

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-30

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 296

(Bladsye 16 566 - 16 643)

COURT RESUMES ON 30 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, will you please have a look at EXHIBIT C69 volume 5 the first document of C69. This is a message van Mankweng Youth Congress with no date. Do you know this document C69 document 1? -- No, this document is not known to me. The first time I saw it was when it was presented as an exhibit to the Court. As far as I am concerned it is not a policy document of the UDF. (10)

It was found at the offices of UDF Johannesburg. I put it to you, according to this document, it is clear that Mankweng Youth Congress sends revolutionary greetings and pledge solidarity with all progressive movements involved in the national democratic struggle and they say that "Through the UDF and all progressive movements we now stand up and fight side by side until our freedom is won." Mankweng Youth Congress is an affiliate of the UDF? -- Not that I am aware of. They may be involved with the Northern Transvaal region.

If they are aware the UDF is a peaceful organisation, (20) a non-violent organisation, can you give an explanation to the Court why did they send revolutionary greetings ... (Court intervenes)

COURT : Why should he explain what somebody writes in a document of which he was unaware according to him? You can argue this at the end of the case.

MR FICK : Will you please turn to EXHIBIT AB25 volume 2. That is a document with the heading "SOYCO's program of action." Do you know this document? -- This document is not known to me. To the best of my knowledge this is not a policy document. (30)

All/...

All I want to do is to refer you to paragraph 15 on the first page the second column. There is "Program of Action. SOYCO's program of action is to root out and destroy all the reactionary and counter revolutionary elements throughout the country in the world.

COURT : SOYCO was an affiliate? -- That is correct.

MR FICK : Did you attend the launch of SOYCO? -- No.

Will you now turn to EXHIBIT AB39 volume 3. This is a message signed by you. Is that correct? -- That is correct.

Mosiua Lekota, publicity secretary. It is from the (10) national office and it is addressed - from the contents of the letter I see it was addressed to SOYCO. Is that correct? -- That is correct.

COURT : When would it have been sent? The beginning of August 1984? -- I think the conference was the 3rd to the 5th. So, it was about - say about 1 August approximately.

MR FICK : I would like to refer you to the second paragraph.

"As a Soweto based organisation SOYCO takes its queue and inherits the militant records of the youths of the past.

You march on the footsteps of the ANC youth league of the (20)

forties and fifties. You are imbued with the spirit of the youth that carried on the squatter struggles of the forties

under a militantly leadership of Sofasonke Mpanza." Who was

Sofasonke Mpanza? -- In fact the name Sofasonke is a nickname.

His actual name is James Mpanza. He was the leader of the

squatter communities in Soweto in the 1940's. This were

really people who had come from Sophiatown and who did not

have immediate housing. He led the community in approaching

the government to give them land and permission to build

houses whilst it own constructions were also building elsewhere.

(30)

It/...

It was as a result of those campaigns that the people of Soweto were settled in the area of Moroka and so on.

COURT : Could I just get some clarity here. In the forties I take it Soweto was much smaller than it is now? -- As I understand it, that is so.

And did they then settle on the outskirts of the then existing Soweto? -- No, no, I think there was an area already that was going to be built on, but it had not been built on yet. So, they were given part of the area to begin to build of themselves. Those who could afford to do so and then (10) they are part of Soweto. Moroka is part of Soweto. It is one of the townships of Soweto.

Moroka was earmarked for future development, but development was lagging behind? -- That is correct.

And then they started building in Moroka? -- Yes, that is how I understood it.

Why are reactionaries dragging Mpanza's name in the mud of community councils? -- As the name says Sofasonke there, it is a party that he formed, a civic party that he formed at the time. It is known as Sofasonke Party. (20) At this point in time that party was not participating in this town councils and the point is that there were a lot of people who did not have housing at that point in time in Soweto itself. Unlike the tradition that had been set by Mpanza, where the party had always taken the leadership of people who did not have housing, it was not doing anything about that. It has only been subsequent to that now that its leadership has been expressing concern once more, but there is a lot of squatting that has taken place in Soweto too. It was in that sense. (30)

It/...

It seems according to this paragraph that the ANC Youth League was a militant body whatever may have been meant by militant. -- Only that they were very active and vigorous. In fact, it is described as such in the history books, having injected new life into the ANC when it was formed.

MR FICK : Which militant youth did you refer to? -- When I say you inherit the militant records of the youth of the past?

As a Soweto based organisation SOYCO takes its queue and inherits the militant records of the youth of the past. Which youth did you refer to? -- The next sentence details (10) (1) the ANC Youth League, (2) the activities of Sofasonke Mpanza as the leader of the squatters.

COURT : What about 1976 Soweto Youth? -- That is the next paragraph but where I am talking about the militant records of the youth of the past, in that paragraph 2 there I deal with the question of the ANC youth league and I deal with Sofasonke Mpanza and then in the next paragraph I say above all you have - above all, however, you have the daunting task of watching the ability - of matching the ability to organise the militancy and selfless courage of the 1976 Soweto (20) Youth. That is now in a slightly different vein, because it is actually dealing with the protest of 1976.

MR FICK : The second paragraph, why did you state that SOYCO march on the footsteps of the ANC youth league? -- Because they are the grandchildren - the children and grandchildren of these people. Dr Motlana who is in Soweto and is one of the most prominent leader in our communities, came from the youth league. His own social concern for our people and so on was shaped as far as I was concerned and today the children or the youth who are there in Soweto and (30)

so/...

so on, they are in a sense his children, because they are a generation that is the same age as his children and it is in that sense and the children of Mpanza and his grandchildren. Some of them are there and his children and grandchildren. So, they are marching in the footsteps, they are following the same path that their own parents and grandparents have taken before.

I put it to you that you in fact conscientised the members of SOYCO to identify with the ANC. That is why you referred to the ANC Youth League? -- I deny that. I refer(10) to that because those are standing men and women who made a contribution in an effort to improve the lives of our people. I could not refer them to Boy Faraday and the other people who have not done anything for our community. I must refer them to people like those.

What role did the youth play in 1976 in Soweto? -- When Afrikaans medium was imposed on them, they protested against it.

And what else did they do in 1976? -- That is what I know that they did. (20)

Did they not partake in violence? -- After they had been shot by the police.

Did they burn schools? -- I do not know whether it was students or whether it was just some loose mobs, but there was burning and there was stone throwing after the students had been shot.

COURT : How long did it last? -- It lasted for quite some time. I am not sure.

Weeks or months? -- It took quite some time. I would say about some months. (30)

Did/...

Did the army have to come in or did the police contain it? -- As I have understood it, both the police and the army were there.

MR FICK : Is it not so that Dan Montsisi and Mafison Morobe was in 1976 part of the youth in Soweto? Let me rephrase it. Is it not so that Mafison Morobe and Dan Montsisi were in the leadership of organisations of the youth in Soweto in 1976? -- As I understand it, they were in the leadership of Soweto Students Representative Council.

Is it not that they were convicted and sentenced for(10) the activities of the Soweto Students Representative Council during the 1975 uprising in Soweto?-- I know that they were convicted for some student activities in Soweto, but precisely what, I do not know.

COURT : Flowing from the 1976 disturbances? Let us call it that? -- I do not know whether they were there right at the beginning or whether they came in slightly later, but it had to do with the students activities there between 1976 and 1977. In fact I think they were convicted about 1977 or 1978. In fact, as I recall it, they came to be involved (20) slightly later. They were not there right at the beginning. It was much - slightly later than that and that is why I think they were sentenced in 1977 or 1978. I cannot recall precisely now.

MR FICK : Do you agree that in Cradock there was also violence?

ASSESSOR (MR KRUGEL) : When?

MR FICK : In 1984? -- There were boycotts.

And violence? -- I cannot attest to that.

What happened in Lamontville? -- No, no, you see, with(30)
regard/...

regard to these points, I think my reference here must be understood in the context of this paragraph, because what I am saying here is that they must respond to the challenge of the youth in Cradock and Lamontville and Parys and the issue there is one of organisation, because there were strong youth organisations there and that is what I am talking about.

In 1984, what happened in Lamontville in the township? Was there violence? -- In Lamontville, no.

No violence at all? -- Not that I know of. (10)

School boycotts? -- Not that I can recall.

COURT : Why did you refer to Lamontville? That is where you stay, is it not? -- No, no, I do not stay there. I stay at Claremont.

Yes? -- I am saying I referred to these areas because there were strong youth organisations there. In Cradock there was Cradock Youth Association, in Lamontville there was Masibonisane Lamontville Youth and then there was this Lamontville Civic Organisation that I knew of.

In Cradock we have CRAYO I think? -- CRADOYA. Cradock(20) Youth Organisation.

And in Lamontville we have? -- We have Masibonisane Lamontville Youth.

ASSESSOR (MR KRUGEL) : Does the word have a meaning, Masi-bonisane? -- Yes. It means let us consult or let us deliberate together Lamontville Youth. It is like - it means that literally. Let us consult. Or let us discuss, or deliberate.

Just as Mosiwa means let us not be left behind? -- No, Mosiwa means who was left behind.

Who was left behind? -- That is correct. (30)

COURT/...

COURT : And in Tumahole you referred to TSO? -- That is correct and Pro-Humanism.

Why did they call it Pro-Humanism? -- I could never understand why they decided to call it that, but those young people called themselves that and that was that.

Pro-Humanism was a youth club or organisation? -- Yes. In fact both of them, Tumahole Students Organisation and Pro-Humanism were youth organisations. There are a lot of young people who are involved there, but the one tended to be towards Black Consciousness or so and the other ... (10)
(Court intervenes)

Was Pro-Humanism Black Consciousness? -- That is the impression I formed. I am not saying that as a fact.

The other one was more Freedom Charter? -- It tended to be more non-racial.

MR FICK : And in Parys there was also violence. Do you agree with that, in 1984? -- There was rent protest. It was not the youth involved there.

COURT : But who participated in the riots? Only elderly people? -- The issue was one of rent. As I understood it, (20) the community went there because the issue was one of rent. It was not an issue of youth. It was an issue of rent. The matter was a matter of residents. When the rioting started it was the young people who being of course more energetic I think and so on, who more active in it.

They can run faster and throw farther? -- That is correct.

MR FICK : Paragraph 3 of EXHIBIT AB39, I put it to you, it is clear that you called on the youth of SOYCO to match not only the ability to organise, but also to match the militancy (30)
and/...

and courage of the 1976 Soweto youth? -- Yes, that is what I said.

I put it to you you encouraged the people in Soweto SOYCO to become violent? -- No, no, I deny that. To match courage, just even to stand up and say I am not happy about this or to stand up and organise people and call them and say let us organise to set up a youth club, that takes an amount of courage and I am talking about this. You have got to match this. If we look at the last paragraph, you will see clearly the message that I sent across now and I did (10) say it now. There I said to them if you will claim your rightful place in the pages of the country's history, you must perform as never before. Organise the employed, I am talking about the youth and unemployed, drop out illiterate youth. That is what I say to them literally and practically. Organise these young people there. Anybody who would have heard this message, after having talked about the ANC youth league, after having talked about Mpanza struggles and so on and what not, the practical thing that I have said to them is organise the employed and unemployed to drop out illiterates. (20) That is what I have said. Organise them. That was the essence of my message to them. There is no where that I said they must be violent. If we take for instance the example of Mpanza of which I have referred them to, of the youth league and people like Dr Motlana to which I have referred to, people like Dr Nyembezi and the other people who came from the youth league there. Whom they live with in the township and so on. They are not revolutionary violent people. They are men who have distinguished themselves, some of them academically, but most important in the (30) service/...

service of our communities, they have distinguished themselves in those fields. Sofasonke Mpanza, right up to the date that he went to his grave, had never been a man of violence, but he had led civic struggles. He organised our people in the townships there and even more, he was not even a member of the ANC. In fact, history recalls that he had very sharp differences with the ANC leadership most of the time there, but in his own right he served our communities very, very well and that is why he is highly respected.

COURT : Was he a young man? -- At the time of the forties(10) yes. He was young in the sense of being in his thirties or something like that, but by now he would be much older.

MR FICK : I put it to you that from the last sentence "Let our generation's words and deed inspire our people to levels of resistance that must crumble apartheid for ever", violence is not excluded? -- There is no violence there.

COURT : What would the youth have to resist. Let us say the drop-outs as an example, what were they to resist? -- In general, if an organisation is set up, obviously it has its own programs and in an organisation like Soweto, which(20) is affiliated to the UDF, one would understand that those people participate in the programs of the United Democratic Front and in that case their resistance would be against apartheid. It would be against the new dispensation. In the context of the UDF, guided by the UDF, guided by the policies of the UDF and led by the leadership of the United Democratic Front.

MR FICK : Will you please turn to EXHIBIT AE8 found in possession of E. Magashule Parys. Do you know this document? -- I may have seen it at some point yes. I think this is(30) actually/...

actually a calender.

Where did you see it? -- I may have seen it, but I cannot recall. I do not know it for a fact.

ASSESSOR (MR KRUGEL) : If I say on 23 September, would it ring a bell, last week and Wednesday? Is that what you are referring to or something else? You say that you saw it before. Are you saying that you saw it last week? -- I saw it last week as I also saw it when it first came to the court. These documents, one has been looking over them for the last two years. Some of them - one cannot remember when you first(10) saw them in 1985 or 1986. No, no, I do not know this document of myself, but I cannot remember seeing it before.

MR FICK : On the first page, the paragraph at the top I put it to you according to FEDTRAW the liberation of women is a fundamental necessity of the revolution, the guarantee of its continuity and the pre-condition of its victory. The main objective of the revolution is to destroy the system of exploitation and build a new society which releases the potentiality of human beings, reconciling them with labour and with nature. This is the context within which(20) the question of women's emancipation arises. According to this affiliate FEDTRAW of UDF they are engaged in the revolution? -- If by that they mean bringing about change, I have no problems, unless it means something else, but as far as I know FEDTRAW is a non-violent organisation, so it could not have meant revolution in the sense of that they wanted to use violence.

I put it to you they meant violence. I will read the sentence "That the main objective of the revolution is to destroy the system of exploitation and build a new society."(30)

The/...

The word destroy coupled with the word revolution. It is clear that they meant violence? -- No, I would not take that approach. It is just a metaphorical expression. One uses some of these words for emphasis in fact, not necessarily meaning in the literal sense. I do not think - that would not be the position of FEDTRAW.

But I put it to you, if one takes further into consideration the fact that they commemorated heroes day, 16 December, then it is clear that they meant a violent revolution? -- No, in fact if we look at the Sotho version there, (10) I am just looking at the third one from the top. If we just take that sentence. The sentence there "The main objective of the revolution is to destroy the system of exploitation." In Sotho for instance "Sepheo sa ho phetola mmulo ke ho fedisa mekgoa ea ho sebedisoa hampe le batho ba bang." The phrase that is used there is to change - literally to change the government. So, as I understand it, what it would really mean is to change the government. The purpose for that would be to do that. So that I do not think we should interpret that phrase to mean revolution. To mean revolu- (20) tion in the sense of violence, but in the sense of changing things.

Will you please turn to EXHIBIT AE17. This is a document issued by the secretary Soweto Group Esther Maleka.

COURT : Where was it found?

MR FICK : UDF offices Khotso House, Johannesburg. -- There is just one thing that may be I should just place before the Court. In relation to this document of FEDSAW or FEDTRAW that were found in the UDF office, Esther Maleka was serving in the secretary - I think as a secretary of the Federation (30)

of/...

of South African Women and at the same time she was also an administrative assistant to accused no. 19 and myself in the office. A fair amount of documents of her own organisation she used to keep in the desk with her there and so on. I think that explains why we find a fair amount of the documents there, but it is not because those documents were of the UDF or kept by us in the files of the Front.

COURT : Did she serve in FEDTRAW and FEDSAW? -- FEDTRAW is a regional part of FEDSAW. I do not know exactly what her position was, but she was a secretary of one of those.(10) I think FEDTRAW because she was in the Transvaal here. She did have some of her documents here.

ASSESSOR (MR KRUGEL) : Where did she sit? -- She served ...
(Court intervenes)

COURT : Where did she sit physically? -- When one comes into the hall that is the area that we occupy, there is a desk between - more or less between the office of Transvaal and the head office. I think there was a picture that was drawn the other day. She used to occupy that desk, but when we go out, she had a typewriter there and other things that (20) she used and the desk had drawers, some of the things were there. Some of the things she may have kept somewhere in some of the cabinets, especially when we were going away and she could not just leave them in the open space outside, but she was attached to the head office of the UDF. She was not serving the Transvaal office. She was employed by the head office.

What has happened to her? Where is she now? -- Her services were terminated. I think she is working for somebody else.

(30)

MR FICK/...

MR FICK : This is a letter addressed to the "Secretary SWAPO Women's Group, co-addressed the Namibian Council of Churches, Namibia." Paragraph 2 "We, you and us, are fighting a common enemy. The same evil South African government is we are fighting is the same crooked government that is oppressing you in Namibia. If you could forge links, meet and discuss ways of combatting this parasite which is draining our beautiful Black blood. This vampire needs to have a stake put through its evil heart and that dear Comrades will and can be done by nobody else for you but yourselves." (10)

I put it to you it is clear from this paragraph that Esther Maleka propagates violence? -- No. This is the same thing I was talking about. This is metaphorical language. She is talking about vampire and she is talking about draining our beautiful Black blood and so on. If may be you look at phrases like those and you want to be literal about them, we lose the beaut of the English language. All that she is saying here is that here is our problem and this problem must be tackled. She is likening it. She is using colourful language. That is all it is. (20)

Can you tell the Court, did the women of SWAPO and the women in UDF or any women affiliate forged links? -- I do not know. I do not know to start with whether even this letter was sent and what was the reply. I did not even know that this letter existed to start with.

I would like to turn to the offer made to Nelson Mandela by the State President. Can you tell the Court what was the offer? -- The one thing that I can remember is that there was an offer that he would be released if he renounced violence. There were other conditions which I cannot recall now. (30)

And/...

And the offer was made to Nelson Mandela as well as all the other Rivonia trialists? -- As I recall the circumstances, the State President made the announcement in parliament and to the best of my knowledge until the point when for instance Nelson replied, there had been no direct approach by the government to him.

COURT : Yes, now but was the offer made in respect of all the Rivonia trialists or was it made only in respect of Mr Mandela? -- I think it was made in general, in respect of all the prisoners. (10)

MR FICK : The UDF reacted to the offer before Nelson Mandela or any other Rivonia trialist could respond to the offer. Is that correct? -- No, we did not respond to the offer. We commented on it. We were asked for a comment and we advanced it.

But why did you comment on it at that stage, before Nelson Mandela or the other people could respond? -- It was a topical matter. Everybody was talking about it. In any event, the matter had arisen some years even before that time. So, when the issue arose at that time, everybody (20) was commenting and so on and we were approached more particularly because Nelson is a patron of the United Democratic Front. The public was interested to hear some word or so from us and we availed ourselves of the opportunity.

Would the proper thing to do not be to refer the press to Mr Mandela himself? -- No - well, that would be the proper thing, but he was in jail and nobody - we did not know that any newspaper could reach him. Perhaps one of the reasons - people were really coming to getting opinions of all the other people including ourselves, because they could not (30) actually/...

actually get to him as such. I think that is the interest.

Why did you not refer the press to his wife? -- No, but they came to us.

Yes, but why did you not refer the press to his wife? -- I understood that they would also have consulted the family to find out what they have to say about it, but they also wanted our opinion, just as they wanted the opinion of other organisations. They may perhaps not have published Mrs Mandela's response because she was banned herself at that time. I do not know what the position was exactly. (10)

COURT : I was wondering about this answer that was led at your meeting. Was that permissible in law? Was there not a prison regulation or a prison act or something that says you cannot quote prisoners? -- As we understood it, the family which had handled the matter done it through their lawyers and they were satisfied that the matter was perfectly legal. Indeed ever since we have not heard any complaint from any quarter .. (Mr Bizos intervenes)

MR BIZOS : It is limited to the circumstances of the offence for which he was imprisoned and also the conditions of his (20) detention in jail.

COURT : So, one may not quote him at all or you may not refer to him?

MR BIZOS : No, you can refer to him and you can quote him, but it must not be in connection with the ... (Court intervenes)

COURT : You can quote him about sports if he is being convicted of violence?

MR BIZOS : Or something. You cannot say - he cannot make statements that I am innocent or I was wrongly convicted (30)

or/...

or - but you can quote the evidence in his trial. You cannot quote ... (Court intervenes)

COURT : But that was public. So, that you can in any event quote.

MR BIZOS : Yes.

COURT : But can one sort of have a running debate between somebody who is in prison through the media with somebody who is outside?

MR BIZOS : Provided it is not in that narrow ambit.

COURT : Say it is on theological grounds? (10)

MR BIZOS : No, there is nothing to prevent that. There may of course - there may be prison regulations.

COURT : There may be access problems?

MR BIZOS : Access problems. If it is a legal visit, then your lips are tied. If it is a family visit, it is supervised. So, those may be the problems.

MR FICK : Will you please turn to EXHIBITR AG4. This is a document dated 31 January 1985 with the heading "Press statement on P.W. Botha's parliamentary address" and your name appears at the bottom of the document. Did you issue (20) this press statement? -- That is correct.

I put it to you you made it impossible for Mr Mandela to say anything else about what he had said after this press statement of yours? -- How did I make it impossible?

You decided for Mr Mandela what he should say. "We have dealt as to the practicality of the conditions that have been set. Mandela is known for his strong views on apartheid and his very deep commitment to the program of the ANC. We cannot see him making a pledge of that nature. A pledge like this one would mean that Mandela should (30)

distance/...

distance him from the ANC and his entire political struggle to date." -- I think Nelson Mandela would feel very insulted if it was ever to be said that his response to the State President's offer was dictated to him by myself or the UDF. This statement here does not say he must reject it.. Let us look at what this thing says here. It says we had doubts about it. We are not saying that he is going to refuse it. We are saying that we have doubts about it. Why? Because the man is known for his strong views on apartheid and his very deep commitment to the program of the ANC. That (10) history bears out that that is so and then it says, we cannot see him making a pledge of this nature, because as it stands - it suggests that he must distance himself from the ANC and so on and we have already said that because of his very deep commitment to the ANC, we cannot see him making a pledge of that nature. In our judgment this cannot receive acceptability from the man.

COURT : Why should he distance himself from his entire political struggle to date? Was it not merely required that he distance himself from the violent part of his (20) political struggle to date? -- Well, the position is this, may be I should just repeat again, as we understood the position, first of all Nelson's commitment is one of the elimination of apartheid. (2) that over the years that they had campaigned, the government had ultimately made it impossible for them to continue to campaign non-violently. As we looked at the conditions at the time in 1985, the government has not as yet created avenues within which they could - new conditions within which they could now make a contribution to the elimination of apartheid and that is why, as we saw(30) it/...

it, since the conditions which drove him there remained, we did not see that he would then say okay, now I am going back, even though the chances were still there. Even though he would still have to get - people were still banned. Apartheid was still there. Influx control laws were there. He still would have to get permission to go and look forward. Those conditions were still there and it was in the context of that circumstances, that we made that observation.

But at the time you were busy with a political struggle, non-violent according to your evidence, why could he not (10) participate in that? You were very active at the time? -- But if he was going to participate - let us only take one condition. We have an organisation, the United Democratic Front and as far as we know his organisation is the African National Congress and his organisation was not allowed to operate. What was he going to do? He was going to come out and do what?

Join the UDF? -- But I do not know if he wants to do that. As far as we were concerned his commitment - he has got a very deep commitment to their own program, for (20) instance the ANC and the Freedom Charter.

ASSESSOR (MR KRUGEL) : What is that? What is that program? -- The Freedom Charter and the UDF had not even adopted that Freedom Charter at that time.

Is that the only program that they had, the ANC? -- That is the program that they had. Unless the Court is referring to the methods.

Yes, alright, to a certain extent that would be splitting hairs, but is it not part of the program or is it not their program to overthrow the South African Government and take (30)

over/...

over power? -- No, I do not understand it that way. I understand it that their program is to seek the implementation of the Freedom Charter, but the methods which they employ since 1961 is the methods of violence. The UDF, at the time when I made this statement, the UDF had its own declaration there and its own program and its own methods, different from this. If one was going to say he must leave his program, he would have to leave that, abandon that and come to the UDF. It would be something different.

COURT : But does this explanation of yours not place you(10) in a certain predicament, because your press statement, I think, is based on the premise that Mandela is still a violent man, that he adheres to the violent principles of the ANC and that therefore he would not be prepared to walk out of prison under the condition that he swears off violence. That is the one side of the picture. The other side of the picture is that day after day you had been campaigning for his release. So, in fact, that would then mean that you wanted the release of a man who would continue violence? -- No, let us take the statement again. Para-(20) graph 1 line 2 it says "Mandela is known for his strong views on apartheid and his very deep commitment to the program of the African National Congress." I am saying that the program of the African National Congress is the implementation of the Freedom Charter as drawn up in 1955. That is what I am referring to in this statement here. That is point one. Point two is that I am saying that if - the ANC - the point is he is a member of the African National Congress. It is banned. If he is going to be released to come into our society, he would then have to forget about the (30) African/...

African National Congress. Even if he was joining the UDF. He would have to join one of the other organisations. I do not know which one he would join and then affiliate to the UDF, but the UDF had not adopted the Freedom Charter. So, that program was dead in that sense. We were asking for a situation here in which these people must be released. Not just to come and sit in the sun in front of their houses, but so that they could participate in a political process to resolve the political situation in the country. If that was going to be done, some room would have to be(10) created for them to participate in that. For instance, if one said we unban these organisations, and you leave the violence now, you can participate non-violently. You can participate, but this organisation is unbanned, provided that it does not use violence. That is something else.

Well, is the difficulty with your reasoning not the following, that if you let loose in society a man who avowedly stands for violence and the negotiation process does not go entirely to his liking, he would immediately take up violence again? -- That is a matter after the fact.(20) If we look at the statement that Nelson for instance made, he has himself said subsequent to the statement that he is not a man of violence and he cites a number of examples where they had tried for peaceful ... (Court intervenes)

Let us leave the statement aside for a moment. On your view as at 31 January 1985 he was a man committed to violence and therefore he would not foreswear violence. That is the short and the sweet of it. -- That is not what the statement says.

Well, that is what it amounts to. -- I do not agree (30)
with/...

with the Court there, because I think the point that is made here and also the other point that must be taken into account is that I was talking here about a man who was well-known for what his position is. Namely that here is a man who had campaigned and who had always that he was prepared to participate in a peaceful resolution of the problems of our country. I do not see - if we open the channels for that kind of process - why should he go on to violence? Because he himself confirmed our position when he responded that if - for instance, he did not even say that the government(10) must. He said just let the government say that, they will dismantle apartheid. What is the point of coming back? There are the passes there. My organisation is banned. My wife is banned in the Free State. So, the things that I came here because I was complaining against, are intact as they are. Now I am being asked to abandon the fight against that kind of thing.

MR FICK : Nelson Mandela is not in prison because he complained against certain things? -- Nelson is imprisoned because he was forced to take actions of a violent nature(20) by the policies of the government. Nelson would not be here. He would be practising law in court here also.

COURT : Let us now speak about that forcing. Were you forced to take violent action? You, personally, were you forced to take violent action? -- I have not taken violent action.

Yes, well, that is your evidence as I understand it. You have not been forced to take violent action? -- That is correct.

How can you say he was forced to take violent action?(30)

The/...

-- The position is this, that human beings are not like sticks of matches. Some people have got a measure or patience to a certain point. Other people have got shorter patience. Other people are shall we say what one may call brave, other people are not. Other people are more of - may be brought up more in the Christian context and stronger in certain views than others. So, the same circumstances will produce differently. Others will completely join the government and tell lies for their own survival. Others will stand up and they will say no to it. Yet others will take the (10) line that the others have taken up. So, the same conditions in our societies, producing all kinds of people, they have produced me as well, they have produced Nelson Mandela, they have produced the Steve Kgama, they have produced chiefs and so on. The reactions are so varied.

Yes, that is so, but still some people hit their wives and others do not. -- That is correct.

And we still deplore people hitting the wives? -- That is why I have said in our judgement in the UDF, violence is not an option, but can we deny that other people, (20) because of the same frustrations will react that way?

Yes, I was taking up with you the use of the word "forced". -- May be I should say, faced with the same conditions, for reasons I cannot explain, may be for his personality or whatever, but as a result of the conditions, he has chosen to react that way and the reason that has been advanced is because that as far as he was concerned and as far as the conditions of their time were concerned, they took him that way. In the same conditions our reaction is different and we are committed to a non-violent resolution (30)

of/...

of the problems of our country. What we will not do, there is also - even for ourselves - a measuring rod. There are things which we will not do. We will certainly not join the structures of the government which, in our judgment, do not attempt and satisfy the aspirations of our people. That we will not do, but on the other hand, we will not do the other. We will not take up violence. We have taken that decision.

MR FICK : You called for the unconditional release in EXHIBIT AG4 of inter alia Nelson Mandela. Is that correct?

-- Yes. (10)

But why did you call for his unconditional release if he is a man committed to violence? -- I have said here, if the government releases these people and open a process of negotiation, we are convinced and I have said that even in public meetings - if the government called a national convention, if it opened up a process that satisfied the people of this country, they would find a search for a constitutional settlement. I have said that in public meetings. I am convinced and I have the confidence that they will not choose violence. It is our belief in the (20) UDF that indeed once the government set up a process of negotiation and our people are satisfied that this is a genuine process, they will go into that process, they will seek a peaceful settlement. I have said it over and over again in meetings, in private and in public.

All the Rivonia trialists are patrons of UDF. Is that correct? -- Yes.

Why have you not made statement on their behalf also? -- In this case the issue was specifically raised in relation to Nelson Mandela. In fact that is good. Mr Goldberg (30)

who/...

who is also a patron of the UDF, when he was made a patron of the UDF, he was serving a prison term here in Pretoria, because he had been convicted with Nelson. He has since accepted the conditions and he was released. We did not dismiss him. He remains on the record of the UDF as a patron of the UDF. If we wanted violence, we would have said now look, now you have renounced violence, Mr Golberg, you are no longer our patron. We did not do it that way.

But UDF did not issue a statement on the release of Mr Golberg and praised him or congratulated him with his (10) non-violent stand? -- No, you see, once he was released, he was taken abroad, he was taken out of the country. In fact, we did not even see him. The next thing we heard is he was in Israel or something. We could not know where to get him. I am sure if we could have been able to lay our hands on him, we would have sent word and say "We had let you out of jail". After all, prison is a difficult experience. It is not an easy thing.

Will you now turn to EXHIBIT AM29 volume 3.

COURT : What was admitted in respect of this document? (20)

MR FICK : It was found in the possession of D. Nkosi, Heidelberg. This is a document, there is no date ... -- I may just say to the Court this document is not known to me. It is not a UDF document. It is not a UDF policy document. The first time I saw it was in court here.

According to the first page it is stated "Legal advisers Cheadle, Thompson and Haysom." Then there is an address and the third page, there we find the name of Ruben Mahlagare Tembisa. I put it to you from the second page it is clear that this document, the top of the second page, refers to (30)

the/...

the acts and the workings of the RCA, Ratanda Civic Association, which is an affiliate of UDF Transvaal. What do you say to that? -- As far as I know this organisation is not affiliated to the UDF.

I put it to you from the first page AM29 it started "Secured under UDF. Do not run away from police, because you are given power by them to destroy the organisation." They themselves say they are secured under the UDF? -- You know, a man can sit in his house, may be he is writing to the Sowetan and he says something about the UDF or he writes (10) to anybody or he writes anything on a piece of paper in his house, it is not a UDF document. And it is not everything that is in there that is fact. As I say to you, as far as I know this organisation is not affiliated to the UDF.

Will you look at the third paragraph on the first page there it is stated "Meet Mr M. Chikane on a date to be decided by the committee." I put it to you that from this it is clear that the committee of the RCA met Mr M. Chikane.

COURT : Do we know that this first page is in fact the first page and do we know that the second page has any connection with the first page? The second and third pages seem to be following upon each other, but the first page seems to be a loose page and seems not to be a single document. It has to fit in somewhere else, because one does not start a sentence as this page starts its first sentence below the address? -- Indeed, yes. This sentence is starting in the middle.

If we do not know who Mr Nkosi was in Heidelberg and if he is not an official of the UDF, where does this document take us? It may well be a scrap of paper floating around (30)

in/...

in the street.

MR FICK : I put it to you that Mr Dan Nkosi is in the executive of the RCA? -- I do not know.

Will you then turn to EXHIBIT AM46 in the same volume.

COURT : We will look at this document after the adjournment.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, AM46 is a document, it looks like a pamphlet with the heading (10) "Ratanda Civic Association" and at the bottom it says "Issued by RCA".

COURT : Where was this found?

MR FICK : In the possession of D. Nkosi, Heidelberg. At the top it says "We thank all residents for the support they gave to their civic body, to reject and force the councillors, government puppets, to resign." From this, I put it to you, it is clear that the councillors were forced to resign.

It was not mere protest ... (Court intervenes)

COURT : Can we date this document? When was it found? (20)
It has not been agreed upon.

MR FICK : It has not yet been agreed upon.

COURT : How do we know that it falls within the ambit of the indictment?

MR FICK : I will leave the question for the moment. On the question of the RCA, whether it is an affiliate of the UDF or not, I would like you to have a look at EXHIBIT AM30 volume 3. This is a document also found in possession of D. Nkosi, Heidelberg. This is a document with no date again with the heading "Ratanda Civic Association" a (30)

handwritten/...

handwritten document. It refers to the speech by Mr P. Lephunya, the second paragraph "We are being oppressed by rent increase. People agreed to pay rent increments. Agreement to stop orders of workers."

COURT : Agreed not to pay rent increments.

MR FICK : I am sorry, not to pay. Then there is also reference to "From Popo Molefe. There is no weapon from Black people other than an organisation. Ratanda has achieved the best goal in the resignation of the councillors. Let the people fight for the struggle of unity." From this(10) document it is clear that accused no. 19 and Mr P. Lephunya from UDF spoke at the meeting of the Ratanda Civic Association? -- Yes, I form that impression.

Will you turn to EXHIBIT AM31. It is a document with the heading "Ratanda Civic Association, Ratanda Township, Heidelberg" with the date for the first time 20 ... (Court intervenes)

COURT : Where was this document found?

MR FICK : Dan Nkosi, Heidelberg. It is a document with the date 20 September 1984 and it is from Dan Nkosi general (20) secretary addressed to "The Honourable Secretary, United Democratic Front, Transvaal" and they applied for affiliation to UDF. -- Yes. I may just say that both documents 30 and 31 are not known to me. AS at 20 September 1984 when AM31 appears to have been written, I was also in jail at that time. I have no knowledge of this document.

Just to finish this off, will you turn to EXHIBIT ...

(Mr Bizos intervenes)

MR BIZOS : Is Our Learned Friend trying to prove their affiliation, because there is in fact an admission. If (30) there/...

there is any other purpose, he may continue.

COURT : Why are you placing this document before us?

MR FICK : I was not aware of the fact that it was admitted.

COURT : You must know your admissions. You worked on them.

If you do not know your admissions, how are we supposed to know them.

MR FICK : Do you know that the Ratanda Civic Association was represented on the East Rand UDF area committee? -- No, I did not know that.

Will you please turn to EXHIBIT AM39, document found(10) in Grahamstown.

COURT : Is the admission merely that it was found in Grahamstown?

MR FICK : Merely Grahamstown. Will you please turn to the third page. -- This document is not known to me. On the face of it it looks like Grahamstown Civic Association document. It is not a UDF document. Page 3?

The third page from the front.

COURT : The document consists of two pages, it seems to be a front and a back page. The third document there is a (20) translation of the first page. The fourth appears to be the translation of the second page. To which one are you referring?

MR FICK : The first page of the second document, the translation. It is a document with the heading "Rhini Council refuses to let GRACA use community halls" and from the second page it is clear that it is issued by Grahamstown Civic Association, Grahamstown. -- That is correct.

COURT : The Rhini Council, is Rhini a township in Grahamstown? -- Rhini is actually Grahamstown, but I think the (30) town/...

town council there, therefore combining all the townships is referred to as Rhini Town Council, as I understand it.

Is the name of Grahamstown Rhini in Xhosa? -- Yes, people say Rhini.

MR FICK : And the councillors in the township, are they also referred to as Rhini councillors? -- Yes, I think to the best of my ability this is how it is called. The same page we are looking at - well, it is better written in Xhosa there, because it actually says page 1 of AM29. It actually says Rhini Council. So, I have always understood it is (10) called that way.

On the first page of the second document paragraph 6 it is stated there "There is only one medicine. Rhini council must se opposed, destroyed and forced not to be in existence in Grahamstown." I put it to you from this it is also clear that this affiliate of the UDF intends to use violence against the council.

MR BIZOS : This is one where the State has to prove that it is an affiliate. There is no admission.

COURT : Were you aware of that, Mr Fick? (20)

MR FICK : Not at the moment. What do you say to the translation? -- I am not happy with it. You will se "Ukukhaba" that is to kick, kick it away. "Ukuchitha" is to dismantle.

COURT : Are you asking the witness to give expert evidence on the Xhosa language?

MR FICK : No.

COURT : Then you must properly qualify it.

MR FICK : Will you please turn to EXHIBIT C23 volume 2, a document found in possession of I. Mohammed with the heading "The broad struggle", this is a talk given at the Regina(30)

Mundi/...

Mundi Soweto, the Soweto Civic Association, an anti-local authorities meeting on 27 November 1983. Will you please turn to page 5. -- This document I saw for the first time here in court. It is not a UDF policy document.

I put it to you from page 5 the last paragraph, this leader of UDF made it clear that ... (Court intervenes)

COURT : We had this on 22 September 1987. Are you going through it again?

MR FICK : Page 6 the third paragraph. -- Sorry, I am not sure what you are referring to. (10)

Page 5 the last paragraph as well as page 6 the third paragraph, as well as the last paragraph on page 6 "Let those who have been so cruelly robbed of life, Mahlangu, Mogoerane, Mosolodi, Motaung, Quabi, First, Mxenge and many others always remember those who fell in Casinga, Maputho, Maseru, Manzini and elsewhere, inspire us with new levels of courage." I put it to you that the leader of UDF in this speech incited the people at this Soweto Civic Association meeting to engage the government in violence? -- No, I deny that. He says that people must take courage and they must be inspired. (20) He does not say that they must take violence.

Yes, but Mogoerane, Mahlangu, Mosolodi, Motaung as well as the other people, Mandela Sisulu Mbeki, Mlangeni, Kathrada, Goldberg, Lubisi, Mashigo, Manana, were all engaged in violent struggle against the State. Is that not so? -- I do not know all of them, but what he says, he does not say let us be inspired to carry out acts of violence like they did. He says their deaths, the fact that they died, that that must inspire us.

Yes, to new levels of courage, strength and determination.

Yes/... (30)

-- Yes, that they sacrificed in whatever way -. but what he is saying, the fact that they died for freedom, that is what he says must inspire us. People always say that.

Will you turn to the next EXHIBIT C24.

COURT : Where was this found?

MR FICK : I. Mohammed Johannesburg. This is a document with the heading "Report by Anti-PC delegation on the UDF conference December 1983." It is compiled by on page 2 "Professor I. Mohammed, Mr G. du Plessis. B. Jardin, Mulligan Mosos and Daniels." Professor Mohammed and Mr G. du Plessis(10) are on the executive of UDF. Do you agree? -- Yes.

UDF Transvaal? -- Yes.

Do you know Mr Jardine? -- He is one of the members of Anti-PC.

The other three? -- I do not know these other three. This document is unknown to me. The first time I saw it was in court here. It is not a UDF policy document.

Will you please turn to page 2 the last paragraph. There is a paragraph (e) "We must organise mass resistance to conscription" and then the very last paragraph of para-(20) graph (e) "Mass of young people, even though not politicised and hence not in a position to reject SADF on political grounds, nevertheless fear concept of war is being maintained and killed. There is basis from which to organise them." Now "Note. Should be careful when exploiting this fear not to move people away from preparedness to fight and die for liberation." I put it to you from this it is very, very clear that this leader in UDF sees violence in the liberation struggle as one of the methods through which liberation must be achieved? -- I do not know what was going on here, but if you look at(30)

page/...

page 1 of this document, you will see there it says "(a) Bus journey to Port Elizabeth." It seems to me that this was - some discussion took place between, I do not know who the people were that were there in the bus, because at page 3 of this document under (b) it says "Friday, 16/12/83 arrived in PE at 15h30" Some people appeared to have some discussions in a bus going to PE and then they got to PE. I cannot explain what was going on here. I do not know what was the purpose of all this.

COURT : The Anti-PC group, what was that? -- It is a (10) group from the Coloured - a group of people from the Coloured community. It is an organisation in fact that was set up, I do not know when, but when I came out of prison it was there or it was formed around 1983 or 1982 as an organisation that was to express opposition to the President's Council proposals and therefore - these pieces of legislation that we were engaged with.

K953 But now by December 1983 were the proposals of the President's Council still relevant? Was there not an act already? -- There was already an act. What actually (20) happened, as I figure it out, is that when the organisation was formed, the proposals were still proposals. So, the organisation was called the Anti-PC. It retained that name even when the proposals had become now pieces of legislation. It remained just like that.

And then what did it become, this organisation? Merely an anti-government organisation? -- No, it remained - it was a Coloured community organisation that was opposed to the new dispensation.

So, it was a political grouping actually? -- Yes, that (30)

is/...

is correct.

MR FICK : Professor Mohammed was the president of the Anti-PC? -- That is correct.

Is it only a coloured Organisation - an organisation for Coloureds or did it have members from other race groups also? -- To the best of my knowledge, it was for the Coloured community. I may be wrong, but I think to the best of my knowledge that is the position.

COURT : Was it an organisation of any moment? Was it a big organisation? It seems to have been just a group of (10) people? -- I would not say very big. I am afraid I cannot give the Court an estimate what its followship was, but it was a fairly small organisation.

MR FICK : Will you please turn to page 3 of the same document the last line - some points were made and then - "No effort must be spared to accommodate delegates in township even if we have to sleep on a kitchen table. In our case at least 60 families would have had time to converse with the UDF activists. Also in this way people in the township would get used to sheltering strange revolutionaries." (20) I put it to you from this it is also clear that this leader of UDF as well as the people with whom he travelled to the UDF conference December 1983 held discussion on this matter and it was the feeling of the delegates that it is part of the liberation struggle to get the people in the townships to shelter activists and revolutionaries, people who are active in the liberation struggle. -- Is it put that that was the view of the delegates to the conference?

The people who were in the group with Professor I. Mohammed? -- Well, on the face of this paper this is what it says. (30)

I/...

I may just say that as far as I am concerned, this is rubbish. It is just nonsense. We had nothing to do with this kind of thing.

Will you please turn to EXHIBIT C25 page 4. It is a document with the heading "Constitution and its implications". On the last page it says it is a talk to be given at AZASO conference opening session Orlando-East on 4 July 1984. From page 4 the first paragraph, the last part of that from the words "Our students" more or less in the middle of page 4. "Our students have learnt that their crisis of education (10) is not going to be resolved on the class-room floor but in the political arena. We have learnt from the victories of the people in Mozambique, Angola and Zimbabwe that as an organised and united people, we shall win our liberation." -- I may just say that this document is not known to me. It is not a UDF policy document and opinions held in here are those of the author.

Do you agree that the struggles in Mozambique, Angola and Zimbabwe were all violent struggles? -- Yes. That is correct. (20)

According to this, the author of this document said that the people in South African must learn from the lessons from the people which they learnt in the violent struggles in Mozambique, Angola and Zimbabwe? -- No, he does not say it in that way. He does not say we have learnt from the victories of the people in Mozambique, Angola and Zimbabwe that only as violent people we can do so. It says as an organised and united people. The element which he extracts from there is one or organisation and unity.

Will you turn to page 7 the last paragraph. From (30)

this/...

this it is clear that he also referred to Mandela, Sisulu, Mbeki, Mlangeni, Kathrada, Goldberg, Lubisi, Mashigo, Manana again and he stated that these and all the many others unite us in our determination to kindle flames of liberation in the hearts of our people and he also referred on the next page third paragraph again to Mahlangu, Mogoerane, Mosolodi, Motaung and Jeannette Schoon and all the many others and those who fell in Casinga and he called on the people that these people must inspire them to blow those flames of freedom into raging fires of liberation. I put it to (10) you this is again a reference to violence ... (Court intervenes)

COURT : Now where does this take us, Mr Fick? This witness says he does not know this document, it is not a policy document of the UDF. Are you attempting to argue your case to me now? Then argue it at the end of the case. I am not bound by your interpretation, or the witness's interpretation of this document or anybody's interpretation. We will decide what it means at the end of the case. If you want to pick out of a document something to which you want the (20) witness to agree, do so, but do not argue your case through the documents and through the witness.

MR FICK : I want to refer you now to EXHIBIT C48 volume 4. This is the annual secretariate report of the United Democratic Front Border region.

COURT : Where was this found?

MR BIZOS : Lucille Meyer.

MR FICK : L. Meyer. I put it to you from the first page the second paragraph it is stated that through the UDF our people have been able to organise mass campaigns that have (30) resulted/...

resulted in the mobilisation of scores of thousands of our people into active resistance of not only the measures of this regime, but also the continuation of the exercise of power over us without our mandate. -- It says so.

And then in the next paragraph "This then places upon the doorsteps of all involved in the front especially those entrusted with leadership at all the various levels to maintain the high levels reached in the first year as well as build a momentum that will draw nearer the day of our liberation." -- It says so. (10)

I put it to you this is a reference, the second paragraph, to the UDF's strategy to make the structures of the government unworkable? -- There is no thing like that here. I disagree.

And to make the country also ungovernable? -- No, that is not there at all. Far from it. The meaning of this thing is completely far from that. All that this thing says is that we would have to work harder so that our freedom must come nearer. That is all.

Will you turn to EXHIBIT U4(b) volume 1. This was (20) found in the possession of A.Kwadi, Soweto. It is a document with the heading "UDF Education committee, education program for civics 27/28/29 April venue Daleside St John Gospel College. -- I may just say to the Court that this document is unknown to me. The first time I saw it was in court here. COURT : What does an education committee do? -- Ordinarily I would think it would acquaint people with the UDF.

So, is it an information committee then? Or is it something more? -- Yes, it would be an information committee. I think it would serve various kinds of purposes. Generally(30) making/...

making information or knowledge available.

MR FICK : Is it not also a training committee training activists? -- May be it may do that in terms of may be acquainting them with the policies of the organisation. It is multi purpose. It has various kinds of purposes.

Will you please turn to page 3.

COURT : So, education has nothing to do with scholastic achievements. This educate does not mean educate in the sense that teach you something which you would normally learn at school or at university? -- No. (10)

It means give information in respect of the UDF? -- Yes, and may be it is the other organisations that the UDF may want to teach members about. That kind of educate.

MR FICK : Page 3 the middle of the page, just above the heading "Session 3". It is stated "The next tasks are to destroy the Black Local Authorities and to strengthen our civics." I put it to you from this it is clear that with the word destroy violence is not excluded? -- No, I disagree. In the context of the policy of the UDF it is clearly excluded, but also I think it is important that in looking at that (20) this whole section starting at page 2 where it says "Session 2" must be looked at, because it seems to me people went to discuss a number of things and so on. From those discussions some ideas were put together as reports starting at the base of page 2 going in to page 3.

COURT : Was this in April 1984 or in April 1985?

MR BIZOS : We had evidence from someone who was at Daleside. It was 1984.

ASSESSOR (MR KRUGEL) : Mr Mphuthi, accused no. 7. -- I was not there. I was merely looking at the document. In my (30) understanding/...

understanding when an issue is discussed, the ideas which would be around would be put together. In a workshop situation of course it is like a thinktank. People just express all kinds of opinions. They are not necessarily decisions of an organisation, unless of course they are adopted later.

MR FICK : Will you please look at EXHIBIT U4(e). This is a document United Democratic Front. "Dear Friends. Re education workshop." It is an invitation under the name of Moss Chikane. The second paragraph - it is also clear from this document that it was 1984 - "The aim of the (10) workshop is to evaluate the anti-community council campaign and to look ahead for civic organisation in the continuing struggle against the local authorities."--That is correct. That is what it says. All this means is that this was an invitation that people would go and discuss this, but what I am telling the Court is that whatever ideas emerge from the workshop, they are not the policy of the organisation unless and until they are adopted by the policy making organs of the UDF.

Do you know whether any of the - let me ask you this. (20) Do you know of any recommendations made this workshop to the UDF? -- I do not know what happened. I know nothing about this workshop.

I put it to you that what had happened in the townships after 1984 was exactly what is stated here that Black Local Authorities in the townships were destroyed violently. -- No, I do not agree.

And in the townships the civics also were strengthened as the alternatives to the Black Local Authorities? -- In which townships? (30)

Soweto/...

Soweto? -- But the Soweto Civic Association had been there a long time before. It had always been stronger than the community councils.

In the Eastern Cape Grahamstown, Cradock? -- No, but which civic are you referring to in relation to Grahamstown? GRACA?

GRACA? -- GRACA had been there much longer than that. It had always been very strong.

Yes, but I put it to you that it was UDF's aim on the one hand to destroy the Black Local Authorities and on the other hand to have the civic organisations, or civic associations to take over the control of the townships? -- No. If by destroy is meant that the civics intended to win support away from the town councils and in keeping with the policy of the UDF that we intended to persuade the government to abandon the BLA's and give us more effective structures, that is so, but if by destroy is meant any other thing, I reject that.

I put it to you what is meant with destroy in this document is to force the councillors to resign? -- What is meant by force? If by force is meant applying political pressure, that is correct or politically we would do that, but if by force is meant anything other than that, no.

I put it to you the affiliates of the UDF understood this to mean violence? -- No, they did not. In fact they were specifically told by the UDF that no violence must be used and they were told, it was actually detailed, do not burn the houses, do not burn their shops and stay away from them. What it says is just boycott them. Do not have anything to do with them. As far as I am concerned that is

non-/...

non-violent. It is perfectly acceptable.

To which document are you referring to now where it is detailed? --Only yesterday I referred the Court to that other statement I made.

COURT : DA43 I think.

MR FICK : Is that the one you are referring to? -- That is the one I am referring to, but the policy of the UDF had been set out in detail over and over and over again. At the time that counsel is talking about when he says that at this workshop it was said that people must go and use (10) violence, after that workshop we now as an official policy position of the UDF, we told both the public and our affiliates and everybody else that the UDF does not use violence and that they must know that. We stated that publicly. No one can claim that they did not know what the position of the UDF is.

Will you turn to EXHIBIT W56 volume 9. This was only found in Grahamstown, no place, no name. This is a document "Grahamstown Voice, May 1984" with the GRACA News will you please turn to page 5 ... -- I may just say that this (20) is not a UDF policy document. I myself first saw it when it came out here in court.

The second column the last paragraph . It is an article with the heading "No to gutter education". I want to first refer you to the first column the first paragraph "Thousands of students across the country have been involved in protest against Bantu education. Schools in Pretoria, PE, Cradock, Graaff-Reinet, Humansdorp have boycotted et cetera. 24 schools have been on boycott. 17 in the Eastern Cape." The second column the last paragraph "Students have been (30) protesting/...

protesting over demands that can be met for books, better teachers and so on, but students realised the struggle for a change in the educational system in South Africa, is part of the struggle to overthrow apartheid and build a democratic society. The doors of learning shall be open to all." I put it to you, this is a clear reference to a violent struggle? -- No, I do not see anything that is clear about violent struggle here. There is nothing like that here. In fact the last paragraph specifically says apartheid. The other day there was a complaint that people said apartheid (10) government, apartheid this, apartheid. Here does it say specifically apartheid. The system of apartheid. There is no question of violence here.

But if you look in the second column the first paragraph which refers to Cradock, you will find there that "The people's boycott has affected the whole community. Community leaders from CRADORA who tried to negotiate between the boycotting students and the authorities have been detained. Police have used teargas to try and scatter the crowds of students gathered in the school grounds after closing time.(20) In this atmosphere of anger and suspicion fire bombs were thrown into houses and cars were set alight and now, with that background, they call on the students to realise that the education struggle is part of the struggle to overthrow the government." What else but violence could that mean? -- I think there is a misinterpretation of the document. Let us just be systematic and look at it again. It says the following "The people's boycott has affected the whole community. Community leaders from CRADORA who tried to negotiate between the boycotting students and the authorities (30) have/...

have been detained." You see the methods of the organisation. They were trying to negotiate and then they got detained and then it says "Police have used teargas to try and scatter crowds of students gathered in the school grounds after closing time." I do not know what is the purpose of that, but they may have wanted to hold a meeting and then police came there and threw teargas and then they scattered around and then there was anger and suspicion. This is a thing - in my evidence I was telling the Court yesterday, Bishop Tutu was actually saying to IC.17 that you know, that (10) sometimes when people just want to gather for a specific purpose, then they want to discuss something and may be teargas is thrown there. They run a mob. No one can control a situation like that. It is very difficult to control and anything can happen under those circumstances. It is clear here that the purpose - people wanted to negotiate and then things went this way. If I may say to the Court, if we organised a football match and invited people to come out and watch Orlando Pirates play Kaizer Chiefs, the purpose of the match is this one. If for any reason something else (20) happens and may be the referee makes a bad decision that leads to a riot, can it really then be concluded that the purpose of organising the match so that there should be a riot? I deny that that is the position. When we in the UDF call meetings, we have got a purpose why we call meetings. We do our best with marshalls and so on, to control it, but from time to time these things run out of hand. The National Party organises a meeting in Pietersburg to talk to its supporters and that was the purpose of organising that meeting. Then people come from the CP into that meeting (30) and/...

and then they cause a row and then the hall is smashed and the doors and so on. We cannot say that the purpose for organising the meeting was for that purpose. Circumstances out of control lead to this kind of thing. In a real sense, in a situation that was in our country, we need to be very calm when we judge situations of this nature and we must not confuse coincidence or accidental happenings which provoke unwarranted behaviour and make that the policy of the United Democratic Front. It is not the policy of the UDF. We ourselves would not be allowed - those things are dangerous (10) for us as well. That is why we do not want riots at our meetings and things like that.

Nobody asked you any question about a meeting. -- But I am being asked, here are person who gathered and the police shot teargas and then this kind of thing happens. That is what the exhibit that I referred to says. I am merely explaining, I am trying to throw the matter open so that we can see the circumstances that from time to time result in situations of this nature. I have seen these kind of things happen. (20)

Turn to EXHIBIT W69 it is in volume 11. This is a Speak of January 1984, the first document, found in the possession of M. Valli, Lenasia page 7. The heading on that page is "No to dividing rule - yes, to unity in action." -- We have discussed that matter before.

Yes, but I am not referring now to unity in action. I would like to refer you to the article below the photo of Reverend Frank Chikane, the very last three paragraphs. It is stated there "All this had to be done with out immediate goal kept in mind, to organise and mobilise the oppressed(30) masses/...

masses in South Africa and create such structures and networks that will enable the liberation movement to break the system of apartheid. That shall be the time when it will not be the leaders calling people into action, but the masses taking it up themselves. That is the people's struggle towards the people's victory giving birth to a people's government." I put it to you that that is a call to violence in the liberation struggle? -- No, that is not so. The Reverend Chikane is a church minister.

COURT : Of which church? -- I forget the name of his (10) church. Priests would not speak in terms like that, it will be the day that this will happen and on that day this will happen and so on. There is no call for violence here.

MR FICK : I put it to you that here is also reference to the alternative structures of the people, to call on the people that they must organise and mobilise the oppressed masses in South Africa and create such structures and networks that will enable the liberation movement to break the system of apartheid. -- As far as I am concerned, all that he is referring to is organisations, setting up organisa-(20) tions and one of the documents told us this morning, there is no weapon that is stronger than organisation and if we are to persuade the government effectively in the final analysis, we must build our organisations. We need organisations.

Will you now turn to EXHIBIT W72 volume 12, found at the offices of UDF Johannesburg. This is the report from the third annual general meeting of CAHAC. -- This is not a policy document of the UDF.

Do you know the secretary of CAHAC? Do you know who (30)

it/...

it is or was in 1984? -- I am not sure.

Wilfred Rhodes, who is Wilfred Rhodes, is he the chair person of CAHAC? -- I think if he is not the secretary, he is the chair person.

Will you turn to the secretarial report. It is the fifth page from the front. -- What year was this document?

1984. If you look at the last page it is dated under the name Wilfred Rhodes October 1984. The fourth paragraph approximately in the beginning of the fourth paragraph "The people's determination was not stopped by these vicious (10) attacks. Instead it has grown to a massive response like in the Vaal, Grahamstown and Graaff-Reinet. A rent increase has led to the destruction of the community councils in these areas." Do you agree with that? -- Do I?

Agree that the local community councils in Grahamstad, Graaff-Reinet and the Vaal were destructed? -- I do not know about Grahamstown and Graaff-Reinet, but I know that in the Vaal the issue of rent created problems.

Then after the reference to the destruction of the community councils it is said "The people's message to the (20) illegitimate government is loud and clear. The people shall govern and we will accept nothing less than this." This is, I put it to you, a clear reference to a violent struggle which was fought in the Vaal, Grahamstown and Graaff-Reinet for people's power? -- No, I deny that. You see, all it says is "The people's message to the illegitimate government is loud and clear. The people shall govern and we will accept nothing less than this." All that I understand here is that - and this phrase "The people shall govern", comes from the Freedom Charter and as I understand it, all it is saying (30) is/...

is that people wanted a government in which they will participate and they will not accept structures in which they do not participate when those structures are set up and which are not defective. This organisation here is a non-violent organisation. It existed before the UDF was set up. It is still there, it is still operating non-violently in its communities.

ASSESSOR (MR KRUGEL) : What does it stand for? -- Cape Housing Action Committee.

WITNESS STANDS DOWN. (10)

COURT ADJOURNS. COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Mr Lekota, we now turn to EXHIBIT C106 volume 7. This is a document with no heading. It starts "Comrades, I greet you on occasion of the first NGC since the launching of the UDF in August 1983." Will you please turn to page number 6. The third paragraph I put it to you, there it is stated "What have we achieved so far? Community councils virtually non-existent due to mass action." I put it to you that UDF (20) claims the collapse of community councils as one of their achievements. Do you agree? -- No, I do not agree, this is not a UDF policy document.

Did UDF take on the Black Local Authorities issue?
-- That is correct.

Did they call on the masses and the organisations to oppose and protest against the Black Local Authorities? -- That is correct. But so did so many other organisations the same thing.

I put it to you what is stated here is what UDF (30)

has/...

has done in the execution of that campaign against the Black Local Authorities? -- No, I disagree.

Will you then turn to page 9. We did refer to this before but I put it to you there again in the paragraph beginning with the words "By challenge", the last sentence of that paragraph approximately the fourth paragraph from the top "Recent examples of the challenge of the anti-SAIC campaign, the anti-constitution campaign, the Soweto uprisings, the resistance in Langa, Crossroads, the Vaal, the boycott of gutter education." I put it to you UDF claims all these (10) areas of resistance or where the people acted against the Black Local Authorities against the gutter education, against the constitution as victories of UDF? -- This is not what this document says. This is not a UDF policy document and I do not know on what basis counsel can say that the UDF claims this. I have explained as far as I am concerned that this document, as far as the UDF is concerned, that this is a non-existent document and that it is not our policy document. We have never adopted it. The authors of this document may have expressed their opinions variously in these parts and (20) so on, but it cannot be placed at the door of the UDF.

I put it to you that this is what one of the presidents of the UDF at the first NGC since the launch in August 1983 said about the UDF? -- We may take some of the points that I make here. He says recent examples are the anti-SAIC campaign. Now where was the UDF at the time of the anti-SAIC campaign? The UDF was non-existent. The Soweto uprisings. I do not know what are those. If it is 1976 the UDF was non-existent at that time. He talks about the resistance in Langa. Was that 1963 or when? I do not know. I know of no (30) resistance/...

resistance that the UDF was responsible for in Langa since its inception. He says Crossroads. The issue of Crossroads, squatting, an issue that was fought from as early as 1977 - 1975 as far as I can recall and the struggle of the people there to find housing and so, had been going on and it had nothing to do with the UDF for the better part of its existence. The boycott of gutter education. Here we have also led evidence and showed that the UDF had not taken any campaign on education. It may have pronounced on the question of education at various times its own issues, but there(10) was no campaign that the UDF ran on the question of education. To say that these things can be placed at the door of the UDF, is unacceptable to me, because even the question of the Vaal. That was the issue of the Vaal Civic Association. The UDF had no hand in it. The UDF was not consulted in relation to the matter as far as I know and one cannot place that before the UDF, because it was never discussed in the councils of the UDF. No decision was taken on the matter in the councils of the UDF relating to that matter.

On the same page the next paragraph it is stated that(20) it is our job (that is now the UDF) is to transform the challenge which has been spontaneous into a conscious process planned as part of coherent strategy." Is that in accordance with UDF's policy? -- This is not a UDF policy document, nor has the UDF adopted that position.

But is it in accordance with UDF's policy? -- It could only be if the UDF had adopted policy of this nature.- It has not.

Can we now turn to EXHIBIT C102 volume 6. I would like to refer you to the Secretarial Report. That starts at (30) the/...

the eighth page from the front. Did you assist with the secretarial report? -- That is correct.

Will you turn to page 11 of the secretarial report. Paragraph 8.4 "In the townships the Black Local Authorities are inoperative. They are no longer able to dictate to the masses. Already over 50 of the councillors have resigned countrywide. Some townships like Cradock and Uitenhage had no local government structures. Now our task is to extend our struggle beyond these apartheid structures and set up our alternative structures which will force the (10) authorities to heed the popular demands of the people. We must set up projects to meet some of the practical needs of our people without comprising our principles. For example, advice office, mobile clinics et cetera." I put it to you from this paragraph it is clear that UDF sees it as its task to set up alternative structures to that of the government? -- No, no, the paragraph is so clear. It says that the structures, the Black Local Authorities structures are inoperative. People were refusing to support them. They have failed to win the support of the people. Our organisa-(20) tions must take up the demands of the people with the government so the government can hear it. It does not say that the UDF must destroy local government structures. It says that those structures which are there, those BLA structures are inoperative. People refuse to support them, because they were not meeting the demands of the people. They are not taking the voice of the people to the government and our organisation, it fell to our organisation to take upon itself the task of putting across the demands to the government, so that the government can hear and even the closing (30)

part/...

part of that paragraph there are talks about setting up advice offices, mobile clinics. There is nothing that is suggested there of the nature of violence or destruction of anything.

I put it to you that the alternative structures were intended to take over the control of the townships? -- No, the alternative structures -examples of the alternative structures are given there as advice office, as mobile clinics. I do not know how those structures can take over structures of government.

ASSESSOR (MR KRUGEL) : The last sentence where we have (10) mention of the advice offices and mobile clinics, et cetera, that type of action is given as an example of the assertion that we must set up projects to meet some of the practical needs of our people. -- May be I should put it this way. May be there are two points. The first point is that there must be structures which will force the authorities to heed popular demands. What I would understand there is that our civics should take up the complaints in the communities with the government.

Yes, I appreciate that, but the point I want you to (20) consider please is this. We have two separate statements here. The first statement is that our task extends beyond our struggle - at least our task is to extend our struggle beyond these apartheid structures and to set up alternative structures. That is the one statement that is made and the other statement is that we must set up projects to heed some of the practical needs of the people? -- Yes.

Do you couple the clinics and the advice offices to the first or to the second one of these statements? -- I would say that on the political side that the existing (30) community/...

community organisations would be in my judgment - that they would serve more the purpose of taking the complaints to the government. Therefore that they would deal with the first sentence and then at the second level it is suggested that advice offices, mobile clinics and things like that should be set up as practical projects to help alleviate the conditions in the townships.

COURT : So, the projects and the structures are two different things? -- Insofar as the structures refer to the organisations, I would say yes. In any event, the (10) organisations were already there in existence and operating.

If the organisations were there, why is it stated "We must set up our alternative structures"? It would appear, looking at it cursorially, that this means a new thing is to be put up? -- May be cursorially, but as I see it and with the background of the situation as it prevailed at that time, once the communities were not standing behind the Black Local Authorities councils, the only organisations that they had and that could serve this purpose in our judgment were the existing community organisations. At (20) no stage was it suggested that any other structure of any - other than that should be set up. Neither in this report as I am aware nor in the, even in the deliberations of conference, am I aware that it was suggested that we must set some kind of other unique structures, but I think the point that our organisations would have had to take upon themselves the task of liaising with the government on behalf of the community which they were serving.

The organisations then being not sporting bodies and such like, but the civics? -- Those are the organisations (30)

as/...

as far as I am concerned, but which would have been appropriate for that.

MR FICK : And how would they force the authorities to heed the demands of the people? -- When the Black Local Authorities were not taking the demands of the people to the government and they were not voicing the correct complaints of the communities, they would voice the correct complaints of the people and they would go to the government with them.

No, no, no, how will they force the government? -- By taking them to the government and saying this is what the (10) complaint of the people is. Where the Black Local Authorities were saying that everything is well, they said everything is not well. People have got this complaint and that complaint and this complaint. Then the government must respond to that instead of saying that people are happy. That is what it means. If a Black town council says everything is alright, people are happy, then the government has not responded to the complaints of the people. If an organisation comes to the government and says people are not happy, they have got this complaint, number one, they do not have houses, two, (20) the streets are not tarred, three, sewerage is not properly - then the government is forced to respond to that.

No, no, no. How will the civics force the authorities to heed to the demands? -- In the sense that I have just explained.

Will you please turn now to EXHIBIT T2. This document was found in the possession of E. Appelgryn. This is a document with the heading "The secretarial report of the NEC of UDF on 21 January 1984." Do you know this document? -- I cannot remember it specifically, but I was at this (30) meeting/...

meeting. Yes, I know this document.

COURT : How would it come in possession of one Appelgryn, Durban? Is that a person who was on the Board? -- May I just have a look at this document quickly. Yes, I know this document. I do not know how it could have come into the possession of that person. I do not know that person. May be one of the regional secretaries may have made it available or something. I do not know.

MR FICK : This is the secretarial report to the NEC of the UDF and it was tabled at the meeting of the NEC on 21(10) January 1984. Is that correct? -- I think so.

Will you turn to page 2 please paragraph 2.2. The heading is "Challenging legitimacy of the BLA/CC's." I am not going to read the whole of the paragraph, but from the middle of the paragraph the ninth line from the top, the sentence starts "On the basis of the concrete support shown in the signature form, affiliates will call for the resignation of those serving the Black Local Authorities and community councils." Then "The challenge to UDF and its affiliates is to provide an alternative to these (20) structures." This was in January 1984. -- Right.

And the Black Local Authorities were still in existence. They have not yet collapsed. Why was it necessary for UDF at that stage to provide an alternative to these structures? Did you know that the masses protest and got involved in mass action, violent action against the Black Local Authorities? -- We did not know anything of that nature. The first point we make I think is that when the elections in November 1983 - people did not support those BLA's. The second point is, it seems to me that counsel operates on (30)

the/...

the basis that the Black Local Authorities collapsed. As far as I am concerned, some of the councils did collapse, not all of them. Some of them did collapse. Secondly or thirdly, this document here makes it clear what the position is, that the secretariate is putting together information relating to the number of councillors, wards and people who voted per ward in each township. Once that has been done, affiliates will go on a signature campaign to prove that those councillors are unpopular and therefore unrepresentative of the residents. On the basis of that, (10) where we had collected evidence in the form of signatures which show that the majority of the people do not support those structures, the affiliate will call for the resignation of those serving in the Black Local Authorities and community councils. All the time that was in keeping with the UDF policy non-violent. That is why even in the middle of 1984 we repeated again that whilst the call is made for them to resign, whilst we do not want those structures, people must not use violence.

Still on the same topic, I would like to refer to (20) EXHIBIT AAD5. What can you tell the Court about this document? -- I cannot tell the Court anything about this document. It is unknown to me and to the best of my knowledge it is not a UDF policy document. I do not know it.

I put it to you that this document is UDF policy, it was found in the UDF offices in Pretoria and it is explaining the theme "Protest to challenge" and that is the theme of the UDF decided on by the NEC? -- To start with, the UDF has never had an office in Pretoria as far as I know, unless it was subsequent to arrest, but as far as I know, up to (30)

this/...

this point, I have never heard that UDF had an office in Pretoria. So, this document could never have been found in the UDF office. Secondly, even if it could have been found in the UDF office, the question would still be whether the UDF had ever adopted this document as its policy document. As far as I am concerned that has never happened. So, I deny that it is a policy document. The author may have written it and left it in some office that the police thought it is a UDF office and that is that.

COURT : That statement is made on the basis of an admis-(10)
sion you made I take it.

MR FICK : That is correct.

COURT : So, you cannot very well say you do not know about an office in Pretoria? -- May be I should just put it this way, even if it could have been found there, this document, to the best of my knowledge, has never been adopted by the UDF as a policy document.

MR BIZOS : May I remind Your Lordship that we have been through this before.

COURT : This is the second time it arises. (20)

MR BIZOS : I do not know with this witness, but AAD5 is summarised in AAD2 and there it is specifically stated on page 8 of AAD2 "The views expressed in this paper are not the official views of the UDF" and it is a summary of the document that the witness disavows as a UDF document. As a UDF document which says it is not the view of the UDF. Your Lordship has got it "From protest to challenge - from mobilisation to organisation" on page 8 of AAD2 on which a summary of AAD5 appears. AAD2 is dated May 1985, which would have been a date subsequent - even later, (30)

July/...

July 1985, which would be after the arrest of this witness. I may say that Your Lordship is entitled to an explanation in relation to that admission about the UDF in Pretoria. There will be evidence in relation to it ... (Court intervenes)

COURT : At some stage you will have to sort it out. There must be an agreement on where it was then found.

MR BIZOS : There will be evidence of it and once the State has heard it, then we will discuss it. SAAWU had an office in Pretoria which was used in some form as a post-box (10) or pigeon-hole if you like by some of the people in Pretoria. Accused no. 21 will be giving evidence in that regard.

MR FICK : Will you please have a look at EXHIBIT C100. This is only the first five pages marked AAD5 and C100 was found in the offices of UDF Johannesburg. I put it to you if you look at EXHIBIT AAD5 page 2 paragraph 1 it is stated that "Challenging the State means far more than responding to the measures of the State in a sporadic way. It means engaging the State on as many fronts as possible, fragmenting and dispersing its forces at the same time and (20) strengthening and broadening our forces. It means frustrating the State's efforts to preventing its advances, forcing it to retreat and a possible cut-off of its lines of retreat." And then it is further explained on the same page about what is meant by challenging the State. The third paragraph it is further said that "In challenging the State we have to combine two objectives. (1) Making State programs and its institutions unworkable and isolating the State from all support." Then on the same page still just above the heading "Isolating the State from all (30) support/...

support, it is further stated in the very last sentence above that heading "Struggles of popular organisations must develop to the point where the State can no longer impose its undemocratic structures on oppressed communities in any area conversely. Democratic organs of the people must start to replace these structures as embryos of a future democratic South Africa." If you have a look at what was said just above the passage I read it is stated that "Since August last year 150 councillors have resigned and only five out of the thirty-four councils set up nation wide (10) are still functioning." Then "This is not necessarily an irreversible process and the State will try to reimpose its unpopular bodies on the people. Struggles are popular. Organisations must develop to the point where the State can no longer impose its undemocratic structures on unoppressed communities in the area." I put it to you that it is stated here that the masses must not only oppose in protest against the institutions of the government but they must make it impossible for the government to impose these structures or sees to it that it functions properly. (20) It is the task of the UDF and the masses to make it unworkable and to make such an area ungovernable? -- I have already said that I do not know this document. I do not want to pretend that I know and that I can explain everything in it, but as far as I am concerned, on the question that the government must set democratic structures, our position would be that the government must set democratic structures or structures which satisfy the aspirations of our people.

It does not take anybody forward. It does not solve the problems that we are dealing with if we are not able to (30)

set/...

set up acceptable structures of government. I do not know whether this is what the author here was intending to convey, because I do not know this document. I cannot talk on it.

Will you turn to page 4 of the same document. There is a paragraph ... (Court intervenes)

COURT : On numerous occasions you have told me that you did not know documents. Who would then know these documents, before they were in fact found in the office of the UDF? Who would then be a person who would come and tell us (10) where these documents come from, why they were found there and that sort of thing? If you are not in a position to do it and accused no. 19 is not in a position to do it, who would then be? Would it be accused no. 21 then? -- It would depend on what office they were found in. If they were found in the office of the UDF, the head office, the national office, the person that would have been in the office at the time when the document got there. I would not know when did it, to start with, come there. Did it come there in September 1984 or in July 1984 or when? At that point when (20) the document came, the person who would have been in the office, would be able to explain. If it was in the period when both no. 19 and I were not there for one reason or the other, then there must have been somebody who was there and that person would be able to explain. If it is in the office of the Transvaal UDF who would have been serving in the office there, would then say.

I take it these documents were not just lying about. They probably were filed. What was your filing system like? -- It was quite chaotic. I am sorry to say but it (30)

was/...

was, but when the police officers got there, with the documents that were filed, they would have found a filing cabinet with all the documents which would have been filed with markings as to this document this and that document that. But they would also have found several boxes of documents lying around in the office, some of which were publications from other organisations. Others, miscellaneous papers written by individual persons and so on. So, that would be the kind of situation that would have been prevailing there. As to the period after we had been detained, I (10) cannot attest to who were the people who were in the office and whether they were there all the time and so on. There had been times when for one week somebody is in the office then that person gets detained and somebody comes to try to help them and that person for some reason or the other also has to go. It is a very chaotic situation. When we came out in December 1984 we also found the situation very chaotic or very difficult to trace things and to put them together, because you found one man who was there in the office, but he was going all over. Sometimes he spent weeks in Natal, (20) sometimes in the Western Cape and that is the kind of situation that we were in.

MR FICK : But why were you keeping all the documents which were not UDF policy documents, as I understand that there was not enough space in the offices of UDF? -- Yes, there was not enough space. What does happen is that sometimes the mail arrives let ons say on one day and there are several piles of documents, some of them written by people just - and sending them there. There may not be time to go through all of them that day, but what one simply does is to put (30) it/...

it aside and hope that you will get some time to have a look at them and then may one would rush out to attend to other issues and then tomorrow another pile comes with other documents. So, somehow the piling up process takes place of its own, at its own momentum. It is something that one cannot completely control. I myself have received documents sometimes and I want to read the document and may be the moment I look at it, something that demands my attention arises or I have an appointment and I cannot finish it, then I will decide no, I will put it away and then when I come(10) back later I will attend to it. Sometimes it is months afterwards when I am able to come back to it, if I am able at all. Sometimes I get detained and then I do not even get a chance to do it.

Will you please turn to paragraph 6 page 4 of AAD5. It is stated "Having established the illegitimacy of the South African regime, it is necessary to project a popular alternative based on both the present and the future. The present in the sense that our organisations have to become living and viable alternative organs of people's power. (20) . Therefore, for example in situations where the apartheid puppets are no longer able to effective function in the township, a stage could be reached where the people's organisation resumed responsibility for organising the community to govern itself in a variety of ways of setting up health clinics to crime prevention." I put it to you that it was the perception in UDF that the alternative organs - structures must be organs of people's power to govern in the townships. That was the perception in UDF? -- This is what this document says. As I have said, this is not (30)

UDF/...

UDF policy.

The education committee of UDF, do you know who the members are of UDF Transvaal? -- No.

Was there no contact between yourself and the education committee of any of the regions? -- No, I worked with the media committees. The education committee has got nothing to do with what I am doing.

I put it to you that the education committee, members of UDF ... (Court intervenes)

COURT : Are you leaving this document? Are you coming (10) back to this document?

MR FICK : I will just put one thing to the witness after I have done this. Accused no. 21 is a member of the UDF Education Committee according to the admissions? -- Possibly of the Transvaal.

Also Mohammed Valli? -- Possibly of the Transvaal.

Mike Roussos? -- Possibly of the Transvaal.

Vincent Mogane? -- That is possible.

Mohammed Bham? -- That may be.

Is that the attorney? -- It may be, it may not be, (20) I do not know.

Amos Masondo, Peet Harris and Benita Pavlicevic? -- It may be. I do not know.

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Mr Moss Chikane, accused no. 21, attended the NEC meetings of UDF since 1983? -- From the moment that he started serving as the regional secretary of the Transvaal, UDF.

Would you regard him as a person who is fully aware of the policy of the UDF? -- As far as I am concerned, yes.

Did you regard him as an experienced UDF activist? -- Experienced in what? (30)

In/...

In UDF policy? -- As far as I am concerned, he understood the policy of the UDF.

And Mohammed Valli, do you agree he was also a member of the national secretariate? -- That is correct.

Do you regard him as a person who is fully aware of the UDF policy? -- I think so, yes.

Mike Roussos, from which organisation is Mike Roussos, you know? -- As far as I know he was serving in General and Allied Workers Union. I may be wrong, but I think so.

COURT : What was he there? An organiser? -- Organiser (10) of the trade union.

MR FICK : And the gentleman Vincent Mogane, of which organisation was he? -- I think the Soweto Civic Association. I am not sure.

And Mohammed Bham? -- I do not know which Mohammed Bham is that one there.

COURT : How many do you know? -- I know two.

MR FICK : The first one Mohammed Bham, from which organisation is he? -- TIC. Both of them are members of TIC.

And Amos Masondo, from which organisation was he? --(20) I think he is also from the Soweto Civic Association.

Peet Harris? -- I do not know Peet Harris.

And Benita Pavlicevic? -- I think she is from JODAC.

Did accused no. 21 and Mr Mohammed Valli attend the NGC meeting of UDF in April 1985? -- I was only there for part of the time. I know that Mohammed Valli was there. I cannot remember meeting no. 21 there.

Did Mike Roussos attend the NGC? -- I cannot remember seeing him there.

Vincent Mogane? -- No.

(30)

What/...

What is now no? Did he not attend it or can you not remember? -- When I was there I did not see him.

Any of the other, Mohammed Bham, Amos Masondo, Benita Pavlicevic, do you know whether they attended it? -- I do not remember seeing anyone of them there. They may have been there, but I cannot remember specifically seeing them

I put it to you, it if is so, that EXHIBIT AAD was prepared by the Transvaal Education Committee ... (Court intervenes)

COURT : AAD what?

MR FICK : AAD5, I put it to you then that AAD5 would (10) reflect the correct position of UDF on this issue from protest to challenge? -- You say if it was prepared by them or that it was prepared by them?

If it was prepared by them, then it reflects the correct position of the UDF? -- No, not unless it was accepted by the UDF councils.

MR BIZOS : Is it possible to put an inference to a witness when the written document says precisely the opposite of the organisation?

COURT : What does the document say? (20)

MR BIZOS : AAD2 which is a summary of AAD5 - in fact it cuts out some of the repetition, the passages that were relied on in fact appear in substantially similar form in AAD2 and under the mast head of the documents it says it is not UDF policy and as attractive as it may be with respect to a cross-examiner that this is what he is going to argue, what is going to be inferred, he is really arguing with the witness as to what may or may not have been referred to when there is direct evidence to the contrary.

MR FICK : This AAD5 states only that it is not the (30) official/...

official view.

COURT : AAD2 says this is now the UDF Update, that this document is a summary of a discussion paper which is prepared by Transvaal Education Committee. So, if that is AAD5, which it seems to be, then you need not bother, because it seems to have been prepared by the Transvaal Education Committee. Then it goes one step further and says, remember it is not the official view of the UDF. So, why are you bothering about the question whether it emanates from the Transvaal Education Committee? You should be bothering about the (10) official view.

MR FICK : I put it to you further that the UDF - let me first ask you this. What is meant by the expression "the people's power" or "power to the people"? Can you explain that? -- As far as I understand it, it means that people must enjoy political power. In other words, that they must get the vote and therefore, because the vote then gives them political power. That is how I understand it.

Can we turn to EXHIBIT CA1. This is a document with the heading "UDF Update" dated November 1986. -- That is (20) correct.

Will you please turn to page 12 the first column the last paragraph "1985 and 1986 saw the government declaring open war against our people. The people's answer is clear, recognising that the dismantling of apartheid and the genuine transfer of power to the people has become a historic necessity. The people have declared their own war." -- That is what it says.

When did the people declare their own war? -- I do not know. In 1986, November 1986 when this document was (30) published/...

published, I had been in prison for more than a year.

I put it to you that from this it is clear that power to the people means more than a mere vote or to the right to vote. It means take over the government? -- No, as far as I have always understood that, it means that people must have the right to vote and therefore political power. Share political power.

Will you turn to the part of the document with the heading "UDF special focus. Three years of united action."

COURT : It is page 20(a). (10)

MR FICK : I put it to you, from this document on page 10(a) under the heading "Achievements. What have been the achievements of three years of united action" the second column under the heading "The collapse of bodies of minority rule", the third paragraph in that column. "The uprising in the Vaal Triangle in September 1984, signalled the beginning of the end of Black Local Authorities throughout the country. By the end of 1985 few town councils remained intact. The people have further intensified their campaign against the Black Local Authorities and the whole system (20) of apartheid through rent boycotts." I put it to you that UDF claims the uprising in September 1984 in the Vaal as one of their achievements? -- No, I think paragraph 2 - let me first put it this way that I do not know who drafted this particular article. My problem when looking at this publication is that appears to express views on certain matters. One of those views were views of the NEC or RGC or who I do not know. From my experience with UDF publications, sometimes one may find statements which have actually been vetted by the NEC when they go for publication, (30)

but/...

but quite a lot of the statements that go in are not and usually written by individuals. My impression - or may be I should not give my own impression, but I regard this as an article, somebody giving a personal assessment, but coming to the question of counsel, may I say the following. At paragraph 2 where counsel had just read, the blame seems to be - the cause of the downfall is set out as follows. The seeds of the downfall of the Black Local Authorities system were sown when the government gave these puppet bodies the power to increase rents. Councillors raised (10) rents and service charges and did nothing to improve living conditions despite their election promises. So, my - what I understand is that these councils were given these powers, they used them in this fashion, but because they did not keep the promises or they did not satisfy the people, that led to such boycotts as the Vaal Triangle and so on and that people boycotted them.

COURT : Do you agree with the statement that by the end of 1985 a few town councils remained intact? -- Well by the end of 1985 I had been in prison for at least six months (20) or more than six months. I can only rely on what I might have read in the newspapers. I know that some of the councillors even before my arrest had resigned from some of the structures or some of them of their own indeed. I remember that I think it was Mr Mothiba from Tembisa ...

(Court intervenes)

No, you need not explain. You just say you agree or disagree or you do not know. -- I cannot attest to that. I do not know how much few is, but it is true that some councillors had resigned, but I had been in jail again (30)

for/...

for such an amount of time that I cannot say it of my personal knowledge other than what I have read in the papers.

MR FICK : The same page the same column the second paragraph under the heading "Fighting Bantustan structures." -- I am sorry, if I may just make one point. In relation to this question of the collapse of the bodies of minority rule. Although this man says he is dealing with the achievements of the UDF, it does not show anywhere here what he says the UDF did to cause the collapse. This part here where he is dealing with the collapse of minority bodies, I do not see (10) anywhere where it says the UDF did this and as a result of this that the UDF has done, then these things collapsed.

But did the UDF not call for united action against the Black Local Authorities inter alia? -- No, we campaigned against - what I am saying is, when I look at this document this part where he says he is dealing with the collapse of bodies of minority rule, I do not see anything that he says was done by the UDF and because the UDF had done that, then the councils collapsed. He seems to be saying that the councils raised the rents and as a result they collapsed, (20) He does not ascribe that to the UDF. He does not say the UDF raised the rents for instance.

Yes, but you are leaving out one part and that is the question of rents. This was an issue which UDF's affiliates took up against the Black Local Authorities to mobilise and organise the masses against the Black Local Authorities? -- Some of the UDF affiliates took up the issue of rent not to mobilise the people against the government, but in order to gain specific benefits for those communities in which they served. (30)

Will/...

Will you look at the second paragraph under the heading "Fighting Bantustan structures. One of UDF's key calls has been for the dismantling of undemocratic tribal structures and the setting up of democratic village councils." There is a call for alternative structures in the Bantustans. What do you say to that? -- This passage fighting Bantustan structures, does not say that the UDF called for alternative tribal structures. It does say that there was a call for the setting up of democratic village councils. In what sense are we using now alternatives? Are we using it (10) in the same sense that I was saying it is those structures which will take the demands of the people to the government. If that is the position I have no quarrel with the concept of that thing, but now again as I see it, I do not really know what happened in these areas. At this time in 1986 I had already been inside for more than one year. I do not know what had happened, but on the face of this document, all it says is that there must be the setting up of democratic village councils.

Please turn to page 10(b) under the heading "Building(20) national unity" first column "The launch of the UDF made possible large scale nationally co-ordinated opposition to apartheid in UDF's first year. In UDF's first year we initiated national days of action and spearheaded national campaigns. Since then the growing militancy of the people combined with the heightened organisation and unity has drastically increased the scope for national action." I put it to you UDF organised and called for the unity of the masses because they were aware of the fact that the masses were militant and therefore increased the scope for (30) national/...

national action and increased the scope also for mass action and mass violence against the system? -- No, it has never been in the program of the UDF to organise for violence. May I ask what is meant by the fact that the UDF realised that the masses are militant?

It is not my document. I put it to you that UDF ...

(Court intervenes)

COURT : Refer the witness to the specific passage in the document. Then you can ask him whether he agrees with it and then he can qualify it if he wants to. (10)

MR FICK : Paragraph 2 under the heading "Building national unity. Since then (that is now the launch of UDF) the growing militancy of the people combined with heightened organisation and unity has dramatically increased the scope for national action." Do you agree with that? -- All I understand is that the organisations were set up and people took up issues that concerned them and they acted as a united people.

On the same page under the heading "From ungovernability to people's power. In many areas apartheid functionaries (20) like Bantustan chiefs and town councillors have resigned. In their place civic youth and student congresses have formed organs of people's power to take control of local administration." I put it to you that from this it is clear that you are wrong, that the civic organisations, youth and student organisations in the townships have formed other organs of power, people's power to take control of local administration and not to go and discuss matters with the government? -- My first comment in relation to this particular section here is that whoever wrote this article here, certainly (30) does/...

does not know about the UDF. (1) Because at no stage - we have a whole range of UDF documents here. At no stage did the UDF or any councillor of the UDF ever take a decision that we intent to create a state of ungovernability. There is no meeting of the UDF that I know of, regional or national, ever taking such a decision. As far as I am concerned, what the author has to say here is not only in keeping, is not only not in keeping with the known policy of the United Democratic Front. It is just nonsense in the context of the policy of the UDF. That is the first point I want to (10) make. The second point I want to make is that we in the UDF have never taken a decision that we are going to set up structures that are going to be called organs of people's power. When we were already on trial here and I read about these things in the newspapers - as far as I was concerned they had nothing to do with the UDF. So, again, well, I do not know what may have happened or what may not have happened after we were arrested, but I do not know of any decision of the UDF to set up structures that are called people's - organs of people's power or a decision to (20) create ungovernability. So, again it is wrong to ascribe something that has happened to the UDF unless such a decision had been taken that this is what the UDF is going to work for, then it will be appropriate to do so. This is just like this section where this man talks about how these things collapsed and he puts that under the heading "Achievements of the UDF", but there is not a word that he says what the UDF has done about this thing. So, I stand by my evidence that we in the UDF have never taken a decision to create ungovernability or whatever type of structures (30)

that/...

that this man refers to here.

I have a number of problems. First of all, it is not this man who says this, but it is this organisation, the UDF that says this? -- No, the point that I have explained just now is when a document is written, articles are written by individuals. In they appear in a publication of an organisation, it does not follow that those are the policy documents of the organisation.

But if it is not the policy of the UDF, then one would expect that the organisation, the UDF, would say so in (10) the publication, but nothing is said in this publication that it is not UDF policy? -- I do not know what happened here. I do not even know who produced it, who wrote this and all that. It is more than a year since I have been in jail and then I am confronted with a document like this. How am I expected to explain it? I can only explain the policy of the UDF in the context that I know it and as I have always understood it. I can only stand here for decisions which I have taken in the councils of the Front and that I know the Front has taken that. I know of no (20) decision by the Front to work for ungovernability. In any event, if I had known such a decision that had been taken, I would never have associated myself with it and all the people that I worked with in the UDF that I know, would not have accepted anything like that.

Do you know of any document issued after this EXHIBIT CA1 wherein the UDF stated that this is not our policy, this is a mistake, there is something wrong? -- I do not know if there is any, but I had been in jail a year before this document come out. I remained in jail to this date. So, (30)

I/...

I do not know what has been happening.

The second paragraph in the same column on the same page, page 10(b) EXHIBIT CA1 "In the rural areas tribal authorities are being replaced by democratically elected village councils, while the collapse of the Black Local Authorities has been accompanied by new forms of mass organisation, such as street and area committees? -- There is something that I find quite queer. He pretends to be talking about rural areas. I do not where one finds streets in the rural areas, because one would only find villages (10) and things like that.

COURT : You may call it a path committee? -- That might sound better.

MR FICK : Will you look at page 10(d) approximately in the middle of the first column "The regime has failed to prevent the growth of people's power. Despite the bans on meetings, people have devised ways to meet right under the noses of the troops and Casspirs. Street committees were set up after June, 12 for the first time in many places like Soweto. The rent boycotss have not been crushed. (20) In fact they have spread. School students successfully used a variety of tactics to resist attempts to break the development of people's powers in schools. Some students have refused to register whilst others have registered and then burnt their ID cards or embarked on limited boy-cotts or occupied the schools while using the class-rooms for teaching people's education." -- All these things are just news to me.

Is that not what has happened in places like Cradock and elsewhere where the students refused to leave the (30) premises/...

premises of the schools? -- No, no, I think counsel is confusing issues. This has nothing to do with the situation I was in in 1984 in Cradock. It is completely different.

COURT : How would you interpret this passage where it says attempts to break the development of people's powers in the schools? What would that mean people's power in the schools? -- Quite honestly I do not know what is intended by that phrase. These issues, like ID cards and so on, were things that I could only read about in the newspapers. I had long been in prison at that time. (10)

MR FICK : I put it to you that the people's power does not mean the power to vote. The people's power is referred to when the people are called upon to act and they are called upon to commemorate June, 16, when they are called upon to reject the community councillors, when they called upon to support the education charter campaign, when they are called upon the support the Black Christmas campaign and the anti-repression campaign? - In what way is that power? Because I cannot understand how can that be power, how is that power. Because as far as I have always understood (20) political power or power politically would mean the right to influence decision making to be voted to councils of government, whether local, provincial or national. To have therefore the power to determine and influence the cause of events in the country and to decide the direction in which one's life is controlled. All these things that counsel is putting to me and suggesting is people's power I am unable to interpret. I cannot understand in what sense it is put.

COURT : Could it be that in the phrase development of (30)
people's/...

people's power in the schools, people's power means a power or authority in replacement and in opposition to the government. The government then represented by the department of education and training. Can it mean anything else? -- No, it could also mean if one was talking about power in the sense that I think of power. It could also mean that the communities being given a greater say in the education of their children and therefore participating in both the administration and such things of the schools. I certainly dissociate both the UDF and myself and my colleagues from(10) any suggestion of anything that is not in keeping with our understanding of what political power is about.

MR FICK : If you look at EXHIBIT ABA51. This is a pamphlet issued by COSAS National Executive Committee. If you turn to the second page you will see there are a lot of slogans. They say "Forever forward, backwards never, victory or death. The SRC's shall mushroom in our schools. March forward with the education charter campaign. Long live the Freedom Charter. Power to the people." This has nothing to do with the right to vote. This is a call on the people to commem-(20) morate June, 16? -- Yes. I think it is clear what is happening here. The students write a pamphlet and then they write all kinds of slogans there. No one can want to pretend that this is a sentence or this specifically says something. They are just making slogans, they are saying slogans, they just shout those slogans, just chant and so on. Unfortunately we do not know when this document was produced, but in any event they do say that "March forward in the education charter campaign." I may say this in relation to that, as far as I know, these student organisations started this thing what (30) they/...

they call education charter campaign because they intended to actually what they mean that the education charter shall ultimately say what education or what they say they want about education. I do not know that ultimately such a charter was produced and as far as I know, the reason why there was the call for this kind of charter, was so that people could actually instead of just saying no, we do not want Bantu education, they must be able to say what kind of education they want. We want an education that is going to do this and that. The charter should do that. I do not(10) know that such a document was ever produced and which means, whilst it is not there, no one could really the education that we want is this one.

MR BIZOS : Has the original got a date on as 26 June 1986?

COURT : I have not got the original. I have merely got a copy here. We have the evidence that it was distributed in Duduza in June 1985. So, we have some date as far as it is concerned. So, it probably refers to 16 June 1985.

MR FICK : Have a look at EXHIBIT ABA57. This is a document handed in by the witness S. Muller. His evidence could be(20) found at page 5 788. I put it to you that from this document ... (Court intervenes)

COURT : Just put it on record what it is.

MR FICK : It is a pamphlet issued by Mankweng Youth Congress and the Congress of South African Students, COSAS. Turn to the second page of the translation. It is stated "All power to the people. Down with the council." That is against the community councils. -- What is put?

It is a slogan used not only to obtain the right to vote ... (Court intervenes) (30)

COURT/...

COURT : Did we not deal with this on 23 September 1987?

MR FICK : I do not think it was under this topic of violence. I put it to you that this slogan is also used when the people are called upon to react against the community councils?

-- Which slogan? All power to the people?

Yes. -- Well, I have already - when we dealt with this slogan earlier, I explained that this slogan I first got familiar with when I was still in SASO. In the early seventies, late sixties, early seventies, it came from the Americans and it is an old slogan. Anybody just uses it where(10) they want to use it. It is not a UDF policy. This document is not a UDF policy document and it is not specifically used because people are talking about councillors. People used it for various things. The Americans used it in their civil rights movement. In the late sixties, early seventies, students just used it around here. There was no UDF that time.

COURT : In America was it power to the people or was it just power? -- Power to the people.

Was the slogan not Black Power, not power to the people?(20)
-- This slogan power to the people always -each time they raise a fist like this they say "Power to the people" and then everybody replies "To the people."

In America? -- In the United States and they had an organisation - the whole movement was called the Black Power Movement. It had the slogan "Power to the people." In his book Black Power, Stockley Carmichael deals with it there also. He uses it extensively.

Could it have meant in the American context power to all the American people? -- In the context of the American(30) situation/...

situation, because that was part of the American civil rights struggle and Afro-Americans, especially in the southern States were complaining that they did not enjoy the rights that other Whites were enjoying. So, they were really struggling that they must enjoy that power. It must not only be enshrined. It was in that context.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 1 OCTOBER 1987.