

SAAKNOMMER: CC 482/85

PRETORIA

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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

282

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:

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VOLUME 282

(Bladsye 15 379 - 15 478)

COURT RESUMES ON 9 SEPTEMBER 1987.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, what was your attitude towards the councillors, the Community Councillors in 1984? -- I was opposed to the local authorities act as it was, so I was opposed to the system of the councillors as it is.

What was your attitude towards the councillors, apart from the system? The individual councillors? -- The individual councillors at least from Soweto, I have a cousin Siegfried Manthata, I have got quite a number of friends and relatives within the council system. As persons I have nothing against them.

Would it satisfy you if the councillors that were elected at the end of 1983 all resigned and other councillors were elected in their place? Would that satisfy you? -- Not others elected in their place, but the people in Soweto demanded a better council system.

So, if other councillors were elected under the same system, the existing system, you would not be satisfied? -- (20) I am opposed to the present system.

That was your attitude and also the attitude of your organisation, the Soweto Civic Association? -- Yes.

Let us now deal with the meeting on 9 October 1983 in the Vaal where the VCA was launched. When did Dr Motlana ask you to take his place as a speaker at that meeting? -- I cannot remember exactly, but it was before the 9th of October itself.

A day or more than a day before? -- It was around four to five days before.

(30)

Did/...

Did Dr Motlana tell you what you had to speak about? --
No, he did not.

And did you prepare a speech for 9 October? -- Yes, I
had it.

And what did you decide to speak about? -- I was going to
wish the people of the Vaal well in the formation of the
civic associaton. I was going to tell them what we in Soweto
see as their duties in the civic association, namely to
grapple with the problems of the people and that they cannot
see themselves as an alternative council system, but they can(10)
only serve as a pressure group, as a trend setter for the
betterment of the lot of their people and together with the
people to see to it that the government brings about a better
council system and to make it very clear to them that the
civic association was to serve the interest of those who
are unable to help themselves. That is that the civic asso-
ciation should as much as possible be an organisation for
the people. The people in the civic association should be
able to relate well and meaningfully well with the people
in an effort to know what the people's problems are, what (20)
the people's needs are, what the people's dreams are and to
so serve the people that at no stage can there be a section
of the community, that is a section of the residents, to
feel left unattended to and it is only when the civic asso-
ciation is capable to relate meaningfully well with the
residents that it can serve the people well and for them to
do so, they will have to be as hard working as possible, taking
into account the fact that doing the civic association work
cannot at certain times be on full time basis, it depends on
great sacrifices that the people in the leadership have and(30)
for/...

for that reason it becomes very important that they should even devise ways of contacting the people at the lowest level meaning that they should be in a position to meet the people even at family level, from door to door level and at branch level, even at the full Vaal Civic Association level. That is public meetings must be held as a matter of urgency.

COURT : It seems to me as you did not have an opportunity to deliver that speech, you are delivering it now. -- My apologies.

MR HANEKOM : Did you not ask Dr Motlana whether there (10) was any specific topic that you had to attend to in your speech? -- No.

Did you not contact Dr Motlana on 9 October, the morning of the 9th to find out whether he would be able to deliver his speech? -- I did not. Dr Motlana is so busy that sometimes it is completely difficult to get in touch with him. The only time conducive and better for contacting Dr Motlana is Sunday, sometimes late in the morning at about 11h00/12h00 and by that time I feared that if I had asked him and he tells me that or told me about the possibilities of him (20) not being able to go, it would be so late and I shall have left the civic association down.

Do I understand you correctly that there was only a possibility that you had to stand in for him. Did you not try and find out beforehand whether you had to go or not? -- I am trying to answer that question, that I tried, but Dr Motlana is very difficult to find.

When you went to the church that afternoon and you immediately saw that Dr Motlana was present. Is that correct? -- Yes, right at the door I saw him on the stage. (30)

And/...

And your friend that drove you there, had something else to attend to, you testified? -- I said he remained in the car.

You were in a hurry? -- I am not denying it. I said he had an appointment late that afternoon in town at his home.

When you saw Dr Motlana there, why did you not leave immediately? Why did you linger around there? -- How long did I linger?

I am asking you. You testified that you lingered ... -- I did not linger. I just stayed there for a short while (18) until unexpectedly here came Father Moselane.

Where did you and Father Moselane meet each other? -- Right at the door whilst I was standing at the door.

Not on the premises away from the door? -- I think the door is within the premises of the church.

Yes, but right at the door or where? -- Right at the door.

Father Moselane testified that he met you on the premises and the two of you went up to the door? -- Well, I do not know what he meant by the premises, but we met - he met me (20) right at the door.

The reference is Volume 236 page 12 578. So, what do you say, what is the correct position? Were you somewhere else on the premises? -- I do not know whether Father Moselane has pointed out how many centimetres, how many metres or how many millimetres away from the door, which could be said to have been on the premises of the church. I was standing at the door. I am not saying that I was leaning against the door.

Did the two of you discuss where you came from that day? -- I do not remember telling him where I came from. I just (30) told/...

told him that I came here not expecting Dr Motlana.

Did the two of you discuss what you were doing there? -- I think I have already said that I told him that I was there hoping to deputise Dr Motlana.

Were there many people at the door at the stage when Father McCamel called accused no. 3 inside? -- Yes, there were a few people at the door outside.

COURT : Many of a few? -- I would say a few, not many.

MR HANEKOM : Why did you go into the hall and up to the stage with accused no. 3 when he was called in? -- Accused no. 3(10) requested me to accompany him.

And then, what happened when you reached the stage? -- He took the stage.

And you? -- And he spoke. I sat.

Where? On the stage? -- I just - yes, on the stage.

Did you speak to Dr Motlana? -- I could only wave to him. He was at the other side of the table.

And after accused no. 3's speech, you left the hall with him? -- We walked out.

And he immediately left? -- I do not know whether he (25) left.

Well, what happened? -- We parted outside when I got into the car.

So, you left first? -- I do not know who left first

But where did you separate from each other? At your car or on the premises or where? -- When I went into the car, that is when we separated. I do not know where he went to from there.

Let us deal with the meeting of 19 August 1984 in the Anglican Church in Sharpeville. When accused no. 3 came (30)

to/...

to see you in the week between 12 and 19 August, what did the two of you discuss at that stage? Or let me ask you this. Did accused no. 3 report to you what had happened on the meeting of 12 August 1984, at that meeting? -- Yes, he did report about the meeting of the 12th. Just that the meeting was held, it was well attended and there was a decision that they were going to have the next meeting on the 19th.

In the conversation, was the name of Sheena Duncan mentioned? -- It was mentioned.

What was said about her? -- I said that I would (10) suggest that he goes to Sheena Duncan or the Black Sash to find out whether there is anything that could be done that is regarding the problems of the rent increase, what advice you can get from them.

Did accused no. 3 ask you for any advice on that occasion? -- Yes, he did want to know what can be done when a situation is what it was in the Vaal concerning his congregans, more especially the aged.

What did you tell him? What advice did you give him? -- I said he should get to the Black Sash to seek an opinion (20) and advice and where possible he can still consult with any legal office on the matter of rent increase.

When you agreed to be a speaker on that meeting of the 19th, did accused no. 3 tell you that the purpose of the meeting was going to be a report back meeting? -- No.

Well, accused no. 3 testified that he did tell you that, that that was the purpose of the meeting? -- Perhaps we might be slightly - a report back on what? That is what I would understand that question to mean. He just told me that there was going to be a meeting and at that meeting he would (30)

request/...

request my presence.

I put it to you that accused no. 3 testified, it is Volume 238 page 12 642 where he said the following when he was asked "Het jy vir beskuldigde nr. 16 toe hy ingewillig het om n spreker te wees gesê dat hierdie vergadering wat julle gaan hou op die 19de is n verslagvergadering? Die hele doel van daardie vergadering is n verslagvergadering?" His answer was "Ja, beide, dat dit die doel was en ook dat hy n toespraak moet maak." You say that is wrong? -- Well, I remember the other part. It is possible he said so, but (i0) I remember exactly what he said to me in regard to the invitation to speak at that meeting.

Did accused no. 3 ask you to explain to the people what could be done with the petition and what could be done with an interdict? -- No, not to say that to the people, but he had asked me whether there was anything that could be done along that line, but I do not remember whether in fact he asked that specifically, but the reason for my referring him to the Black Sash and to any legal office was simply because he wanted as much help as he possibly could get. (20)

COURT : The question is, did accused no. 3 ask you to explain to the people what could be done about the petition and the interdict? -- No.

MR HANEKOM : Did accused no. 3 ask you what you had to cover in your speech? Did he tell you or ask you? -- He did not tell me.

Are you sure about that? -- I am sure.

Well, that was not the evidence of accused no. 3. His evidence is in Volume 238 page 12 642 when he was asked "Hoe het jy vir hom gevra waarom moet hy die mense toespreek?"

And/...

And the answer "Oor die verhoging op huur." "Wat oor die verhoging op huur?"

COURT : What line are you reading now?

MR HANEKOM : Line 21. "Hy moes ons kom help het in die sin dat hy vir ons kan sê wat se stappe, wat se prosedure gevolg moet word om die verhoging te verhoed. Dat dit nie in werking gestel word nie, deurdat hy vir ons sal moet sê wat hulle gedoen het by sy woonplek met betrekking tot dit." You say that is wrong? -- He could have said so, but I do not remember that. That is why I did not even refer to - that is the (10) specific terms what they could do with regard to that. Mine was more on a general level.

When I asked you you did not say it was possible, you answered in the negative. You said he did not ask you and you said you were certain. Do you now say that you are not so certain or sure about that? -- I say it is possible.

Did accused no. 3 give you any information that you could use in your speech? Did he supply you with any information? -- The information to refer to in my speech?

Did he give you any information that you could use (20) in your speech? -- Not that I could use in my speech, but he gave me the information regarding the aged who were scared of the rent increase and who were requesting an increase in the food parcels that they were getting from the church.

What is your evidence now? Did he give you information that you could use in your speech or not?-- I would say yes, if that is part of the information that I got from him.

And what was that information? -- That people have been to him requesting for an increase of the food parcels that they were getting because all their pension funds would (30)

be/...

be diverted to the rent which is now going to be increased.

Did he give you any information concerning the background of the people in the Vaal that you could use in your speech? -- The only background that I am referring to is the background of the aged.

Did accused no. 3 tell you to make use in your speech - to refer to the fact that the rent could affect the lives of the people of Sharpeville? -- Did he tell me that?

Yes? -- In specific terms?

Yes? -- No. The fact that he had already referred (10) to the aged and the anxiety, I think covered that.

Well, accused no. 3's evidence was that he did tell you that. Volume 238 page 12 644 the first line. Accused no. 3 was asked "Wat se inligting het jy toe aan hom verskaf omtrent die Vaal?" and the answer "Wat ek aan hom oorgedra het was dat die huur die lewe van die mense van Sharpeville gaan affekteer. Ek het toe aan hom oorgedra wat ek alreeds in my getuienis-in-hoof vir die Hof gesê het." Do you agree with that or not? -- As I have said that what he had told me about the aged, covered that. (20)

Well, his evidence was that it was not only the aged, but that it would affect the lives of all the people in Sharpeville, not only the aged? -- Even in the ultimate analysis, ultimately it would affect everybody. Once the aged are affected, I mean their sons, their daughters, their grand children will be similarly affected.

Did accused no. 3 give you any information about the councillors in the Vaal? -- I do not remember.

You cannot remember? -- I cannot remember.

When accused no. 3 asked you to attend the meeting (30)

and/...

and to deliver a speech, was that the first time ever that you were asked by accused no. 3 to deliver a speech at any occasion? -- At any occasion in Sharpeville?

At any occasion at any venue? Was that the first time? -- I remember when he was in Soweto I was asked to come for a worship with them and in the process I had to thank the congregation .

So, is your evidence then that it was not the first time that you were approached by accused no. 3? -- I would say it was not the first time that he approached me. It (10) was the first time in Sharpeville, but not the first time in our relations.

Well, accused no. 3's evidence was that it was the first time and that not even in Soweto has he ever asked you to deliver a speech at any occasion and the reference is Volume 238 page 12 644 from line 21 and further? -- I would not say I delivered a speech in Orlando East.

I did not ask you about Orlando East. I asked you whether that was the first time that accused no. 3 ever asked you to deliver a speech at any occasion? -- That is (20) why I say if it is delivering a speech, it was the first occasion.

Did accused no. 3 at that stage ask you for financial help from the South African Council of Churches for his congregation for the people in need? -- You mean at the meeting when he was inviting me? Or at any stage?

No, at the time when he invited you to be a speaker?

COURT : What is the question? At that time what?

MR HANEKOM : Did accused no. 3 ask you for financial help from the South African Council of Churches for the people (30)

that/...

that were in need in his congregation? -- I do not remember it being directly for the people in need. I think when I mentioned - when he talked about consulting any legal office I could have said that it is possible that if the lawyer or if the attorney consulted could apply to the South African Council of Churches for funding then the South African Council of Churches can consider the merits of that request.

ASSESSOR (MR KRUGEL) : Is that now in respect of payment for the legal advice? -- Not for the legal advice, but if there could be any action that the lawyers can take with regard(10) to this matter.

COURT : Do you mean that is to cover the costs of a proposed legal action? -- To cover the costs of a proposed legal action.

MR HANEKOM : The question was, did he ask you for financial help for the people in need in his congregation, the elderly people? -- I do not remember that, that is why I am citing the only aspect that I remember.

Is it possible? -- I wonder whether it could be. It is possible. (20)

What did you tell him then in relation to that? -- I do not remember myself devoting attention to that, because what I felt was of great importance at the time was if and whether the action of the community councillors could be challenged by the law.

Was it not of importance to help the people in need, the elderly people, in the Vaal, to help them financially? -- I knew that the Council of Churches could not afford that.

Did accused no. 3 tell you how many people there were in his congregation that were in need, that needed help? (30)

If/...

-- If I remember well he said it was in the region of forty, forty-five.

Well, could the Council of Churches not help in the need of forty to forty-five people in the Vaal? -- I am not in control of the funds of the South African Council of Churches. What I know from practice is, they have never done that.

But you could have asked them? You could have approached the Council of Churches for help for ... -- I could not because it has never happened.

Does the Council of Churches not help people in finan-(10) cial need at all, under no circumstances? -- I think the fact that I have already referred to the possibility of helping in funding the legal costs, it does help at time.

COURT : Do they not dish out food parcels and blankets for the needy and that sort of thing? -- They do, not hard cash.

Not cash? -- No.

MR HANEKOM : Was it then not important to approach them for the help of forty to forty-five people in no. 3's congregation, to help them with food parcels and blankets, et cetera? -- That would be on request, yes. That would (29) be considered on request.

Did accused no. 3 ask you for assistance of that kind? -- No.

Did accused no. 3 tell you that the councillors had made promises which they did not keep by increasing the rent? -- I do not remember discussing that. I do not remember us discussing the issue of councillors.

Is it possible that it did happen, the discussion? -- I do not remember it happening.

Well, is it possible? -- It is possible.

(30)

Let/...

Let us come to the day of 19 August 1984. When you arrived at accused no. 3's house that day, was he at home?

-- He was not at home.

What did you do? -- What did I do?

Yes, when you reached his house? -- I remained in the car.

Yes? -- And then later when I saw people coming out of the church.

You entered the house at that stage? -- Yes.

Before he was there? Before accused no. 3 was at (10) his house, you were there first? -- Yes, I was there first.

When you went into accused no. 3's house, what happened to your two cousins? -- My two cousins went in with me and then went back into the car. They did not stay long in the house.

Did they leave the house before accused no. 3 arrived? -- They left before accused no. 3 arrived

Or any of the other persons arrived? -- Yes, before other persons arrived.

The evidence of accused no. 3 was that when he came (20) there he found you in his house together with two strangers and that he greeted him, he was introduced to them and then he went into his study and only when he came out from his study, is it that they were no longer there. You say that is not correct? -- Well, I may be a little confusing facts, but I do not - perhaps I am referring here to the fact that they did not stay long in the house and we did not even - I think it could have been at the second coming of the priest after he had consulted with the people, they had already left. I am not certain whether he could have found them, (30)

but/...

but I know that they did not stay long in the house.

So, you say you are wrong in this respect? -- It is possible.

The reference is Volume 238 page 12 681. When you left accused no. 3's house for the church, what happened when you - the moment you reached the church? -- He opened the church.

And then? -- And the people went in together with us.

Who entered the church first, you or accused no. 3 ... -- I would not say particularly who entered first. The (10) people had already converged and they were at the door. So, whether he went in and the people went together with him, I would not say who exactly went in first.

Just go back in time a little. When you left accused no. 3's house, was that immediately after accused no. 3 came out from his study? -- I would not say immediately, but we did not stay long, after he had joined us from his study, that we left.

When accused no. 3 came out of his study, where was Nozipo Myeza and Peter Hlubi? -- They were in the sitting-(20) room with me.

Did they leave with you when you left for the church? -- Yes, all of us left for the church.

They did not leave before the time? -- No, we left together.

Did they speak to accused no. 3 before you left the house, anyone of them? Was there any discussion? -- I do not remember them having a discussion.

Is it possible? -- It is possible.

Is it possible that there was a discussion between (30)

accused/...

accused no. 3 and Nozipo Myeza and Peter Hlubi away from you? -- It is possible.

Can you remember such an incident? -- I cannot remember an incident of that nature.

When you left accused no. 3's house, were any cars parked outside except your own car? -- Yes, there were some cars parked outside near the church.

Did you see any police cars parked there? -- I would not have identified them as police cars. The police cars that we suspected were those that drove past the gate of (10) the church.

When you entered the church, where did you take up your seats, you and the people with you? -- I think the four of us, that is Father Moselane, Hlubi, Nozipo Myeza and myself went to the foremost part, that is the front part of the church. That is where there is an elevation about a brick high and they occupied the seat and I was shown another seat a little away from them.

Where was accused no. 2 at that stage? -- Accused no. 2 was with us at that stage and he remained amongst the (20) audience.

When you entered the church, did you see any banners inside? -- I do not remember noticing the banner at that time. That is on entering into the church.

When did you notice it? -- I do not remember at what stage, but I noticed it later.

Where was the banner? -- The banner was in front, what I would call behind me as I was facing the audience.

Was it against the wall? -- Not against the wall, but I think it was hung against the pulpit. (30)

Was/...

Was there only one banner? -- I saw only one banner.

Do you know who put the banner up there? -- I do not know who put up the banner there.

Was anybody busy making any preparations on the platform when you entered the church? -- No.

Was there no one arranging the table and the chairs? -- No. Those people who were about to occupy them, had to put them in order.

Except for that, any other arrangements? -- I did not see anybody making other arrangements. (10)

Did anyone open the windows perhaps? -- It is possible that there could have been one opening the windows, but I do not remember seeing anyone doing that.

Did accused no. 3 do that? -- I do not remember seeing him doing that.

Did accused no. 3 remain at the table all the time? -- I would not say right at the table all the time, but he did not move a longer distance away from the table.

What do you mean by that? -- What I mean is that he was moving around or within the close vicinity of the table. (20)

What did he do? -- I cannot remember exactly what he doing. All what I want to say is that he did not remain stationary all the time.

Was he not busy arranging the table and the chairs on the platform? -- Not the tables, because there was only one table, unless he could have just turned the same table, but I do not remember him making that kind of arrangements of tables and chairs.

What did accused no. 3 say in his opening address of (30)
the/...

the meeting? -- I remember him opening with a request for a hymn and then reading from the Bible and then giving a talk from the Bible which I understood to be more on faith under difficult circumstances, that the people of Sharpeville were due to be faced with.

Did he refer to the Israelites? -- I do not remember that.

Is it possible? -- On this day - well, it is possible, but this did not register in my mind as the most important lesson from what he read from the Bible. (10)

Did he in any way refer to the councillors at that stage? -- I do not remember him referring to the councillors at that stage.

Did accused no. 3 address the meeting at all except for the opening remarks? -- I think at times he took part I do not know how many times in trying to answer questions from the floor.

Did he deliver a speech at all or not? -- I would not say it was a speech, but he did at times elaborate on the answers that he was giving to the people. (20)

Can you recall any of the questions and answers? -- I would not remember all the questions and answers.

Can you give us any question that was asked and the answer given by accused no. 3? Can you recall any one? -- The only question I remember was when a member of the audience wanted to know what would be done with people who were to pay the rent and I do not know whether those, Reverend Moselane and Oupla Hlomoka contributed towards answering that kind of a question.

COURT : Could we just refer to the people by their numbers (30)

otherwise/...

otherwise we might get mixed up. -- Sorry, that is accused no. 3 and accused no. 2. They did make efforts to answer the questions.

MR HANEKOM : But you are not quite certain? -- I am not quite certain that they did. I am certain that they did, but I am not quite certain which questions were raised, except this particular one.

Can you tell us anything that accused no. 3 said that day in answer to any other question? Can you recall anything? -- I remember accused no. 3, I do not know if it was an (10) answer to what question, when he talked about the 99 year leasehold and at one stage he did refer, I do not remember what question was raised, to the unfairness of the councils to raise the rent, when they are the people who seem to benefit from the whole situation by owning licences for the business centres and at some stage he talked about the people's fear, that they would pay the rent because of fear of evictions. I may not remember the rest, but these are the few that I remember.

To what question was that answer about the unfairness (20) of the councillors? To what question did that refer. -- I do not remember what the question was.

Can you remember about what questions did he talk about the licences, business licences? -- Even that one I do not remember, but he answered a question in that manner.

Can you recall what the question was that he answered in relation to the people's fear of evictions? -- I think it was in answer to the question that I still remember of people who would go and pay the increased rent.

Did accused no. 3 not tell the meeting what he found (30)

out/...

out when he had discussions with you earlier that week, the previous week and with the Black Sash? -- He did not refer to that.

Did he refer to any discussions that he had with the Black Sash? -- I do not remember him saying anything about that.

So, do you say that there was no report back from accused no. 3 on that meeting? -- Report back of the meeting with me?

Yes? -- No.

Or of the meeting with the Black Sash? Or any other(10) legal person? -- At the end an announcement was made that petitions and interdicts would be looked into - are still being looked into. So, I thought perhaps he could have discussed that with the people that he was working with. Whether that be church councillors or who, but that is the impression that I got.

Well, as I have pointed out to you, accused no. 3 testified that the main purpose of the meeting was, it was to be a report back meeting. Now you say there was actually no report back? -- I do not remember there being a report(20) back, except if we talk in terms of the resolutions that were read by the chairman.

Did accused no. 3 refer to the fact that that was not the first or the last meeting on that day but that a series of meetings would be hold? -- I do not remember him making that announcement.

It is possible? -- It is possible.

Well, if I remember your evidence-in-chief correctly your evidence was that that was never said on that day? -- That there were going to be a series of meetings? (30)

Yes/...

Yes, that accused no. 3 announced that there was going to be a series of meetings? -- I do not remember that.

Well, it was put to Sergeant Koaho that accused no. 3 did refer to the fact that that was not the first or the last meeting but that a series of meetings would be held and that is in Volume 25 pages 1 189 to 1 190 lines 9 to 11. Did accused no. 3 explain to the people present why he, Hlubi and Myeza had decided to call these meetings? -- On that day I do not remember.

Is it possible? -- Well, it is possible. (10)

Is there any reason why you cannot remember these things? Why are you not so clear as to what happened on that meeting? -- I had gone there to speak, not to monitor the proceedings of the meeting.

Did accused no. 3 say on that occasion that his church had an assistance program for elderly people? -- They have what?

An assistance program for elderly people? -- I do not remember that.

Well, it was put to Sergeant Koaho that it was said. (20) That is in the same reference Volume 25 pages 1 189 to 1 190. What do you say to that? -- I have no comment to make. It is possible.

Did you instruct counsel on what happened at that meeting of 19 August? Were you one of the people? -- With regard to what I had said, yes.

Only in regard to that? -- Yes.

Not about anything else that happened on the meeting? You did not instruct counsel on that? -- I do not remember.

Did you yourself in your speech say that it did not (30)

make/...

make sense for Black people to oppress other Black people?

-- No, I did not.

Was it not a general perception that the councillors were oppressing the Black people? -- As a general perception, yes.

But you did not mention that in your speech? -- I did not mention that in my speech.

Did you in your speech say that the youth did not elect the councillors? -- I did not say that.

Did you say that the councillors issued the elderly (10) people with bread in order that they would vote for them or could vote for them? -- No, I did not say that.

Did you say to the people you have the power but you do not know how to use it. It is now time that you use your power? -- I did not say that.

Did you say we must make these councillors to resign. We ask them to leave the work, we ask them not to increase the rent, they did not listen to us? -- I reject that. It is a lie.

Did you call on the people not to buy from the shops (20) of the councillors? -- I did not.

Did you say that all people present there must join organisations? -- Not join organisations, but they should form organisations.

Did you say for what purpose? -- For the purpose of unity.

And did you explain that, why unity was important? -- Unity was important where people do not have the vote, but when they are speaking with one voice, the authority may listen to them.

(30)

Did/...

Did you say in your speech that in some areas the rents have been suspended because of the reaction of the people and if the people in the Vaal do not object, the rent will remain? -- Yes.

Did you say that the government was responsible for building separate or apartheid houses for the people and therefore the government should pay the increased rent? -- I said that.

What did you mean by that? -- I meant that the houses that are built for Black people are not working to accom-(10) modate people. I did mention the lack of toilets in the houses, the lack of baths in the houses. These things left the people with very limited chances of remaining clean and that such - that is the houses themselves have been built for so long ago that at that time the costs were very low, that for the years they have been paying the rental, they could have paid the cost, the full cost of those houses and now the government is actually working on an interest.

When you said the government had to pay the rent, to whom did you refer? What government had to pay the rent?(20) The local authorities or the central government? -- It is the central government that is responsible.

Were you serious that the government had to pay the rent in the Vaal? -- I was serious. Fortunately it has even become the current talk today.

And the rent referred to was actually included as service charges. You expected the government to pay that as well? -- When we talk of rent, we talk of rent as it is being presented to us. But when it comes to the service charges, people are prepared - people know that they have(30)

to/...

to pay for such service charges.

Was the perception not that when you referred to rent it is including service charges? -- Because it was never given to us in a manner that we know what amount goes to the service charges, what amount goes to the rental and so on, it has always been given to us in inclusive terms, in all rounded terms as rent. That is why when you owe and you are short of R2,00, they are going to say you are in arrears. They are not going to say that R2,00 was for say health services, for light services, but it is all inclusive as (10) rent.

COURT : Well, let us just see where this debate is leading us. The whole debate started on the increase in rent in Sharpeville. That is why you went there. -- Correct.

When you said that the government should pay the rent, that means the actual rent of the house plus the increased charge, which altogether is called rent? -- That is what it is.

MR HANEKOM : The notices issued by the local authorities to explain the increased rent, did that notice not explain (20) what part was rent and what was for service charges? Was it not set out clearly? -- I do not remember it being said in terms, but it has always come through to the people in the manner in which I have just described.

You were in possession of such a notice on the increase of rent that day when you delivered your speech? -- Correct, I had it.

Did that note not set out clearly what the position was? -- I looked at the rent increase. I did not look into all that, because all those things are finally written (30) there/...

there, but I never explained to the people.

You have not even read that notice carefully? Is that what I must understand? -- Yes, I had to know what the rent increase was that was expected of the people.

COURT : So, you did not look at the detail? -- I did not look at the details.

MR JACOBS : Was it not that you then brought the people under a wrong impression? -- There was no wrong impression. Everybody knows that he pays the rent and it has never been explained , the question of service charges and so on. (10)

Did you explain to the people who had to pay for the service charges? -- I did not.

Did you say in your speech that some of the pensioners in Sharpeville had voted for councillors and instead of getting some benefit out of their vote, they got a rent increase? -- No. I said the councillors had made promises.

Well, I put it to you it was put to Sergeant Koaho in Volume 25 page 1 219 that you said in your speech some of the pensioners in Sharpeville had voted for councillors and instead of getting some benefit out of their vote, (20) they got the rent increase. That was put to Sergeant Koaho. -- Perhaps it could have been inclusive when I was explaining the question of the promises that they made and due to such promises people have gone to vote.

The promises that you refer to now that you mentioned in your speech, promises made by the councillors, what were the promises? -- I do not remember giving the promises in particular terms.

Whether you gave it or not, what were the promises? -- You are saying whether I referred to them in my speech (30)

or/...

or not?

No, you testified just now that you referred to the promises. Now I am asking you ... -- I talked about the promises that were made but I did not enumerate the promises.

But what were the promises? I am asking you? -- In general terms?

What were the promises made by councillors in the Vaal? -- I was never in the Vaal. That is why I said I had in mind the promises that the councillors in Soweto used to make. (10)

COURT : But you were not addressing the people of Soweto. You were addressing the people of Sharpeville on a particular rent increase in their particular situation? -- This is a general pattern all over the show and I had no reason to doubt it. It could have been so even in the Vaal.

MR HANEKOM : Do you say that you did not even know whether promises were made in the Vaal? But you conveyed that to the people? -- I said I spoke in general terms.

Were you asked to speak in general or were you asked to address the people in the Vaal on their problems? -- (20) I had to accept the fact that I did not know the situations, the conditions in the Vaal. I could only speak in general terms.

But as I have pointed out to you, the evidence of accused no.3 was that he informed you of the position in the Vaal? -- Yes, which was not different from other areas. That is the question of rent increase.

Did you tell the people if they were unhappy with their councillors they could re-elect others? -- Yes.

What did you mean by that? -- I meant that where (30)
people/...

people have elected people and they elected them hopefully and knowing that they could deliver, they could fulfil the promises, then let them do so, but I did make it once more a general term that voting we feel the Black Local Authorities Act which did not give the councillors any powers that could make that kind of a situation. It would not bring a change at all.

Why did you then say that they could re-elect other councillors? Was that not contradicting yourself? -- It was not a contradiction. (10)

Well, then you must please explain to the Court because I... -- I had to say that I have to give the people all the reasons for and against, that is all the facts for and against. It is for the people to choose.

When you told the people that they could re-elect other councillors, was that not in conflict with your own view? -- It could have been in conflict with my own view, but it does not necessarily mean that I must deprive the people the knowledge of what they possibly can do and what they can discover in the process. (20)

And that is the advice you gave the people in the Vaal? -- Yes.

That they would have to re-elect other councillors? -- That they can re-elect the other councillors.

Would that solve their problems? -- They would learn in the process whether it would solve their problems.

At what stage, at what occasion would they be able to re-elect other councillors? -- That is at the next elections, be they by-elections or general elections.

Is that what you told them? -- This is what I had in (30)

mind/...

mind. I might have not said it clearly as I have put it now.

Have you put it clearly or not? -- I put it clearly that if they are not satisfied with the councillors, they can re-elect others, but I did not specify when they could re-elect others.

That was advice that you gave to people in the Vaal that would not satisfy you in Soweto. You would not be satisfied in Soweto to re-elect other councillors? -- I did not say that we would not be satisfied in Soweto. I am speaking in the Vaal. (10)

Yes, but now I am putting it to you that you gave the people in the Vaal advice that was not good for you in Soweto? -- Yes, if they have not reached the level where the people of Soweto were. It was not my duty to push them to the level of the people of Soweto.

What do you mean by that? -- What I mean is that in Soweto right through the campaigns against the elections people talked about the disadvantages of voting within the Black Local Authorities Act which amounted to teaching the people but when you get into a situation where you have (20) never had an opportunity to teach the people, it is very difficult to give them or to talk to them in definite terms. You would have to give them all the options and leave it to them to judge.

Well, you were the main speaker at that meeting? -- Exactly.

So, I must take it that you were not well informed of what the position was in the Vaal? You had to give the people advice but you were not well informed? -- I concede to that. I could not have been an authority on the Vaal (30) situation/...

situation.

The only thing that you did on that day was to deliver a political speech to influence the people in the Vaal against the councillors, to be against the councillors? -- Is that counsel's inference?

I am putting it to you? -- I did not deliver a political speech.

You did influence the people to be against the councillors? -- I do not know whether I have influenced them to be against the councillors. (10)

Did you in your speech say that unfortunately Black people were not as fortunate as White pensioners? -- It is possible I could have referred to that in terms of the Black people's lack of a meaningful vote as compared to the meaningful vote that the Whites have.

Did you say that if the people went on and if they voted for the councillors under the system of the Black Local Authorities Act, it would not really be exercising power, not a proper exercise of a proper vote? -- Correct.

Well, is that not a political speech? Would you say (20) that is not political? -- To me it is not political.

Is that not in conflict with what you previously told them that they could re-elect other councillors? -- I was giving the people all the options.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K903

THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, when you addressed that meeting, you knew that part of the rent was actually service charges and not rent? -- I knew it to (30)

be/...

be rent.

But you knew part of it was for service charges?

MR BIZOS : My Lord, one of the accused has not returned.

COURT : Is he not in court?

MR BIZOS : He is not in court, accused no. 7, Mr Mphuthi.

He was speaking to me just before Your Lordship came in about one of his personal matters and may be he has gone off to the cloakroom or something, because he was speaking to me during the adjournment.

COURT : Do you want to continue, Mr Hanekom? Or shall (10) we take a short adjournment?

MR HANEKOM : I think we better take a short adjournment.

MR BIZOS : I am sure he must be in the immediate vicinity.

I am told he has arrived.

COURT : Mr Mphuthi, what is your excuse?

MR MPHUTHI : (Inaudible - not in microphone)

COURT : Do not let it happen again. The Court would not wait for you. I can let you be arrested for this.

MR HANEKOM : You were aware of the fact that part of the rent, the so-called rent was actually service charges? -- (20) It has never come through to us in that manner. We knew it to be rent.

COURT : Are you saying that you did not know that the global amount which was being paid was partly for the rental of the house and partly for the services rendered? -- It has never come through to us in that manner and from observation too, the services referred to have often been so poor that sometimes the amount is nil. The only distinct service that the people knew of was electricity, which was being paid on a bill. One was sent a bill for electricity, but (30)

otherwise/...

otherwise the rest, it has always been very obscure. I think even in my minutes I have referred to the situation where there has been talk of health services, but you find that people still pay for their services, even when they go to the clinics in the townships. So, where people are said to be deriving certain services and yet in actual fact they do not get those services and/or they seem to be paying for those services double or on treble terms, one comes to find it very difficult to understand what is said to be service charges as laid down in a paper of that nature. (10)

When you told the people not to pay the rent, what did you think, what would the result be? -- I did not say to the people do not pay the rent. The people had resolved in their meeting of the 12th not to pay the rent.

Yes, but you elaborated on that. Did you not? Did you not tell the people that the government should pay the rent and not they? -- I was referring to what has come through to the people, even through very reliable organisations, like urban foundation, which have since discovered that actually now the government is living on profit, that (20) they have long got the costs with which they built those houses.

COURT : Which houses? -- That is the old township houses.

What were your knowledge at the time? -- My knowledge at that time was that there was a discussion centred around this issue and that where people have had, as I have instanced already, where people were said to have bought houses on a 30 year leasehold and that 30 years have since expired, but there is no difference in the manner in which they pay the house, it raised a question what then, what has become of (30)

the/...

the 30 year lease and what does it mean thereafter.

There were no 30 year leases that had expired in 1984?

-- Yes, they had expired in Soweto.

But people had leases for 30 years? -- Yes.

And they had expired by '84? -- By '84.

And what happened then? -- Well, it was a talk, what should happen.

Yes, but what happened then after the expiration of the lease? -- They still continued paying the normal rental that they were expected to pay. (10)

Well, if it is a lease you have got to pay? -- I guess there would have been a difference in terms of payment that they were making, because when they paid those things it was understood that part of the money they were paying were the loans, to cover the 30 - to cover the leasehold.

MR HANEKOM : Have you made any enquiries or conducted any investigation on what the position was in the Vaal in that regard? You have now referred to Soweto? -- Yes, we have known that an area like Sharpeville was the oldest in the Vaal, but I admit that I did not know, I did not have (20) full facts in terms of whether and at what time had they bought the leasehold and whether it has expired already, but the fact of the matter is that even those who had not bought houses on a 30 year leasehold basis, had long paid out the costs of those houses.

COURT : Well, are you saying this ex post facto now or did you know it at the time and secondly, on what do you base this, because this was not taken up with the officials who gave evidence before me? Did you instruct your counsel at the time when the officials of the Vaal gave evidence (30)

that/...

that these houses had not been paid off and in fact the government was making a profit? -- I am just elaborating on what is arising now.

MR HANEKOM : When you advised the people not to pay rent ... -- I did not advise the people not to pay the rent.

Well, you mentioned the fact that the government should pay the rent? -- This was the talk of the town, not that they should immediately stop that. That should be considered.

Well, not only the talk of the town. I am referring to your speech. You said you conveyed to the people that (10) the government should pay the rent? -- It was for the people to investigate and see whether that kind of a situation can be applicable to their areas.

Did you explain it in those terms? -- I thought they would - like I said, I was not talking there as a person in authority on matters in the Vaal.

That is not the question. Did you explain to the people as you are explaining it now in court? -- I did not.

Well, what did you think, if the people did not pay rent, what you call rent in the Vaal, who would pay for (20) refuse removals? What would happen to that? -- People were saying they were not going to pay the increase and not the whole rent. That would still be covered in the old rent.

Well, what did you say on that meeting? -- I did not say a thing about the refuse removals.

Where would the money come from to keep up the roads if the people were not to pay the increase? -- I did not go on to that. If the people resolved on that on the 12th, I think they know what they were resolving on.

When you said the people could re-elect other councillors

did you explain when they could elect the other councillors?

-- I will repeat, I did not say when they could do that.

Are you very sure about that? -- Yes, it is possible I did not, but it is possible that I could have done.

Now what is the position now? -- The position is that I do not remember.

You cannot remember? -- I do not remember, but I said if they are dissatisfied with the councillors, they can elect others.

Reverend Moselane testified in Volume 230 page (10) 12 232 that you told the people that they could elect other people during the next elections? -- It is possible I could have said that or it is possible that he could have inferred that.

No, that is not his inference. He told the Court that that is what you told the people? -- It is possible I could have told the people.

Did you tell the people that they had to call on councillors to resign? -- Yes, should the council not accede to a meeting with them and should they withdraw satisfactory (20) response from the council when they shall have met together. Then they could request the resignation of the councillors.

What did you tell the people in relation to a meeting with the councillors? What did you say? -- I said they should convene a meeting, they should go back to the councils and talk with the councils after the rent increase issue. They should negotiate over that. That is for this reason that I did liken that to the trade union movement at work.

The evidence was that the rent increases were explained on 5 August by the councillors. What would the purpose be (30)

for/...

for the councillors to meet ... -- But the people were still dissatisfied. I think they needed a further meeting. Not one single meeting can clarify all the problems that the people have.

Did you hold discussions, did you negotiate with the councillors in Soweto at any stage on the rent increases? -- They refused a meeting with us. That is why we took it to court.

And if the councillors in the Vaal also refused to meet the people, what would then happen? -- I did not suggest (10) what would happen.

You did not suggest that? -- I did not.

Did you not say that in those circumstances the people must call for the resignation of the councillors? -- But we are saying if they refuse to resign, what should be done. I said I did not suggest what they should do.

Well, I am not clear now. Did you suggest to the people that if the councillors refused to meet them, they should call on the councillors to resign? -- That I said.

And what would happened if the councillors resigned? (29) -- I do not know what would happen.

What would you think would happen? -- I had no idea. I did not even expect it. I did not even have an idea what would happen.

What did you convey to the people, what would the situation be if the councillors resigned? -- I did not convey anything of what would happen if they refuse to resign.

I put it to you that what you actually told the people on that meeting was that if the councillors refused to resign they should be removed and they should be killed? -- It is (30)

a lie.

And that was in line with the policy of inter alia the Soweto Civic Association to get rid of the so-called puppets of the government? -- The Soweto Civic Association has never killed a single man, be it a councillor or what.

I put it to you that it was in line with the policy to remove the councillors, to get them out of the way? -- It was never the policy of the Soweto Civic Association at least when I served in the executive committee to remove the councillors. (10)

You testified that when you delivered your speech you had a notice in your hand that was given to you by accused no. 3, a notice on the increase? -- Yes.

For what purpose did accused no. 3 give you the notice? -- He wanted to show me the rent increase that people are talking about.

Did you read out the notice on the meeting? -- I did not read the notice at the meeting.

You did not read that notice at all, if I understand you correctly? -- I read it. I knew the amount by which the rent was being increased. (20)

Did you know how the council arrived at the increased amount? How it was made up? --No, I just saw the figure. How they arrived at that I do not know.

Were you aware of the fact that the council subsidised to a large extent the increase, otherwise it would have been much higher in the region of R11,00? Were you aware of that fact? -- We know that the council did subsidise that, but the subsidy is inadequate.

I am referring to the subsidy that came from the council/... (30)

council itself, from the local authorities? Were you aware of that? -- Yes, we were aware of that.

How did you know that and did you know what the amount was? -- I do not know the exact amount.

How did you know that, that the council subsidised the rent? -- We knew that the government subsidised the rental.

I am not talking about the government, I am talking about the local authority? -- We knew that the local authority gets money from the government.

It was set out in that notice that you had in your (10) possession that the Lekoa Town Council subsidised in the region of R11,00 per month?

COURT : How does one subsidise oneself? You may subsidise your wife on the household account, but how do you subsidise yourself?

MR EANEKOM : I do not think I put it very clearly, but I will leave that aspect. Did you in your speech say that a nation that enjoyed a reasonable standard of living needed no guns or armies for its protection? -- Correct, I said so.

What did you mean by that? -- I meant that the govern-(10)ment should increase its subsidy to a point where it was not necessary for people to experience such steep increases of rent.

How do you bring the two together, the rent and the education? -- Which are the two?

COURT : Just a moment. Are we on the same level at the moment? The first question was about reasonable standard of living which needs no guns or armies for protection. That was the one answer. The next answer is that the government subsidy should be increased to the extent where no increase(30)

of/...

was a security police.

You testified that your speech was translated. Is that correct? -- That is correct.

Who was the interpreter? -- I do not know the interpreter.

Where did he come from? -- He came from the house. That is from the audience.

Did you ask for an interpreter? How did it come about that your speech was interpreted? -- I do not remember whether I asked for one or whether it was the audience itself that saw it fit to have an interpreter. (10)

Accused no. 2 also had something to say after your speech. Is that correct? -- He said what?

I say he also had something to say after you? -- Yes, but not immediately after me.

What happened inbetween? -- I think he spoke after - that is during question time - accused no. 1.

Well, let us deal with accused no. 2 at this stage. Did he say that he requests all the people present to convey the message to the people in the townships to boycott the councillors? -- Not to boycott the councillors, but not to (20) support the business of the councillors, which we could perhaps say it was a boycott of the businesses of the councillors.

Did anyone at that meeting say that the councillors had power, but they used their power wrongly? -- I do not remember that.

Did anyone say they take people out of their houses when they are unable to pay the rent? -- There was reference to eviction of the people who could not afford to pay the rent. (30)

Who/...

Who said that? Who referred to that? -- I think accused no. 3 did say that and I think even accused no. 2 referred to that when the question on what can be done or what should be done to the people who would pay the rent.

Did anyone that spoke after you refer to your speech?
-- I do not remember.

You cannot remember? -- I cannot remember.

Did anyone say that he was aware of the fact that some people would pay the increased rental for fear of being either evicted or locked out? -- Yes. (10)

Who said that? -- Something along that line. I am not certain whether it was - but that message was conveyed in a talk by both accused no. 2 and accused no. 3.

Accused no. 2 made a proposal at the meeting. Is that correct? -- Yes, he made a proposal at the meeting.

What was that? -- That people should withhold their support for the councils' businesses.

Is that all? What about the rent? -- I do not remember him referring to the rent.

What language did accused no. 2 use when he made the (20) proposal? -- He used Zulu.

Was that interpreted? -- I think it was interpreted.

Into which language? -- To Sotho.

Did anyone on that meeting say that the extra money that the government was taking in the form of increased rental would be used for the benefits of the Whites? -- I think there was something in that line said by accused no. 1, who gave the impression that the increased rent may not benefit the people directly, but it may be to the welfare of the Whites. Something like that. (30)

That/...

That was put to the witness IC.9 that accused no. 2 said that. It is Volume 29 page 1 407. What do you say to that? -- Well, it is possible, but I remember that being said at this meeting.-

Did anyone say that councillors had taken the money from the oppressed people but they had not been elected by the people, but by the government? -- I do not remember that.

You cannot remember? -- I cannot remember that.

Well, it was put to IC.9 that that was said by accused no. 2 in Volume 29 page 1 407 to 1 408. Did anyone on that(10) meeting say that the deductions from the pay packets of the workers were going to the Whites instead of the money being used for its proper purpose in assisting the unemployed? -- Accused no. 1 did talk about the unemployed and unemployment benefit fund. I do not know whether that could have featured at that time, that it could have come out at that time.

You are not certain? -- I am not certain.

It was put to IC.9 that it was said by accused no. 2? In Volume 29 ...(Mr Bizos intervenes)

MR BIZOS : I think there is a mistake. We looked at the(20) passage. There is a reference to accused no. 1 from the bottom of 1 406 and it goes right through. The accused number is not mentioned, but refreshing my memory from the record I dealt with each accused seriatim and I started with accused no. 1 at the bottom of 1 406 and went on to 1 407 and it is quite clear in the context that it was put that it was accused no. 1.

COURT : It would seem to be correct, Mr Hanekom.

MR HANEKOM : I am sorry, I made a mistake there. Did accused no. 1 say in his speech that the increased rental (30) should/...

should not be paid? -- I do not remember him putting it that clearly.

Well, it was put that it was said by him on page 1 408. -- That is why I say I do not remember him putting it that clearly.

Did anyone say on that meeting that payment of rental did not only affect the people in the Vaal Triangle, but also the people living in the Transkei and other homelands? -- Yes, accused no. 1 referred to how the increased rent would affect the people in the Transkei. (10)

COURT : Why do you put this to this witness? In chief, if I remember well, he testified that this was the position. Now we get it all over again.

MR HANEKOM : I think he did not elaborate on the speeches of the other people on the meeting in his evidence-in-chief and I am testing what his recollection is of what happened on that meeting.

COURT : Yes, go ahead.

MR HANEKOM : Did anyone say on that meeting that the money from the general sales tax, before the Pretoria regime imposes it, they should tell the people what it is going to be used for? -- I remember accused no. 1 talking about the sales tax, the general sales tax, that it is too high and when the rent increase is going to be put into effect, seen side by side with the general sales tax, people may not be in a position to make a decent living.

Did anyone on that meeting say that we do not want the councillors, we must show them how forceful we are with what we can do. We must make them to resign? -- No. That was not said. (30)

Did/...

Did anyone say the Black people were being robbed of their rights? -- Yes, accused no. 1 did talk about people being robbed of their rights.

What did he say in that regard? -- He referred to the rent increase as another example where people are being robbed but he did not elaborate on how the rent increase could be seen as an act of robbery, but he did talk about people being robbed of their rights.

Did anyone say that the money that was taken as rental from the Blacks was used to benefit the Whites? -- Yes, (10) this was said. I think it was said by accused no. 1.

Did anyone say that he believed that the money collected for the extra rental would be used for the South African Defence Force? -- I do not remember that.

And it was put that it was said by accused no. 1 and there are two references. First of all Volume 26 page 1 248 and Volume 29 page 1 408. Did anyone say that if the increased rental is eventually paid the people must make sure that the government uses the money for the purpose for which it was collected and not for other purposes? -- (20) I think that came out or I could understand that from accused no. 1's speech when he sounded to be saying that people may not even get electricity or other amenities as promised with the increase of rent.

What did you do after the meeting when the meeting ended? Where did you go? -- I went to accused no. 3's house.

Where were your cousins at that time? -- My cousins were in the car.

Did accused no. 3 see them there on that occasion? -- I do not know whether he saw them. (30)

In relation to that meeting of 19 August, I have already put it to you that you told the people that the councillors had to be killed and I also want to put it to you that Nozipo Myeza did speak on that meeting. What do you say to that? -- I did not and I reject the allegation that I said that the people should be killed and Nozipo Myeza did not speak at this meeting.

I put it to you that she said that if anyone was seen to be buying from any business of a councillor, that such a person would be killed and his house would be burnt? (10)
-- She did not speak.

Did anybody else on that meeting use words to that effect? -- No.

Will you please have a look at EXHIBIT AAQ6. It is an article in the Rand Daily Mail of 21 August 1984. -- I have it.

Is there anything in that article that you disagree with you? -- I would not say I disagree with, but in paragraph 2 column 1 the writer here refers to an anti-rent committee which I do not know of, because I was just (20)
invited by Reverend Moselane who when he extended the invitation did not talk about a committee of any kind.

Is that all? Is the rest of the article factually correct? -- I am not quite clear or I cannot remember well whether accused no. 2 did petition the resignation of the councillors or whether it came in as - yes, I know that it came in as - that is when he proposed the motion that people should not support the community councils. He said that this should be the case should the community councils - should the councillors not resign, which I understood him (30)

to/...

to be saying he was suggesting, he was putting forth the suggestion in addition to what the people had already resolved on, namely a petition that the councillors should resign, but as it comes out there, it sounds like he made the petition first and then he suggested - I am not quite clear there, but otherwise that is my - those are the two observations that I can make from this newspaper cutting.

Would you describe the people on that meeting as angry residents? -- No, I would not describe them as angry people.

Would you say that the meeting was emotion charged? (10)
-- No, I would not say it was emotion charged.

Would you say that there was shouting of Black Power slogans and chanting of songs by the crowd on that meeting?
-- No, only two songs were sung. That is the hymn at the beginning and the national anthem at the end and no other song was ever intoned.

Were there leaders from various other political and civic associations on that meeting, people from UDF, leaders from UDF? -- Nobody at that meeting was introduced as a person from the UDF. (20)

Any person from AZAPO? -- Accused no. 2 was introduced as an AZAPO man.

And any person being a representative of the Azanian National Youth Unity? -- Accused no. 1 was said to be a man from AZANYU.

And people from the trade unions? -- None was ever introduced as a person from the trade unions.

Would you say that a scathing attack was launched on the councillors on that meeting? -- No, I would not say there were scathing attacks. (30)

Did you say on that meeting when councillors campaigned under the new Black Local Authorities Act they had promised that rents would not be hiked, but now they have increased the rent? --I talked about promises, but I did not enumerate the promises.

Did you ask the council to pay the rents in the townships? -- I said the government. I did not say the council.

COURT : Are you putting it the council or councillors?

MR HANEKOM : Council. This that I have just put to you is from the article EXHIBIT AAQ7 in the Sowetan of 21 (10) August 1984. Do you say that this article is not factually correct then?

COURT : Well, are you putting it to him that this appeared in AAQ7 and that therefore AAQ7 is incorrect or are you asking him in general whether AAQ7 is incorrect?

MR HANEKOM : I am asking him in general whether AAQ7 is correct.

COURT : So, we are going through all this again.

MR HANEKOM : No.

COURT : Well, we will have to, because he will deal with(20) each and every instance that you have already dealt with if it appears in AAQ7 and we will have to deal with it.

MR HANEKOM : I submit that the witness can read through this, it is a short ... (Court intervenes)

COURT : Why is it necessary if all this appears on AAQ7? I can see that for myself and I can conclude then that AAQ7 is incorrect.

MR HANEKOM : Yes, what I want to put to this witness ... (Court intervenes)

COURT : We still have a modicum of intelligence left (30)

on/...

on the bench, you know?

MR HANEKOM : What I want to put to this witness is that he now disputes what is said in this article and this article was put to the State witnesses as being reflecting the correct factual position.

MR BIZOS : What was put was that insofar as statements attributed to any of the accused in those it was substantially correct. Expressions of opinion and the judgments in journalese and the sub-editors part was never dealt with in cross-examination. (10)

COURT : I wonder whether it was stated so explicitly by you as you are doing now?

MR BIZOS : Not as explicitly, but what I did say, what I did put is that this is what the people are reported to have said and none of them was reported to having said that councillors are going to be killed and that the statements attributed are substantially correct. This is how I put it.

MR HANEKOM : No, in Volume 25 on page 1 203 it was put "Now you see, I am going to put to you that we are fortunate (20) in this case in having contemporaneous reports of this meeting published in two newspapers and they contradict your version of the facts". These two articles were then handed in as AAQ6 and AAQ7 and each and every line in these two articles were put to the State witnesses and they were asked to comment on that.

COURT : Yes, that was my recollection. What are you putting to this witness?

MR HANEKOM : Was this article AAQ7 discussed with you before by your counsel? -- I have read it. (30)

What/...

What did you tell counsel about this article? -- I had reservations about some of the issues that appear in this article.

When the article was put to the State witnesses, did you not draw counsel's attention to the fact that the article is not entirely correct? -- I do not know what you mean by entirely correct, but the fact is, it is not entirely correct. It is true.

I am asking you, when this was put as being correct to the State witnesses, why did you not draw counsel's attention (10) to the fact that it was not correct? -- I think when we are saying not entirely correct, that it is partly correct.

When this was put as the truth to the State witnesses, was that not contrary to the instructions you gave counsel? -- I would say it is partially correct.

The question is, did you not tell counsel at the time when this was put to the State witnesses that this article is only partly correct and that it is in conflict with your instructions? -- I said it was partially correct. Certain aspects are correct, certain aspects are not correct. (20)

Did you draw counsel's attention to that? -- Those that we have - yes, I did draw counsel's attention to that.

So, it was put to the State witnesses then contrary to your instructions to counsel? -- I said it is partially correct. The counsel put it here on the basis of those parts that are correct.

That is not how it was put to the State witnesses. When you drove to the Vaal on 3 September 1984, were there any barricades or obstructions on the road? -- One could see them on the sides, but at least there were passages (30)

already/...

already where one could move. So, it looked like it could have been there, but some were already removed to enable the traffic to move.

What time did you arrive in the township? -- I arrived in the township around 12h30, 13h00. I am not quite certain on that, but we had already had our lunch at the retreat.

COURT : And you entered the township by which road? -- I do not remember Mr Mbatha's street, but going to Lord McCamel we drove along Adams Road if I remember well.

MR HANEKOM : What did Lord McCamel report to you that (10) day about the situation in the Vaal? -- Lord McCamel said that he had not been in the township yet, but from where he was, that is on the steeple of the church, he could see the smoke. I do not remember whether he did talk about that, but we wanted to know whether lives had been lost already. So, I do not know whether he ever gave us numbers with regard to that.

COURT : Did he say people had been killed? -- We had asked that question.

You asked him? -- Yes. (20)

Did he say yes or not or did he not say? -- I do not remember, because when he said that he had not been in the township yet, one could draw the conclusion that he may not be certain about that issue.

MR HANEKOM : Did Lord McCamel indicate to you that there would be a need possibly for support of families of the dead or some assistance for the families of the dead at that stage? -- I do not remember him saying that, because we had said that it was the council's concern and whether there was anything that it could do. (30)

You/...

You cannot remember? -- I cannot remember.

Well, it was put to Lord McCamel in Volume 36 page 1 638. Who would have instructed counsel on that? -- I say I do not remember.

I ask who could have instructed counsel on that? -- I could have instructed counsel.

You could have been the only one to have instructed him on that? -- As I say it is possible.

RE-EXAMINATION BY MR BIZOS : Your cross-examination started with some of the books that you were found in possession of (10) including one which is partially exhibited before His Lordship as AXB dealing with or being a biography of Mr Mugabe. -- Correct.

Only a portion of the blurb on the back page was read to you by your cross-examiner and not the balance. I want to read the balance into the record and then ask you one or two questions about this book and the books that were found in your possession generally, headed "The Man behind the Myth." For the sake of completeness I will read the whole of it "The Man behind the Myth. For 20 years Robert Mugabe has (20) been typecast as an extremist, a colourless Marxist, Leninist, ideologue and a fanatical guerrilla leader. Now, in his fifties, with a bitter experience of political imprisonment behind him, he represents the long sword after reconciliation of the nation and the continent that has been many years in the making. Mugabe was the last person, the British, the Americans and even the Russians either expected or wanted to be Prime Minister of Zimbabwe. His victory in that country's first democratic elections came as a surprise to and terrified his opponents and yet Mugabe's moderation, pragmatism (30) and/...

and apparent sympathy for his opponents, have utterly mystified them. Who is Mugabe? What influence will he have on Africa's future? This biography presents an indepth profile of the man who is the most influential and articulate Africa's statesman, the Black leader who holds the key to the future of Southern Africa." When you bought this book, did you buy it just because of the impression that you had of Mr Mugabe in the first sentence or the whole of this story? -- I bought it on the basis of the whole of this story.

COURT : Did you read this before you bought the book? --(10) Already there were perceptions and I had my own perceptions about Mr Mugabe which agreed to this kind of description, because it was a fact that Mugabe had all the time been painted as a sort of a devil from all sides and these were some of the issues that were of great interest to some of us with regard to Mugabe, the man and Mugabe the Prime Minister of Zimbabwe as it was going to be.

MR BIZOS : Was this book readily available in the book shops in South Africa? -- It was readily available in the book shops in this country. (20)

The other books that you were found in possession of and which were alluded to in your cross-examination, dealing with political matters, including Marxism, where did you get those books from? -- I bought them from the book store, De Jongh Book Store.

COURT : What is De Jongh Book Store? In Johannesburg? -- In Johannesburg.

MR BIZOS : Where is that book store in relation to your work or the university? -- It is near Wits, but at the time with regard to my job situation or place we were a little far (30)

but/...

but I used to come here on Saturdays.

You told us that you studied politics at the University of South Africa? -- Yes.

You did a course in politics? -- Yes.

You also told us that you are a Roman Catholic and that you took part in the affairs of the Catholic Church and you in your evidence from time to time expressed yourself thanking God for some of the pleasant things that happened. Are you a Marxist in any form? -- I do not know whether one can say Marxist, because he is interested in Marxism, in (10) terms of sheer interest and of course whether one becomes a Marxist when he uses the Marxist analysis of the society in order to know your society broadly and in a manner that you can be able to serve your society, but otherwise, those are some of my interests in Marxism. That is his analysis of the society and his analysis of the economic situation in the country.

But would you call yourself a Marxist? -- I would not call myself a Marxist.

COURT : What would you call yourself? -- I would call myself (20) perhaps a socialist.

MR BIZOS : You yourself in your speeches and in your writings have referred to the fact that the Black people in South Africa have been deprived of much of the land and other resources. Can you tell His Lordship whether in your opinion there is any genuine perception in relation to socialism in South Africa? -- The Black people would see socialism as an ideal system seeing that the wealth of the country as it is presently, there is a great deal of monopoly, there is a racial monopoly in the sharing of the wealth of the country (30)

and/...

and it is for this reason that the Black people would rather see a situation where the wealth of the country can be distributed equitably and in this sense one realises that the Black people would go for a socialism of some kind.

One or two questions about three persons that you mentioned in evidence. Was Mr Bokale an executive member of - a member of the SCA executive? -- No, he was not.

Never? -- He was not.

Never? -- He was never.

And Mr Molobi, was he a member of the executive of (10) the SCA ever? -- He was not in the executive of the SCA.

COURT : They were both members of the SCA but not on the executive? -- Yes.

MR BIZOS : Was Mr Lephunya ever a member of the executive of the SCA? -- He was elected into the executive on 1 December 1984.

Prior to that was he ever ... -- Prior to that he was not.

We know from the experience that we have from passages in the minutes of the UDF that have been produced that (20) for instance the VCA submitted reports to the Transvaal Council. Did the SCA ever submit any such reports to the UDF Council? -- The SCA never presented a report to the UDF Council.

This is whilst you were the secretary ... -- This is whilst I was the secretary.

... until 1 December 1984. -- Yes.

Did you regard the SCA - well, insofar as you were to rank organisations in Soweto, did you have any notion or any idea of what the, in terms of protocol, which was the (30) senior/...

senior organisation in Soweto?

COURT : Counting age or numbers?

MR BIZOS : If we were to draw up a protocol list. There is a reason why I ask you this. You mentioned in your evidence when certain invitations were made to you or delivered to you by some other organisation and you showed it to Dr Motlana, you said that he dismissed it and said something about the SCA. What was the view of the SCA in relation to its seniority in Soweto? -- Well, SCA considered itself senior in matters of Soweto insofar as the organisations that are(10) elected by the people and which are to feather the wishes of the people. So, it was for this reason that SCA had considered itself fairly senior in comparison to other organisations that existed within Soweto.

COURT : Like the Scooter Drivers union? -- Like the Soweto Residents Council.

MR BIZOS : It was put to you that somebody phoned the UDF offices and not the SCA offices. Did you have a permanent office? -- We did not have a permanent office.

Did you have a telephone? -- We did not have a perma-(20) nent telephone.

Did you have any fulltime employees? -- We had no full-time employees.

Did any of its executives get any remuneration for their efforts? -- Nobody was remunerated for his efforts from the Soweto Civic Association. We used the postbox of Dr Motlana.

You were cross-examined at length about a seminar that you were not at. AM24 appears to be a report in relation to that. You told us that there was another seminar held at Wits to which you did go to? -- Yes.

(30)

Was/...

Was a report drawn in relation to that? -- There was a report drawn.

And does it deal with what the aims, objects, hopes and aspirations of the civic association, such as the SCA were? -- Yes, it had amongst other things such issues.

I ask for leave to hand it in. DA54.

MNR. HANEKOM : Ek wil beswaar maak teen die inhandiging van die dokument op hierdie stadium. Ek dink dit is heeltemal nuwe getuienis wat op hierdie stadium in herverhoor na vore kom. (10)

HOF : Ja, maar u het die ding geopper. U vat hom aan op h vergadering waar hy nie by was nie, ek dink by Wilgerspruit. Toe sê hy vir u ja, ek weet van h vergadering waar ek was, dit was by Wits. Toe laat u dit daar. As hierdie ander vergadering h heeltemal ander beeld skep, dan is mnr. Bizos seker geregtig om dit voor te lê. U kan altyd vra om daarop te kruisverhoor later as dat dit h geleentheid is waarvoor h mens kruisverhoor behoort toe te laat.

MR BIZOS : Was this the workshop that you attended? -- This is the workshop I attended in Wits. (20)

And it is headed "Soweto Civic Association Workshop - 14 July 1984." Underneath "Workshop no. 2" with a drawing of people around a table and saying "We want to learn how to build strong branches." -- That is correct.

I do not want to read this or any of this into the record, but are these the problems that concerned you in the association? -- Yes, we had problems that concerned us in the association.

Are ways suggested as to how some of these problems may be solved? -- Yes. (30)

COURT : Could I just have a look at this. What is the OCA? Office Cleaners Association? Was this part of the workshop?

MR BIZOS : Your Lordship will see right on top it is a case study. -- Yes, it was a case study.

You also said that there were handicaps to the raising of funds by the residents of Soweto in relation to housing. What handicaps were you referring to? -- I was referring to the fact that we do not have rateable properties. I was referring to the fact that we cannot benefit from the licence fees for the cars more so at this time when the volume of (10) cars seemed to be on a great increase in Soweto. I was referring to quite a number of issues similar to those in the cities, that is those in the urban - sorry, those in the White suburbs whereby they raise funds for the maintenance of their areas.

It was put to you by your cross-examiner that if you do not pay increased rental, you would expect the Whites to pay for you. What is your reaction to that suggestion? -- I found it very difficult to understand in the sense that both Black and White contribute to this eventual welfare (20) of the greater Johannesburg. We buy in Johannesburg, that is the people in Soweto, we do almost our day to day transactions in the town, that is in Johannesburg and so there is where our moneys are and for anybody to suggest that the moneys in Johannesburg come exclusively from the Whites, giving the impression that the Blacks have not contributed a cent, it becomes ridiculous to say the least and at no stage when we talk of Soweto having to benefit from the funds that are generated in Soweto - sorry, in Johannesburg, do people see that as an act of charity by the Whites (30)

from/...

from Johannesburg. They know it that they have contributed to the welfare of Johannesburg, their sweat, their blood is there and it is for this reason that they are only saying let what we have given over to you, flow to us too.

The fact that you do not own rateable property and up to very recently there was no freehold, no Blackman could own freehold property in an urban area, did that have any effect in your statement that the government must pay the rent that you admittedly made in Sharpeville? Do you connect it to it any way? -- Yes, that was connected to that and (10) quite a number of other issues.

COURT : How do you connect it?

MR BIZOS : How was it connected or how do you connect it?

COURT : Why do you link it? -- I link it in the sense that all the sections referred to, the moneys flow to the government and it is for that reason that people are saying that the government had a greater responsibility and where people as I have said have stayed in houses that they have actually re-built in terms of the renovations that they have made, in fact it even becomes the more imperative that the (20) government should be seen to pay back the costs of those people.

And do what then? Set them on the street? Take the house back? -- And pay for those houses.

And then? What happens to the people? -- The people stay in.

For nothing? -- Not for nothing.

Well, if the people do not pay rent they stay for nothing? -- The whole issue has to be re-negotiated.

But why? -- What are the people to pay for and what (30)

has/...

has been loan paid for and what is needed for further development of Soweto.

But let us take it on an individual basis. Is it your premise that somebody who leases a house has a right to stay in it for nothing? -- No, he does not have a right to stay in it for nothing

Then I am sorry, I do not understand you. -- Perhaps you should rephrase your question.

I thought my question was clear. You agree with me that somebody who leases the house, is not entitled to stay in (10) it for nothing. Then I put it to you then I do not understand your premise. -- I think this is what I have said already, when we pay the rental, in the rental some of the issues included have been the loans that the people have been paying for the leasehold and the leasehold is over and people continue paying the same amount as though the leasehold too has not even been paid over yet.

But even on that basis, even if the house had been paid off over and over and over again, it is a leased house, one cannot say in it for nothing? -- Yes, but where people (20) have disregarded certain points in the contract for leasing, how do we address ourselves to that problem where people have been paying the loan and the loan is endless. Even where they themselves realise that the said amount, that is the agreed amount has long been paid off.

The same applies in the middle of town. If you lease a shop or an office, you have probably paid that office over and over again, but you still lease it and you still pay for it. Do you not understand that principle? -- I do not know whether we understand one another. When you buy (30)

the/...

the loan, sorry, when you pay the lease and it is said to be up to a said point, I thought that after that period expires, you have to enter into fresh negotiations and if this has not been gone into, one wonders whether that contract is still valid and if so, how do you we continue along that lines.

MR BIZOS : His Lordship asked you earlier on whilst you were still being cross-examined, what your state of mind was at the time and to ignore what has been happening now. I want you to cast your mind back to 1984. Was there any (10) talk by any public bodies as to what should happen to houses which have been leased and occupied by people for 30 years and over? -- There was a discussion about it and this came largely from organisations prime amongst, that is urban foundation.

What was the proposal, what should happen to houses which have been occupied by the same person, rent was paid for over 30 years, where he could not acquire freehold right of this property even if he wanted to, what was the suggestion, what should happen to that house? -- The talk was that (20) the rent should be reduced and/or where possible with regard to the aged, a consideration must be given to whether they must not pay or if they pay, what minimal amount should be paid but by and large the feeling was that people have paid the full cost of these houses and people have even wasted a lot of money on those houses when they government itself could not make the repairs that were necessary which meant that as the people owning those houses were responsible for that kind of expenses but they were none the less not doing that, now how do we address ourselves to this kind (30)

of a problem and this was the central theme for discussion at the time.

I want to take you to the meeting of 19 August 1984 at Sharpeville. You told us in your evidence-in-chief that Mr Hlubi read a resolution that had been passed on the 12th that the increased rent should not be paid. Do you recall that? -- I recall that.

Did you yourself make any counter proposal that the whole rent should not be paid when you said that the government should pay the rent? -- I was not saying the whole rent (10) must not be paid.

Was your statement understood by anyone as a result of a discussion that took place that you were advising people not to pay the whole rent?

MNR. JACOBS : Ek weet nie hoe kan hierdie getuie kom sê hoe ander mense sy stelling daar verstaan het nie.

COURT : He can merely tell us what he told the meeting and then I can determine later on what they must have understood by what he said.

MR BIZOS : I agree, the first part of the question I with-(20) draw. It is the latter part - was there any discussion at this meeting that the whole rent should not be paid? -- At this meeting it was said that only the increase should not be paid, but the old rent must be paid.

K904

Many documents were read to you which did not emanate from the SCA which you told His Lordship that you did not see before preparing for this trial and passages were read out to you from those documents and your answer was in some instances that I would have no quarrel with that and you were then asked whether this was the view of the SCA and (30) you/...

you fairly often said it is the wish of the SCA or it is the wish of the people of the SCA. What I want to ask you is this. Did the SCA take resolutions on matters of national and international import? -- No.

I just want to make it quite clear so that we are not at cross purposes. Did the SCA ever take a resolution whether history was made by the people or whether history was made by the leaders? -- There was no resolution taken.

You told His Lordship that you bought a poster from the UDF. -- Yes. (10)

Do you recall when and what it said? -- It was during the time of campaigning against the elections of 1983 and it had something to do with that the people should not vote. I am not quite clear but in any way, it was part of the message against the elections, that people should not vote in those elections.

Was it a UDF poster or did you pay for the printing "Do not vote"? -- I think we paid for the printing. We had prepared the poster ourselves.

COURT : It did not have the UDF logo on it? -- It eventually (20) had the UDF logo on.

MR BIZOS : Let me see if I understand. You drew the poster "Do not vote", you asked them to make and someone put the UDF logo on? -- I am not quite certain, but what I mean is that we did discuss the possibility of a sticker and I might not remember whether we prepared the sticker, but when the sticker came I just saw it to be similar or it was in answer to our need for a sticker and we had to pay for that sticker.

COURT : Was this now a UDF sticker? -- It had the UDF logo.

WITNESS STANDS DOWN.

(30)

COURT/...

COURT ADJOURNS.COURT RESUMES.THOMAS MADIKWE MANTHATA, still under oath

FURTHER CROSS-EXAMINATION BY MR HANEKOM : Mr Manthata, did your letterhead have the UDF logo on it? -- No.

ASSESSOR (MR KRUGEL) : SCA letterhead.

MR BIZOS : I beg your pardon. Was there any discussion at any of your meetings as to why the UDF logo did or did not appear on your letterhead, on the SCA's letterhead before the actual affiliation whilst you were there?-- We never discussed whether we should have the UDF logo or not, because(10) we had not yet affiliated.

Admissions were made on your behalf in relation to possession of documents. In two or three instances, in two instances you said that these documents were not found in your possession. In what you said you did not remember whether it was found in your possession. Did you consult at length with Mr Tip about what was found in your possession? -- I did not consult at length with Mr Tip, but one time Mr Tip brought a brown envelope with a lot of papers and I think as far as I remember now I had just signed on top(20) of that envelope and not on every piece of paper that was in that envelope and I think that more especially one pamphlet that had more to do with the voice of Soweto, I think on reflection it was amongst those papers that were in that envelope and I do not - as I have said, I have just signed on the envelope and not on all of the papers that were in that envelope. I do not know whether that envelope was amongst that and if it was amongst that, it could be one of those documents on which I had not signed, which were taken from me.

(30)

You/...

You have already told us about the problem that you have with your eyesight. -- Correct.

Was there a small number or a great number of documents that were taken from you? -- It was quite a great number of documents that were taken from me.

Were they all produced in court? -- Not all.

Did you have an absolute and independent recollection of precisely what was taken from you and what was not taken from you in the absence of a signature? -- I would not say I can remember precisely. As I said there were other documents which were in a brown envelope and others could perhaps in the course of collecting of those documents slipped in. I would not say I was absolute or definite in terms of all papers being signed, but most of them I signed on.

You also told us that there were factions within the council in Soweto? -- That is correct.

Did this factionalism focus on any particular issue or was it in connection with personalities or policies? Do you know anything about that? -- They were primarily on personalities. More especially they were competing for the chairmanship of the Soweto Council.

Do you know whether in this factionalism any - whether or not any violence broke out?

COURT : From your personal knowledge? We have had a lot of hearsay so far. Perceptions and common knowledge and all that. It overflows in this case. This is factual evidence you are leading now.

MR BIZOS : Violence against councillors was put on the same basis.

COURT : I have let it go in cross-examination because (30)

in/...

in cross-examination that sort of thing can come out.

MR BIZOS : You have no personal knowledge as to how this violence broke out? -- Except what we read from the press. I have no personal knowledge about that.

There is just one final point that I want to ask you about. Did the SCA tar any streets itself? Did it over the function of the local authorities to tar any streets itself? -- Not taking the powers from the local authorities, but with the assistance of the urban foundation, the branch of Orlando West Extension had organised itself and they had two streets(10) tarred. Those are the streets next to the Wilgerspruit River, Klipspruit River.

With or without the concurrence of the city engineer? -- The city engineers had done the initial surveys and I think they had given the people the necessary data what they considered would be better to do. The fact is, they were not starting new streets, but it was a matter of tarring those streets that were there.

With the assistance of the urban foundation? -- With the assistance of the urban foundation. (20)

NO FURTHER QUESTIONS.

MR BIZOS CALLS ACCUSED NO. 20 :

MOSIUOA GERARD PATRICK LEKOTA, d.s.s.

EXAMINATION BY MR BIZOS : Mr Lekota, what is your present age ? -- I am 39 years old.

Are you married? -- I am married.

Children? -- I am the father of three children.

What formal education have you had? -- I have passed matric.

Do you recall what year that was in? -- That was in 1969.

Where do you hail from? -- I was born and bred in Kroonstad. I am presently living in Claremont next to Durban.

After your matriculation, did you go to any university? -- Yes, I went to the University of the North, Turfloop.

For how long were you there? -- I was initially at the university in 1970 but I had to come back due to financial problems. Then I returned to the university in 1971 and I remained there until the early part of 1972 when I was suspended by the administration. (10)

COURT : What was your course? -- U studied BA Social Science.

MR BIZOS : Did you attend any other university besides Turfloop? -- No.

COURT : So, did you complete one year of the course? -- I was in my second year when I was sent away.

MR BIZOS : Were there difficulties at Turfloop University? -- There were problems that arose. In the early part of 1972 at the graduation ceremony one of the students, Abraham Tiro, speaking at the graduation ceremony on behalf of the graduants raised certain criticisms both of the the administration of (20) the University and also of the policy of Bantu Education. That led to his expulsion in the following week and as a result the student body resolved to take a seat in demanding his reinstatement. At the time I was serving in the Student Representative Council and as a result of the seat in, the entire SRC was rusticated and I was one of them.

COURT : Rusticate means what? -- I mean, we were sent away, we were expelled.

Suspended for a year or permanently? What does rusticate mean? -- Some of the people who were suspended from the SRC (30)

from/...

from the university, reapplied later. Some were taken back, others were not taken back. Others never reapplied in any event.

MR BIZOS : Which category were you in? -- I was in the category that reapplied but was not taken back.

Once you were not taken back, what did you do? --I initially spent the second half of 1972 working in the community development projects of the South African Student Organisation. I spent most of the remainder of that year working in the project at the south coast of Durban at a place called Dududu. (10) At the beginning of 1973 when it became clear to me that I would not be able to enroll at any institution, I took up employment with the South African Permanent Building Society as a teller.

The organisation that you referred to, is that known as SASO? -- That is correct.

Was that an organisation that you joined whilst you were a student? -- I had joined it from student days.

COURT : When did you start as a teller at the South African Permanent Building Society? -- At the beginning of March (20) 1973.

In Durban I take it? -- In Pinetown.

MR BIZOS : Did you do any other work? -- No. Before that - perhaps I should just go back a little bit and state that before I went to the university in 1971 I had done parttime teaching at St Francis College, Marionhill for a while and then I joined the Department of Justice as an interpreter clerk in court.

ASSESSOR (MR KRUGEL) : When were you an interpreter clerk? -- The beginning I think August 1970 up until the end of (30) January/...

people that I could take problems to, but I must also say that in the period that I lived with my family, at a time that I could begin to judge issues of my own, I recall quite distinctly how when my father had gone to work and especially if he did not come back on time and my mother would say we must go and look in his jacket that he might have been wearing the day before or in his overall, I am the eldest at home and I do not know how much my own little brothers and sisters understood this, but for me as early as about that time I could - I knew what it meant. It really (10) meant that we must go and find out whether his pass was not forgotten there and the may be he might not be coming back because he has been arrested for a pass offence. Of course, the fact that the pass was not there in itself, did not imply that he might not have been arrested for it, because people leave home sometimes with a pass and on the way a pickpocket takes it out, but when you go around the corner and the policeman says where is your pass, either you have it or you do not have it. If you do not have it, you get into the lorry and then you are off. So, the pass had been (20) a threat to my family and not to me directly, but because what threatens the family, the fears, filter through to the younger children. You can feel something that is dangerous. If a dog approaches a group of people that are family, everybody tries to go and stand behind their father because he might do something with the dog and so on. So, the pass had been a threat to me as an individual. I had seen people getting arrested and so on. I am trying to underline my experiences as an interpreter merely to show that at that stage I was able to see and learn from the experiences of (30) others/...

others more than what I had known before that time.

For many of your friends and us here you are affectionately known as Terror? -- Yes.

How did you come to get that name? -- I was given this name by my sports master in 1965 at Marionville Institute where I was studying junior certificate. It is really a football nickname that I have had and stayed with me over the years. I suppose many people who got to know me afterwards first saw me on the football grounds and they got to know me as Terror. Ultimately it stayed with me. Some people (10) do not know my real name. They only know me by that name.

COURT : Have you ever tried to live up to your name? -- In what sense?

It is just joke. -- I got the name in 1965.

MR BIZOS : Once we are on this I would just like to ask you a question. It is unusual to ask persons about their previous convictions, but you yourself spoke about it at meetings. You have a conviction under the Terrorism Act. -- That is correct.

Was there any violence involved in the case that you (20) were involved in that led to your conviction? -- No, there was no violence of any kind, nor indeed was there any evidence to suggest that we have met with those I was tried and sentenced with to plan violence. I firmly believe that I was a victim of an unjust law. Since my release of since my conviction, let me say, the Terrorism Act under which I was convicted along with eight others at the time, has been amended and terrorism as I understand it, is now - it must involve violence. That element was not here at the time. If I remember well, that time, even though we were convicted, (30) after/...

after we were found guilty, the newspapers even, I do not know whether jokingly or in earnest, mentioned that we were found guilty for terrorism of the spirit, because really we had not done anything - we had held public meetings and that was that and we had made speeches, but there was no question of any kind of violence or encouragement of that.

COURT : Let us have clarity now. When were you convicted?

-- This was in December 1976.

Under what law was that? As the law then stood or for an offence long before? -- As the law then stood. (10)

And when was it alleged that you had committed this offence? -- Before 1974.

The offence was committed before 1974? -- It was in the period - I cannot remember when exactly, but at least up to 1974 - September 1974. It is not my suggestion that there was a misinterpretation ... (Court intervenes)

No, no, I am not asking you on that score. I just want to determine which act applied when you were convicted. so that I can look it up. -- I think it was the Terrorism Act no. 83 of 1967. (20)

MR BIZOS : The witness is correct. I can give Your Lordship that assurance, which has subsequently been amended. An element of violence now has to be present.

COURT : Do you perhaps know the section? -- Well, I have not studied the Act itself, but I read in the newspapers at the time that an amendment ... (Court intervenes)

The Section under which you were convicted? -- If I look at my prison card I think I can pick it up.

MR BIZOS : It is Section 2 which contained a number of presumptions from (a) to about (i) which is a statutory type (30)

of/...

of terrorism that was on the book at the time.

The other aspect that I want to ask you about, in this case we have had people trying to put people into pigeon-holes as to what tendency they belonged to. At the time when you were a student, at the time that you were involved in SASO, what philosophy did you subscribe to? -- It would have been Black Consciousness,

I would like you to please try and explain what the notion of Black Consciousness ... (Court intervenes)

COURT : Was that also the philosophy of SASO? I know (10) very little, if anything, about SASO? -- Yes, it is in fact - Black Consciousness initially developed inside the South African Student Organisation. Perhaps one should say parallel with that, it did arise more or less parallel with the Black Theology Movement. I may be guided by the Court how much detail I should give. I can attempt to give a background ... (Court intervenes)

No, it is not necessary at this stage. I just want to pigeon-hole SASO. -- It was Black Consciousness.

MR BIZOS : How did you view Black Consciousness at the (20) time? What were its foundations? What did it seek to do? -- Our concern at that time was that a lot of Black people - by Black people I mean to include the African section and the Indian/Coloured section. At that time we had observed a tendency, Black students had observed a tendency whereby Black people had so been orientated that they tended to look down upon their own cultural heritage, their own humanity. The tendency was for people to look at the wide world as the ideal type and therefore to see everything that is associated with Whites and the wide world as that (30)

which/...

which has to be struggled for. This was not only peculiar to our country. It was something that was peculiar to very many colonial areas. In Africa for instance one would find a situation in which the colonial people would be expected or for them to be accepted, they have to be seen to be as close to White people as possible. They have to speak English or Afrikaans. If you are Portuguese colonies, you must be Portuguese. If it is French colonies, you must speak French and the Portuguese actually used to say that you must not only speak Portuguese language, you must walk like a (10) Portuguese. So, that that state of mind in which Black people looked down upon themselves, that was the state of mind that is set out to challenge and it manifested itself of course in various forms. There were these wigs and so on and then you would find with the ladies, they had these wigs some of them with long European hair. In order to hide their African hair, African women used to put that on and have these wigs. They would have to use all these cremes, skin lightening cremes, they tried to be White and so on. They used these skin lightening cremes like (20) Ultra and so on, which lightens their skin, so that they look White. All that gandre of activities were seen by us as manifesting a sense of inferiority. Something that was really saying it is wrong to be Black and I want to be White. So, the thinking behind Black Consciousness was an attempt to say you are Black and for you to be a human being you do not have to be White, you just have to accept yourself as you are. What makes you a human being is not the colour of your skin, it is the content of your character and you must just come to terms with the fact that if I (30)

am an African I am an African and I am human being for all it is. So, Black Consciousness, the idiom of Black Consciousness was to challenge a world view that had been put forward largely really by the White colonial world, that sought to conver the Black people in the colonial areas towards the ways, the cultural ways, physical appearances, that are European and this is why therefore Black Consciousness was defined as a state of mind and a way of life in which you say okay, the White man is a human being and so on and so on, but I am also a human being, just as equal. I recall (10) that one of the famous quotations at the time came from Soli Plaatje's book "I am Black and I am calmly", which actualy in itself is a quotation from the Bible.

ASSESSOR (MR KRUGEL) : Black is beautiful. -- That one came from the American scene really. That slogan came from the American scene. It would come a little bit later, because when was SASO was formed Black Consciousness as a philosophy as such was not there. In fact the first constitution of SASO still defined the Black students as Non-European student. It is slightly after the formation of SASO that (20) we begin to find evolving this world outlook that says in fact we must not even call ourselves Non-European, we must not be defined in terms of White, we must define ourselves in our own terms. So, we might as well say if we are Black, we should not be called non-something. We are something in our own right and that comes in slightly after the formation of the organisation. That is the thinking behind Black Consciousness. That is what it is set out to do. In our day no person, no member of Black Consciousness would have been seen going around with permed hair, perming (30)

of/...

of hair and making it long and perhaps put on some cremes that make it long and shiny and so on. That would not be done. People could still do that that time, because you just took a hot stone, put it there and then you put some vaseline on your hair and then you could do this with the stone and your hair just became straight. That was still done, but in fact Black Consciousness set out to discourage that practice, that it was wrong because it reflected a state of mind that is inferior. The challenge therefore was to get rid of that state of mind and I think to that extent(10) I think the teaching of Black Consciousness on that part remains a relevant part, even in our time. People must still just accept the fact that I am a human being as I am and I have got to be accepted as I am, but also that the humanity of Black people must of course recognise the humanity of others as well.

MR BIZOS : Who was Plaatje? -- Plaatje was one of the celebrated leaders of our people from the turn of the century. He used to be an interpreter clerk for a long time in areas like Kimberley, Mafikeng. He served African(20) people in very many ways. He was part of the delegation of the African people that went to Britain in 1913 to protest against the exclusion of African people for participation in the government of the country when the Union Act of 1910 was passed. He has written several books also. Perhaps it is just enough to say that he is a very, very respected and celebrated name in African communities throughout the country and even internationally too.

Did he have anything to do with the formation of the African National Congress? -- From my reading he was (30) elected/...

elected to the first executive of the then South African Native National Congress when it was set up in Bloemfontein on January, 8 1912.

You have told us that Black Consciousness obviously has had an influence in your life. -- Yes.

You also in your speeches appeared to refer constantly to the history of the history of the African people, the history of the Afrikaners in the country. Have you done or did you do any reading in connection with that? -- Yes, one of my favourite subjects is history - has been history (10) and is history and I have read as much as I could both on the history of the African people, on the history of the South African Indian community, on the history of the Coloured people and on the history of the South African Whites, particularly on the history of the Afrikaner people.

And you appear to be punctuated your speeches with references to the history of the various people and the country as a whole? -- That is correct. Actually I think there is a lot to learn from the history of our country, the history of the various people of our country and I (20) think that if the future of our country has to be shaped in a direction in which it will benefit all of its people, it was crucial that one understands both the contribution of everyone of the sections of the population of the country, but even more important if one is going to reconcile the people of South Africa, it is important to understand them and to understand each and every group in its historical context, to understand their fears, to understand their aspirations, to understand the path they have travelled to the present. It is for that reason, amongst other things, (30) that/...

that I busy myself with reading as much of the history of the people of our country, discussing it where occasions arise in an attempt to formulate a perspective on the future path I think our country must ultimately take.

You have told us about the formation of the African National Congress or by another name at the time in 1912 and one of the charges in this case is that the African National Congress history was popularised. I want to ask you, are there books on the history of the African National Congress freely available or not? -- There are books on (10) the history of the African National Congress which are freely available in the country which are legal and which provide lot of information about African National Congress in particular at a time before 1960 when it was banned.

Can you mention a couple of those books? -- Books which immediately come to mind is - I can think immediately of Walshe. He has written a book "The Rise of African Nationalism" 1912 - 1952." I have already mentioned Sol Plaatje. He has written "Native Life in South Africa." That is a work that concentrates a lot on the 1913 Land Acts and the impact (20) it had on African life.

COURT : And also on the ANC. Did he write on the ANC? -- He was actually himself a leader of the African National Congress at the time. At the time when he was abroad in Britain, when he was campaigning sent there by the African people here to raise the complaint against the exclusion of the Africans from the Union Act, from parliament and also to complain about the 1912 Land Act. That was the time when he wrote it. Then there is another book that is written by - I think I must just mention this one, (30)

Dr Molema "The Bantu Past and Present." That was published first in 1917 and I do not know whether copies would still be available, but one does find it in libraries. Then there is a book written by the late Professor Z.K. Matthews "Freedom for my people."

MR BIZOS : Is it a book by the late Professor Z.K. Matthews or about him? Do you recall? -- It is called "An autobiography", so I think it is an autobiography edited by Wilson, somebody Wilson, but it does say "Autobiography of ..."
... (Mr Bizos intervenes) (10)

Posthumously edited by Monica Wilson? -- That is correct.

Of what university, do you know? -- I do not know whether Monica Wilson was from the University of Cape Town or whether it was her husband. One of them was from there.

And is that readily available? -- That is readily available in the country.

Do you know whether it has gone into one or more editions? -- I know that it has gone into a number of editions, but I do not know how many. I think the last one, I just want to mention, is the book - Chief Albert Luthuli wrote (20) the book "Let my People go." That again is a book that is freely available in the country and very widely read. I myself have read it quite a bit. There are other books, like "Time longer than rope". That is written by Eddie Roux. Not long ago I think also there is this other book that has come out by Tom Lodge. It is called "Black Resistance Politics." That was in 1945 I think. There are other books. If there is any need to mention the other books, I would be able to mention them. These are the books which are freely available that one would pick up around and read if one is interested (30)

in the subject. I think I must just mention the book by Trevor Huddleston "Not for your Comfort." It is written by the Reverend Trevor Huddleston.

Does the name Catha and Karis mean something to you?

-- Oh, yes. They have written several books.

Gwendoline Catha and Tom Karis. -- I think Gwendoline Catha of her own has got a book she wrote which is called "The politics of inequality." Then there is a book that they wrote, I think it is "Catha and Karis, the Transkei Politics of Domestic Colonialism." I may not be quite correct with that title, but I think - in any event it does equate the experiment of the Transkei to domestic colonialism.

In these books are speeches of the various leaders of the African National Congress quoted? -- Oh, yes. First of all wherever important speeches are delivered, either excerpts of some of the speeches that were delivered are quoted. In some instances full texts of speeches by leading spokesmen of the African people or the Indian or Coloured communities and in any event, with books such as the two that I have quoted from Professor Z.K. Matthews and Chief Albert Luthuli one is able to actually read them as they speak and therefore to grasp and capture the language that they used at the time. Sol Plaatje for instance you would find, from the writing you would find, both from the speeches and from his own writings that this is how they spoke, these are the expressions which they used and I think quite a lot of that language had become also part of the heritage, of our political heritage and so that one would have found that a fair amount of the language that were used by elders, is still current today, because a lot of the contemporaries are still

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around/...

around with us today. They may not have attained the prominence which they attained in their day, but they are part and parcel of our communities, they are part and parcel of our social milieu, of our parties, meetings and so on. It is a heritage that is there. We are borne into it where we do not know anything other than it.

We will look in some detail at some of the language used by your predecessors in view of the State allegation, but may I please take you back to this question of Black Consciousness. When you were involved in SASO, did you (10) view it as an anti-White philosophy or a racial philosophy or racism in reverse as it is sometimes called? -- Certainly not. Black Consciousness - in fact the separation of Black students from White students arose from material day to day problems of life, imposed by the laws of the country. Before 1967 when Steve Biko and others moved that Black students must withdraw from NUSAS, all the students who were interested in political thinking, found their home in the national union of South African students. There were of course some of the students who never went into NUSAS but the majority (20) of those who were interested, were in NUSAS. The reason they left NUSAS was because of the practical problems that arose and I may just mention some of them. At that time, if students had a conference or a general council and they went to the university of say Witwatersrand or Rhodes, because of the 72 hour clause and because of the separate amenities act, Black students would not be able to enjoy the same facilities as would White students, to start with. There would have to be houses somewhere, may be in a church hall may be in Mzimhlophe and then they would have to (30) travel/...

travel from there and come into town for the conference sessions and then go back there and so on. Usually the accommodation that could be found for them was very, very uncomfortable, but the fact that they belonged to the same organisation made it - it made it very difficult for the organisation to operate and then for the African students, because of the 72 hour clause at that time, it meant that if we went to conference in Johannesburg or Grahamstown, because as an African I was allowed under the 72 hour clause to stay in a magisterial district for more than 72 hours. (10) As soon as that 72 hours is over, I must go out of the Magisterial district and go and spend time out there and come back to start a new visit, so that what happened to African delegates to the congresses of NUSAS and UCM was that they would have to come to the conference - arrive there on Sunday and if you count that now, it is Monday, Tuesday, on Wednesday three days, 72 hours is over, they must get into cars, the conference must adjourn so that they must travel out now of Grahamstown, may be to PE and spend a couple of hours and in the afternoon come back (20) to resume the conference, beginning a new visit. Otherwise, if they remained there, they were contravening the law and they were going to be arrested under the 72 hour clause. Those problems, it was those problems really which made the Black students - those and many others of course, I mentioned those just as an example - begin to think that much as they were committed to the idea of a non-racial future, but under the prevailing circumstances it was impossible to pursue that dream. One would have to find, to create new conditions in which that has to be pursued (30) and/...

and that meant they had to go back. It was really at the 1967 conference of NUSAS that whilst they were housed in a different, Black students, when the conference adjourned they went back to their residences in the township in Grahamstown, they then decided that we must now think and there they took the decision in 1967 that they must look at avenues of starting a new organisation. That led to the formation of SASO the following year.

You told us about your conviction and you were imprisoned on Robben Island? -- That is correct. (10)

You also made references of your meeting various leaders including Mr Mandela on Robben Island and some of the speeches that you made? -- That is correct.

When was the last time that you saw Mr Mandela or the other leaders? -- I stayed with them until the middle of 1979. I was then of course removed from the section where they were staying and I was moved to a different section. I was never able to make contact with them subsequently to that.

After 1979? -- After 1979, yes. (20)

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

You make reference in one of your speeches to having learnt on the knees of Mr Mandela and Mr Kathadra, I think you mentioned Mr Sisulu, what is it that you learnt on their knees? -- In the period between 1978 and 1979 when I was joined with the leaders of our people in one section, it was - speaking for myself - a historic occasion. These are names and these are men I had grown up hearing about, I had been told by my elders, uncles, aunts, grand parents and (30)

so/...

so on that these are the leaders of our people. Then of course I did not know I would land there. So, when I landed there it was a golden opportunity and for me it was important to learn the secret of the path my people had travelled, to find out from the men who had given everything almost that they had for the cause for the freedom of the African people in the country and I discovered that I had there forgotten to the well of the history of my people among other things. These are men who lived for nothing else, I discovered, but for the dream of a future democratic South (10) Africa and from them I learnt about how our people had for so long been denied political rights, how even some of those political rights that African people had enjoyed before the turn of the century in the Cape had been systematically taken away from them. I learnt from them about how time and time again reputed leaders of my people, some of them church men, others teachers, some builders, some chiefs, others paramount chiefs, had from time to time stated and re-stated the plea of the African people that they may be included in a South African state. I got to know from (20) them about how Sol Plaatje, Maphikela, Rubusana and Jabavu and so many others had taken trips abroad going for months on end on ships, after every household or village had taken out 2/6, the money they used that time was pounds and so on and every family gave something 2/6 or so, half a crown so that they could go to Britain and state to Britain that the political direction South Africa was taking, was one that excluded the African people and that they wanted our people to be included in it. I learnt from them about the long constitution of struggle that was waged from 1912 (30)

to/...

to 1949 when people like Professor Z.K. Matthews, people like Chief Albert Luthuli, people like one of the prisoners who were with the old man Govan Mbeki, who had served in the boom in the Transkei, who had come and served in the Native Representative Council, who had served in the Bantu Conference of the twenties, and whose efforts and whose please had been in vain. I learnt also from their about the great achievements of unity amongst our people and they met in 1935 in the All African Convention and expressed their objections to Hertzog bills of 1935/36. Indeed I (10) heard from them about how in the course of the second world war many of my own people contributed in the struggle against Nazism and Fascism, with the hope that when all was said and done, African people would be afforded a place in the South African sun. That had come to naught. Our people had only been afforded bicycles and the overcoats that they wore as they served in Egypt and other countries. That constitutional struggle I understood lasted 39 years coming up to 1949 when the Youth League moved a more radical and militant program of action, not armed but radical and mili-(20) tant in the sense of the sacrifices imposed upon my people. It was out of the 1949 Program of Action that African people took a decision that now that the Nationalist Party had come to power in 1948 and it was not introducing its policies of apartheid, African people would have to stand up and make clear their position on this policy. That led directly to the defiance campaign of 1942 at the head of which was Nelson Mandela himself.

ASSESSOR (MR KRUGEL) : Did you say 1942? -- 52. I am sorry, 1952. The defiance campaign was in 1952. Nelson was at (30)

the/...

the head of that. He was the volunteer in chief and I am told about how he travelled from city to city and town to town, he urged our people to make known their objections to the laws of apartheid and not to do so by way of using violence. He said they must defy those laws. He said they must defy, that they must not use violence, even if they were assaulted, he said. Even if you are assaulted, you must not - that was the the volunteer in chief of 1952. I learnt from them that inspite of those efforts, inspite of that determination to appeal to the better judgment (10) of our White compatriots, those please, those sacrifices, those efforts resulted in naught. I learnt from them therefore that increasingly as our people made pleas for a democratic share in the country, so proportionately did the rulers of our country tightened the noose and systematically stripped African people of whatever rights they may have had, denied them an opportunity to continue to contribute on an equal footing to the development and government of our country. I heard about how in 1953 Professor Z.K. Matthews raised the question to the African people that perhaps it is (20) appropriate that we must now say what future South Africa we want. Perhaps that might disabuse our White compatriots all their fears that our nationalism is a nationalism that is selfish and thus seeks to destroy them. And that indeed, as a result of that plea, our people came together at a big meeting at Kliptown in 1955 and there drew up the Freedom Charter in which they stated publicly even at the expense of sections of the African community, that South Africa belongs to all of her people, Black and White, that earned those men and others who were with them, contempt (30)

from/...

from certain sections of our community but they made it clear that they were not prepared to retreat on the principle that was the only one that could guarantee our country its future and I also learnt sadly that the year following that, following that declaration, 156 leaders of our people who had made that noble statement found themselves arrested and charged for treason.

I think that that judgment and the eventual result of that trial is available. The ridicule that they faced was that by the group that eventually grouped the Pan African (10) Congress.

You told us that you heard these things whilst you were on Robben Island. I will ask you to deal later on with the decision as they told you in relation to violence, but I want to leave that out for the time being until later in your evidence. Insofar as you were an adherent of the Black Consciousness philosophy, did you undergo any change in your view, did you modify your view in relation to the Black Consciousness view? -- I would like to put the answer this way, that whilst I held membership to SASO, I became aware (20) that there was a conflict of interpretation within our ranks as to precisely what Black Consciousness really was about, particularly when it came to the practical question of interaction with White people. Whether that be on an individual basis or or an organisational basis. There were those of us inside SASO who saw the official view - let me state the official view first. The official view, the one that was enshrined in the SASO Policy Manifesto in July 1971. Was that Black Consciousness is not to be misunderstood as anti-Whitism. In fact clause 3 of that Manifesto stated (30)

categorically/...

categorically that SASO believed that South Africa is a country in which both Black and White live and shall continue to live together. That is what it said there, but as often happens, there is always from time to time a gap between ideal and reality, so that one did find some of the people who tend to take the more extreme view where they would argue that we should not have anything to do with anybody that is White. But then of course that would have meant, it raised immediately practical problems. Some of us came from Catholic traditions, the Catholic Church, others from (10) Anglican Church, non-racial churches in themselves. In any event upbringing of so many of us was judged when you combine it with that kind of approach, but nevertheless there were those two streams inside the South African Students Organisation. I think at a later stage one does find clash on the precise interpretation. Some want to emphasise Africa for Africans only and nothing else and others say Africa for Africans too. As far as I am concerned, I have always been perhaps because of my background, but I have always felt that at some level it would be more realistic to accept (20) that there must be at some levels some amount of co-operation between Black and White. I could not of course at that stage been able to articulate that position as well as I can today. At that point I could not, but my feeling was that nevertheless at the time.

To interrupt you, are you a member of a church? -- Oh, yes, I am a practising Catholic. I was saying then, having that view of things, having this view that there was at some level, it was impractical to say that we can have nothing to do with White people, what really remained was to formulate (30)

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the question and be able to articulate it as cogently as possible, that I have managed in over the years, I think I have been able now to grasp my position and I can perhaps articulate it now much better than I could at the time. I have often said therefore when the question has been raised with me whether I have abandoned Black Consciousness, that no, I have not abandoned Black Consciousness, because I think that for as long as there is the question of racism and the fact that African people are or Black people, let me say, are treated in ways which deny their humanity, there will (10) always be a place for the demand for the respect of the humanity of Black people. Not that they must go over and be on top of others in turn, but then there must be a basis of equality. I respect you because you are a human being and you respect me because I am a human being. That as long as the position remains in which we are underprivileged, in which we do not enjoy the humanity that others enjoy, this thinking that there must be equalisation makes it necessary that there must remain talk of Black Consciousness.

How long did you spend on the island? -- I spent six (20) years on Robben Island. Well, really five years and some months, because I left Robben Island really in May 1982 and began moving from prison to prison until December when I was released in the Orange Free State. So, that was a bit of time.

Were you united with your family on your release? -- That is correct.

In December 1982? -- Yes, that is correct.

Were you living in Natal? -- Yes, I was living in Natal but I was released in Kroonstad, because I was released to (30)

my mother so that I could just take one trip and not go to Natal and then come back and then go back to Natal.

You took advantage of a second-class Railway ticket?

-- That is correct.

You settled down with your family. There was a Natal regional conference of the UDF a few months after your release from prison. Did you attend that conference? -- I did not attend it.

COURT : That would be in 1983?

MR BIZOS : 1983. Did you know that there was a conference (10) a united front? -- Yes, I got to know about it. In fact I got to know about the discussions and the debates on this question of forming a front some time before that time. Largely from the newspapers and also from some of my associates at that time, because I had joined the Release Mandela Committee in Natal in March/April, somewhere there.

1983? -- 1983, that is correct.

What was your idea at the time about this talk about the formation of a United Democratic Front? What was your attitude towards it? -- My response when I joined the (20) Release Mandela Committee and I found that there was a heated debate centering around the question of the formation of the United Democratic Front, was one of scepticism and in fact I attempted to motivate against it and at the time it was my view that perhaps wrongly or founded that there were not a sufficient number of organisations to justify the formation of a united front, especially because I was pessimistic about the prospect of winning certain sections of the organisations into such a a broad front. So, I argued to the best of my ability that the timing was not correct. History did (30)

prove/...

prove me wrong any way.

You later became its National Publicity Secretary? --
That is correct.

Where you asked to go to the Natal conference? -- I think I was expected to attend but I was not invited to do anything special so to say. I cannot remember that I was invited actually.

Did you keep your views that you thought that the time was not right for such a front to yourself or were they generally known in the circles in which you moved? -- (10)
I debated the issue especially in Natal, let me say in greater Durban. I found myself in debate on the question of various people, the Natal Indian Congress, the Release Mandela Committee, the Durban Housing Action Committee and a number of other local organisations. I had a fair amount of polimics on this question and then I tried to argue, but the flood was moving against me.

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Do you recall whether you made any public speech at that time? -- That is correct. I was invited to address, what came to me as the Luthuli Memorial Service meeting. (20)
Incidentally it coincided also with Nelson Mandela's birthday. I do not know the number now, there were so many of these birthdays, but it coincided with his birthday. So, the meeting really concerned itself with two prominent figures of our history, that is Chief Albert Luthuli and Nelson Mandela.

I want you to have a look at the transcript of the document of 24 July 1983 headed Luthuli Memorial Service. It has been variously referred to as V24 and V31.

COURT : It cannot be two. It is V24. 31 is the tape. (30)

EXHIBIT/...

EXHIBIT 31 and V24.

MR BIZOS : You spoke there, did you? -- I spoke at this meeting.

There is a record of what is recorded there. Do you know whether it is a complete record on what you said or not? -- From what I have seen of this transcript, there are a lot gaps and blank spaces and in some cases formulations which are new to me.

COURT : Do you mean in your speech or in somebody else's speech? -- I am referring more specifically to my speech. (10)

MR BIZOS : Page 20 and subsequent pages. Do you recall whether you made any reference to the UDF at this meeting in your speech? -- No, not at all. As far as I know it had nothing to do with the UDF and there was no connection of any kind.

Did you know whether or not there was going to be a national launch of the UDF in August 1983 at the time that you made this speech? -- Certainly not. Even if the issue might have been discussed at the time, I cannot think that I knew about it or that I was thinking about it - it was (20) not fresh to my mind. Or at least present in my mind.

Perhaps you could tell us, when were you ... -- Sorry. I was just about to say that I think the issue of the national launch of the UDF may have come - may have become immediate to my mind subsequent to this meeting. May be shortly thereafter, but I cannot remember that it was at all an issue that was associated with this.

When were you in fact at first approached to take part in the national launch or any other aspect of the UDF? -- I was first approached the end of July 1983 beginning of (30) August/...

August. I cannot just be very precise.

COURT : To do what? -- First of all I at that time received a report at the meeting of the Release Mandela Committee at which it was reported that the joint executives of the UDF from Natal, Transvaal and the Western Cape had met I think in Johannesburg and because the RMC was affiliated to UDF Natal, we received a report of what had taken place there and one of the issues that arose that time was that Natal and Transvaal had undertaken to visit East London or so with a view to discussing and persuading some of (10) the organisations there to affiliate to the UDF. I think that is more or less how I got to know about this. Mewa Ramgobin was supposed to go down there and subsequently because at the time I was not employed, he also requested me to go along with him. In fact RMC then made it an official thing and I went there really with him now representing the Release Mandela Committee to attempt to meet organisations there and brief them about the plan that was in the air to launch the UDF nationally.

When were you first approached possibly of becoming (20) involved in the UDF yourself? -- Sorry, I must also add that it was at that time also that I was in the report. We were told that at the meeting that had been held in Johannesburg both the Transvaal Region and the Western Cape Region had suggested, had moved that my name be put forward for position - for the position of publicity secretary. My region Natal had objected to this and as I understood the position at that time, the matter had ended there. I myself was not keen at all to take up a position of that nature. I just really being released from prison felt that I needed to get a bit (30)

more/...

more orientation to the outside world, that is outside prison and I also was of the intention to spend a bit more time with my family, which I had not been able to do for many years. I understood for the first time that the issue - that that issue had been raised there. At a slightly later stage when preparations were afoot to launch - to set up the things for the national launch, Natal had to send people who would become part of the advance planning committee in the Western Cape. That apparently had also been agreed upon at the meeting in Johannesburg. I was - for Natal now. I was asked by (10) the Natal region and I was sent to go and represent them there. It is important perhaps that I must just mention that the advance planning committee as I understood it was an administrative kind of organ, really carrying out decisions which had been taken and so on. It was not an executive organ and I accepted this task and went down with this understanding. I went over to Cape Town I think on Monday or Tuesday of the week building up to the 20th and the national launch.

Before we get to the conference rally of the launch, (20) do you recall whether or not there was any press interest in this conference and rally that was going to take place? -- There was very wide interest in the moves to launch the UDF. First of all at the time the country was busy with debates about the new constitution. Various personalities had been unbanned. Really a new spirit was abroad. Then of course the national forum committee had been launched in April. So, when the moves towards the launch of the UDF came up, it also excited a lot of interest and we went down to Cape Town with all kinds of articles, speculations in the papers about (30)

what/...

what was likely to happen and we ourselves in that week held a press conference as part of the preparation for the national launch in Cape Town.

In view of the number of questions that have been asked in cross-examination about the UDF's policy in relation to violence, I want to ask you whether or not you were present at a press conference which was held before 20 August 1983 at Cape Town? -- That is correct. I was present at a press conference that was held I think it was in Parliament Street. I cannot remember whether that building was a cathedral or (10) just a church or what, but it was there and I chaired the press conference.

I would like to show you a newspaper cutting from the column called "Sullivan on Saturday" from the Star of 20 August 1983. Do you know this cutting? -- I know this press cutting.

If Your Lordship receives it, it will be DA55. The middle of the first column "In Cape Town this week the United Democratic Front held its first press conference. This front of some 400 organisations has been getting the good (something) (20) in the English language newspapers and the extraordinary number of people at the press conference showed it has aroused media curiosity if nothing else. There were no fewer than eight representatives of one newspaper there, four reporters and four executives and the editor plus several staff members turned up from another Cape newspaper. This is incredible considering the organisation will hold its first public meeting today. About 40 reporters and media people attended the press conference and questions were cautious and polite at first. Facing the press was a veritable battery of UDF (30) spokes/...

"spokes people" fielding the queries for information. For a group of people obviously unused to the press, they did pretty well. Then questions became a little bolder and eventually the inevitable South African's stumper was asked. Are you in favour of violence as a solution to the country's problems? Basically the answer was that the UDF did not advocate or condone violence, neither in the form of spectacular explosions like the ANC nor the form of institutionalised violence as the oppressive apartheid system was seen to be by many." What do you say about this statement (10) about violence? Do you remember whether this was said or not? -- I remember that this question was brought up there and that it was categorically stated in similar terms that the UDF would be an organisation committed to non-violent forms of struggle and that it was opposed to violence - to the use of violence in any form.

Who said this? Do you recall? -- To the best of my memory it was the old man Joseph Marks of the Western Cape executive of the UDF.

-- Was it in any way endorsed by what are referred to (20) as the 39 other UDF spokes persons? 40 reporters? -- It was certainly endorsed by the other members of the advance planning team that were there.

I am sorry, it was 40 reporters and not 40 spokesmen. Were there as many reporters as this column says? -- Oh, yes, I can confirm that. There were no less than 40 reporters there. I remember in fact that reports were actually carried about that fact in itself. There had been so many reporters that turned up there.

The Star, do you know what its circulation is more or (30)

less/...

less? -- At this time I would say approximately 100,000 perhaps 800,000.

Sorry, 100,000 or? -- Sorry, 80,000. I am sorry, I said 800. 80,000 to 100,000.

Do you know whether similar reports to this one appeared in other newspapers? -- Certainly, yes. Such newspapers as the Cape Times, the Argus and various other papers across the country, even international press men were there and TV crews and so on. So, it would be very widely covered.

Were you a member of the advance planning committee (10) from its inception or not? -- I only became a member of the advance planning committee when I was asked by Natal and I really began to be busy with its activities when I went to Cape Town.

I would like to ask you, you took part in the launch of the UDF? -- That is correct.

Did you do that on behalf of the African National Congress? -- Absolutely not.

Did you do it on behalf of the South African Communist Party? -- Not at all. (20)

Were you in any secret conspiracy with any organisation or any person to take part in the launch of the UDF? -- There was nothing secretive or conspiratorial about it, as I understood it and everything that I did and with the others I understood to be done publicly with public motives.

You told us that there was at the time what appeared to be a spirit - how did you describe it - of what? -- There was generally a relaxed atmosphere in the country, full of debates and full of optimism I would say. The government was talking about change and everybody was talking about (30)

change/...

change. People had been unbanned. It was really a relaxed atmosphere one that invited free thought and free action taking.

What free thought and what free action did you want to become involved in at this launch? -- Well, as we understood the position at the time the government was saying that it wanted - it was in search of reform and it sought to place the country on a new constitutional road in which there would be power sharing. The big phrase of the time was power sharing and therefore as I understood it, we (10) were being invited to say what we wanted to see or how we saw a peaceful future of our country shaped and therefore as I understood the position we were obliged to stand up and state our views as honestly as we could, as long as we did not use any violent methods. We were free to say what we wanted and to put our suggestions forward to the government as to how we saw political change in the country and influx events and we availed ourselves of that opportunity.

Had there been any talk of any new deals for Black people in South Africa before the launch? Or new structures? (20)
-- Oh, yes. Simultaneous with the new constitution bill and the later act in that year the government was also putting forward for the African communities a set of laws or bills which we were told would improve our positions or at least there was a dispensation for the African section whereas the new constitution bill was a new dispensation for the White, Indian and Coloured communities. That was the kind of situation that was prevailing. Our side of the dispensation consisted of the Black Local Authorities Act, the Black Community and Development Bill or so and the Disorderly (30) Orderly Movement and Resettlement of Black Persons Bill.

I say disorderly, because with regard to that bill in fact it was - people did regard it as disorderly and they spoke about it as disorderly because they saw it as a bill that had provisions that would disrupt their lives, that would make or create a lot of disorder within our communities. So, those were the two sets of I give you and you take, because dispensation really means that now I give. The White community was saying look, we dispense and you Black communities must accept. This is literally as I understand the word "dispense". You give and everybody must take. What (10) we were asking for and what one really would like to see is not I give you and you take. It is let us share, let us sit here and decide how we are going to share these things.

ASSESSOR (MR KRUGEL) : I am glad you explained it this way. Next time that I am going to the chemist for him to dispense medicine to me, I am not going to pay for it. -- No, you will have to pay for it, because we also had to pay for the new dispensation.

MR BIZOS : You yourself, could you see any benefit to you personally, your community ... (Court intervenes) (20)

COURT : You, meaning the witness?

MR BIZOS : You personally. Could you see any benefit to yourself or to your community by the implementation of the Koornhof Bills? -- No, I realised that earlier on I did say that people were not happy about the new dispensation. I should really have stated that I myself, quite independent of what everybody else felt, I in my own right felt that what was called the new dispensation for us in the African communities amounted to nil. I say that not without thinking about the question. Since 1910, in fact, even before that (30)

time/...

time, we especially in the Northern Provinces of the Free State and the Transvaal never formed part of any legislative body or any kind. So, every law that had been passed had always been decided for us by White people and the new dispensation as was then being given to us in 1983 was a similar position. We had not been consulted. We had not been asked what we want. We had not been invited to become part of the process and that, the fact that we had not been part of the formulation of the model, which is actually the cause of the failures of so many of the other models that had been (10) brought forward before, was not being cured, it was not being gotten rid of and as long as government was not involving us in the process of evolving a model that was supposed to cater for us, it was not solving the problem. It was not beginning to address the complaint which over the decades since Union Act, I just go only up to that time, had been raised by our people. All that we are asking for is that if there has to be a correction of the situation in our country, we must participate in the process of correcting it. That is what we are asking for and that the new dis-(20) pensation did not solve. That is of course apart from the fact that in itself, when you begin to implement it, it had its own shortcomings. I do not deal with the shortcomings immediately, but let me put it this way perhaps, that our word compatriots had said in parliament that evolved a law, the Black Local Authorities Act. They had passed it. Now, what they call the new dispensation for us was really - they were asking us to implement a law they had passed. They had passed a law called the Black Local Authorities Act. They were now asking us to implement it. Whether we were (30)

happy/...

happy with it or not, was irrelevant. Our complaint is that they do not have the intent or they do not realise that there is need for change. Our complaint is that the manner in which it is being done, fails to take into account our most cherished aspirations. We want to be there. We want to take the decision. Not by ourselves exclusively, but together as countrymen. To sit down and decide the constitution feature of our country. That is what we wanted and the new dispensation failed to do this. And it was not a new problem to us. In 1960 at Cottesloe Professor Z.K. Matthews told (10) the men of the NG Kerk and Hervormde Kerk and the Gereformeerde Kerk that if you want to decide the future of the Africans, consult with them and those men then said, they said to Professor Matthews but we have consulted your leaders and he stated the point which we stated in 1973. You choose the leaders that you want to consult. Let not our head compatriots choose for themselves who they will consult on our behalf. Let us, the African people, let us, the Black communities decide who will speak for us. Then the question is being addressed before that time, before (20) that issue is done, you are not as yet speaking for us. There will always be a lot of men who are prepared, who are Black like I am, even Blacker than I am, who will be prepared to accept, to do anything just to please the government or just to please our White compatriots, but that is not the truth. That is not the truth and if it is not the truth, then it will not satisfy us. I have said sometimes and I want to say to the Court if the government uses a pig and he says it is a pony, we will say no, there is a difference. The one is the horse, the other is the (30) meat/...

meat. So, we will not take it. Either they give us a solution or a proposed structure of government, that is not democratically evolved or that is not acceptable to us. It does not matter how many medals and what not one puts on it. We will see, we will look at it, we will examine it. If it hoofs are not split here and they are round like this, we will know that no, it cannot be a pony and we will not accept it. Not because we want to be mischievous, but apartheid has meant a lot of suffering. It means a lot of suffering for our people and we have gone through the grinding wheel(10) and we go through it every day. We have an obligation to come to our compatriots. Whether they are in the prisons or in the courts. Let us go up to you and say it has come to this it is no longer possible for us to bear it and we do not want any revenge, I want to repeat this, we do not want any revenge. I have always said that Tobie Muller was right, when in 1913 he said at Stellenbosch that the blood of our forefathers calls not for revenge, not for vengeance. What it does do is to inspire us to fight for those moral and political aspirations for which they have sacrificed so much. (20)

COURT : I think we must now get back to the subject.

MR BIZOS : Is this how you felt about the Black Local Authorities Act? -- That is correct.

It is suggested in the indictment that you really were doing the bidding of the ANC and the Communist Party and were in secret conspiracy in opposing the Black Local Authorities, how do you feel about that? -- This is absolutely untrue. I think that we must be crazed with a little bit of intelligence. Any man with a normal mind and who can judge will see if a thing is wrong. I do not need anybody to come from Russia (30)

to/...

to come and tell me that what apartheid is doing to us is wrong. I do not need anybody from anywhere to come and tell me that I do not have a house. I do not have it. I need not anybody to come and tell me that the reference, the pass books, the pass laws, what they are doing to my people. I know what they do. I have seen that. If it is wrong I can see that. We do not say that murder is right just because Mr P.W. Botha says murder is wrong. If he says it is wrong, then we see that murder is murder. It is murder. We will not say that it is right. (10)

Were you, even before you took a position in the UDF - what was your attitude about people participating in the Black Local Authorities? -- Even before - when I came out of jail, I had read Die Burger just before I was released, I had heard about it, we wanted to have change and so on, but when I came out of prison I could already - I just read in the papers, I could see that this dispensation that was being talked about was not the right thing. I did not need anybody to come and tell me that. I just had to read that thing and I could see that that was the position. So, I came to join (20) the struggle of my people, not because they said to me now this thing is wrong and then you must see it is wrong. I could see it was wrong. The question for me was - even the question of the front, it was not that it was wrong to oppose the new constitution and all those bills. The issue was just that I did not agree with them as to how to do it, but that it had to be opposed, I was clear in my mind it has to be opposed.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 10 SEPTEMBER 1987.

DELMAS TREASON TRIAL 1985-1989

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