let me just get clarity Mr Lekota. I have the following difficulty with this approach. First of all the Chairman does not refer it to the Resolutions Committee. Secondly the Resolutions Committee does not deal with it. Thirdly when the resolutions are read later on in the meeting it is forgotten and fourthly when the resolutions are read, I think at the Rally, it is forgotten. -- No the resolutions were not read at the Rally. (10)

Were they not read at the Rally? -- No, no they were not. The resolutions, in fact the resolutions, once a resolution had been discussed and discussion on it was over it was not read again afterwards. And this, there was no other time to do that kind of thing. If we look at page 70 we will see there that the first thing that the Chairman says after this is that:

"I have a very severe problem at this stage. There (20) are people arriving for the Rally and we cannot start late."

I appreciate that, I read that. But now a resolution to be adopted has to be properly formulated. The other resolutions I think were properly formulated. They are dealt with for example at the top of page 69, you see that. Now this is an amendment, proposed to be an amendment but it is a vital amendment. It has to be properly formulated. -- Well this is why I say the task of formulating, because the man had made the amendment, the addition to that, and it was accepted. (30)

Nobody/....

Nobody objected to it, we all accepted it. It was now for the Resolutions Committee only to formulate and write that thing into the resolutions. The logistics problems, these problems which arose from the time factor and other things and so on, account for the fact that this was not done that way. But if we take the position and the approach of the UDF subsequent to the national launch what was the position that we put forward to people around the country. We have stated repeatedly at various meetings that the position of the UDF is a call for a national convention because we always understood that that (10) was the position that was adopted by conference, at this launch in August. I have spoken to several meetings before the end of 1983, I have spoken to meetings in Port Elizabeth. For instance I remember when I spoke to a group of White citizens of PE on the question of the million signature campaign. I raised this issue with them at length. This is now apart from meetings which I addressed at Wits, the University of Cape Town, the University of Natal, meetings of, church meetings like you know the Catholic Winter Schools and things like that where I raised the issue and where other members of the NEC also (20) raised the same question. And I think it will be seen if we look at the Minute of the Secretariate in July 1984, there accused no. 19, the General Secretary, actually says when, in minuting the thing he says it. The Secretary will raise the issue with the NEC and it says "We must restate the commitment of the United Democratic Front to the call for a national convention". It is not coming there for the first time. It is a question of restating it and expanding, and making it clearer. That is now in the middle of 1984. And then again following those meetings we went to public meetings again (30) and/....

and again, we spoke to people from the Cape to the Eastern Province, to Natal, to the Transvaal and we spoke to them and we said the UDF makes a call for a national convention.

MR FICK: I have two further problems Mr Lekota with your answer. First of all in A.1 when the question of detentions, political prisoners and exiles are dealt with, the resolutions, nothing is stated there about the national convention, this amendment? -- I not only explained that, how that came about in my evidence-in-chief. I have also just explained here again how I understand that that happened. Look at the (10) introduction of A.1 there, you will see that that issue is raised.

And secondly can you refer the Court to any document where anyone at the NEC took this up, the fact that the call for a national convention did not form part of the resolutions set out in A.1 page 30 and 31? -- No I cannot recall that that was done but the introduction does so.

Now you now say that the introduction is setting out the policy of the UDF? -- No, no but the point is stated there, you see the point is stated there in the introductory part (20) of the thing that the government must release the leaders and so on and then there must be a debate on the new constitution. It says so.

Is the policy of the UDF then reflected in the introduction? -- That document there is the policy document of the UDF.

The whole document? -- That A.1, yes.

Thank you. And was it formally adopted at any meeting Mr Lekota? -- We gave ...

As a policy document, yes or no? -- We gave instructions for it to be produced in that way and those resolutions were (30) adopted/....

adopted at the national launch and that document has been approved.

COURT: Which document? -- A.1.

A.1, by the NEC? -- Yes that is so.

MR FICK: When was that? -- After it had been produced.

Can you refer the Court to the minutes? -- No, no I cannot.

Yes. Why not? Did you not keep proper minutes? -- No, no I cannot. I do not have minutes that I can refer you to but I say that it is an official document and it was adopted as (10) such. The NEC has seen that document and they have never objected to it. To start with it was officially ordered by the UDF.

Now can we now turn to page 70(c) of V.26. Now on page 70 of V.26 at the bottom next to the number 100, the second line from the bottom, it is clear that a song was sung. -- At the bottom of page 70?

Page 70 yes, there is a song next to the number 100. -- Yes.

Song 70(c), and the translation is on page 25 at the (20) back. There the people sang:

"We cry for Tambo, we are crying for Tambo."

They repeated it several times over, the song. I put it to you that song was sung to popularise Tambo and to make it clear that the UDF sides with the ANC? -- No I disagree.

Now will you turn then to page 76. -- Yes.

In the middle of the page, next to no. 321, we see the Chairman calls on the audience to sing while the Declaration is prepared for representation. The song sung was song no. 76 on page 76(a), the translation you find at page 26. It was (30) sung:/....

sung:

"Go, how will it be, how will it be when we see the Boers running. Go heroes, go named heroes, how will it be when we are sitting with Tambo seeing the Boers running, oh how will it be when we are sitting with Tambo seeing the Boers running."

-- Yes.

This song was sung at this meeting to popularise the armed struggle waged by Mkhonto we Sizwe. -- No I deny that.

And to popularise Oliver Tambo. -- No. (10)

And then page 96, the middle of the page next to no. 550.

-- 96?

96, page 96 of V.26. You find that the song is sung, page 96(a), the translation of that song is page 30, there it is made clear that "Our Mandela, we will follow him, we will follow him" and I put it to you the meeting sang this song to make it known that they and Mandela are fighting the same liberation struggle and that they in fact follow Mandela, the leader of the ANC. -- Not the leader of the ANC but Mandela is widely accepted as the leader of our people, far beyond (20) the confines of the African National Congress.

Mandela himself says he is a leader of the ANC, it is generally known as such, is that not so? -- Yes he is accepted as the leader of, Mandela is accepted as the leader of our people far beyond only the African National Congress. Many people who have nothing to do with the ANC but who acknowledge him as their leader, like I am not a member of the ANC but I recognise for instance Mandela as one of the leaders of our people and there are many other people like that.

And that song, I put it to you, was sung immediately (30)

after/....

after it was made known that Mandela and his cell mates gave their blessings to the gathering of the UDF? -- That may be so.

That is at page 96. -- Yes.

The third paragraph. -- Yes I think some family member had visited him there or something.

Now there is one aspect I want to clear up with you. The addition to the Working Principles, paragraph 3.4. -- Yes.

On page 8 of A.1 who ...

COURT: Just a moment now, are we now, can we put this document aside? (10)

MR FICK: As the Court pleases.

COURT: Now we want A.1?

MR FICK: A.1 My Lord.

COURT: Page?

MR FICK: Page 8, it is part of the Working Principles of the UDF. -- Yes.

The addition, paragraph 3.1 to the aims and objectives. -- Yes.

Who suggested the addition Mr Lekota, was it the UDF...

COURT: Now just a moment now. It does not say here that (20) there is an addition. Are you referring to paragraph 3.4?

MR FICK: Paragraph 3.4.

COURT: Well then say 3.4.

MR FICK: As the Court pleases. -- I cannot remember who did but somebody from the floor did it.

You cannot say whether it was UDF Border who came up with the ... -- No I cannot remember who brought it up. Somebody from the floor raised it because I was up there on the stage.

Now can you turn to EXHIBIT C.102. It is in Volume 6. (30)

Volume/....

Volume 6, C.102. -- I have got it.

COURT: We do not seem to have it.

MR FICK: C.102. C.102 is the report of the National General Council meeting 1985. Now the secretarial report, page 7 of the secretarial report, it is approximately the fourteenth page from the front. -- Yes.

Did you assist in the drafting of the secretarial report?

-- Yes I did.

Now the very last, the second last paragraph on page 7 of the secretarial report. -- Yes. (10)

What are the State's objectives in bringing up charges of treason against the UDF leadership, and then the paragraph 6, no. 6, the very last sentence on the page:

"To force those on trial to reject the ANC."

-- Yes.

Now what did you mean with that? -- What we meant by this is that ever since the UDF was launched there had been allegations and allegations that the UDF is a friend of the African National Congress. In spite of our denials this was maintained. Our impression was, and the point which we are making here (20) is that it is just one more effort you know to force the people, instead of people talking about apartheid and complaining about apartheid that now they must go and talk about the African National Congress, that is what we wanted to express there.

Now why were you concerned about the fact that you would be asked to reject the ANC if you are not connected in any way with the ANC? -- No, not it is not a question of concern. We are analysing this, why this thing is being done. This is just a question of analysis. WE had, each time you see apartheid is causing us problems, no then it is the ANC. So that now (30)

we/....

we must not talk about apartheid, we must talk about the ANC. This is the point, the point which we are making here is a simple analytical point that the government and its spokesmen have constantly, when we say we do not want the Black Local Authorities they are not solving the problems of the people and so on they say no it is the ANC. Then we must spend every month and every week we must say we are not the friend of the ANC, we are not the friend of the ANC. Now we do not have time to talk about apartheid, which is the actual problem, and that is all we want to communicate there. (10)

COURT ADJOURNS FOR TEA. COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota I put it to you that the addition of paragraph 3.4 to the Working Principles as set out in EXHIBIT A.1, page 8, was suggested by the UDF Border? -- There was no UDF Border at the time of the national launch. So ...

Well a delegation, let me rephrase it, it was suggested by a delegation from the Border? -- Some individual moved it and I cannot recall, I do not know where he came from. (20)

Now will you have a look at EXHIBIT AM.13. It is in Volume 1. It is a United Democratic Front, Border, Report submitted to UDF Special Conference, Port Elizabeth, December 17 and 18 of 1983.

COURT: What was admitted in respect of this document?

MR FICK: It was found in the offices of UDF, Khotso House, Johannesburg. -- I may just say that this report was not submitted to ..(fault on tape) ... that was submitted by the Regions there. So it may have been written with the intention to submit it there but it was never submitted there. (30)

C.963

Can/...

Can you explain how it ended up in the UDF offices in Johannesburg? -- I do not know, they may have posted it there maybe or so but what I am saying and what I want to say is that this was not presented to the PE conference. The first time I myself saw this document was here in the court.

Now will you turn to page no. 2. -- Yes.

The last three paragraphs it is stated, on page 2 the last three paragraphs:

"All the organisations which then attended the meeting of August 16 affirmed their commitment to UDF and (10) processes were set into motion to launch UDF Border. The meeting attended by accredited delegates adopted a resolution that a contingent from the Border area should attend the national UDF launch at Cape Town. A deputation of 15 was elected to represent the area at the Cape Town launch. The meeting adopted the following resolution:

Resolution 1/83 - That UDF shall not assume the role of accredited people's liberation movements."

-- Yes. That may be so. I did not know about this. As I (20) say there was no, as far as I know there was no UDF Border at the time of the national launch.

COURT: Well they say that on 16 August there was a meeting and the process was set in motion to launch the UDF Border. That meeting also decided upon a delegation to the national launch. -- Yes, we know for a fact that the UDF Border launch, Border was launched some time after the national launch of the UDF.

Well can you say that the process was set in motion after the launch of the UDF, national? -- No, no, I cannot contest (30) what/....

what is said here. All I can, what I am saying to the Court only is that as far as I know it was launched after the national launch of the UDF.

MR BIZOS: Your Lordship will see that the same document sets out when UDF Border was, 15 October.

COURT: Yes.

MR FICK: Now on page 3, the second paragraph, there is, we find the following:

"At the meeting of August 23 a resolution, Resolution 3 of 1983, was adopted to establish an interim committee(10) which would arrange for a formal launch of UDF Border. The interim committee was further mandated to approach those organisations which had up until then not affiliated to the UDF."

-- Yes but this is now August 23, it is after the launch of the UDF.

Now from page 2, the paragraphs I have read to you, it seems to me that the draft of the Working Principles were sent out to the different organisations before the launch? -- Well I was not handling this but to the best of my knowledge, (20) no I am not aware that they were sent out to anybody because in fact, as will be seen from V.26, the copies were handed out there as I was reading the Working Principles to the people. But since I was not handling it before the launch I do not know if anything of that nature would have happened. My experience is otherwise, however. It conflicts with this.

Mr Lekota just one last aspect. -- Yes.

The, you referred during cross-examination to a book "From Protest to Challenge". -- Yes.

Written by I think Kerris? -- Kerris and Carter. (30)

Carter/....

Carter and Gerard, is that correct? -- Karis and Carter, those are two surnames. K-a-r-i-s, and Carter is C-a-r-t-e-r.

Is there not the third name Gerard? -- I do not know about the third name. I know that it is Karis and Carter.

And have you written the four volumes? -- Have I?

Have you read the four volumes? -- No I have not read the four volumes.

Have you read any volumes of these books? -- I had one volume but it was taken by the police.

Which volume did you have? -- I cannot remember what (10) number it is but it is in Kroonstad with the police anyway, they have got it there.

Is that the one dealing with the period 1950 to 1960? -- No, I think it deals more with biographics. The small one, it is one of the small ones. I had not of course even, I think I might have read about ten pages of it and then the police took it and I have been trying to get it back and you know, you know Mr Haysteck, he has been promising to bring it and he does not bring it.

COURT: Maybe he is still reading it. -- That may be. (20)

MR FICK: Is it the one containing biographies of people? -- I think so, I cannot remember well. I think it contains biographies of various people.

I have no further questions.

RE-EXAMINATION BY MR MARCUS: Mr Lekota your cross-examination commenced on 14 September with certain questions concerning the million signature campaign.

COURT: I thought it was before the 14th of September.

MR MARCUS: It feels like it My Lord. But I think it was the 14th. (30)

COURT: / . . . .

COURT: Yes very well.

MR MARCUS: And it was, certain questions were directed at casting doubt on the reasons for the failure of that campaign. I would like to show you two cuttings in which you are quoted concerning the million signature campaign. The first one appears in the Rand Daily Mail of 1 May 1984. I will just read the first column, it states the following:

"The United Democratic Front has collected about 130 000 signatures in their 'Million Signature Campaign', but believes that harrassment and intimidation are harming (10) the campaign.

The UDF Publicity secretary, Mr Patric 'Terror' Lekota, said yesterday that the figure had topped 130 000 during a major blitz on Saturday.

In Johannesburg about 4 500 signatures were collected in the city centre on Saturday morning.

Similar drives took place simultaneously in other centres.

The UDF said members were harrassed and assaulted in Johannesburg while collecting signatures. (20)

These included Ms Kate Phillip, president of the National Union of South African Students and Mr Brendan Barry, Wits SRC President.

Mr Barry was allegedly assaulted and had forms snatched from his hand and torn up.

The blitz attracted a large police presence. 'The State came out in full force to harass us. There were policemen on every street in uniform and in plainclothes', Mr Lekota said.

He said the UDF was satisfied with the progress (30)

of/....

of the campaign in certain areas."

Mr Lekota did you make that statement? -- That is correct.

And is it correctly reflected in this cutting? -- That is so.

My Lord if Your Lordship will receive it?

COURT: It will go in as DA.88.

MR MARCUS: 88.

MNR FICK: Kan die Staat net op hierdie stadium beswaar maak teen hierdie berig Edele. Van die derde paragraaf tot die derde laaste paragraaf van die eerste kolom is met respek (10) niks anders as hoorsê. Dit is nie die getuie wat aangehaal word nie. Die getuie word aangehaal in die tweede paragraaf en blykbaar die tweede laaste paragraaf. Die res is niks anders as hoorsê nie en dit kan met respek nie ingaan as deel van die getuienis. En verder maak die Staat ook beswaar teen die manier wat die herondervraging gedoen word. My Geleerde Vriend kan eers die getuie gevra of hy 'n onderhoud gehad het met die mense op 'n sekere datum en wat het hy gesê en dan dit aan hom wys om te identifiseer. Hierdie is 'n ander manier om verby te kom by 'n leidende vraag. Hy stel die koerant berig (20) aan hom en dan vra hy is dit so.

COURT: Yes Mr Marcus?

MR MARCUS: My Lord there seem to be two objections. The one is that it is ...

COURT: I know what the objections are. What is your answer?

MR MARCUS: Well the answer on the question of hearsay is that it is not tended for proof of the truth of its contents. It is tended for proof of the fact that it was simply published.

COURT: Well but how is that relevant, if it was published?

MR MARCUS: Well the suggestion was in cross-examination (30) that/....

that the witness was not being truthful in his answers concerning the problems relating to the harrassment associated with the million signature campaign and it is simply put on that basis.

COURT: Now what do you say about the leading aspect?

MR MARCUS: I will endeavour to, in respect of other documentation which I intend to put the witness I will try not to lead.

COURT: Yes, we take cognisance of the fact that this is hearsay to a large extent and will ignore that part of it. (10)  
it remains in as DA.88.

MR MARCUS: Mr Lekota do you recall whether you made any other press statements concerning problems associated with the million signature campaign? -- Yes, I do recall that I had occasion to make other press statements detailing particular incidents in which signature forms had been taken from some of our activists. In particular I recall that at some point I issued a press statement indicating that police had in their possession some 9 000 signatures which had been taken from activists in areas like the Cape and so on. (20)

Mr Lekota I would like to show you a cutting which appeared in the Sowetan Sunday Mirror on 24 June 1984. Would you please read this statement? -- Into the record?

No. -- I see, yes. Yes I recall this report and the statement that I referred to for instance about the number of signatures that had been taken from our activists is mentioned in it.

For the sake of the record I would like to read from the bottom of the first paragraph, it says the following:

"Mr Mosiua 'Terror' Lekota, the UDF's publicity (30)  
secretary/....

secretary, said yesterday that it appeared the authorities were deliberately disrupting the campaign because they feared it would succeed.

This week, the police reported having found lists of UDF forms with signatures in the possession of an arrested member of the ANC.

Mr Lekota denied that the UDF had turned over signatures to the ANC, saying the UDF would never use the signatures it collected for any purpose other than that for which the campaign was intended.

Yesterday, Mr Lekota charged that more than 9 000 (10) signatures of the one-million campaign were in the possession of the security police at various centres throughout the country.

Last month, he said, police confiscated more than 100 signed forms each containing 20 names, from the University of the North, Turfloop."

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

MNR FICK: Die Staat maak weer beswaar. Hier is geen basis gelê waarop hierdie inligting deur beskuldigde nr 20 gegee is vir the pers nie. As hy in hoofgetuienis getuig het dan (20) moes hy ten minste 'n basis gelê het en gesê het 'Ek het hierdie inligting, ek het hierdie verslag gekry, dis wat gebeur het. Nou word dit nie gedoen nie, daar word net 'n koerant verslag ingesit en dan word word die Hof gevra om dit te aanvaar dit is wat die ...

HOF: Sou dit nie toelaatbaar wees nie net om aan te toon dat hy wel gekla het?

MNR FICK: Miskien. Soos die Hof behaag.

HOF: Dit word op daardie basis toegelaat. DA.89.

MR MARCUS: Mr Lekota would you please refer to EXHIBIT (30)

DA.34./....

DA.34. Excuse me it is not DA.34, I will pick it up in a moment. It is DA.44. This was a resolution taken by the National Executive Committee of the United Democratic Front on Sunday 1 July 1984 and it was, Mr Molefe gave evidence about this resolution. Were you aware of this resolution Mr Lekota? -- I am aware of the resolution but I was not present I think.

COURT: Pardon, what is your answer? -- I am aware of this resolution but I was not present at the meeting.

MR MARCUS: By that do you mean you were aware that a (10)  
resolution ...

COURT: He says he is aware of the resolution.

MR MARCUS: Were you aware of the resolution at the time? --  
That is correct, yes.

Now Mr Lekota it was put to you that the UDF was established after the call to do so by Mr Tambo on 8 January 1983 and you stated that the UDF was established as a result of a call by Dr Boesak. What I want to know from you is what was the official version of the UDF as reflected in its official documents concerning the formation of the UDF? -- The (20)  
official version of the UDF has always been that the UDF was formed following the call by Dr Allan Boesak in January of 1983. That is why, what I got to know and that is how we have always told everybody.

Could I refer you please to EXHIBIT W.52, which is the UDF Million Signature Campaign Volunteers Handbook. -- Yes.

First of all I think you stated in evidence that this is an official UDF publication, is that in fact the case? -- That is correct.

Would you please turn to page 4, that is page 4, it (30)  
has/....

has been handwritten. -- Yes, yes that is right.

And at the bottom of that page under the heading "A Brief History of the UDF" the first ...

COURT: I am sorry, on the right-hand side?

MR MARCUS: Yes My Lord. At the bottom of that page on the right-hand side under the heading "A Brief History of the UDF" the first date given is 22 January 1983 and it states "Allan Boesak calls for a united front against the government's plans at the Transvaal Anti-SAIC conference". -- That is correct.

And does that reflect the UDF's attitude? -- That is (10) correct.

Similarly could I refer you please to EXHIBIT A.1. -- Yes.

And I think you stated this morning that this was an official UDF publication? -- Yes.

Would you please first turn to page 2. -- Yes.

Under the heading "Introduction", the third paragraph, it states:

"The call for unity and joint action against the government's new divide and rule plans was first made by

Dr Allan Boesak in January 23, 1983 at a conference (20) of the anti-South African Indian Council (Anti-SAIC)."

-- That is correct.

And would you again please look at page 36 ... -- Sorry I may just mention that I think in W.52 it will be seen there it says January 22 but I think the correct date is January 23.

I think it was a printing or typing error, in that other one. Yes, page?

Still remaining with EXHIBIT A.1 would you please turn to page 36. That is the speech of Reverend Frank Chikane. -- Yes.

And approximately fourteen lines from the bottom it (30) is/....

is stated:

"At the anti-SAIC conference people put up a commission to discuss the question of unity to fight against these proposals. I was there when Dr Allan Boesak called for a broad front to oppose these proposals. This broad front therefore agreed on a declaration of principles on which they had to work."

-- That is correct.

Was that stated at the launch of the United Democratic Front? -- That is so. (10)

Would that have been heard by all those who attended? -- All those who attended and also all those who read this document would have known about it.

Finally on this point could I refer you please to EXHIBIT C.54.

COURT: Volume?

MR MARCUS: My Lord it is in volume 4. That document begins on page 77 and I would like to refer Mr Lekota to page 78. He had previously stated in evidence that this was an interview given to the South African Labour Bulletin. The second (20) last paragraph under the heading "How was the UDF Formed", it is stated:

"At the time when the President's Council proposals and the Koornhof Bills were put forward opposition to them was coming from small unco-ordinated organisations. At the anti-SAIC (anti-South African Indian Council) meeting in Johannesburg in January Dr Boesak suggested that a United Democratic Front should be formed."

Does that correctly reflect what you said in that interview?

-- That is so. (30)

With/....

With regard to the anti-SAIC committee you were impliedly criticised for not knowing the members of that committee. By the time of the launch of the United Democratic Front on 20 August 1983 do you know whether the anti-SAIC committee was still in existence? -- To the best of my knowledge it was no longer in existence at that time.

COURT: Why not? Why had it terminated? -- Well as I understood it with the end of that campaign it ended there. Some of the people who were involved in it, like in the Transvaal, revived the Transvaal Indian Congress and then they were in (10) the Transvaal Indian Congress. I think it was ...

Now could I just get clarity then. When there was no Indian Congress in Transvaal or in Natal was there an anti-SAIC committee? And did, from the anti-SAIC committee then, emerge the Natal Indian Congress and the Transvaal Indian Congress? -- No My Lord, the Natal Indian Congress had been revived as early as 1971. But the Transvaal Indian Congress remained dormant, it was not in existence. When I came out of prison at the end of 1982 the Indian people in the Transvaal who were also part of the anti-South African Indian Council, (20) were constituted or part of the South African Indian Council community, therefore part of the anti-SAIC. It seems that at the beginning of 1983 at this meeting where the decision for the formation of the UDF was taken that was actually the end of the anti-South African Indian Council, I think because the government was now abandoning or had decided that it was going to abandon the Indian Council. And so there was no purpose for going on with the Anti-South African Indian Council as I understand it and then in May of that year the Transvaal Indian Congress, in the Transvaal, was revived but in Natal the (30) Natal/....

Natal Indian Congress had already been in existence. I do not know what happened to the other people who were part of that campaign.

When did the plans become known for the South African Indian Council to be formed? -- Much earlier than 1983.

Was that an old thing? -- It had been announced, in fact as I understand it because now I was in jail at that time, there were supposed to be elections for the South African Indian Council and the campaign that began, either in 1980 or 1981 or somewhere there, was a protest against the South (10) African Indian Council and that is how, as I understand it the anti-SAIC was formed.

Now when the President's Council came with their new constitutional proposals was the idea of a South African Indian Council then dropped? -- Yes it was to fall off because now they were going to go into this Tricameral thing.

Yes, thank you.

MR MARCUS: Mr Lekota on a number of occasions you were questioned about the UDF's role in education and there has been mention of the Education Charter Campaign. It was in fact (20) put to you that the call to support the Education Charter was a call for people's power. I am not sure if this has been clarified or not but did the UDF initiate the Education Charter Campaign? -- No, to the best of my knowledge the Education Charter arose from student organisations like AZASO and COSAS. It was not a UDF initiated campaign. It was there in fact before the national launch of the UDF.

Did the UDF support that campaign? -- Yes, in general yes.

Could I refer you to EXHIBIT AB.28. This is a document entitled "Towards an Education Charter". (30)

ASSESSOR (MR KRUGEL):/...

ASSESSOR (MR KRUGEL): Volume? -- Two My Lord.

MR MARCUS: Do you know this document Mr Lekota? -- Yes I know this document.

Does this document reflect the nature of the UDF's interest in the Education Charter Campaign? -- Yes I think so.

COURT: Is this a UDF document? -- As I understand it it was produced by the UDF Transvaal.

MR MARCUS: The document states this, starting from the beginning:

"The time has come when democrats should begin to discuss very seriously the kind of education that is required to replace the present system. We have long been critical of the nature of our education and we have long demanded a system that opens the doors of learning and culture to all. While it is necessary that we continue this task of criticism it is also important that we start to talk about the ways in which education must change in order that the doors of learning and culture will indeed be open to all." (10)

And then the next paragraph: (20)

"The following principles are suggested for discussion as representing what we think might be the basic pre-conditions for the transition to a South Africa where democratic education is guaranteed and the cultural heritage of all our people is respected. We do not see these principles as in any sense the final word on these questions. We realise that they may inadequate in many ways. These inadequacies can only be remedied through discussion, especially in popular organisations."

And then the document lists nine areas of concern, the first(30)  
being/....

being promotion of literacy in urban rural areas, (2) examination and revision of existing courses and methods and the spreading of literacy with the view both to improving their effectivity and extending their scope. (3) Free and compulsory education for all. (4) School feeding programmes to ensure adequate nutrition that will make effective learning possible. (5) Ongoing and progressive education for all adults, especially those who have been denied an adequate education in the past. (6) Scrutiny of existing school, teacher training and university courses and the development (10) of curricula which are aimed at enhancing the participation of all in political and economic and social life, integrating intellectual and technical skills to produce fully developed human beings capable of taking control of their lives in all its aspects, building a progressive national South African culture while eradicating all traces of racism, sexism and elitism. (7) Dissolution of existing racially based departments of education. (8) Reintegration of Bantustan structures into a democratic national system. (9) Development of local decision making bodies which are democratically con- (20) stituted by parents, teachers and students whose participation and responsibility in the creation of new structures and processes should be guaranteed. These would replace all racist and undemocratic bodies. Now His Lordship asked you Mr Lekota what you understood by "relevant education". -- Yes.

Does, do any of the items specified in this list perhaps reflect what you or the UDF understood by "relevant education". -- I think part of the points made here would refer to that. For instance it refers to the question of integrating intellectual and technical skills to produce fully .... (30)

COURT:/.....

COURT: Just give me the number? -- Six. Integreating intellectual and technical skills to produce fully developed human beings capable of taking control of their lives, fully developing the capabilities of people for their role in society. I think in general this was the thinking, this was the direction of thinking that people who were debating the matter were looking at it.

Now the Bantustans referred to here, are these the national states or are they the self governing areas, but not the independent states? -- In the context, as I understand (10) it I would interpret it in the manner in which I said to the Court when I refer to Bantustans I usually understand all of them.

So if that is so then this document goes much wider than the mere education field? -- The point is this that the education that was suggested here was, that was being suggested here would be in keeping, as I understand it, with the policy of the UDF. It would be for everybody, not for a select few.

Yes thank you.

MR MARCUS: Mr Lekota you were questioned about the UDF's (20) interest in Ciskei and My Learned Friend actually put it to you that the UDF had no moral right to speak on behalf of the people in the Ciskei after it became independent. Did the UDF in fact have any affiliates in Ciskei? -- We had quite a lot, yes.

Could you name some of them? -- SAAWU for instance, which was one of our major affiliates, was located there. And then in Mdantsane the Residents Associations and youth groups there were also affiliated to the UDF.

Does that in some respect explain the UDF's interest (30) then/....

then in Ciskei? -- That is so, yes. In fact the greater portion of what is called Border is actually, falls within Ciskei.

Now Mr Lekota you were asked a number of questions, particularly by His Lordship, about the role of the homelands in the envisaged national convention and I suspect His Lordship might have had that in mind with the question that he has just put to you, and you stated to His Lordship that the leaders of the independent homelands had themselves made it clear that they did not regard themselves as separate entities from South Africa? -- That is so. (10)

And you in fact referred to a meeting of homeland leaders in 1983 in which they had apparently made it clear that they were committed to one South Africa. -- That is correct.

You also referred to a statement by President Matanzima, as he then was, and you also referred to Enos Mabuza who had apparently stated that he was also committed to a unitary South Africa? -- That is correct.

I would like in this regard to show you a cutting which appeared in the Rand Daily Mail on 14 July 1983. -- This is the report that I referred to. (20)

My Lord ...

COURT: This will go in as DA.90.

MR MARCUS: The relevant portions of the cutting read as follows:

"In a dramatic switch in attitude President Kaiser Matanzima of Transkei has pledged himself to work ceaselessly for the establishment of a greater South Africa and thus to reintegrate Transkei into South Africa.

President Matanzima was one of six black leaders who signed a declaration of intent after a low-profile (30) meeting/....

meeting near Johannesburg on Monday. He was the only leader from a nominally independent territory to sign the declaration.

His co-signatories were Chief Gatsha Buthelezi of KwaZulu, Dr Cedric Phatudi of Lebowa, Professor Hudson Ntsandwisi of Gazankulu, Mr Kenneth Mopeli of QwaQwa and Mr Enos Mabuza of KaNgwane.

The declaration committed all six leaders to work for the reunification of those whom apartheid divides and for a great South Africa based on nonracialism and (10) democracy."

And going to the top of the third column:

"By signing the declaration President Matanzima appears to have contravened Transkei's 1977 Public Security Act which makes it a treasonable offence to advocate that Transkei form part of another country.

The Act has been a crucial factor in the demise of opposition parties in Transkei, most of which opposed independence but were prevented by it from propagating their policies." (20)

And then the fourth column, second paragraph:

"The new declaration of intent is clearly a response in part to Pretoria's proposed three-chamber parliament from which blacks will be excluded.

The six leaders committed themselves to marshalling all their resources to rejecting the destiny prescribed for us by the white minority and to dismantling its oppressive institutions.

In recognition of the diverse political and constitutional positions in which we have been placed by (30)

the/....

the policies of fragmentation (we shall) transform them into weapons for our liberation and use them in the interest of our common objectives, they said."

Just before we leave this particular cutting Mr Lekota the sort of language used in this declaration, you said from time to time that it comes from a heritage of political rhetoric.

-- Yes.

The sort of thing said here about dismantling oppressive institutions, is that the type of language you were referring to? -- That is so. (10)

And ... -- And also one will see there "transform them into weapons for our liberation and use them in the interests of our common objectives". This is the kind of common language one finds all over.

The second cutting on this topic I would like to refer you to appeared appeared in Citizen on 27 September 1983.

COURT: Are you now again putting the document first to the witness or are you still busy with this aspect?

MR MARCUS: No My Lord you will recall that the witness in answer to the question under cross-examination actually (20) made three points.

COURT: Yes go ahead.

MR MARCUS: And this is the second point of those three points.

-- Yes this is one of the documents, the articles and the incident that I referred to.

If Your Lordship will receive this it will be DA.91.

COURT: Yes it goes in as DA.91.

MR MARCUS: The relevant portions read as follows: The heading is "Blacks should set up own parliament, says Kaizer." The article reads: (30)

"Blacks/....

"Blacks should establish their own federal parliament in defiance of South Africa's attempts at constitutional reform, the President of Transkei, Chief Kaizer Matanzima said yesterday.

President Matanzima, speaking at his palace, told journalists that Blacks should take no interest in the referendum. He said it was intended to test the degree of oppression exercised by the Whites and their 'puppets' - Asians and Coloureds.

'Let the Blacks build their own parliament and (10) (there is a word which is indistinct) in union against the oppression by foreign invaders of their legitimate land', he said.

'The Black people of South Africa should not be under any illusion. They have never been citizens of South Africa and the best category for their classification is that they have always been regarded as the child races by the White people.'

He said the independent status of Transkei, Bophuthatswana, Venda and Ciskei was a mockery of true freedom (20) and that those states 'should join the struggle of all the oppressed Blacks.'

President Matanzima said it was correct to say that leaders like himself, Chief Gatsha Buthelezi and others were rightful leaders of their people.

However they ruled people resident on land occupied by South African Whites.

Unless all the land in such areas was given to its legitimate owners, there would never be a federation or a confederation of Blacks and Whites, he said, and (30)

Blacks/....

Blacks would continue their struggle for liberation.

Mr Chris Heunis, the South African Minister of Constitutional Development, was misleading the world when he said leaders of the independent states had their own parliaments. Theirs were really 'bunga assemblies' under Mr Heunis.

'America should know these facts,' the President continued, 'because if the American Government supports the South African policies of any political party, they are supporting the oppression of Blacks by Whites.' (10)

And then the last paragraph:

"However, he added ..."

COURT: On what basis is this document read to the Court?

This is in September 1927, the witness gave evidence on the meeting of the six leaders on approximately 14 July 1983.

MR MARCUS: No My Lord with respect the witness referred ...

COURT: He did not say that he had read this document.

MR MARCUS: No My Lord the witness stated, if my note correctly reflects this, the basic proposition was that the homeland leaders themselves had stated that they did not regard (20) themselves as separate entities. He stated on 17 September that he had read an article in which President Matanzima had stated that they did not regard the homelands as acceptable and it is put to the witness on that basis. This is a separate, as I understood the witness,...

COURT: Separate subject.

MR MARCUS: .. something separate from the meeting, the declaration of intent referred to in the first ...

COURT: Well was that statement attacked in cross-examination?

If it was not attacked in cross-examination on what basis (30)

do/....

do you place this in re-examination before the Court, plus a lot of other allegations?

MR MARCUS: Your Lordship questioned the witness about the viability of calling for the reintegration of the homelands with regard to the UDF's call for a national convention and I understood the implication of Your Lordship's questions that the UDF was being presumptuous in its suggestion that these independent states would in fact participate in such a venture and the witness' reply was that his understanding was that these, that the heads of states of these territories (10) had in fact indicated a willingness to form part of a greater South Africa.

COURT: Yes, very well.

MR MARCUS: The last cutting in this regard which I wish to place before the witness is the witness' reference to comments made by the Chief Minister, Enos Mabuza of KaNgwane. It is an article which appeared in The Star of 19 March 1986. I made a mistake, it was not The Star it is Business Day, the writing in black just under the headline of "White", the "BD" stands for Business Day. Mr Lekota is this, I do not know if (20) you had an opportunity to scrutinise, is this the article you saw? -- This is the article, yes.

Could I refer then to the first column, five paragraphs from the bottom of the first column, where it says the following:

"He does not hesitate to air his view on homelands. 'The homelands were not created on the basis of a decision by the majority of blacks in this country. Government designed the plan and all we had to do was fit into the plan, be it in pendular or triangular or sectional (30) form."/>

form."

COURT: Where are you reading now Mr Marcus?

MR MARCUS: I am sorry My Lord, it is the first column, it is five paragraphs from the bottom.

COURT: Yes, thank you.

MR MARCUS: "Government designed the plan and all we had to do was fit into the plan, be it in pendular or triangular or sectional form. Blacks didn't decide on it.

If the Indian Council or the Coloured Representative Council could be dismantled, the homelands can also be (10) dismantled. We should look for a new dispensation which would be acceptable to the majority of blacks. Homelands are not'."

-- Yes.

I think if Your Lordship will receive that it ...

COURT: DA.92.

MR MARCUS: Whilst on the topic of the national convention Mr Lekota you referred to the fact that you had addressed a group of academics from Rand Afrikaans University. -- That is correct. (20)

And you also stated that these academics had put forward a plan for constitutional reform? -- That is correct.

And I think you stated that this document was in fact found in your possession, although it does not form an exhibit in this case? -- That is so.

Could I show you a document and ask you if it is the document to which you ...

COURT: How is that relevant? If you want to hand that in? Let us accept they handed him a constitutional reform plan.

MR MARCUS: Yes. It is relevant because again in response (30) to/....

to I think questions from the Learned Assessor, possibly Your Lordship, the witness referred to the constitutional plan in Nigeria as a basis for a transition from an undemocratic regime to a democratic regime and the witness, as I understood his evidence, stated that he was using this as an example of how such a transition could occur without conflict and he referred to it as a model by which he himself had been impressed.

COURT: Not the constitutional reform plan of the academics of RAU? (10)

MR MARCUS: No, no My Lord the academics of RAU refer in their document to the Nigerian model. I understood the witness in his evidence to have made mention of it in the context of having read it in this document.

COURT: Is that correct? -- That is correct My Lord.

Yes. -- The Court may recall that in fact I said at the time when I referred to this I actually mentioned that I was myself intending to present this to my colleagues and suggest that we should study it and see you know whether we could not adopt it because I was impressed by it and my thinking (20) tallied with it.

MR MARCUS: This is a document entitled "VOORLEGGING AAN KABINETSKOMITEE INSAKE STEDELIKE SWART POLITIEKE REGTE". -- That is the right document.

If Your Lordship will receive this it will be DA.93.

COURT: Well are you not referring me to the portion there that is relevant? Do I have to read through the whole of it?

MR MARCUS: No, I am about to do that My Lord. The section dealing with Nigeria I think appears on page 4 under the heading "DIE VOORBEELD VAN NIGERIE". -- Yes. (30)

I/....

I do not know if it is necessary for me to read the entire section into the record.

COURT: No please do not, just give me the page.

MR MARCUS: It appears on pages 4 to 6 of that document. Mr Lekota just while we are with this document could you please turn to page 10 and it gives a list of the Opstellers of this document. -- Yes.

Were these the people whom you addressed? -- They were amongst them, there were more of them but these were also there.

And if you could please just turn to the previous page, (10) that is page 9, just again for the sake of clarity the compilers of this document have suggested some names to, whom they suggest would form a pilot committee for constitutional reform.

COURT: How is that relevant?

MR MARCUS: I simply wanted the witness to ...

COURT: Well I am not interested. The next question?

MR MARCUS: As Your Lordship pleases. Mr Lekota on a number of occasions you have referred to the report of the Eminent Persons Group. -- That is correct. (20)

Concerning their visit to South Africa. -- That is correct.

You referred to it in the context of the attitude of Mandela to violence? -- That is so.

You indicated that the report of the Eminent Persons Group had indicated that he was willing to negotiate? -- That is so.

And you also referred to it in the context of the allegation that the UDF popularised Mandela? -- That is correct.

And I think in fact you stated that the report of the Eminent Persons Group referred to Mandela in glowing terms? (30)

--- That/....

-- That is so.

I would like to show you a chapter from that report, dealing with Mandela.

COURT: Did you read the report at the time? -- Yes I have read it right through. What is meant by the time? At the time when it came out?

Yes. -- Yes I read it right through at the time when it came out.

MR MARCUS: If Your Lordship will receive it My Lord it will be DA.94. Again it is a long chapter. I do not want to (10) unduly burden the record.

MNR FICK: Edele met respek op watter basis word hierdie ingegee? Om die waarheid van die inhoud van die ding te bewys of wat? Te bewys dat hy, Mandela is 'n ware leier. Op watter basis sit My Geleerde Vriend die in, anders is dit hoorsê.

MR MARCUS: My Lord I thought I had established the basis of this. It is put in on a number of bases. It was suggested in one context that the UDF popularised Mandela. My submission is the fact that this document is freely available and (20) circulating and speaks of Mandela in the sort of terms that it does is a relevant factor. Also it is relevant to the witness's state of mind concerning the attitude of the UDF towards the release of Mandela. Your Lordship in fact suggested to the witness that the UDF was campaigning for the release of a violent man and the witness' attitude was that his understanding was different.

COURT: The document goes in as DA.94. You are referring me to which portions?

MR MARCUS: I will try and be as brief as possible. (30)

COURT:/.....

COURT: Well I see that portions of the document have been marked.

MR MARCUS: Yes My Lord.

COURT: Is that what you are interested in?

MR MARCUS: Yes My Lord.

COURT: It is recorded.

MR MARCUS: Thank you My Lord. Now Mr Lekota you were questioned about your understanding both of the word "terrorist" and of the word "political prisoner". -- That is so.

In the latter context you stated that you were aware (10) that the international and domestic community had appealed to the government for clemency for those condemned to death on the basis that their actions had been inspired by the policy of apartheid? -- That is so.

Do you recall whether the, well do you recall in respect of what political offences or in respect of which organisations those condemned belonged which gave rise to these calls for clemency? -- Well since my release that has been in the context of African National Congress guerillas who had been sentenced to death. (20)

Could I show you a cutting ...

ASSESSOR (MR KRUGEL): Mr Marcus then your question refers to the former, not the latter?

MR MARCUS: I beg your pardon?

ASSESSOR (MR KRUGEL): Your question then refers to the former, the terrorists, and not the political prisoners?

MR MARCUS: Yes it, well it relates to both, it relates to both.

ASSESSOR (MR KRUGEL): The calls for clemency?

MR MARCUS: Yes.

ASSESSOR (MR KRUGEL): Well then the ... (30)

COURT:/....

COURT: Do you equate terrorists with political prisoners?

MR MARCUS: No My Lord, I use it by way of introduction simply to elicit the witness' response that he was aware of the fact that those perceived as "terrorists" had been the subject of international calls for clemency. Yes it is in the former.

ASSESSOR (MR KRUGEL): But then in your question your reference to the latter is not correct, it must be the former?

MR MARCUS: The former, that is correct. This is an article which appeared in The Sowetan of 9 June 1983. -- Yes.

Is this the document, the document is headed "Clemency (10) appeals at eleventh hour", is this the appeals for clemency to which you were referring? -- That is so.

The article refers to clemency for condemned ANC guerillas. Just on that point Mr Lekota I see The Sowetan uses the word "guerilla". -- Yes.

And it states in the first column that:

"The President of the South African Catholic Bishops Conference, Archbishop Denis Hurley, released a statement asking for God's mercy to inspire the State President to review his decision. (20)

'When there is a denial of human rights and one side makes rules and the other must conform or suffer the consequences, it is sad to see young people going to the gallows for actions that though in themselves reprehensible, flow from certain stances induced by frustration, humiliations and desperation.

Bearing this in mind, on behalf of the SACBC, I earnestly plead with the State President to grant a reprieve to those three ANC men. This is all the more necessary in this tension-filled month of June, when (30)

people's/....

people's minds are filled with bitter and tragic memories of Swoeto 1976' the Archbishop said."

And then at the bottom of the second column there is a statement by Bishop Desmond Tutu, General Secretary of the South African Council of Churches where he is, where he said the Government would be credited a lot if it were to commute the death sentence and he is quoted as saying:

"We have to point out that in many ways the odds are stacked against the blacks in this country. The laws are in the first place not made by us and even without (10) questioning the integrity of court officials who deal with such matters, it has been pointed out that a white man cannot jump out of his skin when trying a black man.

The value systems he upholds are those of the community from which he comes and for a country like South Africa, it would take a very exceptional situation for a person in that position not to yield to all subtle pressures of his community, he said"

Is that what you were referring to when you were talking about the calls for clemency? -- That is so. (20)

If Your Lordship will receive that it will be DA.95. The second cutting to which I wish to refer in this context gives the response of the international community and it appears in the Rand Daily Mail of 10 June 1983, that is the next day.

-- Yes that is so.

Have you seen this cutting before Mr Lekota? -- That is so My Lord.

Is this what you had in mind when you spoke about the pleas for clemency from the international community? -- That is so, and others also, from other papers as well. (30)

If/....

If Your Lordship will receive it it will be DA. 96. It is not necessary for me to read this into the record save to point out simply to Your Lordship that it reflects pleas for clemency, alternatively condemnation from the security council, the Dutch government, the European Parliament, the West German Foreign Minister, the Belgian Foreign Minister, the President of Italy, the Swedish government, a spokesman for the French Foreign Ministry, an Indian government spokesman, the ANC, a report in the Soviet news agency and a message from the United States government. (10)

COURT: But now who were the three? Where is it stated?

MR MARCUS: Their names are not given in either article I do not think.

COURT: What is all this about?

MR MARCUS: It is in the context of the witness' ...

COURT: Yes but now who are we referring to?

MR MARCUS: The first article in The Sowetan simply makes it clear that they were three ANC men who were condemned to death.

I think that appears at the first paragraph of the second article as well although their names are not specifically (20) given. -- If I recall amongst these three there was one man, Mosolodi I think was one of them.

COURT: Motaung? -- Mogoerane I think.

Mogoerane. -- Maybe Motaung or Lubisi, somewhere there, some of those names.

Yes.

MR MARCUS: Mr Lekota you were questioned about the UDF's attitude to the proposed Black Forum. -- That is so.

And I think you stated in evidence that you did not regard this as a step in the right direction. -- That is so. (30)

COURT: /....

COURT: I am sorry, what black forum are we referring to?

MR MARCUS: This was the Black Forum which was announced early in 1985 by the State President.

COURT: Was it called the Black Forum? -- I recall that it was that.

Forum? -- Black Forum, yes.

MR MARCUS: You also stated that Chief Buthelezi and others had all rejected it, I think you said, I am not sure ...

-- That is so

That only Mr Steve Kgame had indicated an acceptance. (10)

-- Yes.

Now did you make a statement to the press indicating the UDF's attitude to the proposed Black Forum? -- Yes I think I did.

You are quoted in the Star of 26 January 1985, in the fourth paragraph, the copy is smudged but I think the word that is smudged is the word "governing". -- Yes. That is correct.

Did you make that statement? -- Yes I did.

The statement reads: (20)

"Mr Patrick 'Terror' Lekota, the UDF publicity secretary, said the only, said that only the participation of all of South Africa's people in governing the country would bring peace to the country."

-- That is correct.

Am I correctly reading the smudged words? -- That is correct, yes.

My Lord if Your Lordship will receive this it will be DA.97. Now in this same cutting there is a statement of the attitude of Chief Buthelezi in the first paragraph. Is that (30)  
what/....

what you were referring to? -- That is correct.

It reads:

"Co-operation with the idea of the 'so-called' forum suggested by the State President, Mr P.W. Botha, to discuss the issue of black citizenship, would be like 'co-operating in our own political suicide' Chief Gatsha Buthelezi of KwaZulu said in Ulundi yesterday."

-- Indeed, that is what he said.

You also mentioned in this context that others had, apart from Chief Buthelezi, had stated their rejection of (10) the proposed forum. Do you recall who else stated their rejection of it? -- I think in the course of my evidence I mentioned NAFCOC. I cannot recall specifically now whether Chief Mabuza was also not involved in it. And some of these other bantustan leaders also did comment on it.

I have got a second cutting dealing with Chief Buthelezi's attitude, and others. If I could show it to you. It appeared in The Star on 11 December 1984. -- Yes I remember this. I can recall the Reverend Sam Buti yes. He was at the time the Chairman of the Alexandra Council. (20)

It is the Alexandra Community Council? -- Yes.

Is that an ordinary Community Council that is established under the Black Local Authorities Act? -- As I understand it, yes.

Would you regard ...

COURT: Was it a Community Council or a Town Council? -- I think it was a Town Council at that time.

MR MARCUS: Would you regard the Reverend Sam Buti as to the right or to the left of the UDF? -- Well at this point in time he was really to the right of the UDF. (30)

COURT:/.....

COURT: He is now to the left of the UDF. -- Well I think he may be more or less with our position, with the UDF. He is one of those people who very unfortunately went into the structures of the government and lost a lot of his credibility. As I came to learn later he abandoned those structures.

MR MARCUS: If Your Lordship will receive this it will be DA.98.

COURT: Was his house not burnt down? -- All those things, yes it was.

MR MARCUS: The relevant portion, starting from the bottom (10) of the first column after a reference to the boycott by Chief Buthelezi it is stated:

"That left leaders in the black political centre - men such as Mr Buti - to give the committee and any proposals it might make, some credibility. Now the only ..."

COURT: I am sorry I am not with you. Where are you referring to?

MR MARCUS: The very last paragraph of the first column.

COURT: Yes, I have got that.

MR MARCUS: Now it says: (20)

"Men such as Mr Buti - to give the committee and any proposals it might make, some credibility. Now the only people likely to talk to Mr Heunis's committee are black local authority councillors whose credibility is at an all-time low."

It goes on to say:

"It all adds up to a Cabinet committee with no one to talk to and leaves a vital aspect of the Government's reform plans floundering."

Then it quotes Mr Buti as saying the following: (30)

"The/...."

"The participation by blacks in discussion concerning the constitutional plan for urban blacks will be a definite betrayal of established struggles by those men and women who have been banished, exiled or even imprisoned by the South African racist regime, Mr Buti said in his statement.

He added that history had proved that very little ever came out of such committees and reiterated that the African National Congress, the Pan Africanist Congress and various banned Black Consciousness organisations be unbanned." (10)

-- Yes. I may just mention, well with the permission of the Court I may just mention that there where he talks about the question of betrayal, concerning the constitutional plan for urban blacks the objection really there was that when, at the time that this thing was suggested it was suggested that it would be amongst other things only for urban blacks and millions of our people who are in the so-called homelands were, would be left out and our objection being that all of the people of our country belong here and we were not prepared to abandon those of our people who are not in the urban areas (20) simply because they are not in the urban areas, to agree that they are not part of South Africa, and that is why that refers to them. I remember that that was one of the objections to this forum thing.

COURT ADJOURNS UNTIL 14h00.

C.964

COURT RESUMES AT 14h00.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

MR TIP: My Lord before My Learned Friend Mr Marcus proceeds with the re-examination may I approach Your Lordship in respect of an application for amendment of bail conditions (30)

in/....

in respect of two of the accused. The first relates to accused no. 6, Mr Mokoena, and pursuant to the provisions of paragraph 2 of the conditions of bail the written consent of the investigating officer has been obtained in respect of a visit to the Vaal for 10 and 11 October 1987. If Your Lordship would consent.

(10)

(20)

(30)

ORDER/.....

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO. CC.482/85PRETORIA

1987-10-06

THE STATE

versus

PATRICK MABUYA BALEKA & 21 OTHERS

(10)

---

O R D E R

VAN DIJKHORST, J: In respect of accused no. 6, Morake Petrus Mokoena, the following amendment is brought about to his bail conditions. He is granted permission to visit the Vaal for the period 10 and 11 October 1987 subject to the following conditions:

1. He reports at Hillbrow Police Station between 06h00 and 09h00 on 10 October 1987, immediately before leaving for the Vaal. (20)
2. He reports at Sebokeng Police Station immediately on arrival in the Vaal and thereafter between 18h00 and 21h00 on 10 October 1987, between 06h00 and 09h00 on 11 October 1987 and again immediately before his departure from the Vaal on the same day.
3. He reports at Hillbrow Police Station as usual between 18h00 and 21h00 on 11 October 1987.
4. During his visit to the Vaal he limits his movements to stand 262/1 Heath Road, Evaton, the Evaton Cemetery and his reports to the Sebokeng Police Station. (30)

5./.....

5. He does not enter the residential areas of Boiphatong, Bophelong and Sharpeville during the abovementioned period.
6. All other conditions of bail stand and are strictly to be adhered to.

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MR TIP: As Your Lordship pleases. The second application concerns accused no. 3, the Reverend Moselane. The application is for leave for him to go to Kimberley during the period 23 to 25 October and the purpose of that visit is for the accused no. 3 to be able to perform certain rites concerned with death in the family which he has unfortunately suffered there. He is the eldest son and these are traditional customs which if Your Lordship consents need to be performed by him. The matter has been canvassed with the State and conditions have been drawn up with their consent. If Your Lordship (10) would consent.

COURT: What is your attitude Mr Fick?

MR FICK: No objection My Lord.

(20)

(30)

ORDER/ . . . .

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO. CC. 482/85PRETORIA

1987-10-06

THE STATE

versus

PATRICK MABUYA BALEKA & 21 OTHERS

(10)

---

O R D E R

VAN DIJKHORTS, J.: The following order is made in respect of accused no. 3, Tebogo Geoffrey Moselane, he is granted permission to visit Kimberley during the period 23 to 25 October 1987, subject to the following conditions:

1. He reports at Hillbrow Police Station between 06h00 and 09h00 on 23 October 1987 immediately before leaving for Kimberley.
2. He reports at Kalashewe Police Station immediately on (20) arrival in Kimberley and between 18h00 and 21h00 on 23 October, 1987, between 06h00 and 09h00 and between 18h00 and 21h00 on 24 October 1987, between 06h00 and 09h00 and immediately before his departure from Kimberley on 25 October 1987.
3. He reports at Hillbrow Police Station between 18h00 and 23h00 on 25 October 1987.
4. During his visit to Kimberley he limits his movements to 118 Korana Street, 7 Mafungu Street, the home of Galpalelwe Moselane, the cemetery at Vergenoeg in (30)

Kalashewe/....

Kalashewe, the St. James Anglican Church and his reports to the Kalashewe Police Station.

5. All other conditions of bail stand and are to be strictly adhered to.

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FURTHER RE-EXAMINATION BY MR MARCUS: Mr Lekota I want to clarify certain issues arising out of the incident with I.C.17 and the interview between Bishop Tutu, yourself, accused no. 19 and IC.17. One of the issues which has arisen is what IC.17 may have read in the newspapers concerning the UDF and Tumahole. And you stated in evidence under cross-examination that the fact of your arrest in Tumahole had been reported in the press. -- That is correct.

And you also stated that a statement by Bishop Tutu calling for calm in Tumahole had also been published in the (10) press? -- That is correct.

And you also stated that both of these matters had received publication prior to the meeting with IC.17. -- That is correct.

And I think it is common cause that that meeting took place on 19 July 1984. -- That is so.

I would like to show you both these cuttings, firstly the cutting which reports the fact of your arrest. There is a cutting which appeared in The Star on 16 July 1984. The very last paragraph of this cutting refers to your arrest. -- That (20) is correct.

Is this the publicity you were referring to? -- That is correct.

My Lord if Your Lordship will receive it it will be DA.99, and that last paragraph reads:

"The publicity secretary of the United Democratic Front, Mr Terror Lekota, was detained for several hours in Parys last night. Police took 62 documents from him, including copies of a letter from the UDF to the Pope and photocopies of articles from the New York Times, (30)

The/....

The Guardian and The Star."

The other article in this regard in which Bishop Tutu is ...

COURT: Just a moment, have we numbered this?

MR MARCUS: Oh I am sorry My Lord...

COURT: DA.99.

MR MARCUS: The other article in this regard in which Bishop Tutu is reported as calling for calm appears in The Star of 18 July 1984. -- That is correct.

I would like to show that to you. -- Yes this is the article. (10)

COURT: This will go in as DA.100.

MR MARCUS: As Your Lordship pleases. This article carries the heading "Tutu calls for calm but is worried over detainee's death" and it reads as follows:

"Bishop Desmond Tutu, general secretary of the South African Council of Churches, yesterday called for calm in the strife-torn township of Tumahole, near Parys, and commended the South African Police for not using firearms to put down unrest in the area.

But in a statement to Sapa the bishop said the SACC(20) was 'very concerned' about the death of Mr Johannes Bonakele Ngalo (26) who was arrested at Parys on Sunday and found dead in his cell yesterday.

Bishop Tutu's statement said 'We are deeply worried about the disturbances in Parys.

'We note that the police have not used any firearms - for this we want to commmend them. But we are very concerned that someone taken by them into custody has died in detention. Our information is that this man was not involved in the distrubances.' (30)

Unrest/...

Unrest in South Africa was 'endemic' because of the fundamental injustice of the apartheid system he said." Is that the call for calm to which you referred? -- Yes, in fact, yes that is the one, the last paragraph there he also says the same thing.

The reference in this article to the death of Mr Johannes Ngalo, was that the person whom you saw during your brief detention in Parys? -- That is correct.

In that regard My Learned Friend for the State has drawn attention to certain discrepancies between the evidence(10) you gave in this court and the matters deposed to in an affidavit by you for the inquest into the death of Mr Ngalo. -- That is so.

What was the purpose for which you made the affidavit? -- The affidavit was made for the police for purposes of what I had specifically seen in the police station.

Were the police concerned about the route that you had taken which brought you to Tumahole? -- No.

COURT: Who drafted that affidavit? -- I made the affidavit to, and it was drafted by one of the lawyers of Priscilla Jana (20) & Associates. It is the firm of attorneys.

MR MARCUS: Could you please refer to EXHIBIT T.9. On page 6 of that document, next to paragraph number 3 there is a heading "Botha's Crusade". -- That is correct.

About which you were questioned by My Learned Friend. -- That is so.

And you stated that this concerned President Botha's visit abroad and you also mentioned that the UDF had made its attitude known inter alia by the publication of a letter in The Guardian. -- That is correct. (30)

There/....

There is reference in Exhibit DA.99, to which we have just referred, concerning your arrest and it is stated that you were found in possession of certain cuttings from amongst other things The Guardian. -- Yes.

I want to show you a letter which was published in The Guardian on 10 June 1984 and which carries your name and the name of Mr Molefe. -- This is the letter I was referring to.

If Your Lordship will receive it it will be EXHIBIT DA.101. And this letter was compiled then by you and Mr Molefe? -- Yes. (10)

And does it reflect the UDF's attitude to the President's visit abroad? -- Yes, to the best of my knowledge yes.

Right. On a number of occasions ...

COURT: Just a moment. Yes thank you.

MR MARCUS: Mr Lekota on a number of occasions under your cross-examination you referred to the call made in 1943 by the late Advocate Ben Keyes(?). -- That is correct.

Which you actually described as a very celebrated call. -- That is correct.

You have referred to it on more than one occasion but (20) the context in which I want to put it to you is that ...

COURT: Will you spell Kies for the record.

MR MARCUS: Yes My Lord, it is K-i-e-s.

COURT: That is not how you pronounced it.

MR MARCUS: I am sorry My Lord. It was, you referred to it in the context of cross-examination concerning the UDF's call for unity and united action. -- That is correct.

I have a copy of that speech which I want to show to you.

COURT: Now which portions are relevant?

MR MARCUS: The relevant portions appear from the second (30) last/....

last paragraph on page 12, into the second paragraph on page 13.

COURT: The second paragraph of 13?

MR MARCUS: Yes. Is it necessary for me to read that into the record?

COURT: Are you ever going to refer to it again?

MR MARCUS: It is significant because you will see that the author actually makes a call for a united front, so perhaps I should just read that in.

COURT: Just read me that sentence. (10)

MR MARCUS: Beginning with the second last paragraph on page 12 the author says the following:

"We must take the road of unity. We must unite the struggles of oppressed Africans, oppressed Coloured, oppressed Indian, into the unified struggle of the oppressed non-European. We must build up a real and militant United Front of the People."

And the author goes on to flesh out what he envisages by that united front.

COURT: This will go in as EXHIBIT DA.102. (20)

MR MARCUS: Mr Lekota His Lordship expressed an interest in the differences between the unity movement ten point programme and the Freedom Charter. -- Yes.

We have obtained a copy of the ten point programme and perhaps His Lordship will receive it in order to clarify those differences that you spoke of. May I show you that? -- Yes. This is, that is the text of the ten points programme.

COURT: The right-hand side, the ten points? -- The ten points that are made there.

Thank you. -- There is a lengthy preamble there. And (30)

I/....

I think at page 2 it will be seen that they attempt to define some of the concepts which they employ there. I may also say that this ten point programme, I think when I was talking to the Court I mentioned that in the appendix to the ten point programme each one of these clauses is slightly expanded in an attempt to explain it some more but that I do not think appears in this thing here. Nevertheless that is the ten point programme.

Thank you.

MR MARCUS: My Lord if Your Lordship receives it I think it (10) is DA.103.

COURT: DA.103, yes.

MR MARCUS: Mr Lekota you were cross-examined about the statement by Mr Mandela which was read out at a UDF gathering which commemorated Bishop Tutu's Nobel Prize in which Mr Mandela conditionally refused the State President's offer of freedom and it was put to you that the UDF went out of its way to popularise this statement and your reply was that the statement actually received more publicity from the English and Afrikaans Press than the UDF could have hoped to have given (20) it. -- That is correct.

Do you recall whether the statement was published in full in any newspapers? -- I think The Star had a full text. And some of the other papers, I cannot remember exactly the others. But even some of the international papers also did have full texts of that.

COURT: Now where did they get the text, from you? -- At the meeting when ...

At the meeting it was distributed? -- It was not distributed but a family member read it and I think afterwards (30)

some/....

some of them obtained a copy from there, some of them maybe obtained a copy from our office later on.

MR MARCUS: Did the matter receive prominence in any Afrikaans newspapers that you can recall? -- I cannot remember which of the Afrikaans newspapers had, Beeld I think had an extensive coverage of that.

Were the press invited to this gathering? -- Oh yes, it was a public affair that we announced the newspapers to, everybody was welcome.

And Mr Lekota I would like to show you a copy of The (10)  
Star of February 11, 1985, which ...

COURT: Well was it attacked that it was widely published?

MR MARCUS: It was put to Mr Lekota that the UDF went out of its way to popularise this and we submit that the fact ...

COURT: Well the UDF published it and it distributed it and they arranged the meeting. The evidence is that others also published it.

MR MARCUS: Yes My Lord.

COURT: Now what more?

MR MARCUS: We submit that the fact that it received such (20)  
prominence in the national press is a significant factor regarding the, well it puts into perspective the allegation of popularisation and if we are to be held responsible, criminally responsible in some way for doing this.

COURT: You know you have put in a lot of newspapers and I have let you put in a lot of newspapers. I have had all along some doubts as to whether this particular witness could have read it all. Do you think he read all those papers?

MR MARCUS: Well I will, Mr Lekota as publicity secretary did you monitor the media? -- Quite definitely, yes. (30)

Did/....

Did you read newspapers on a daily basis? -- That is so.

Did you read English and Afrikaans newspapers? -- That is correct.

What sort of newspapers would you read on a daily basis? -- For instance such papers as The Star, I would read the morning paper and definitely afternoon papers as well, because I have to keep track both of developments, political developments generally but in particular those that might affect the United Democratic Front itself, and in events like this kind of event where we were involved it would be very important (10) for me to follow up the reports about that because some of the things may not have been properly reported by the papers and if we need to correct them then I have to see to it that that is done. Elsewhere our Regional Publicity Secretaries would do a similar type of job and from time to time if there were any issues that they felt they could not handle they would refer them back to us at the office.

My Lord on that basis I would ask Your Lordship to receive some of the cuttings in respect of this gathering. I would like to put to the witness ... (20)

COURT: Those that he can remember, yes.

MR MARCUS: Yes, I would like to put to the witness the ...

COURT: Well ask him which he remembers?

MR MARCUS: Yes, well he has mentioned already The Star.

COURT: You have had The Star.

MR MARCUS: And Beeld. -- Yes.

I would like to put to him The Star. I should mention that in an attempt not to reduce the size of the print we have resorted to the measure of copying this over a number of pages.

COURT: Thank you, this is better. What is the date of The (30)  
Star?/....

Star?

MR MARCUS: It is February 11, 1985. If Your Lordship will receive it it will be DA.104.

COURT: It goes in as DA.104.

MR MARCUS: While you have got that document Mr Lekota there is a photograph on the one side there is a photograph of Bishop Tutu and on the right-hand side there is a photograph of the gathering and there appears to be a banner there? -- That is correct.

And that banner reads "Our struggle for liberation is a (10) struggle for peace". -- That is correct.

Did that banner appear at the Rally? -- That is the banner that I said was, formed the background to the stage and all the people who were there would have been sitting facing it.

Can you give His Lordship any idea of the dimensions of that banner? -- It is the biggest banner that the UDF ever made. I think it would stretch from about this pillar, this is now the two extreme pillars and about the height of from just below the lamp to the floor. Just from above the lamp there coming down to the floor. That is from this second, (20) the wall behind this pillar to the other one. It would be about that stretch. Quite a big one.

COURT: Ten metres.

MR MARCUS: I beg your pardon My Lord?

COURT: Ten metres.

MR MARCUS: That would be my estimate.

COURT: And the height three metres. -- From about there.

MR MARCUS: And the other cutting to which you referred was Beeld. Could I show you the copy of Beeld of 11 February 1985. -- Yes. Yes this is the report I referred to. I (30)

recall/....

recall that he did actually say "nee menere, nee vir P.W."

COURT: This goes in as DA.105.

MR MARCUS: Mr Lekota you were questioned about EXHIBIT AB.40.

My Lord I do not think it is necessary for Your Lordship to have the exhibit. There is a, that is a June 16 leaflet and there is a photograph and next to the photograph there is a caption which says "The blood of our martyrs will water the tree of liberation". -- Yes.

And it was put to you by My Learned Friend that this was said by Solomon Mahlangu. -- That is so. (10)

And your answer was you did not know that but you thought it was probably said by one of the historical figures. -- That is correct.

Mr Lekota do you recall what history text book you used in Matric? -- Both Fowler and Smith and Boyce.

Did you as part of your syllabus in either Standard 9 or Standard 10 study the unification of Italy? -- That is correct.

Is this the book by Boyce to which you have referred?  
-- Yes that is correct. That is so.

It is entitled "Europe and South Africa, 1815 to 1939". (20)  
-- That is correct.

COURT: Are you going to hand in the history book as well?

MR MARCUS: No My Lord I am just going to hand in ...

COURT: Or are you merely going to hand in a photostat of it?

MR MARCUS: Of the relevant page.

COURT: Yes.

MR MARCUS: Could I refer you Mr Lekota to page 128 and 129.  
Mr Lekota this is the chapter beginning with the unification of Italy. - Yes.

It deals with the efforts of Giuseppe Mazzini, I will (30)  
spell/....

spell that for the record, G-i-u-s-e-p-p-e, Mazzini,  
M-a-z-z-i-n-i. -- Yes.

To unify Italy. -- That is correct.

And on page 129, well in the second paragraph approximately  
six lines from the end he says:

"He taught his folloers not to fear death. 'The tree of  
liberty' he wrote, 'grows stronger when waterered with  
the blood of martyrs.'"

-- Yes that is right.

Was that possibly ... -- Yes those are Mazzini's words, (10)  
that is correct.

... the historical figure that you might have had in  
mind? -- Yes, I remember now.

If Your Lordship will receive it it will be DA.106.

COURT: Page 128 and 129 of the book of A.N. Boyce, "Europe and  
South Africa" goes in as EXHIBIT DA. 106.

MR MARCUS: Now Mr Lekota it was put to you that both the UDF  
and the ANC declared 1985 to be the year of youth and I think  
that your answer you said that 1985 had been declared inter-  
national youth year by the United Nations? -- That is correct. (20)

Apart from participation in international youth year  
by affiliates of the United Democratic Front are you aware of  
any other organisations or institutions in South Africa which  
celebrated international youth year? -- Yes, more specifically  
I remember that the government also made announcements that it  
would also launch programmes of its own and also as far as I  
know the government of Bophuthatswana also had some programme  
of its own on that youth year. So there were quite a number  
of groupings that took interest in it.

How do you know about the South African government's (30)  
participation/....

participation in this venture? -- At the time when the announcement was made on the part of the government one of the issues that arose was the employment of the United Nations emblem. There was some controversy about that and some of the organisations said that if the government was going to use the emblem of the United Nations for that programme they would not use it so that it must be clear that their programmes are different from that of the government. I recall that there was such a controversy.

Were UDF affiliates involved in that controversy ? -- (10)  
That is also correct.

I would like to show you a cutting which appeared in The Star of 11 March 1985 which deals with that controversy amongst other things. -- I recall this article here.

If Your Lordship will receive it it will be DA.107. It is not necessary for me to read this into the record, it makes mention of the government's participation in international youth year and it also refers to controversy surrounding the use of the United Nations emblem.

Mr Lekota could I refer you please to EXHIBIT C.102. (20)  
COURT: Volume?

MR MARCUS: It is Volume 6 My Lord. Would you please refer to the statement of the UDF National General Council. -- Yes.

To the second page of that statement, the fourth paragraph. -- Yes.

That is a paragraph which has occurred in your cross-examination, it reads as follows:

"Finally we pledge to organise the masses of our people to effectively challenge the apartheid state by frustrating its efforts, preventing its advance, forcing (30)

its/...

its retreat and if possible to cut off all its lines of retreat."

-- That is so.

On one of the occasions on which you were cross-examined on this passage you were cross-examined on the use of the word "enemy". -- That is correct.

And in referring to this particular passage you stated that this was the language of politics and you referred to a similar speech or a speech which you thought was similar made by Professor Z.K. Matthews in 1953 where he referred to, in (10) your words "offensive and rearguard actions". -- That is correct.

Now you have referred to Professor Z.K. Matthews on a number of occasions in your cross-examination. Where would you have read about Professor Z.K. Matthews? -- As I have told the Court I read his autobiography.

COURT: Just a moment now. Where is the word "enemy" used in this paragraph?

MR MARCUS: It is not used in this paragraph but that was the ...

COURT: Well how do you get to "enemy" using this paragraph?(20)

MR MARCUS: That was the context in which it arose.

COURT: Well enemy has been used on lots of other occasions but why pick on this paragraph?

MR MARCUS: In part of the witness' answer to that line of cross-examination he referred to this paragraph and I am simply setting the context in which it arose.

COURT: So you are dealing with the word "enemy" now?

MR MARCUS: No I am dealing with the type of political language which was used in that paragraph.

COURT: Yes.

(30)

MR MARCUS:/.....

MR MARCUS: I am sorry Mr Lekota you said you had read his autobiography? -- Yes, "Freedom for my people". I think I mentioned that earlier on.

The speech which refers to offensive and rearguard actions, would that have appeared in that book? -- Yes it appears in that book.

I would like to refer you to only two pages in that book. Would you please refer to page 176. -- Yes. Yes it appears there.

Is that the speech in the middle of page 176? -- That (10) is correct.

It is apparently a memorandum drafted by Professor Matthews for the Congress of the People and it reads:

"The main task of the Congress will be to draw up a 'Freedom Charter' for all....."

COURT: Just a minute now. What do we have before us here? Where is the rest of this article?

MR MARCUS: It is an extract from a book. I have copied for Your Lordship from page 175 simply to set in context what appears on page 176. The speech referred to by the witness (20) appears slightly indented on page 176, it is the second paragraph on page 176.

COURT: But now that speech was whose speech?

MR MARCUS: Professor Matthews' speech.

COURT: But who is speaking here? Who is the writer here?

MR MARCUS: The writer is Professor Matthews.

COURT: Also Professor Matthews? -- That is correct.

Is he referring to his own speech?

MR MARCUS: Yes My Lord. -- In fact as I see it there he is quoting this memorandum he had prepared. He says there, if (30) we/....

we look at the top of page 176 he says:

"In the raid carried out at my home in September 1955 the police had, among other things, seized copies of this memorandum as well as copies of the suggested drafts which had been sent to me by various individuals."

So then he quotes, this is a quotation from the memorandum.

The memorandum reads, the quote from the memorandum reads:

"The main task of the Congress will be to draw up a 'Freedom Charter' for all peoples and groups in South (10) Africa. From such a Congress ought to come a Declaration which will inspire all the peoples of South Africa with fresh hope for the future, which will turn the minds of the people away from the sterile and negative struggles of the past and the present to a positive programme of freedom in our lifetime. Such a Charter properly conceived as a mirror of the future South African Society can galvanise the people of South Africa into action and make them go over onto the offensive against the reactionary forces at work in this country, instead of being (20) perpetually on the defensive, fighting rearguard actions all the time."

And then the author comments about that, that the reference to "action" and going over onto the "offensive" and "fighting rearguard actions" all the time were apparently regarded as reference to proposed violent action of a military nature directed against the safety and independence of the State. "The only explanation I can find for this alarm over such innocent metaphorical expression is that owing to our bilingualism in South Africa we are becoming less and less able to follow (30)

idiomatic/....

idiomatic English usage." -- Yes.

Just on that point Mr Lekota from time to time you have stated that this is ...

COURT: Well let us put this in first. DA.108.

MR MARCUS: It will be DA.108.

COURT: Are you putting this before the Court as a lexicon to help the Court to interpret phrases before the Court? If so thank you very much.

ASSESSOR (MR KRUGEL): When was this book published? -- First published 1981. (10)

1981? -- 1981.

COURT: Well is Professor Matthews still alive then? Is he still alive? -- No he has passed away.

When did he pass away, in 1968? -- Around there or so.

Now why is it called an autobiography? -- It was published posthumously. If, it will be seen here that it says, the title actually of the book is "Freedom For My People, The autobiography of Z.K. Matthews: Southern Africa 1901 to 1968" but he had prepared the work, he had written the work long before. It was only prepared for publication after- (20) wards.

ASSESSOR (MR KRUGEL): This paragraph that we have been referred to Mr Lekota refers to the period round about September 1955. -- No, if we, well maybe I should just refer the Court to page, because I have got the full book here, at page 170 ...

COURT: But that memorandum was prepared for the Congress of the People so it must have been prepared in 1955? -- No it was earlier than that on the facts of the book because in March 1954 a decision, it says a decision was taken, it was (30)

decided/....

decided that steps should be taken to give effect to the resolution regarding the Congress of the People by inviting the National Executives of these other congresses, he cites all of them:

"After I returned home I received a letter from the President General, Chief A.J. Luthuli, asking me to prepare a memorandum on the idea of the Congress of the people to be placed before the meeting of the National Executives of the organisations to be invited by the African National Congress to consider the idea of the Congress of the People." (10)

So it is some time in 1954. The meeting was in March, shortly after that meeting he received this letter and then he says:

"As the person who had mooted this idea I agreed to put down a few thoughts about it on paper as a basis for discussion. In the meantime this idea had captivated the minds of a number of the members of our organisation and people who had any suggestions on the subject forwarded them to me as the prime mover of the idea."

I jump the other, then he says: (20)

"Here again when I drafted this statement I regarded it as a perfectly innocent document and did not realise that it would later figure so prominently in the treason trial."

So at least it was drafted in 1954.

MR MARCUS: Mr Lekota you were questioned about the patrons of the UDF. -- That is correct.

And you stated that on many occasions those patrons who were active, like Bishop Tutu and Dr Boesak, had made statements to the effect that the UDF was committed to non- (30)  
violence?/....

violence? -- That is correct.

In your evidence you said this was done on many occasions. Did you try and follow or keep cuttings of the occasions on which this was done? -- That is so. On occasion our patrons themselves were accused of being violent and then they responded to this. On occasion there were incidents which involved violence, such as the Parys incident, where they would call for instance for calm or they would just call for people to avoid violence and similar incidents.

Dealing with one of those occasions where a patron was (10) accused of violence I want to show you a cutting which quotes Dr Boesak at a public meeting and which appears in the Cape Times of 27 July 1984. -- Yes. I remember this incident. Yes I remember this incident. In fact this was at the time when we were moving towards the elections in 1984. Accusations of this nature were quite common.

The headline of the article says "Boesak : Bid to discredit me" and the first column reads as follows:

"Dr Alan Boesak, patron of the United Democratic Front, has accused the authorities and the supporters of apart-(20) heid of conducting a dampaign to discredit him by linking him with acts of violence in the country.

He has challenged them to accuse him of any such links in a court of law.

At an anti-election meeting at the University of the Western Cape yesterday, Dr Boesak said his stand on violence had long been on record. His resistance to the government was based on his commitment to non-violent democracy.

In an interview later, he said stating this view (30) entailed/....

entailed 'sticking his neck out' because people in South Africa increasingly believed violence was the only way of achieving change."

-- Yes.

Is that one such example to which you were referring?

-- That is correct.

If Your Lordship will receive it it will be DA.109.

COURT: DA.109.

MR MARCUS: Just dealing with Dr Boesak for the moment I have shown you one cutting, were there other occasions on which (10) he had made statements of that nature? -- Oh yes there were other occasions.

Turning now to Bishop Tutu I would like to refer you to an article which appeared in The Star of 29 March 1985 in which Bishop Tutu is quoted as having spoken at a meeting in Johannesburg called by the United Democratic Front. -- Yes I recall this.

Do you recall in fact that a meeting was organised at this time by the United Democratic Front? -- That is correct.

And that Bishop Tutu spoke there? -- That is so. (20)

The article has the headline "Tutu warns: Uitenhage burnings harm race struggle" and it reads:

"Nobel Peace Prize winner Bishop Desmond Tutu warned yesterday that the burning of people in Uitenhage in the wake of violence in the townships there last week could discredit the anti-apartheid struggle. He added that he understood the people had acted in anger. The bishop was speaking in Johannesburg at commemoration service called by the United Democratic Front."

And then going a little way down under the heading "Struggle": (30

"but/....

"But we cannot accept that our struggle is assisted by the burning of people. Our cause is too good to be supported by methods which we will not be able to live with."

-- Yes.

And did Bishop Tutu make similar comments on other occasions? -- That is correct.

If Your Lordship will receive it it will be DA.110.

COURT: DA.110.

MR MARCUS: Mr Lekota dealing with the question of the popularity and status of Mr Mandela as a leader, you have referred on more than one occasion in your cross-examination to the fact that polls or surveys conducted have always indicated that is indeed a leader or is regarded as a leader in South Africa? -- That is correct. (10)

One such poll ...

COURT: On what basis do you put that in? That is absolute hearsay.

MR MARCUS: My Lord it is not tendered for the purpose of the truth of the contents, I am not ... (20)

COURT: Well for what purpose is it then tendered?

MR MARCUS: It is tendered for the purpose to show that prominence and publicity is given to the fact that Mandela is regarded ....

COURT: That the witness has already said. That is refused.

MR MARCUS: As Your Lordship pleases. Mr Lekota you were questioned about EXHIBITS W.52 and W.53. -- That is correct.

Those are the million signature campaign handbooks for volunteers and organisers respectively. You stated that you were involved in compiling those handbooks and although (30)  
they/....

they were intended specifically for the million signature campaign aspects of both documents would apply to other campaigns as well. -- That is correct.

Now you referred in that regard to aspects of EXHIBIT W.53. -- Yes.

I would like to refer you to certain aspects of EXHIBIT W.52. Mr Lekota first of all could you please refer to page 2, these are numbers which have been written in by hand. It is actually the second page of the document.

COURT: You are referring to 52? (10)

MR MARCUS: EXHIBIT W.52. That is the UDF million signature campaign volunteers handbook. -- Yes.

There is a message from Mrs Sisulu in which she says:

"Welcome to the UDF million signature campaign."

And she says:

"By collecting signatures you ...."

ASSESSOR (MR KRUGEL): Is that on page 3 Mr ... -- Page 3, yes.

MR MARCUS: Yes, page 3. I am sorry. It says:

"Welcome to the UDF million signature campaign. By collecting signatures you .." (20)

And then the fourth sub-paragraph:

"By taking an active part in this great struggle for freedom."

-- Yes.

You were asked on a number of occasions what was meant by "action". -- That is correct.

Is this an example of what the UDF perceives as action?

-- That is correct.

MNR FICK: Edele ek maak beswaar teen die manier wat hierdie getuienis gegee word, gevra word. Mnr Marcus vra duidelik (30)

hierso/....

hierse leidende vrae, lê n antwoord in die getuie se mond en dit is nie reg nie. As die getuie nie die getuienis kan gee nie dan kan hy dit nie gee nie, dan glo ek ook nie mnr Marcus moet reguit vir hom sê is dit wat UDF dan sê nie. Hy kan vir hom vra wat is UDF's se beleid maar nie op hierdie manier nie. En as ek nog verder reg is ek het, ongelukkig het ek My Geleerde Vriend uitgevind, was hierdie nie n aspek wat in verhoor gestel is nie? Nou kom nuwe getuienis wat nou gelei word. Dit is nie word opgeklaar moet word oor hierdie betrokke artikel 4 nie. Die artikel 4 was blykbaar nie (10) gestel aan die getuie gewees nie.

HOF: Hy is nog nooit behandel nie.

MNR FICK: Ekskuus Edele?

HOF: Hy is nog nie behandel nie tot dus ver.

MNR FICK: Nou kom nie, daar word nie getuienis gelei om dit op te klaar nie, my respekvolle submissie is elke ding wat nog hier gelei is van die begin van die herverhoor af gaan oor nuwe dokumente wat in kom om nie iets op te klaar wat die getuie gesê het nie maar blykbaar lyk dit vir my om die getuie te kom staaf en ek glo nie dit is die doel van herver-(20) hoor nie.

COURT: Yes Mr Marcus?

MR MARCUS: With respect this is an important aspect of the witness' evidence ...

COURT: It may be very important Mr Marcus but why in addressing me at the end of the case can you not refer to this and say well there the word "active" is used and that must mean this or that?

MR MARCUS: As Your Lordship pleases. Mr Lekota you were asked about UDF Update and you were shown an exhibit, (30)

EXHIBIT/....

EXHIBIT C.30, it is not necessary to refer to it, which was a motivation for UDF Update. I am not sure if this emerged in your evidence or not but was that motivation ever accepted at the, up until the time of your arrest? -- No that was never accepted.

Could I refer you Mr Lekota to EXHIBIT C.32. This is a document headed "Interview Kit" and Mr Lekota you stated that it was not a document you had seen before. -- That is so.

And it is also an undated document. What I wanted to ask you is this because I think it might assist in putting a (10) date to the document, on the second page of the document there is written by hand "Blue pamphlet". -- Yes.

And at the very bottom of that document it is ...

COURT: No, no, the "blue pamphlet" is merely, I think it must indicate what the colour is of the original.

MR MARCUS: Probably My Lord. I am just using that for purposes of identification.

COURT: Yes, I do not think that we can take the words "blue pamphlet" as being part of the document.

MR MARCUS: No My Lord, I am merely using it to point the (20) witness to the section of the document to which I will refer. At the very bottom of that document Mr Lekota, mine is very faint but it seems to give the address of UDF as 4th Floor, Khotso House. -- Yes that is correct.

Now that being the case is it possible for you to then put an approximate date on this document if it was issued at a time when the UDF occupied the 4th floor of Khotso House? -- Yes that would be in 1983. Before the end of 1983 definitely.

COURT: Before the end of 1983? -- Of 1983, yes. (30)

MR MARCUS: /.....

MR MARCUS: Mr Lekota could I refer you please to EXHIBIT G.4.

Now you were questioned about paragraph 6.3.

COURT: Just put on record what document you are referring to.

MR MARCUS: EXHIBIT G.4 is a document entitled "Summary of NEC Meeting Held on 1/2 June 1984". Paragraph 6.3 states:

"The administration, telephone lines, etcetera of the Transvaal office is to be separated from the head office."

-- That is correct.

And there was a suggestion that that implied that prior to this date the administration of Transvaal and Head office(10) were really one? -- Yes I tried to explain that no it was not one, the administrations were separate.

This document describes itself as a summary of the meeting held on 1 and 2 June. -- Yes that is so.

Are the official minutes of that meeting contained in Exhibit G.1? -- That is so.

Could I refer you then to paragraphs 14.2.3.

ASSESSOR (MR KRUGEL): Of G.1?

MR MARCUS: Of G.1. I would like to refer you to paragraphs 14.2.3, 14.2.4 and 14.2.5. -- Yes I have got the page. (20)

Do those three sub-paragraphs, well is the summary contained in paragraph 6.3 of G.4 reflected in the actual minutes in paragraphs 14.2.3, 4 and 5? -- That is correct. Yes that is correct, that is much more accurate.

And does that reflect the concern of the meeting? -- That is so.

Mr Lekota are you aware of whether any further steps were taken to eliminate the problems which the head office seemed to be having with the Transvaal at that stage? -- Although I can no longer recall everything in detail but (30)

there/....

there were very determined efforts following this meeting and subsequently to make the Transvaal completely independent of head office and I do recall that when we were arrested we were actually searching for new premises because we felt that would help separate the two much more effectively.

Were any administrative steps taken by anybody in head office to put the record straight as it were with Transvaal?  
-- Yes accused no. 19, the general secretary ...

MNR FICK: Edele die Staat maak beswaar, hierdie is nuwe getuienis. (10)

COURT: Was is the objection? Wat is jou beswaar?

MNR FICK: Die Staat maak beswaar teen hierdie getuienis, dit is nuwe getuienis oor 'n aspek wat die Staat nie opgeneem het nit.

HOF: Ja u het die nie opgeneem nie maar ek het 'n vraag gevra na aanleiding van daar opsomming oor die tyd toe die twee kantore uit mekaar is en toe hulle nog by mekaar was en dit is wat mnr Marcus nou besig is om op te klaar. Hy is geregtig om die vrae te stel.

MR MARCUS: Thank you My Lord. -- Yes, I was saying accused (20) no. 19 was directly in charge of our administration went on to address letters and even to talk to some of the REC members of the Transvaal on this question, just to emphasise on the decision that had been taken and the need to separate the two offices entirely.

Mr Lekota I would like to show you a letter which is dated 8 June 1984. It was written by Mr Molefe in this regard. My Lord this is not an exhibit. -- Yes I recognise this as one of the letters he exchanged with the Transvaal office. (30)

My/....

My Lord if Your Lordship will receive it it will be DA.111. Mr Lekota you were questioned about EXHIBIT C.85. I do not think it is necessary for you to have it before you. I will refer you to the relevant passage. C.85 are handwritten notes of a National Secretariat meeting dated 7 July ...

COURT: Just a moment, what volume are you referring to? It may well not be necessary for the witness to have it but I would like to have it.

MR MARCUS: Volume 5 My Lord. Mr Lekota could I refer you to the handwritten page 14 under the heading "Action". -- Yes. (10)

Under "Action" there is the phrase "Challenge to Collaborators". -- Yes.

And you were asked to explain this and you said this meant, amongst other things, writing letters to those I think within the system inviting them to debate issues? -- Yes that is correct. That is so, in fact I myself also addressed a letter to Mr Poovalingham for instance.

COURT: You wrote to? -- Mr Poovalingham of Solidarity Party, I was also inviting him to a debate along this same suggestion. (20)

MR MARCUS: Could you please refer in this regard to EXHIBIT AL.158. Unfortunately the cover has come off our copy and I cannot refer Your Lordship to the volume.

COURT: Volume 6.

MR MARCUS: Volume 6. - - Number?

AL.158. -- Yes this is the letter I addressed to Mr Poovalingham.

And in the second last paragraph you invite him to debate certain issues with you? -- That is correct.

Mr Lekota you were questioned about the respective (30)  
attitudes/....

attitudes of the UDF and the ANC to women. -- That is so.

And you, it was put to you that 1984 had been declared the year of women. -- That is so.

And you stated that as far as you knew that was a year, a year declared by the United Nations as the end of Women's Decade. -- That is correct.

Was that something of which the UDF as an organisation was conscious? -- Yes we were aware of it generally but we did not. It was not in the councils of the UDF discussed as such. (10)

So it was not something that was personal to you? In other words the UDF as an organisation ... -- No it was not germane to the UDF.

Mr Lekota could I refer you please to EXHIBIT AB.23. It is in volume 2 My Lord. This is a statement signed by you dated 7 January 1985 and entitled "On the return of pupils to school". -- yes.

And it is a document about which you were cross-examined? -- That is correct.

And what I want to ask you is this, was the statement (20) issued to the press? -- Let me just see it again.

Sorry, it is AB.23. -- Oh is that the one we discussed at length? I think it was issued to the press, yes.

I can let you have mine Mr Lekota, it is unmarked.

COURT: Well was not the evidence previously that it was a statement released to the press?

MR MARCUS: My Lord I am about to get onto the purpose of this re-examination. -- Yes it was issued to the press.

Do you recall the context in which you were asked to make this statement? What had happened that prompted this (30)

statement/....

statement in other words? -- Although I cannot recall everything but what I do recall is that first of all that the schools were about to open and I think COSAS had also made a call that the students must go back and there were a number of other organisations which were commenting on the question and we were, it was in that context that we were approached, to comment on that matter. That is to the best of my memory how I recall the circumstances.

I would like to show you a cutting from the Rand Daily Mail of 8 January 1985 in which portion of your press statement reflected in AB.23 is reproduced. -- Yes that is correct. (10)

If you would look at the second column, the third last paragraph ...

COURT: What are you attempting to do Mr Marcus? Was it attacked that he issued this to the press?

MR MARCUS: No My Lord.

COURT: If not why are you attempting to hand this document in?

MR MARCUS: Because it places in perspective the witness' comments given in the first paragraph of his press statement saying that the issue is not whether students and pupils are (20) returning to school or not because placed in its proper context ...

COURT: Why should the Rand Daily Mail place it into context? Why can he not place it into context?

MR MARCUS: Well he has done so and ...

COURT: Well if he has done so that is the end of the matter.

MR MARCUS: He has done so now.

COURT: Well then he has done so now.

MR MARCUS: My Lord the document merely corroborates it.

COURT: Well thank you, it is not going in. (30)

MR MARCUS: /....

MR MARCUS: Mr Lekota could you please refer to EXHIBIT AJ.17.

-- Yes.

Now you were cross-examined about this document, particularly the first sentence which says:

"The Labour Party decision to join ranks with National Party and impose the new constitution act on the people of South Africa is a crime which some day they will be called upon to account for."

-- yes.

And it was put to you in the context that this document, or you were asked whether that was not a reference to, as (10) My Learned Friend put it, so-called People's Tribunals. -- Yes that is so.

And on at least one other occasion you were asked whether there was a reference to People's Tribunals. Now this document, this statement was issued on 6 January 1984. -- That is correct.

Can you recollect whether at that time the phenomenon that we today know as People's Courts had yet appeared? -- No it was not at all there.

Now Mr Lekota the next question I have a certain difficulty with. (20) On 29 September ...

COURT: Can we put this away, this document? Have you finished with this document?

MR MARCUS: Yes My Lord. On 29 September Mr Lekota you stated that you wished to say something about May Day and His Lordship stated that it is something I should raise with you in re-examination. -- Yes.

All I can ask you Mr Lekota is what is it you wish to say about May Day?

COURT: The floodgates are open. (30)

MR MARCUS: /....

MR MARCUS: Yes My Lord. -- All I wanted to say really is I said to the Court I had read an article over that weekend on the background to May Day in South Africa and I said I thought it would throw better light than what I had said to the Court.

Now I do have the relevant article but I have it with my colleague there, accused no. 19, and I do not know if I may be able ...

COURT: Yes well let us get it. Please fetch it. -- All that this does is ....

Just tell us first of all where do we find the article?(10) What is the document? -- It is in Weekly Mail of the week beginning September 25 to October 1, 1987. It is page 20 of that edition.

Thank you. -- Now the section I want to refer to is this, I just want to show it to the Court, it starts here, coming here. I do not know, with the permission...

What do you want to extract from it, what do you want to tell us about it? -- Well it does say how it has been associated with various organisations which had nothing to do with for instance communism as it was suggested to me. If I may(20) just read the first paragraph?

Yes read the sections thereof which are important to you. Just read them into the record. -- It says:

"Mayday. Interestingly the proclamation of a workers day has long antecedents in the history of the National Party. As long ago as 1926 the Party tabled a motion in Parliament proposing the recognition of Labour Day in May. The proposer was no less a personality than Dr D.F. Malan, Dutch Reform church minister, Afrikaner language rights campaigner and leader of the purified (30)

Afrikaner/....

Afrikaner National Party which broke with the reformist National Party in 1934 and finally took power in 1948, under the apartheid banner."

C.965 I think I will jump the paragraph and I will read this section here, no it is not possible to do it that way. I think I must just read this section:

"Malan was not alone in his views. He was joined in this motion by two prominent Nationalist generals. General J.B. Hertzog, Prime Minister from 1924 to 1933 and again from 1933 to 1939 and C.R. Swart, First (10) President of the Republic of South Africa in 1961. The possibility that this was chance mistaking of national socialism for international socialism is excluded by the repetition of the proposal by the same Malan to parliament some ten years later."

They quote him there but I do not propose to deal with his words. When he concludes his statement he says:

"What is more Labour Day is recognised as such by the civilised world. The views of the party, of the erst-while church leader, turned politician, were once again (20) expressed in 1941 when future Nationalist Minister of Labour B.J. Schoeman proposed not merely that Labour Day become a holiday but that the government should recognise May 1 as a paid public holiday. It appears that at every parliamentary opportunity prior to their accession to power in 1948 the National Party supported the proposal that Labour Day should become a statutory holiday. Their tune changed rapidly after 1948 and at the first opportunity Schoeman had the following to say in parliament." (30)

Then/....

Then there is a quotation there that I do not think is relevant. But the point that I wanted to make only is that when the State was arguing on this question of May Day they wanted to suggest that it was a communist thing and that, and so on and so on. My point was that it is recognised and accepted in the civilised world by all people and that, even in our country, people who had nothing to do with communism have recognised the day as being an important holiday for working people.

MR MARCUS: My Lord we do not have copies of that, if Your(10) Lordship thinks it ...

COURT: I am not interested, I have got the information.

MR MARCUS: As Your Lordship pleases. Now Mr Lekota it was put to you by reference to a number of documents that the UDF proposed to set up alternative structures to replace the Black Local Authorities. -- Yes.

One such document which was put to you was EXHIBIT C.102 and I think perhaps you should refer to that. It is in Volume 6 My Lord.

COURT: Page? (20)

MR MARCUS: The reference that was put to the witness appears on page 11 of the secretarial report. Now Mr Lekota you denied that this was the UDF's policy. -- Yes.

In that regard I would like to refer you to the minutes of ...

COURT: Just a moment, the portion that was put was that 8.4, paragraph 8.4?

MR MARCUS: Yes My Lord, paragraph 8.4. I would like to refer you to the minutes of this National General Council meeting which appears as EXHIBIT AAA.10. Do you have the document (30)

Mr Lekota?/....

Mr Lekota? -- That is correct.

It is a document headed "Minutes of the First National General Council of the United Democratic Front held on the 6th and 7th April 1985 at Asaadville(?), Transvaal". -- Yes.

Now could I please refer you to page 5. At the bottom of that page next to the paragraph numbers 2.2.4 there is the heading "B.L.A and Tricameral Parliament". -- Yes.

Do you have that? -- Yes.

And the Minute reflects the following:

"Very little time was spent on discussing the Tri- (10)  
cameral Parliament."

-- Yes.

And then on the next page it says the following:

"Gains made in these campaigns, particularly the anti-B.L.A. were that these structures were totally discredited and people's political awareness was raised. Democratic local organisations were recognised as representing the people."

And if you could just skip a paragraph and then go onto the next paragraph which says the following: (20)

"Unrepresentative local structures must be destroyed and authorities must be forced to liaise with the democratic organisations."

-- yes.

Does that reflect the policy of the UDF? -- That accords with my understanding, that our civic organisations were the ones that were going to represent our people and not some destruction of the structures that were there and setting up of some other structures which were unknown to us.

The use of the word "destroyed" in this context, does (30)

it/....

it carry the connotation of violence? -- No. That is in the political sense, as I tried to explain earlier on.

Now Mr Lekota it was put to you with regard to a number of mass meetings from which speeches were extracted and it was put that some of these speeches were intended to incite people to violence. -- Yes.

What I want to ask you is this, dealing first with the meetings which you personally attended are you aware of any incident of violence associated with any meeting that you attended? -- No. (10)

Are you aware of any incident of violence associated with any UDF meeting, whether or not you attended it? -- I am not aware of any.

Now it was put to you Mr Lekota that the UDF only stated to the press that it was a non-violent organisation and what I want to ask you is this, at your mass meetings - again let us confine ourselves to those which you personally attended - was the press invited? -- At all times all our public meetings, all that I attended, the press from any newspaper, international, national, were allowed to attend those meetings (20) and report on the proceedings.

Was it part of your job as publicity secretary to invite the press? -- That is correct.

And did you actively seek publicity for you mass meetings? -- That is correct.

And did you mass meetings in fact receive press publicity? -- They did receive a fair amount of publicity.

It was also put to you in respect of some meetings that the police were present? -- That is correct, yes. Police did attend quite a number of our meetings. (30)

If/....

If the police did attend your meetings would they have heard the songs? -- They would have heard the songs.

Were you ever given any indication from any police source that the singing should stop? -- Not at all.

You were questioned about EXHIBIT V.2 which was the SAAWU protest meeting held on 22 September 1983. -- Yes.

Now, this meeting as I said took place on 22 September 1983. At that stage Mr Lekota what was the UDF's immediate campaign? -- At this time we were faced with the Coloured Management Committee elections. (10)

And what was the UDF's strategy in that regard? -- Well our local organisations were campaigning in local areas where the elections were to take place.

And what were those local organisations seeking to do in respect of those elections? -- In respect of those elections they were trying to persuade communities not to vote for those structures.

Was this boycott strategy known at the time of that meeting? -- At the time of this meeting? Yes that is correct.

With regard to EXHIBIT V.4 Mr Lekota, which was the (20) inauguration of the Alexandra YOUTH Congress on 25 October 1983. -- Yes.

I think you stated you did not attend this meeting? -- No I did not attend it.

You were nevertheless asked about reference in one of the speeches at this meeting to revolutions in Cuba and Vietnam and Nicaragua. -- Yes that is correct.

COURT: Sorry you said it was 25 October 1983. I have a date 25 September 1983.

MR MARCUS: That is correct My Lord, I am sorry it has been (30)

crossed/...

crossed out, I did not notice that.

COURT: Yes, you were referring to Cuba?

MR MARCUS: Yes you were asked, there is reference by one of the speakers to revolutions in Cuba, Vietnam and Nicaragua?

-- That is so.

Do you personally know the facts of these revolutions?

-- I do not personally have the facts of them, I just know that changes took place there.

As far as you are concerned are the facts of these revolutions well known? -- People do comment about this. (10)  
How much they really know about them I do not know.

You were asked certain questions about EXHIBIT V.6 which is described as a UDF meeting held at Burger Centre, Claremont, Cape Town on 26 November 1984. -- Yes.

Again this is a meeting which you did not attend. -- That is correct.

Because you were in detention at the time. There is a reference in the speech of Reverend Chikane in which he appears to call for the Defence Force to remain in the townships.

ASSESSOR (MR KRUGEL): Can you give the reference please Mr (20) Marcus?

MR MARCUS: Yes My Lord, according to my notes it is on page 10. Yes it is on page 10 of that transcript and it is five lines from the bottom. He says:

"I am concluding, they are saying let us make sure that the army stays with us."

-- Yes I see that.

ASSESSOR (MR KRUGEL): I do not think it is there.

MR MARCUS: I am sorry, it is on page 10 and it is five lines from the bottom of that page where Mr Chikane, Reverend (30)

Chikane/....

Chikane is reported as saying:

"I am concluding they are saying let us make sure that the army stays with us."

-- Yes.

Was that in accordance with UDF policy? -- That the army must stay with us?

Yes. -- I would say, I would not say that it would be in conflict with it but I do not know whether, I cannot recall that we took a decision that the army must stay with us in the townships. For the army to be in the country, yes. (10)

No the specific reference to the army in the townships, did the UDF call as far as you were aware for the army to stay in the townships? -- No I am not aware that that is so.

Mr Lekota you were questioned about EXHIBIT V.11. It is not necessary for you to have the exhibit Mr Lekota.

COURT: It is better for us to have it because the moment you refer to it we have to make a note of it otherwise we will never pick it up again.

MR MARCUS: Yes I am sorry My Lord. The question I think is a short circuit reference to the exhibit. It is simply a (20) question of clarity Mr Lekota, I do not think, either you have said or you were asked whether you were present at this meeting. --No I was not present at that meeting, that is the AZASO meeting.

Yes.

COURT: Sorry? You are saying you were not there? -- I was not there.

MR MARCUS: Mr Lekota could I refer you please to EXHIBIT V.12. Mr Lekota if I could refer you to the second half of the transcript, that is the part with the translation. (30)

COURT:/.....

COURT: Now let us just get on record what we are busy dealing with.

MR MARCUS: It is EXHIBIT V.12, it is the Huhudi Youth Organisation meeting dated 1 July 1984.

COURT: Page?

MR MARCUS: Page 49 of the translation in the second part.

Mr Lekota five lines from the bottom you are recorded as stating:

"P.W. Botha, hy is h groot tsotsi."

-- Yes. (10)

And then in brackets it says "gehoor lag". -- That is so.

Is that how, well let me ask you, how did the audience understand that comment of yours judging from their reaction?

-- Well they understood it exactly in the manner in which I meant it and they also understood it I think in part more as a joke. They certainly did not understand it as being in a hostile aggressive manner so to say.

Could I now then refer you please to EXHIBIT V.14. That is a meeting of the Transvaal Indian Congress dated 18 July 1984 and this was a meeting which you attended. -- Yes. (20)

This was one of the occasions on which you were present when Jingles read his poem, and that appears on page 31. When I say you were present you were present at the meeting? -- Yes.

Could you please turn to page 31. -- Yes.

When My Learned Friend read out extracts from this poem he omitted the references in brackets six lines from the bottom of laughter, there are two references to laughter and a few lines further up it says "laughter and applause". -- Yes that is right.

Can you recall how the audience received this poem? (30)

-- My/....

-- My impression is that most people did not really take this on a serious note. In the first place I think the Court may recall that when we looked at the videos one could see the kind of physical picture that Jingles himself cuts with his drag locks and those garments he has got on. He had always impressed me, speaking for myself, as like a maverick so to say and I think most people just did not regard him as anything serious to go by, so to say. And I mean even if one looks at the kind of language he uses you know.

Mr Lekota two final questions, firstly throughout your(10) cross-examination you were referred to many documents which purported to emanate from affiliates? -- Yes.

Did the UDF have any control over the contents of documents emanating from affiliates? -- No certainly not. A lot of the documents which would have been written by affiliates we would not have control over unless they came into our hands and they came into the councils of the Front and they were discussed there. But otherwise you know people write documents and when, one does not even see those documents and then when the police go into action and they go into a house, (20) they go into a building and they find those documents for the first time when we come here also we meet some of those documents, they have got nothing to do with the policy of the Front, they are not sanctioned by the Front, they are not even known to the officials of the Front. And perhaps in that regard I may just add one point that as I said at some of the meetings in the early days the UDF really co-ordinated its affiliates in relation to the campaigns, the campaign against the new constitution and the Koornhof Bills and those of the other campaigns that it had specifically decided on. For (30) the/....

the rest, for ninety percent of the activities those affiliates with their activism and so on they carried on their normal business which was completely outside of our control and we had no supervision over them and we could not say anything about that because we did not have a standing in their councils. And that is why we have always restricted the policy of the Front to decisions which have strictly been taken by the affiliates sitting together. That is really what the UDF is about, is you know.

In similar vein Mr Lekota on occasions where a mass meeting was organised by an affiliate of the UDF did the UDF (10) have any say in the organisation of such a meeting? -- No.

Would they have had any say in the structure of the agenda of such a meeting? -- Not at all.

In the choice of speakers? -- No.

Now Mr Lekota we have before Court a number of videos of UDF meetings and we have been able to find on your behalf a number of press statements dealing with other UDF meetings which do not form exhibits before this Court. -- That is so.

Apart from those videos and those references and cuttings that we have found were there other UDF meetings at which (20) you spoke? -- Oh yes, quite a lot.

At which there was no publicity? -- Yes.

And at those meetings would you have made the UDF's policy position clear? -- Yes. In fact if one looks at the videos which are here one will notice the videos, most of them concentrate in the middle of 1984. There are some of course from 1983 but they are here and there and so on. The whole range of other meetings does not appear at all.

My Lord that concludes the re-examination.

NO FURTHER QUESTIONS

(30)

COURT ADJOURNS UNTIL 7 OCTOBER 1987.