

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA 15 344  
(TRANSVAALSE PROVINSIALE AFDELING) 15 378

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SAAKNOMMER: CC 482/85

PRETORIA

1987-09-08

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

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VOLUME 281

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COURT RESUMES AT 14h00 ON 8 SEPTEMBER 1987.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, will you look at EXHIBIT W32 volume 6. It was admitted that it was found in possession of E. Godongwanu of Kwathema. It is a SASPO National of December 1984 page 16. On this page it is a special feature. It is an interview with Diepkloof Civic Association. That was a branch of the Soweto Civic Association. Do you agree? -- Yes, I agree.

Will you look in the last column under the heading (10) "What is your relationship with UDF. We are an affiliate through the Soweto Civic Association."

COURT : What is the date of this publication?

MR HANEKOM : The date of the publication is December 1984. This is again a reference to the fact that by December 1984 the Soweto Civic Association was affiliated to the UDF, was regarded to have been an affiliate. -- Yes, I said that this was to be ratified at the AGM of 1 December 1984. So, if it is written after that, I would have no problem with it.

And it continues "We must be well organised so that (20) the UDF too can get greater support for their programs. The front can never be strong without strong affiliates. The stronger we are the more powerful the front. When we organise it is important to know that we have the backing of the front and its affiliates and that they could help us in action." It continues. "Like around last November's anti-local authorities elections. Now we have just had the bus fares increase. We expect the UDF to play a supportive role in the struggle for getting a fair deal from PUTCO. This shows the co-operation that existed between Soweto Civic Association (30) and/...

and UDF." Would you agree with me? -- Yes, it is clear there. I agree with you as from this date - as from the date of 1 December 1984.

And in the middle of that column under the heading "What lessons have you learnt from the 1976 Soweto uprising?" It says "The spirit of 1976 will never be forgotten. It is a spirit which tells us that if people get together, they can achieve a lot." What is this spirit of 1976 that is referred to here? -- I do not know what spirit he is referring to here. I do not know the spirit of 1976 because if we (10) refer to the attitude of the students with regard to what they decided to draw the attention of the education authorities to, namely the use of Afrikaans as a media of instructions and the consequent unrest that caused Soweto the agony that it was in, one would say perhaps this person refers to the traumas, the agony that the people were subjected to in 1976.

And then it continues that this - it says "It is a spirit which tells us that if people get together they can achieve a lot. We learnt that we cannot rely on one (20) strata of the community to lead the struggle." Do you see that? -- Yes. In the end for Soweto to return to normality almost everybody had to throw in his weight to bring things to order to have the children going back to school, to have the schools re-opened. Of course the reconstructions of the schools and some buildings that were destroyed. Here it required almost the efforts of everybody in Soweto to bring Soweto back to normality or to bring it to where it is today. That is around 1984.

And it says "Workers as well as students have a lot (30)

of/...

of strength and direction which can force changes in this country." What do you understand by that? They can force changes in the country, the workers and the students? -- Well, I do not know what he means by force, but what I understand him to say is that which could bring change. Perhaps if we are saying that those brought about changes, they brought the changes reluctantly, therefore it amounted to sort of force, that is what he perhaps refers to here, but for certainty there were changes that were made. Like the Department had to drop the use of Afrikaans as a medium of instruction and we saw too the restructuring of Soweto, whilst Soweto previously was almost a township full of bottle-stores, beerhalls and so on and we saw after this situation most of the beerhalls were done away with and we saw how the urban foundation got founded and what changes itself brought into some housing - into the housing aspect of Soweto where they created some of the self-built houses so that there were changes brought about as a result of the happenings of 1976. Whether the writer here maintains that the changes were brought in reluctantly, therefore it sounded like people were forced to bring those changes into force, but it is true, changes were brought into being. (10) (20)

Was that change not as a result of the violence that erupted in 1976 in Soweto? -- It is tragic to say that people can only bring about changes after violence and yet initially they ought to have seen what the people were crying for and they could have brought those changes without the necessary bloodshed that ensued in 1976. It is just tragic that in South Africa sometimes we can bring about changes only after loss of lives. (30)

It/...

It ends with "The important thing is to unite all sections of the community." It is again a reference to the importance of unity? -- Yes, we have always emphasised the point of the need for unity.

Have a look at EXHIBIT AL135. This document was found in your possession. It was admitted to have been found in your possession. -- I do not believe so. All the documents that were found in my possession I have signed. They bear my signature.

The admission was that it was found in your possession and a copy was also found in possession of A. Dawood in Pretoria. Do you know anything about this document? -- I think I saw this document some time back.

Do you know anything about this joint civic committee that issued this document? -- No, I do not know this joint civic committee that issued this paper.

COURT : It gives its address as Khotso House. Do you know of anywhere in Khotso House where it could be situated? -- No, there were never offices of joint civic committees in Khotso House. (20)

MR HANEKOM : This document lists areas Alexandra, Tembisa, et cetera and many other townships in the Transvaal. It says "have through their civic organisations discussed and adopted the resolution below." Do you know when this resolution was adopted, at what occasion? -- I do not remember these resolutions.

In the first column it says "Remember the Hendrickses Rajbansi's et cetera and their counterparts like Bantustan leaders have no right to claim to represent the African majority. We wish to remind them that the people's leaders are/...

are in prison exile and in our people's organisations within the country." Would that be a reference to Mr Mandela and Mr Sisulu and the others as you have testified yesterday as well? -- Most possibly.

Do you say this document was not in your possession?  
-- No, it was not in my possession.

Look at EXHIBIT AM41. It was admitted to have been found in the UDF office Khotso House Johannesburg. Volume 3. It seems like a placard. This was a placard if you put the two pages together. Would you agree with me? -- Yes, it (10) looks like one.

And it says "Soweto Civic Association unites, Koornhof divides." Do you know anything about this placard? -- I do not remember exactly but it could have been one of the placards that were carried on the day or the week before the elections of 1983.

And in this placard we see slogans "We demand proper houses and facilities." Was that a slogan used by the Soweto Civic Association? -- I would not call it a slogan, but these were some of the issues that the Soweto Civic (20) Association was in demand of.

"Down with community councils. Forward to freedom." Is that also a call made by the Soweto Civic Association? -- Yes, at that time that was the call that was made.

"People's unity brings people power." What do you understand by that? -- I have already said where people are working in a united form, they stand to achieve a measure of success and that achievement or that success is the mark - it is the power that that organisation has shown itself capable of.

Can you explain how this placard landed up in the (30)

UDF offices in Khotso House, Johannesburg? -- I do not know how it landed there.

Now I want to refer to a few of the documents that were found in your possession. Will you have a look at EXHIBIT AX3 please. It is a paper headed "A crytical analysis of the dynamics of the Black struggle in South Africa and its implications for Black theology" and it was compiled by Lebamang Sibidi. He was a member of the Soweto Civic Association? -- Yes, Reverend Lebamang Sibidi was - is a member of the Soweto Civic Association. (10)

COURT : Of the executive? -- He was in the executive up to December 1984.

MR HANEKOM : The second last sentence of the first paragraph says "The 67 that were left stoned dead at the 1960 Sharpeville massacre were but a long distance echo of the 1921 Bulhoek slaughter where 163 Black Israelites were gratuitously mowed down by the sputtering rifle and machine power of South African police and the Defence Force Unit." What do you understand by the reference to Israelites? -- I do not know what he meant. (20)

Is it not conveyed that the position of the Blacks in South Africa is the same as that of the Israelites of the Old Testament? -- Most possibly.

Will you turn to page 26 of this paper, please.

MR BIZOS : Is Bulhoek in Israel?

COURT : I do not know. You cannot ask me geography questions. Bulhoek was the farm on which President Kruger was born.

MR HANEKOM : The first sentence says "Within the race analysis paradigm Black theology is merely a systematic religious manifestation of a state of oppression, experienced (30)  
primarily/...

primarily in racial colour terms. Blackness is the vehicle through which this oppression comes through. Liberation or salvation. Outside this specific category of Blackness becomes an obscene irrelevancy. Black theology is a theology of liberation from this specific category of suffering." Would you agree with that definition of what Black theology is, that it is a theology of liberation from suffering of the Black people? -- Yes.

"And it continues to introduce class into this process of liberation is to intrude dilatory dynamics that would (10) hamper the natural momentum of the national liberation movement. This would have the effect of diluting the struggle to a considerable degree." How do you explain those two sentences? What do you understand by that? -- My understanding of this is that, as he puts it there, the Black people suffer because of their colour and to go beyond that and want to say you can divide them into classes, that is in terms of middle-class, the lower class, the bourgeois, what not, it becomes an irrelevancy as he puts it there, because according to this analysis, he gives the impression that when you are (20) being denied your rights, that is political rights, you are not being refused or denied political rights on the basis of class analysis. You are being denied all these things by virtue of your pigmentation, that is because you are Black. That is how he sees - this is my interpretation of this. That is why he says if you want to use the class analysis, you are just delaying the struggle, that is for those people who want to say there are middle-class Blacks and middle-class of another colour, they only want to divide the Blacks who suffer because of their colour. You are delaying the (30) struggle/...



struggle, you are using a tactic that will sort of even deceive the people. He says you would be diluting the struggle. That means you would be weakening the struggle itself. This is how I understand him to say.

COURT : Could I just get clarity on Reverend Sibidi. Is he a supporter of the UDF? -- Sibidi is a BC man, but I do not think he is against the UDF.

Well, is he a supporter? Never mind whether he is against it? -- I do not know up to what extent does he support the UDF. (16)

So, Black theology according to him is a theology of liberation from a specific category of suffering? -- That is correct.

That is the specific category of suffering - that is the suffering imposed because of the pigmentation of your skin? -- This is how he sees it.

Do you see it in that way? -- Yes, we say that Black theology is a response by the Black people to those Whites who believe that they have got a God given right or a privilege to rule upon the Black people and Black theology (25) says Christ was born, Christ lived and Christ died and Christ is living for all of us, Black and White. Therefore it is sinful for any people to oppress the others and it is sinful for any people to accept oppression by anybody. It says it is sinful for the Black man to keep quiet and not teach the White man that he is oppressing him. More so that the White man tends to justify apartheid through scriptures and Black theology and/or liberation theology taken from the scriptures have to show the White man and to prove to him that he is wrong. Black theology reconciles(30) itself/...

itself with the theology that places the White man and the Black man on an equal footing as compared to the White man and the Black man be on a master and servant footing.

Do you equate, absolute equate Black theology with liberation theology? -- Not absolutely, more so that liberation theology seems to operate largely on class analysis, whilst Black theology operates on the basis of colour.

MR HANEKOM : What is the reference to the national liberation movement in this passage? How must we understand that? What is a national liberation movement? -- That is the (10) movement that involves everybody for the liberation of everybody as compared to a liberation perhaps of a sect or a movement that does not involve all the affected people.

Will you look at the third paragraph that says "In short the race analysts are the natural proponents of Black theology. For them if the reasons that gave rise to Black theologising in the late sixties and early seventies were valid and enthralling the situation today has not changed one iota. Blacks not as individuals but collectively are still catching hell from a specifically White system that is systematically (20) reeked against them. This is something that cannot be easily overlooked and forgotten by the average Black man in this country. The struggle of the racist is still on and if the recent hair raising and mind boggling events in the Vaal Triangle are anything to go by, this struggle is not about to grind to a halt." How must I understand this last sentence?

COURT : I do not know how you must understand it. I thought we were interested to understand it. You can understand it any way you like. That is the first point and the second (30) point/...

point is, the witness is not the author of this document.

How is it relevant how he understands it?

MR HANEKOM : He subscribes to Black theology he testified and this document was found in his possession.

COURT : You first have to ask him whether he goes along with a certain sentence and then secondly how he understands it.

MR HANEKOM : Do you go along with this last sentence? "The struggle of the racist is still on" that sentence? -- Yes, in political terms, the racists have not come to a situation(10) have not come to a position yet where they recognised each other as equals.

How do you understand a reference to the events in the Vaal Triangle? -- It is true, there were hair raising and mind boggling. I mean to a Christian and a person with concern, one could not understand what actually was happening in the Vaal.

Was there a struggle of the racist in the Vaal? -- I do not think he says that there was that struggle in the Vaal. He says that what happened in the Vaal is a pointer that (20) the struggle of the racist is still on, namely that the position in the Vaal is so because of the racial laws.

Is that how you understand it? -- This is how I understand it.

He says Black theology is the religious manifestation of this conflict. Do you go along with that? -- I would go along with it if it means that the whole events in the Vaal as he has described it with the said epithet, is so gruesome that it needs a solution and the Black theology is there to offer a solution. (30)

COURT : What does that mean? Does this mean that the Black

theology as a philosophy - religious philosophy flows from this conflict? -- It does not ... (Court intervenes)

What does it mean a manifestation of this conflict?

-- Yes, I think what he means is that the suffering of the people due to apartheid laws, due to racial laws, an example of such issues is as is found in the Vaal, meaning that in the Vaal we see a stuck example of the operation of the racial laws that people find themselves in a situation in which they are and they could not even be granted an audience and they could not even be - their crush not be (10) hidged and even when they had to arrange themselves to go and lodge their complaints, or to present their complaints, simply because they were a people who are not being understood by those who saw these people as a menace, eventually these people suffered from rejection, that is they could not address themselves to the authorities, they were dispersed in that brutal manner and in the end the anger of the people thus dispersed manifested itself in the manner in which it was and yet if these people had been granted audience and their plight was addressed too, this could not have (20) happened.

Well, I do not know whether I understand the sentence in that sense. So, Black theology chooses the side of one of the warring factions. Is that what one must read into this passage? -- More so when we look - I think so.

So, Black theology is in fact not a pacifist theology?  
-- I would find it - it cannot be a pacifist theology. When you address yourself to people who are in actual suffering.

Well, actually one can go further. Black theology is not a verse to supporting violence, depending upon the (30) cause/...

cause? -- They have not gone that far.

Not yet? -- I do not think it says so.

So, it would seem from this paper if one turns the page that the author of this paper is not in favour of the Black theology which is merely - which is not class bound. No, I am sorry, the author is not in favour of Black theology, being merely limited to the Black persons. It wants to link it with liberation theology which is linked to the class struggle. Is that correct? -- If we talk in terms of the oppression of a people, whether it is on the basis of (10) colour or whether it is on the basis of class. That is the meeting point of the two.

And I think that the next page indicates that he wants to take it away from the colour and link it more to the class? struggle? -- I do not know which passages My Lord is reading, but it is true, later he wants to show - he goes further to show the narrowness of BC, if it does not take into account the class analysis.

If that is so, is he a true Black theologian in the strict sense of the word? -- That is why I said he supports (20) UDF and I do not know up to what extent.

MR HANEKOM : Will you turn to page 44 of the same paper the last paragraph. It says "As long as Black people in this country suffer a double bondage, racial oppression and economic exploitation, the task of Black theology will always be double pronged. Racial capitalism is the name of the game. This is the sin that Black theology wants to uncover and eradicate in God's own name." Do you go along with that? -- Yes, I go along with that.

COURT : Just to get clarity. It seems to me that page 44 (30)

is/...

cause? -- They have not gone that far.

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is not the last page, but page 45 is the last page and page 45 is to be found at AX15(70).

MR HANEKOM : That is correct. Do you go along with the next sentence as well "The term Black must perforce remain prefixed to theology, because for the past 117 years Blackness in this country has been the symbol of economic class exploitation. That prefix emphasises this crucial point which no Black can forget in a hurry." Do you go along with that? -- Yes, I go along with that.

COURT : Now where do you stand as far as theology is concerned? Do you stand with Reverend Sibidi or do you stand with the strict Black theologians? -- I would say I stand with Reverend Sibidi.

Of what denomination is he a theologian? Is he Catholic?  
-- He is a Catholic Priest.

MR HANEKOM : Will you turn to AX9 please. It is paper with the title "Churches in South Africa and will you turn to page 5 please. We find an article "A greeting for the churches in Europe and the USA from Bishop Tutu." Do you know when this letter was written? -- No, I do not know. (20)

COURT : What is this booklet? Is it a booklet that you helped publish, compile? -- Not at all.

Is it a Lutheran booklet? -- I got it from the SACC offices. I do not know whether it was issued by the Lutherans or whether it was issued by the SACC itself.

MR HANEKOM : On page 5 the third column the last sentence seven lines from the bottom says "And we have condemned and continued to condemn apartheid as totally evil and un-Christian as Nazism and Communism and we continue to call on the International community to help us by exerting pressure (30)

(political/...

(political diplomatic and above all economic) to persuade the South African government to come to the conference table before it is too late." Was that your view and the view of the Soweto Civic Association as well? -- This was the desire of the Soweto Civic Association.

What is meant by the phrase to persuade the South African government to come to the conference table before it is too late? What do you understand by that? -- To request the South African government to come, it just means perhaps intensified request one does not even have proper adjectives(10) to qualify the request, but I think the more apt term is one of, requesting it intensely to come to table before it is too late.

What would happen when it was too late to come to the conference table? -- The churches and all people of goodwill want to avert and they want to stop what may amount to an armed confrontation. So, this is how this call comes about that let good sense prevail amongst the people and above all within the government circles, that people must engage themselves in meaningful negotiations before people shall have(20) lost hope and faith and they go into issues that are detestable in themselves namely violent confrontation.

Do you then say that if the South African government refuses to go to the conference table, the result would be a violent struggle? -- We already have people outside the borders of South Africa who come in in drips and drabs and we see them engaging themselves in acts of violence and we are saying that before these things can escalate, let the people sit together with their appropriate leadership and talk the issues over and come to a better settlement. (30)



The first sentence on the top of the second half says "There is no real change in South Africa." Is that factually correct according to you? -- That is quite true if we talk in terms of political change. There is no change whatsoever in South Africa. Apartheid is still there. Apartheid is still alive.

In the middle of that page we find the sentence "We talk peaceful change and we are vilified." -- That is quite true. People who talk peace and they talk peacefully, are vilified, they are detained. Some of them die in prisons. (10) Some of them are said to be communists.

And it continues "Soon Blacks will get disillusioned and embittered and then we will have the bloodbath which could start World War III." Do you agree with that? -- This is our fear. We fear that such a thing can happen.

Do you in the Soweto Civic Association also adhere to the principle that the only thing that will satisfy you in the SCA is when the government agrees to a government based on one man one vote? -- That would be to the satisfaction of everybody. (20)

You would not be satisfied with a fourth chamber in the parliament? -- Who shall have brought it about? Who shall have been mandated to bring that about?

Just answer the question? -- No.

Will you have a look at EXHIBIT AX10 please. It is an invitation to a meeting on the letterhead of the Azanian People's Organisation Soweto branch. How did this document come into your possession? -- That is Soweto branch of AZAPO?

Yes. -- It is possible that it was given to me. (30)

Well/...

Well, are you not certain? Why do you say it it possible?

-- I do not remember how it came to me.

Did you attend the meeting on 2 February 1985? -- I did not attend the meeting.

The last sentence of the second paragraph reads "The struggle needs all committed and dedicated freedom fighters among us." What do you understand by the term freedom fighters used in this sense, that the struggle needs all committed and dedicated freedom fighters among us? -- Well, I understand it to mean that those who are engaged in the task of bringing(10) about freedom, if I understand it to be written by AZAPO I would say those people who are dedicated to bringing freedom in South Africa on a non-violent base.

COURT : Were you at the time a member of AZAPO? -- I was never a member of AZAPO.

Now how would this invitation come into your possession? -- As it is written there "We request all members and those interested." To me it looks like it is a letter recruiting membership for AZAPO.

MR HANEKOM : Why would you receive such a letter? Were you(20) interested in AZAPO at that time? -- I was not.

Will you turn to AX13 please. Whose handwriting is appearing on this page? Is it your handwriting? -- It is possible it can be handwriting.

COURT : Can you read it? It is very indistinct. -- It is not quite clear.

MR HANEKOM : You cannot say whether it is your handwriting or not? -- Yes.

This seems to be a draft for the position statement that we have in EXHIBIT AX1 or the one in AX15 page 37. (30)

A position statement on the Coloured and Indian elections. It looks like a draft for that statement? -- Yes, it is possible that this could be my handwriting. I think I could have written this when we were discussing the draft of the position statement. I could have written some of these things when we were discussing the draft.

Will you turn to AX14 page 34 please.

ASSESSOR (MR KRUGEL) : Just before we go away from this. AX14, page 1 has not very much written on it, but page 2 has quite some writing on it and page 3 and page 4 and 5 et (10) cetera. Is this your handwriting? -- AX14?

Yes? -- No, page 1 of AX14 ... (Mr Krugel intervenes)

Like I said page 1 has not got very much writing on it, but the pages following that. -- Yes, that is my handwriting.

Page 6 for instance, you were cross-examined on that or you were examined on that rather by Mr Bizos and this is your writing? -- This is my writing.

So, are you then sure that AX13 is also your handwriting? It cannot be. -- That is why I say it looks like it, it could be, but I remember us discussing the draft of the official(20) statement and I had prepared a paper.

Do you print sometimes? -- I do print at times.

And is your printing better than your flow writing? -- I would be unable to say whether it is better or worse.

MR HANEKOM : Will you have a look then at AX14 page 34.

"Minutes of Ratanda Civic Representative Association, meeting on 1 August 1984". What do you know about this document?

MR BIZOS : It is a notice of the meeting and not the minutes.

MR HANEKOM : I am sorry, it is the notice and not the minutes, I agree. -- There was a time when I was invited to a meeting(30)

of/...

of the Ratanda Civic Association. I do not know whether I was supplied with this agenda before that meeting.

Were you invited to be a speaker on one of their meetings?

-- Yes, I was invited as a speaker on one of their meetings.

Did you attend the meeting and did you speak at the meeting? -- I do not know whether it was this meeting, but I did attend a meeting organised by the Ratanda Civic Association and I addressed it.

On what subject did they ask you ... -- I think at that time there was a bit of tension because some of the - I (10) think almost all of the community councillors of the Ratanda Council had resigned and there were some who felt that it was necessary for them to work together with the Ratanda Civic Association and they needed a person who could address them on how the two groups can work together and I think I attended this meeting and most of the time I listened to the problems that they have had and I could only request that they work together. Here I mean, those who had resigned, that is the councillors who had resigned, wanted to be - wanted to affiliate to - sorry, wanted to join the Ratanda (20) Civic Association and it seems there were suspicions and mistrust between those who were already in the Ratanda Civic Association and those who would be joining, having resigned from the Community Councils.

Will you turn to page 38 please. This is a circular to the Transvaal Secretaries under the letterhead of on the letterhead of the United Democratic Front National office. It is on the circumstances surrounding the visit of Donald Anderson. How did this document come into your possession? -- I do not remember how it came into my possession. Sharing (30)

the/...

the same building with the UDF sometimes there was such an easy flow of papers that it is possible that it could have been landed with me in whatever fashion, but it was found in my possession.

Paragraph 10.1 reads "Anderson's discussion with people in Soweto and the Vaal had clearly altered his perception of the struggle in South Africa." Did anyone of the Soweto Civic Association have any discussions with Mr Anderson? -- I saw it I think a day or so after it was given publicity in the Sowetan, that Mr Anderson had even put up for the (10) night in Soweto, that is at Mr Mogase in Diepkloof. So, I think it was during that time that Mr Anderson could have had a discussion with Mr Mogase.

He was on the executive of - Mr Mogase was on the executive of the Soweto Civic Association? -- At that time he was not on the executive of the Soweto Civic Association.

But he was a member? -- He was a member.

Was he an executive on his branch committee? -- He was a chairman of his branch.

A chairman of Diepkloof? -- Yes.

(20) .

This continues "By his own admission he now understands more clearly the difference between national democratic and civil right struggles. He accepts possibly with his own reservations that our struggle is not a civil right struggle." Can you explain how you understand the difference between a national democratic and a civil right struggle? -- What I understand this to mean is that the national democratic rights we refer to the right to vote at national and all other levels of the government, whilst civic rights are the right to participate or to make use of certain facilities (30) which/...

which are denied you by virtue of whatever it could be. Whether it is the class or the race but otherwise, in a country where we talk of civil rights, we find that there exists an open political society, that is where everybody had a right, that is a political right, has a vote, but none the less is denied use of certain facilities on the basis of whatever forces and power could have decided on.

So, your struggle in the Soweto Civic Association was not a one for rights in the existing government. It was a national democratic struggle? -- I think what he says there(10) is that Mr Anderson understood those two streams of rights.

I put it to you, what was the struggle that you were involved in in Soweto Civic Association? Was that a national democratic struggle and not a struggle for civil rights? -- We said in Soweto our struggle is to better the life standards of the people and this being tied up with the whole denial of the powers to vote, the powers to decide on national matters in this country. It becomes finally a question of a vote, that is the national democratic rights.

Will you turn to page 41 please. How did this UDF - (20) let me first identify the document. It is "Evaluation Committee report to the General Council Meeting held on 20 October 1984." This seems to be a UDF document. How did this document come into your possession? -- As I have said, I am unable to say how it landed with me, but it landed with me.

And it says "An area committee was formed in Soweto." Do you know whether the UDF area committee was formed in Soweto? -- I do not know.

Will you turn to EXHIBIT AX15 the first page, please. This is a letter on the letterhead of Soweto Youth Congress(30)

dated/...

dated 27 September 1984 and addressed to Soweto Civic Association and it says "Your organisation is invited to a planners meeting of the UDF area committee. This follows a meeting called by the UDF evaluation commission where SOYCO was mandated to convene this planners meeting." Did you accept the invitation and did you attend the meeting of the UDF area committee? -- We did not attend this meeting and we did not even discuss this meeting. I think when I took it to Dr Motlana he felt that this was not - these were some of the issues that did not fall within the Soweto Civic Association(10) because if it was convened by the UDF perhaps the UDF should have written to the Soweto Civic Association which perhaps could have taken whatever decision it could.

Do you still say that you knew nothing about the UDF area committee in Soweto? -- Yes, I say I knew nothing about it. That is whether it was eventually formed or not.

Will you turn to EXHIBIT AX16 please. That is also an invitation letter from the Federation of South African Women dated 13 July 1984. What do you know about this document?

-- Yes, this document was found with me. (20)

Why was this found in your possession? How did it come into your possession? This document of FEDSAW? -- I think FEDSAW had invited us - yes, I think FEDSAW had invited the Soweto Civic Association.

It is an invitation to a meeting on 21 July 1984 at Khotso House. Did you attend the meeting, any member of the Soweto Civic Association? -- I do not know whether any of our people attended this meeting.

I am sorry to go back to AX15. There is just one aspect that I left out. Could you turn back to AX15 page 1 (30)

the/...

the invitation from Soweto Youth Congress. You said that you took this letter to Dr Motlana? -- Yes.

How come that it was found in your possession then if you had taken it to Dr Motlana? -- I do not say I gave it to Dr Motlana. I took it to Motlana for discussion.

Will you just turn to page 4 of AX15 please. It is "Minutes of a meeting of 25 March 1984 held at Ex-Servicemen Memorial Chapel Dube." It says in paragraph 1.2 "The meeting passed a resolution on education, i.e. the need for a national strategy on education to be drawn by (10) Mr Fanya Mazibuko, Reverend F. Chikane and Mr M. Mogatusi." Do you know anything about that? -- Yes, I know that this resolution was passed.

Do you know whether the paper or anything was drawn up by these three gentlemen? -- It was never drawn up. Up to the time of my arrest it had not been drawn up.

COURT : This was now a meeting of which organisation? Of the Soweto Civic? -- Yes, I think it was the resolution - I am not quite certain if this was the resolution of the Soweto Civic or the resolution of the meeting that was (20) held at Funda Centre where organisations and the community of Soweto were invited.

This meeting was held in Dube, the Memorial Chapel, Ex-Servicemen Memorial Chapel. Oh, no, it refers to previous minutes it seems. -- Yes.

I am sorry. So, that must have been a meeting then of the Klipspruit public branch? No, the Klipspruit Branch which held a public meeting on 11 March and Mr Jada reported on that. Would that be correct? -- No, I think this was the meeting held at Funda Centre on the crisis as I have (30) referred/...



referred to. That is of the failure rate of the students the beginning of 1984.

MR HANEKOM : There is one last document that I want to refer you to and before I refer you to it, it is AM volume 2. I put it to you that you were wrong this morning when you testified that no violence erupted in Soweto in 1984. I put it to you that violence occurred on a large scale and in the areas of the different branches of the Soweto Civic Association as well? -- What violence was that?

What do you say? Was there violence or not? -- I said (10) there was no violence.

Will you then have a look at EXHIBIT AM15. This was found in the UDF offices Khotso House, Johannesburg and it is "Occurrence Book for Transvaal." Will you have a look under the date of 12 September 1984 on the first page. Do you have the place? -- I have it.

It says "Report reached office that there were some disturbances in Soweto and that teargas had been fired at students converging on Regina Mundi. No clear information had come in by the time the office closed." Do you agree (20) with me that this is an indication that there was violence in Soweto on 12 September 1984? -- It has been said that no clear information had reached that office on that very day. How this person could have called it - how we can then say that this reflected the presence of unrest, I would find it very difficult.

It says there were some disturbances and teargas had been fired at students. -- Perhaps they were at different wave lengths. What we understand by unrest and disturbance, where the students hold a meeting, perhaps there are not (30)

even/...

even more than 200 and then the police had to stop that, I cannot see - my concept of unrest is when it engulfs the greater part of Soweto, but if it is an isolate incident happening at Regina Mundi, I would find it difficult to call it an unrest situation.

Turn two pages under the date 13 September 1984. It says "Date" with no date mentioned but it seems to be under the date of 13 September 1984. There is an inscription "Soweto. Report just come through that one student has been shot dead Bongani in Viola. Two others wounded. 10 to 15 (10) injured, in Bara Hospital. Ishmail Ayob is phoning Barbara. to find names." Do you see that? -- Yes, I see that.

So, that there was violence on 13 September in Viola in Soweto. Would you agree with that? -- I think I have already said that my concept of violence and yours, they seem not to agree, because if I understood our use of violence referring to a disturbance that affects a greater area, but as it is put here, that the students were hurt or that the students were shot, I do not know what actually had transpired because it was not saying what exactly happened. Even in (25) my evidence I did talk about the behaviour of the police at schools and that sort of behaviour where they find themselves at odds with the students, I would find it difficult to call that as unrest as the counsel wants me to understand.

Do you say that the police is always the cause of the violence that follows? -- I have not said always.

How can you then say that this is a reference to violence emanating from the police? -- I say where the police and the students.

(30)

Will/...

Will you turn to page 7. It is under the date of 20 September 1984. "Pat phoned to report from the Naledi Civic that the following people had been shot" and then the names are given. That is under the date 20 September 1984. Will you agree that there was violence in Naledi? People were shot on 20 September 1984 in Naledi? -- I would find it difficult once more to say what violence. Was it a case of theft, thuggery or what, I do not know. It seems it does not even describe what had actually happened.

On the side of it there is a note that the Naledi Civic(10) Association would do a thing. Do you see that? -- Yes, I see the Naledi Civic will phone - yes, I see the Naledi Civic Association wants to do something.

And Naledi was a branch of the Soweto Civic Association?  
-- Correct.

And they contacted the UDF and not the Soweto Civic Association in relation to the violence on 20 September 1984. Is that not strange? -- I would not call it strange.

Why would they go to UDF for assistance and not to the Soweto Civic Association? -- I do not know what their (20) motives were and what their reasons were.

Will you have a look at page 8 in the middle of the page. There is a note "Informed by Reverend Chikane senior that the following youngsters were shot with pellets" and then there are seven names listed with addresses in Tladi. Is Tladi also an area in Soweto? -- Yes, Tladi is an area in Soweto.

Is Tladi one of the branches of Soweto Civic Association?  
-- Yes, we have a Tladi branch.

And it is again a request for help from UDF. On the (30)  
right-hand/...

right-hand of that note there is a reference to Dr Asfat. It seems as if medical help was requested from UDF. Do you agree on that? --By the way, I do not know whether I have said this before, but the Soweto Civic Association and its branches can seek advice and they can seek help, aid of whatever nature from all organisations that are ready to help. It was part of our policy to promote good and working relationships with whatever organisations. In fact here it becomes very clear that is why one has said previously that we would use the offices of the Black Sash and we would use (10) the offices of the Legal Resources Centre and we would use the offices of the SACC, we would use even that of Dr Asfat who, I think it could have been observed, was a staunch member of AZAPO and so we had no restrictions in terms of where help could be found, so we were at liberty to seek assistance and help from whatever quarter. If UDF would have had facilities to help the people, we would not have had qualms to approach UDF.

And it seems that UDF intended to issue a press statement on the matter? Do you agree? "Interview of the (20) victims to be done for a press statement". -- Yes, I would agree with that.

What do you know about these four incidents that I have pointed out to you in this exhibit? Do you know anything about that? -- I do not know much about this, but I think you are going back to what the counsel was trying to disprove, when I said there used to be poor collisions between students and the police at schools and I was challenged to give the names of the schools. I did the best I could, but here it comes out stuckly clear that such incidents used to happen (30)

at schools and this is the sort of problem that I said the Soweto Civic Association was confronted with and it was buy and large a student crisis. It was not a sort of unrest or disturbances that we are referring to. So, it was not anything new or anything or any revelation of any new issues now.

Lastly with regard to the violence in 1984 in Soweto I want to put it to you that a shop of the mayor of Dobsonville, Don Mnesi was burnt down on 13 January 1984. That is not in that exhibit. It is a general statement that I(10) put to you. Do you know anything about that? -- Up to the time of my arrest - firstly I do not know where Dobsonville is and up to the time of my arrest we did not have - Dobsonville did not fall within Soweto.

COURT : What is the date?

MR EANEKOM : 24 January 1984.

COURT : What was burnt down?

MR EANEKOM : The shop. The house was burnt on 6 September 1984. -- That was in Dobsonville and not in Soweto.

COURT : Where is Dobsonville? -- Dobsonville is a township(20) of Roodepoort.

MR EANEKOM : Do you know a councillor by the name of Edward Kunene in Soweto? -- I do not know him.

I put it to you that his house was burnt on 12 December 1984. You do not know about that? -- I do not know about that.

Do you know a councillor by the name of Walter Nzima Ngqoyi? -- I do not know him.

I put it to you that his house was burnt down on 4 March 1984? -- Is that in Soweto? (30)

Yes/...

Yes? --You know nothing about that? -- I know nothing about that.

Do you know a councillor Edward Manyosi? -- Manyosi I knew.

I put it to you that there was attempted arson at his house on 26 Februarie 1984. On that occasion his motor-car was damaged as well? -- I would have even requested the counsel to go further to say that Manyosi was eventually gunned down. Within the Soweto Council there were factions, they were fighting, they were struggling for power and he (10) was gunned down by some of those people. Whether that damage to his house could have been from those that they were at odds with within the council, one would find it very difficult to say who actually did that action. .

Do you know a councillor Sydney Mkwanzazi? -- I do not know Mkwanzazi.

I put it to you that his house was burnt down on 4 February 1984 in Soweto? -- I would request counsel to go further. It was burnt down by who? It is not sufficient to say it was just burnt down, because here we are saying(20) that perhaps remotely we are given the impression that the Soweto Civic Association could be behind that or it could have known some of these things. So, to say that it was burnt down as though even that mob was incited by the Soweto Civic Association, I find it a waste of time.

I put it to you that his house was burnt down on that date and do you want to dispute that or not? -- I cannot dispute that.

And I put it to you that there was attempted arson at the house of Ephraim Tshabalala, the mayor of Soweto on (30)

16 January 1984? -- I cannot dispute that either.

And again attempted arson on 12 September 1984? -- I cannot dispute that.

And I put it to you that councillor Silas Tshabalala's house was burnt down in Soweto on 19 January 1984? -- I cannot dispute that either.

I put it to you that all these incidents occurred because of the victims being councillors? -- I do not know that. There are people who were not councillors whose houses were burnt down, properties and some them were shot down and to(10) say that this was donw because they were councillors, I would find it difficult to agree to it.

I would like to turn to the question of the blueprint. Just one or two questions on that. The blueprint compiled for Soweto. Let us just get clarity on this. For what purpose was this blueprint drawn up? -- The purpose was to look into how best Soweto can be administered in a manner that would be of benefit to the people of Soweto, in a manner that could bring about a better lifestyle in Soweto.

Was it intended to create an alternative structure in(20) the place of the existing local authority? -- It did not intend to create an alternative structure.

How would the blueprint then be implemented? -- The blueprint would be implemented if those issues that we were addressing ourselves to could be seriously looked into and the government could consider bringing those issues into effect.

What issues are you referring to? -- We have talked about the five year plan where we say Soweto needs a crush program for developing Soweto. We talked about Soweto having to (30)

be/...

be seen as part and parcel of the whole of Johannesburg.  
We talked about how Soweto can best raise funds to get into such projects that would bring about better living standards for the people of Soweto.

Where would the money come from for the development of Soweto? What did you intend? -- If we are not an alternative body and we say that that body must be a body that is approved of by the government, admittedly the money would have to come from the government as we put it there, that Soweto is created by the government and the government is supposed to bring(10) about whatever developments are essential and needed in Soweto.

Were the White people residents of Johannesburg to pay for the development of Soweto? -- That is not what we are saying.

I am asking you. -- We are not saying that.

I am only asking you. -- I am answering you. We are not saying the White people.

Will you have a look at EXHIBIT DA51 a copy of the blueprint. The first line on page 1 "The people shall decide." (20) What does that mean "The people shall decide"? -- Yes, what we are saying is that the people will have a greater autonomy to elect people of their choice.

Which people are referred to? -- We are referring to the people of Soweto

Will you please have a look at EXHIBIT AM24 volume 2 page 4. It is the workshop papers of the Soweto Civic Association and on page 4 the second paragraph says "The committee set about the study of local government in Soweto. A blueprint for a new local authority run by the people was put (30)

forward/...



forward. The blueprint said that the affairs of Soweto must be run by the people of Soweto." Is that correct? -- Well, it is correct in the sense that we are saying let the people of Soweto - once the people of Soweto have been in a position to be granted all facilities that can make Soweto viable, then the people of Soweto could be in a position to decide even how to run Soweto itself.

Is this reference in AM24 a reference to this blueprint? that we are discussing, EXHIBIT DA51? Did you understand it in that way? -- Somehow it could have been referring to the (10) blueprint, the copy that we have before us here.

Were there any other blueprints for Soweto except this one consisting of the three documents, DA51 to DA53? -- That is why, I know only this one. It could be referring to that one.

In the form that it is set out here, the blueprint said that the affairs of Soweto must be run by the people of Soweto. It is not in the form of the ideal situation. It is in the form of a demand that the people - it is demanded that the people must run Soweto. (20)

COURT : Demanded from whom?

MR HANEKOM : That is the next question.

COURT : You cannot ask him that. He was not there. The people at this workshop said that the people of Soweto must run their own affairs. How is that a demand? It is a statement. That is how they want things to be.

MR HANEKOM : In paragraph 3 on the same page, AM24 it is said "But the committee soon realised that the City Council for Soweto could not work if our people did not have representation in local and central government." Is that a true (30) reflection/...

reflection of affairs? -- That is true.

So, Soweto cannot be run according to the blueprint as part of the bigger Johannesburg as the situation is today. The blueprint can only come into effect when Blacks have representation in the central government as well? -- Yes, if it cannot happen without powers in the central government. It is true it will have to happen when the people have the powers in the central government.

Soweto cannot then be run as part of the Municipality of Johannesburg at this stage? -- That is our aspiration. (10)

Will you turn to the next exhibit AM25. This was found in the possession of J. Ngwenya in Soweto and it is headed "SCA blueprint. A summary of the original document." Have you seen this document before? -- I have not seen this summary.

Do you know a Mr J. Ngwenya of Soweto? -- I do not know who J. Ngwenya is.

And the background in this document is stated as follows "The people of Soweto have in the clearest terms rejected in toto the imposed appointees of the White minority govern-(20) ment of the Republic of South Africa to direct the affairs of Soweto in the interest of the regime and not in that of the people." Is that a correct reflection of the situation? -- Yes, taking into account the percentage pole at the last election, one would draw that inference.

Was that the perception in the Soweto Civic Association? -- Yes, the fact that the people of Soweto refused to participate, refused to vote for the councils. After having understood the Black Local Authorities Act, one gets the impression that the Black Local Authorities was in the interest

of the government and not in the interest of the people of Soweto.

It continues "We will not accept any but those representatives whom we have chosen and in whom we have confidence and trust to represent our interest and to do the things that are necessary for the social and economic welfare of all our people." Was that also the view of the Soweto Civic Association? -- Yes.

And it says "We, the people of Soweto, shall govern and decide on our own lives. We will formulate and control(10) the Soweto authority. It shall be run by the people for the people and be of the people." Do you see that? -- Well, my understanding of that is that only when the local authorities act gives the local authorities the kind of powers that can enable it to bring about a change or improvement in the life standards of the people and only then will they be able to say that such - the people to be elected to such a local authority will be people chosen by the people, then I would say this would be my interpretation of that paragraph. (20)

But are the Black Local Authorities not chosen by the people? -- What are they chosen to do?

No, I am asking you. Are the Black Local Authorities ... -- If we take into account the law under which they are chosen and the powers that they are going to exercise and the people have rejected it, then it becomes a problem to say that they are elected by the people. If we talk in terms of numbers that have gone to elect them.

COURT : What is the percentage pole in the Municipal elections in Johannesburg proper? -- I do not know. (30)

It/...

It might interest you to look it up some time.

MR HANEKOM : Will you have a look at DA52, the second document of the blueprint. The second "whereas" on the first page. It says "Whereas the point in the development and the history of Soweto is reached, where the natural leaders and the true representatives of the people should take over the reins of the leadership." Do you see that? -- I see that.

What is meant by that? -- Well, if they talk of the true representatives I understand it to mean, in fact this (10) is what we meant, that the people elected by the people and on the terms of the people with a view of them going to carry out the desires of the people and people who will not have disabilities placed upon them in terms of their achievement of what they are said to do by the people.

COURT : Could we just get clarity, these blueprints, remind me of the date when they were formulate or drafted? Is it 1979? -- It is 1977.

Well, then you cannot contrast them with the Black Local Authorities. There were no Black Local Authorities. At best (20) there were urban councils.

MR HANEKOM : Yes, I should say local authorities then.

COURT : It is an entirely different ball game. You cannot compare apples with pears.

MR HANEKOM : But these blueprints were adopted as documents of the Soweto Civic Association in 1977, you testified and up till today it is still regarded as documents?

MR BIZOS : I think with respect that My Learned Friend must recap the facts.

COURT : Sorry?

(30)

MR BIZOS/...

MR BIZOS : My Learned Friend must put the question on the basis of the facts that have been deposed to. These were adopted in 1977. There was nothing at that stage, according to the evidence.

COURT : Not even urban councils?

MR BIZOS : No, because they had all resigned. That is the first aspect and there was no civic association at that stage. It was before the detention of the Committee of Ten. There was a Committee of Ten and the civic association was formed after their release. (10)

MR HANEKOM : I am under the impression that you testified that at one stage the Soweto Civic Association adopted these blueprints as their document? -- I said the people of Soweto at the time of adopting this, as the people of Soweto, they still had - they mandated the ten to found the Soweto Civic Association, but when the Soweto Civic Association at the formation or at the launch, these papers were never read. The blueprints. We just took for granted that people still stand by the blueprint

WITNESS STANDS DOWN.

COURT RESUMES UNTIL 9 SEPTEMBER 1987.

## **DELMAS TREASON TRIAL 1985-1989**

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