

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1988-06-13

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

417

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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(Bladsye 24 394 - 24 485)

COURT RESUMES ON 13 JUNE 1988.

MR BIZOS: Due to circumstances beyond our control the witness that was to be led by my learned friend Mr Yacoob to deal with Alexandra did not turn up either last night or this, nor was he this morning where he was supposed to be picked up. But in the meantime we have a witness of whom no notice was given to the state but it is within very narrow compass. It is Archdeacon Peter Dudley Wilson and may I recall to your lordship's memory that he was the superior of accused no. 3 who accompanied him to major, he was a major at the time that he gave evidence but (10 a captain at the time the event took place. Mr Steyn's evidence is to be found at page 207 to 208 and the evidence of accused no. 3 is to be found on pages, in chief 12 312 to 12 324 and under cross-examination briefly on page 12 798 and against at 12 814 to 12 820. We want to apologise for not giving notice....

COURT: I was told that we would have Soweto and Alexandra.

MR BIZOS: Well Soweto is to follow. Soweto is to follow after but this is a short witness whom I really want to get away.

COURT: Yes very well. Yes I would like to make an announcement and that is due to unfortunate circumstances my (20) assessor has to attend a funeral tomorrow afternoon so we will not be able to sit tomorrow afternoon.

MR BIZOS: As your lordship pleases. We will act accordingly.

COURT: Yes, call your witness.

PETER DUDLEY WILSON: d.s.s.

EXAMINATION BY MR BIZOS: Are you now the Archdeacon of Krugersdorp? -- That is correct.

And were you ordained as a priest some 25 years ago? -- That is also correct.

And during 1983 were you the Dean, I beg your pardon (30)

the/....

the Archdeacon of Vereeniging? -- That is correct.

Despite the fact that you were living in Krugersdorp at the time? -- Yes.

Now could you very briefly tell us what is the function of an archdeacon in the Church of the Province of Southern Africa? -- The Church of the Province of Southern Africa is divided into diocese and a bishop is in control of each diocese. A diocese is made up of parishes which may be one congregation or a group of congregations. In order to alleviate some of the bishop's load the diocese is then divided (10) into archdeaconries which are groups of those parishes. The archdeacon then has a responsibility for oversight of the parishes within that area that the bishop has allocated to him, particularly oversight of practical matters in order that the bishop can have more pastoral oversight over his people and clergy. The archdeacons also, together with certain others, form a body which advise the bishop on the business and policy of the diocese.

During 1983 were you the archdeacon of Vereeniging? -- Yes.

And, so the St Cyprians parish of the Church of the (20) Province was that under your jurisdiction so to speak? -- Yes.

This is St Cyprians in Sharpeville? -- That is right, yes.

And do you know the priest in charge there? -- Yes.

Is that the Reverend Moselane, who is accused no. 3 before his lordship? -- That is correct.

Just for the record you are now no longer the dean of Vereeniging but the Dean of Krugersdorp? -- Archdeacon.

Archdeacon, I beg your pardon, Archdeacon of ... -- At the beginning of this year we split the archdeaconry into two areas, the archdeaconry of Vereeniging and the other part to be (30) called/....

called the archdeaconry of Krugersdorp.

Yes. -- And I was then appointed archdeacon of both archdeaconries until the end of May this year when an Archdeacon of Vereeniging was appointed and I became then only Archdeacon of Krugersdorp.

During 1983 do you know what your church's policy was in relation to the use of church premises for purposes other than what may be described strictly purposes of worship or the holding of services or what some may define church business? What was the policy of your church in relation to the use of (10) the premises? -- We always considered our church buildings to be buildings that should be made available to the community where community facilities are lacking. So in any place where perhaps community halls or meeting halls for the community are not available we have always believed that our church buildings should be available for that purpose. With the idea that the meetings held would be for the benefit of the community.

And who has the discretion for allowing or not allowing the church building to be used for purposes other than worship or narrow church business? -- If a building was to be used in (20) that sort of way it would be the local elected council of that congregation together with the priest who would make the decision.

During 1983 did you know whether or not St Cyprians at Sharpeville was being used in connection with protests or meetings to protest and to resolve matters in relation to a rent increase? -- Yes I was aware of that.

Did you become aware of any newspaper publicity of this or were reports made to you? How did you become aware of it? -- It is a long time ago. I cannot remember how I actually (30) became/....

became aware of it other than that perhaps general discussion with the parish priest and other clergy in the area and in the diocese. Perhaps it was mentioned at meetings that we have quite regularly from time to time.

Do you remember whether you raised any objection to the church being used for this purpose of calling meetings to protest the increase in rent? -- No.

Was this a decision in relation to the use of this purpose, was this a decision taken by you or had you had any directives from the bishop or any other person higher up in the hierarchy (10) of your church? -- Do you mean for a specific meeting or just in general?

Generally, in general? -- No in general the policy is clear.

COURT: Do you mean as far as the policy of the church is concerned?

MR BIZOS: As far as the policy is concerned, yes. -- In general the policy of the church is clear that if the people of the community felt that rent increases were unjust and they wished to meet to discuss this and they had no place to meet we would be happy that our church was used in that sort of way. (20)

Yes. -- It would not be necessary for the local congregation to refer the matter to any higher authority.

For confirmation? -- For confirmation.

Now my lord I am sorry that I have not copies of this because even we had to make last minute arrangements for a witness but did you find a draft statement on church purposes in your files dated 20-9-1984 bearing the initials of the bishop? Is this the document that you found?

COURT: Well was it issued? That is supposed to be a statement.

MR BIZOS: Yes. Was it issued to you? -- This particular (30) document?/....

document?

This particular document. -- This particular document was drawn up by the bishop at the time, soon after the events that we are talking about and it was distributed to all the archdeacons and members of his advisory body who discussed it and agreed to the principles set out there. I cannot remember whether the matter was taken further at that stage or not.

Was that what was decided on in September 1984, was that something new, a new policy or confirmation of past policy? -- No it was an endeavour by the bishop to clarify our stand. (10) It was an existing stand that we had taken.

I would like to read into the record, I will make a copy of the document available to my learned friend, merely the conclusion on page 2.

COURT: Just read slowly Mr Bizos because I have had a complaint from the typists that you are going too fast and that they cannot retype what you read from documents.

MR BIZOS: I can understand, I will try my best. On page 2:

"For all these purposes and doubtless some others the Anglican church believes that her buildings are rightly (20) used as part of God's ongoing process of saving the world. We do not accept, indeed we categorically reject any use of the term 'church purposes' which confines the use of our dedicated buildings to narrowly pietistic activities. Worship which is not accompanied by witness and work lacks reality and credibility."

And there is a cross and the initials T.J. and the date 20/9/1984

Whose initials are those and what does the cross indicate? --

The traditional way of addressing a bishop in the Anglican

church is to use the name of his diocese in place of his (30)

surname/....

surname. So instead of that reading Timothy Bavin it actually reads Timothy Johannesburg. The cross is the sign that he is a bishop of the church.

Yes. Do you recall whether at the end of August 1984 whether you received any communication from the Reverend Geoffrey Moselane, accused no. 3? -- Sorry could you repeat that, when did I ...

August 1984, did you receive a telephone call or other communication from Father Moselane, accused no. 3? -- Yes.

Did he telephone you? -- Yes. (10)

And did he request you to do something? -- It was on a Thursday evening he telephoned me and asked me to accompany him the next day to see a Captain Steyn of the security police as he had been called to Captain Steyn's office at 08h00 the following morning.

Yes. Did you go to Vereeniging the next morning? -- Yes I did.

And did you meet Father Moselane at the police station? -- We met outside the police station.

And did Father Moselane say anything to you? I do not (20) want you to say what he said to you but did he ...

COURT: Well if he is not going to say what he said to him then you cannot lead this evidence, and not ask the question "Did he say anything to you".

MR BIZOS: Well no my lord ...

COURT: Well you can take it that they greeted each other in brotherly or fatherly fashion.

MR BIZOS: Fashion, and it is actually what happened between the witness and Mr Steyn that we are really ...

COURT: Yes that I know. (30)

MR BIZOS: /.....

MR BIZOS: That is what we really are concerned with and I did not want to be charged with leading the witness into hearsay. And after you spoke with Father Moselane did you accompany him to the security police offices? -- Yes.

What happened at the security gate of the offices? -- As far as I can recall we rang the bell and the door behind the gate was opened and Father Moselane said that he had to see this gentleman Captain Steyn and the door was closed while they went to fetch Captain Steyn. A few moments later Captain Steyn came to the door and Father Moselane introduced himself and (10) he introduced me as his archdeacon, Venerable Peter Wilson and we said how do you do and then Captain Steyn said to me "I am sorry you can't come in. Do you mind waiting outside." So I said "Alright I will wait outside". Father Moselane and Captain Steyn then went inside. The door was closed. I found a chair nearby and I sat and waited.

Yes. Did anyone emerge after some time? Out of the security offices? Did anyone come back to the security gate? -- Well people were coming and going all the time that I was sitting there. (20)

Eventually did Father Moselane and anyone else come to the gate? -- Yes, eventually Father Moselane and Captain Steyn came back to the gate.

Yes. And did you speak to Captain Steyn? -- We had a short very polite conversation, not anything very particular. I think that I explained to him that I had come from Krugersdorp that morning because I think he might have asked about this but I could not be sure. It was just a casual sort of conversation but I explained that I came from Krugersdorp although I was called Archdeacon of Vereeniging and I had (30) oversight/....

oversight over all the parishes in the Vereeniging area as well as the Krugersdorp area I lived in Krugersdorp and that is why I had this strange situation of being called Archdeacon of Vereeniging but actually coming from Krugersdorp. We had a slight conversation then about Krugersdorp. I think Captain Steyn had had some connection with Krugersdorp in some way or he knew someone there and after a few minutes polite conversation we all shook hands and left.

Now did, by the time, well firstly as a result of the introduction and secondly as a result of the exchange of (10) pleasantries after Father Moselane had been in to the security headquarters in Vereeniging did Captain Steyn know that you were the superior of Father Moselane? -- I imagine that he did.

And did Captain Steyn, as he then was, say to you that the church at Vereeniging was being used for the purposes of advocating violence against anybody? -- No.

COURT: Sharpeville?

MR BIZOS: I beg your pardon did I say ...

COURT: Sharpeville I take it?

MR BIZOS: Sharpeville, what did I say my lord? (20)

COURT: Vereeniging.

MR BIZOS: I am sorry, in Sharpeville was being used to advocate violence? -- No, no.

Did he appeal to you as the superior of Father Moselane to take any steps to stop anything that was happening in the church? -- No.

And did Captain Steyn in your presence or to you say anything that was expected of Father Moselane's future conduct? -- No not at all.

You then left with Father Moselane? -- That is correct. (30)

And/....

And did you accompany him to his home? -- Yes.

There is just one other aspect that I want to raise with you Archdeacon Wilson and that is this, you have taken the oath here, you took the oath at the beginning of your evidence, you swore to tell the truth? -- Yes.

What is the position in the Anglican church, is there any rule in relation to the taking of the oath by members of the church or priests or both? What is the position in the church? -- There is no rule. I know that there are some Christians, and some of them would be members of the Anglican church, (10) who would have objections to the taking of an oath on the grounds of a passage which I think appears in the last chapter of the epistle of James where, I cannot quote it verbatim but James says "Never swear by anything in heaven above or on the earth below or by the Lord, but let your yes be yes and your no be no." Some Christians take that very literally and so refuse to take an oath under any circumstances. Others would take the broad principle of the words of James and still refuse to take an oath on that basis. Others like myself would believe that whether or not we are under oath as Christians we hope- (20) fully would speak the truth but on the other hand because a lot of people do not understand this, like I have done I would be prepared to take the oath. But within the Anglican church there is no ruling on this and you would find Anglicans who would feel very strongly about the matter in various ways, depending on their theology and churchmanship. We are a very broad church in our churchmanship and in our theology.

Yes. Thank you, I have no further questions.

MNR JACOBS: Edele ek is bevrees op hierdie stadium kan ek nie die kruisondervraging doen nie. Ek het nie die vaagste (30) benul/....

benui wat was al die getuienis nie. Ek sal graag dit eers wil lees om tyd te bespaar want ...

HOF: Wel laat ek net eers hoor by die getuie, what is your situation Father, when are you available and not available? Can you wait for half an hour, can you come back after lunch, that sort of thing? -- I have the whole of today set aside for these proceedings, and tomorrow morning. But tomorrow afternoon would be difficult for me.

Dit is regtig nie 'n geval waar 'n berg van 'n molshoop gemaak moet word nie mnr Jacobs, en ek weet regtig nie eers (10) of ons die getuie moet laat wag tot na ete nie. Ek sal vir u 'n kwartier gee om u gedagtes by mekaar te sit en dan moet u maar begin.

MNR JACOBS: Ek wil graag darem lees wat daar gesê is in daardie ander getuienis edele en dit is ...

COURT: Well could you possibly come back after lunch? -- Ja.

ASSESSOR (MR KRUGEL): Perhaps one question Father, Mr Bizos perhaps forgot to ask it. You were the archdeacon who was asked to look into the court when we were sitting at Delmas? -- That is correct. (20)

While accused no. 3 was in the witness stand? -- That is correct.

COURT: Would it inconvenience you to come back at 14h00? -- Not at all.

You are welcome to stay in court and listen to the evidence if you want to. -- Thank you.

WITNESS STANDS DOWN.

COURT ADJOURNS FOR A FEW MINUTES. COURT RESUMES.

NTHATO HARRISON MOTLANA: d.s.s.

EXAMINATION BY MR BIZOS: Dr Motlana was a degree of Bachelor/.... (30)

13/6/88

Bachelor of Science conferred on you in 1948 after studying at the University of Fort Hare? -- Yes.

Was or were the degrees of MB BCH conferred on you by the University of the Witwatersrand in 1954? -- Yes.

Have you held a number of positions in community organisations in Soweto where you live? -- I have.

Among others were you the president of the Soweto Civic Association from the time of its inception up to 1987? -- Yes.

Were you sort of promoted from that position in the Soweto Civic Association at the beginning of 1988? -- I was. (10)

What is your position there now? -- They call me honorary president now.

They call you honorary president.

COURT: What is the difference between a president and an honorary president? -- I no longer preside over meetings of the executive. I only attend meetings on invitation.

MR BIZOS: Do you conduct a medical practice in Soweto Mr Motlana? -- I do.

Were you also one of the founder members of the Committee of Ten which subsequently became the executive committee of (20) the Soweto Civic Association? -- That is so.

Were you a founder member of the Black Parents Association? When was that formed? -- 1976.

How long after the troubles of 16 June 1976? -- Two days after that started.

And what was the purpose of that body? -- We thought that the students then rebelling against Bantu Education needed an intermediary between themselves and the authorities and that is the role we hoped to fill.

Yes. Are you on the board or take part in the activities (30 of/....

of a number of community organisations? We do not want to mention them all. Are you on the Educational Opportunities Council? -- I am.

And on the Get Ahead Foundation? -- Yes I am.

And on the Tokelani Homes for Mentally Handicapped Children? -- I am.

And are there a number of other community organisations in which you serve either as a member of a governing committee or in an advisory capacity? -- I am.

Now I do not want to spend too much time on this because (10) it has been covered by other witnesses Dr Motlana but did the Bantu Council system become a reality or was it introduced in the late 60's in Soweto? -- The Urban Bantu Council system was introduced into Soweto.

And from 1968 when it was introduced to shortly after the troubles of 16 June 1976 was it accepted in your view by the people of Soweto or what would you say its reputation was? -- The Urban Bantu Council system was not generally accepted by the people of Soweto who saw it as merely a continuation of the advisory board system that had preceded it. The objec- (20) tion was firstly based on the fact that these councils had no executive powers, depended for their existence on the say so or discretion of the Minister who could dismiss them at any given time but more importantly lacked access to finance and were therefore unable to fulfil some of the expectations of the people because they had no access to money.

Do you recall whether there were any public statements by the minister or other officials in relation to what they were expected to do and what they were expected to achieve? -- Oh the ministers of the day made it very clear. On recalls (30) particularly/....

particularly the statements by one Mr Blaar Coetzee who made it very clear that the urban blacks were temporary sojourners and it was not the intention that they should reside permanently in urban areas and that therefore such bodies as the Urban Bantu Councils were not intended to be the counterparts of white city and town councils.

Yes. By the time of the childrens uprising or revolt in 1976 was the Urban Bantu Council doing anything effective in your community Dr Motlana? -- It was already seen as being a very ineffective organisation. In fact there were squabbles (10) within the Urban Bantu Council itself leading to the resignation of some of its members.

The question of language of tuition of subjects other than the language itself, was that a paramount issue to children and parents in Soweto prior to the 16 June 1976? -- The question of language, the Afrikaans language as a medium of instruction was of paramount importance in the black community in Soweto.

Do you know whether the Urban Bantu Council tried to do anything about this problem that the children and parents had? -- Not specifically but I am aware that the black community (20) as a whole from time to time would voice its opinion with regard to the enforcement of Afrikaans as a medium of instruction.

Were those approaches, did they have any favourable result or outcome? -- None at all. In fact I recall a time when a minister by the name of Treurnicht actually said that because we whites pay for the education of blacks we will determine what language should be used in their schools.

The formation of the body that you have already told us about, the Black Parents Association, did it try to do anything about the education crisis that came about? -- It did that. (30)

In/....

In fact the only reason for its existence was to try and intercede on behalf of these children with the authorities and several times we had meetings with police officers. I recall one very important meeting we held at Protea with the then chief of police in Soweto who we asked to remove police from schools premises and that kind of meeting took place under the chairmanship of Bishop Manas Buthelezi over a long period in our attempts to normalise the school situation.

And did this body, the Black Parents Association, want children to go back to school or was it in favour of boycotting schools? -- The Black Parents Association wanted the children to go back to school. (10)

The councillors, the Urban Bantu Council, did they remain in office after the children's revolt or uprising on 16 June 1976? -- I remember that many of them resigned and the whole system finally collapsed in 1977.

Did they all resign by 1977? -- They all resigned by 1977.

Were you invited to the meeting at which the Committee of Ten was elected? -- Yes I was invited to chair that meeting.

By who were you invited to do that? -- Two young men (20) from the South African Students Organisation came to my rooms one day to ask me to attend that meeting and chair it.

Had they invited the community's leaders to this meeting? -- I realised when I got to this meeting that it was one of the most representative meetings ever held, those young men did not bother about political affiliations or non-affiliation. They simply invited a cross-section of the community of Soweto.

And was a Committee of Ten elected at that meeting? -- The Committee of Ten was elected at that meeting.

And were you elected as chairman of the Committee of (30)

Ten?/....

Ten? -- I was.

Did you, in consultation with others and after taking professional advice, formulate a blueprint for Soweto? -- It was on the instruction of that meeting that we looked into the question of a local authority for Soweto. Since the Urban Bantu Council system had failed the people asked themselves what kind of structure should replace that Urban Bantu Council system and we set about drawing a blueprint for such a body.

Was it intended by the Committee of Ten in drawing up that blueprint that it itself, the Committee of Ten, should really (10) become an alternative structure and run Soweto as an extra-statutory body or non-statutory body or what was the intention of the blueprint? -- We had not the slightest intention that the Committee of Ten should itself be the local authority. We merely looked into what other structures were in control of other areas of South Africa. For instance we had long discussions with the man in the Department of Law and Order, Local Government, at the University of the Witwatersrand. We spoke to members of the Johannesburg City Council, especially the lawyer, the legal team that advises the council, and sought (20) to create an analogous structure to the white, coloured and indian councils where they existed in this country so that we would have instead of an Urban Bantu Council and advisory body, an effective council with executive powers.

Did you during those enquiries come to the conclusion, or to any conclusion in relation to the effectiveness of a council system, whether it was going to be called an Urban Bantu Council or later a town council, did you come to any conclusion in relation to the feasibility of any such council as the authorities were suggesting or had established for Soweto? (30)

Whether/....

Whether it would be viable or not? -- The most important thing was in fact the question of viability in financial terms. We came to the conclusion that there is no way that a council so created could be viable unless it had access to financial support. At the time the government had decreed that the finances of Soweto and such other areas will come from rent. Rent was the fundamental question for raising those funds, and dog licences. We thought that was ridiculous.

How in your blueprint did you think that a local authority for Soweto should finance itself or receive finance from Dr (10) Motlana? -- In our discussions with people like Nigel Mandy of the Johannesburg Central Business district, like those men I referred to at the university, like the financial advisers of the City Council of Johannesburg, we looked into the financing of a city like Johannesburg. We were told for instance that as a result of government legislation which has made it impossible for a central business district to develop in Soweto, for the siting of industries and commercial undertakings in Soweto, where the laws of the land forced all residents of Soweto to shop in Johannesburg that the central business (20) district in Johannesburg derived up to 60% of its income from black Sowetans and that the total amount that the city of Johannesburg used to pave those beautiful streets in Lower Houghton was derived 75% from the CBD. If you extrapolate those figures you will come to the sad conclusion that the poor people of Soweto in fact paved the streets of Lower Houghton and we went to the government representatives and said to them we are not asking for a subsidy, we are not asking for alms. We demand what is rightfully ours. Even if you just simply remit it to Soweto, the amount of money that you tax (30) the/....

the CBD on we would be able to make Soweto financially viable. The government of course would not accept that.

To whom on behalf of the government did you communicate this Dr Motlana? -- I think the most important person to whom we communicated all this was Mr Louis Rive. He was appointed by the government as the supremo, he came to Soweto and looked, to look into a new dispensation and these are some of the things which concerns, that was just one of them, there are many others but it was one of the major ones about finance that we told Mr Rive about. (10)

Yes, his lordship has told previous witnesses that I am supposed to know the story. So could you just look towards his lordship whilst you are giving the evidence. -- Thank you, I will do that.

Now, and these, the representations that you made in relation to this blueprint was it really taken up by anyone in government at the time? -- I am not aware that it made an impression at all.

COURT: Dr Motlana what came first, Mr Louis Rive or the blueprint? -- The blueprint first. (20)

The blueprint was first. -- Oh yes.

And then Mr Rive? -- Much later.

Quite some years later? -- That is right.

Yes. -- Referring to government reaction to this blueprint in fact when we called our first public meeting to report back to the people who had elected us the government banned that meeting and the subsequent meeting and the third one which we did not call. They still banned it anyway.

MR BIZOS: Now after the formulation of this blueprint and your attempt to try and have accepted a viable system of (30)
local/....

local government for Soweto were you in fact detained Dr Motlana -- Yes in our attempts to present this blueprint to the people, as we persisted in those attempts to read out to the people the government put us in jail.

Only you or a substantial number ... -- The whole Committee of Ten were detained.

And how long did you spend in detention? -- Five months.

And were any charges brought against you? -- No, no charges at all.

And when you came out of detention did you take up the (10) question of the blueprint again? -- We did but in our absence the minister in charge of blacks rushed through parliament an amendment to the Urban Bantu Council Act establishing a new kind of body and elections were called for early 1978 under that new dispensation. We rejected that because again he did not address the fundamental question of where the money would come from.

After your release were certain members of the Committee of Ten kept back, did they serve a longer period of detention? -- Yes I was one of those who was kept back. The others (20) were released just before Christmas 1977. We were released early in 1978.

Yes. And once you were all out of detention did you decide on the formation of a residents organisation? -- Yes, we thought the Committee of Ten people was not representative enough so we set about forming the Soweto Civic Association.

Yes. And who was the, who comprised of the first executive of the Soweto Civic Association? -- The Committee of Ten, the members of the Committee of Ten became the executive of the Soweto Civic Association. (30)

Now/....

Now what was the purpose of the formation of the Soweto Civic Association? -- Up to then the people of Soweto did not have a residents organisation, the equivalent I would say of a ratepayers organisation, and it was therefore difficult for them to make their voices heard with regard to such things as housing, electricity charges and so on and so on. We needed an organised body to represent the views of the residents.

And what about the newly elected council, the now called town councils. Did they enjoy any better acceptance than their predecessor in Soweto? -- We thought they did not. When (10) the relevant minister found it expedient to keep the Committee of Ten in jail while the elections were being held, when the percentage poll for that election was something like 5,6 or 5,8 it was quite clear that the residents of Soweto in fact rejected that system.

Once the Soweto Civic Association was formed did you continue to be the head of its executive, its president? -- I continued to be the head of the executive.

Now what was the position in relation to housing when the Soweto Civic Association was formed? Had any houses been (20) built for the people of Soweto during the decade or so prior to the formation of the Soweto Civic Association? -- We owe it to the chairman of the council, the so-called mayor, Mr Thebehali, who actually said in one of the council's meetings that since the end of that huge housing boom that had been occasioned by a loan from the mining houses, that resulted in the creation of greater Soweto, that not a single low cost house had been built in Soweto in a decade. The only houses that one often sees as you drive around Soweto have been put up thanks to the work of such agencies as the Urban (30)

Foundation, /....

Foundation, such organisations as American Chamber of Commerce who began housing their workers in relatively bigger houses than the normal four roomed house in Soweto. Low cost peoples housing stopped many years ago.

Was any reason given by the authorities why no further houses were being built in Soweto? -- One suspects, no one does not suspect one knows that in fact it is as a result of government policy. The man already referred to, Mr Blaar Coetzee, publicly said not once but many times that the conditions of blacks in urban areas must be made so uncomfortable that (10) they of their own free will will begin the trek back to whence they came. As we all South Africans know the cut off year was 1978 but that year the stream to urban areas would have reversed and blacks would have started moving into the so-called homelands. The second reason given was that land was not available and we in the Civic Association took up the question of land because we knew that Minister Koornhof, no Minister Verwoerd had previously said that the area between Soweto and Randfontein would be reserved for black housing. We took it up with the man in charge of the West Rand Adminis- (20) tration Board and asked him why he would not make that land between Soweto and Randfontein available. He told us that that land belonged to mining houses, two mining groups, JCI and Anglo-Vaal. I made it my business to go and speak to the heads of those two mining houses and they told me that that land was available for black housing and I went back to the chairman of the West Rand Administration Board. This time he said all that land is dolomitic and if you build the houses there they will simply sink into the ground. I did tell him that there are several people living there and I am not aware that the (30) house/....

house was sinking into the, into sinkholes. But that is the position. Firstly it was not government policy to build more housing for blacks and secondly land was simply not available.

COURT ADJOURNS FOR TEA. COURT RESUMES.

NTHATO HARRISON MOTLANA: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Dr Motlana you have already mentioned the name of I think he is Dr Louis Rive. By the time he was there was there still the same attitude that Soweto must be made an uncomfortable as possible or had the attitude changed? -- I think that the attitude was then beginning to (10) change and that Louis Rive was in fact intended to bring a new era.

But more particularly in relation to housing and other matters. -- In regard to housing especially.

And did you take the blueprint to him? -- We did.

And did you try to negotiate a better deal for the people of Soweto? -- We tried.

Incidentally you were told that the land was geologically dolomitic and no houses could be built. Do you know whether this land has been set aside for housing very recently, the (20) one that you were supposed not to be able to build on? -- I do know that in fact such an arrangement has been made.

Very recently? -- Very recently.

It was on the very same land? -- The very same land.

Now after the formation of the SCA did you confine yourself to representations to Mr Rive or did you try and see other people in government and other people in industry and commerce in order to try and make the life of the people of Soweto more bearable? -- We were in touch with very many people. We spoke and had discussions with people in education for instance. (30)

Some/....

Some of our members had meetings with such people as Mr Barend du Plessis during the short time when he was in the Department of Bantu Affairs. We had discussions with leaders of commerce and industry, with such people as the head of the Urban Foundation, leaders of commerce who came to address some of our meetings. So we were in touch with various individuals like that.

And was any publicity given to your efforts to improve the position of the people in Soweto? -- Yes there was a lot of publicity about such contacts. (10)

Now did you know of any civic association having come into being before the Soweto Civic Association was launched and became known to the public? -- I am not aware of any.

What happened after the formation of the Soweto Civic Association and the publicity that it received and what it was trying to do for the people of Soweto, did anybody, did any other people approach you with, about this formation of a civic association? -- Several centres did approach us. I remember particularly that one week after the launch of the Soweto Civic Association we were invited to the launch of (20) the Port Elizabeth Black Peoples Congress, PEBCO and I was at that launch. Several other associations were to follow the example of Soweto and New Brighton, Port Elizabeth.

Were you the only member of the executive of the Soweto Civic Association that was invited to the launch of similar organisations or were other members invited? -- Other members were invited.

And what about the question of rent? Shortly after the formation of the Soweto Civic Association what was its attitude to the rent payable by people living in Soweto? -- It has (30) always/....

always been our attitude, it still remains our attitude that the rents charged are unaffordable. They bear no relation to the salaries earned and should be reduced. In fact our present standpoint is that the word "rent" should be abolished altogether.

COURT: The concept of rent be abolished? -- That is right.

That no rent be paid at all? -- That no rent be paid at all.

So you, and rent includes service charges as well? -- It does not. (10)

Pardon? -- It does not.

It does not. Well what do you mean by "rent"? -- Rent has become something special in the black communities. It is a concept that is not applicable to white communities for instance. The argument is anybody who has lived in a house in Mofolo North as an example, a house that was built around 1958 for the total cost of R450 with a loan from the National Housing Commission, that that house has been paid off. But a house in Orlando East which was built just before the beginning of the second world war and cost at that time the tidy sum of (20) one hundred pounds has been paid off several times over. In fact we have evidence that members of the Johannesburg City Council offered several times that people who have lived in Orlando East for a number of years would have those houses ceded to them without further cost because they had paid them off several times. Now our present position in the Civic Association is that anybody who has lived in such a house for ten years has paid for that house and that that house would be given over to that person and that what people should pay, as happened everywhere else, are rates for the electricity (30)

they/....

they use, for the water they use, for refuse clearance and that rent should be abolished.

And electricity? -- No, no they pay for electricity, for water and for refuse removal.

How much is the rent because so far in this case rent has been called the overall sum payable in one sum to the municipality or town council. But now that portion which is called "rent" that is correctly called "rent" what is that, how much would that be? -- I cannot tell you offhand because it differs in different areas in Soweto but I do know that (10) because the word "rent" has become such an emotive issue that very many administrators have sought by slight of hand almost to downgrade the value attached to what is basically the rent part and raised service charges so that instead of having rent of R50 a month it might be R10.

Yes but are you right because if on your figures the rent is on a building that is 20, 30, 40 years old the rent portion of the total amount payable would be very small in any event? Because it is amortized over a long period and the money which was paid initially to erect that building is R1 000 or less?(20) -- Our argument is that once the amount, the loan of the National Housing Commission has been paid off there is no longer any need to pay rent. But then of course there is also the question of land on which the house has been erected. It has been the policy of the South African government that blacks cannot acquire title to land. There have been slight changes. You can now build and own the land on leasehold and we are painfully and slowly moving towards accepting the concept of freehold. When that happens we reckon that the money that has been overpaid over the house should be used for the (30) transfer/....

transfer of that land on freehold to the tenant. At that stage there will be no rent payable at all and that is our aim. That is what we are working for in the Soweto Civic Association.

MR BIZOS: Was this question of rent an issue such as you have now described it in the 70's Dr Motlana, in the late 70's or was it a 1984/85 phenomenon? -- That issue was with us long before 1980, it was with us in the 50's when I moved into Soweto.

Did the Soweto Civic Association protest the rent (10) increases from time to time in the 70's? -- Oh the first protest was actually in 1978 when, by the Civic Association and the Committee of Ten when the first, and we actually advised the people to refuse to pay that portion of the rent which represented the raise. We advised the people to continue paying rent on the old scale.

COURT: Was that in 78? -- 78.

MR BIZOS: Now I want to deal, still in the period of the late 70's, were there council elections in the late 70's? -- There were council elections I think in 1978 and 1983. (20)

And 1983. Now you have already told us that there was a very low percentage poll in 1978. I want you to please deal with the matter of this attitude of non-approachability or non-negotiation with the councils and possibly the political leaders in the government and such matters, but in order that his lordship may get some idea of the dynamics in your community did you ever propose that you should meet Minister Koornhof, Dr Viljoen, Mr De Klerk and others in order to try and solve some of the immediate problems in Soweto? -- I think it is necessary to explain that during the tenure of Dr (30)

Verwoerd and the Department of Native Affairs it was his dictum that only those blacks who served in some official or semi-official position would be spoken to. In other words Urban Bantu Councillors or Advisory Board members, members of school boards and so on and so on, but people who worked and belonged to shall I call extra-legal or not recognised by the state should not be spoken to and over the years blacks have adopted the attitude that they in turn will not speak to representatives of the government but we in the Civic Association received an invitation, I think it was 1979, to meet (10) with Dr Koornhof who had made approaches through his officials to us for such a get together. Before we did we though we needed the mandate of the people of Soweto so we called a public meeting and asked them whether they thought we should indeed meet with Minister Koornhof. The reaction of the people at that meeting was that yes you can go and meet Minister Koornhof under certain conditions. The one I remember most vividly is that they insisted that the pass laws should first be abolished.

Now ...

COURT: So that was a non-starter? -- Not quite when you think (2) that in 1988 we believe that the pass laws have in fact been abolished.

Well when was this now, 1979? -- Ja, 1978/1979.

So in 1979 it was a non-starter? -- Well one could say that.

MR BIZOS: Yes. I want to deal more generally with this attitude, non-co-operation, the boycotting of what are called apartheid structures, the stay away from work, consumer boycotts and such other tactics that his lordship has heard about in evidence, and has read about in documents. His lordship (30)

also/....

also knows from a speech that you made that you were a member of the Youth League of the 40's. -- I was.

Yes. Now have you been in community or the political life of your community ever since you were a student in the 40's? -- Have I?

Have you been involved in community and in political activity in your community since the 40's when you were a student? -- Yes since 1948.

Now have these tactics been used throughout this period or are then a 1983/1984 invention Dr Motlana? -- Oh these (10) tactics have been used over very many years. My first contact with those tactics date back to 1952 when we decided on a policy of non-co-operation. Of course the Non-European Unity Movement had adopted those tactics even earlier. It has been a tactic of the resistance movement for very many years.

Well you speak of the resistance movement. What is the resistance movement? -- Well it is a term very often loosely applied to those who are in opposition to some of the oppressive measures that the government of the day may take from time to time against the people. (20)

Have you considered yourself a member of that resistance movement? -- I do not think I have ever used that with regard to myself. I have regarded myself originally as a member of the Youth League of the ANC and subsequently as a member of the Soweto Civic Association. I have not used that term.

Yes. Now you told us that these tactics have been used for a long time. I want to ask you Dr Motlana what is hoped to achieve by these tactics? -- Well let us look at one of those tactics. Let us talk about the consumer boycott. It would be the intention I am sure of those who call upon (30) such/....

such a move to bring to the attention of the authorities the basic grievances of the people. As one professor put it once at the Funda Centre, speaking about the children, it is a cry from someone who says such and such a policy is hurting me and this consumer boycott, or whatever kind of boycott it is, is an attempt to draw the attention of those who have the means and the power to change that which hurts to do something about it.

And boycotts of buses and stay aways from work, in your experience for what purpose were they called? -- Let us (10) talk about a busy boycott. The most famous which was the Alexandra bus boycott over a rise in the bus fares between Alexandra and Johannesburg of one penny, when people walked those miles for months in the cold and rain. It was intended to bring to the owners of the bus company the fact that the poorly paid african people simply could not afford that penny rise and when the rise in fares was dropped back to three pennies the people went back to the buses.

Now the question of day to day issues what do you understand by this expression day to day issues Dr Motlana? - By (20) day to day issues we understood such things as the lack of affordable homes, difficulties with transport, unemployment, crime in the streets, the dirty unpaved roads in which we live, those are the issues. Like lack of electricity, lack of telephones. Those are the day to day issues that make the life of our people such a misery.

Now you yourself of course have not got the vote to elect anybody to Parliament Dr Motlana. -- I am voteless.

Do you know of any other way than this boycott action in which you and your community can assert what they consider (30) to/....

to be their rights? -- I know of no other effective means.

Have any, if I may use the expression, victories been achieved by these actions of boycotting or non-co-operation, been achieved by your community in your view? -- I do believe that there have been some significant victories. One need only to recall the action of the students when they took to the streets of South Africa in 1976 and Afrikaans ceased to be the compulsory medium of instruction. When, after the children had burnt down a few of the post offices that existed in Soweto I recall the Postmaster General appealing to those youngsters (10 to stop burning their facilities and promising at the end of this period of madness "I, the Postmaster General, will put into place several automatic exchanges in Soweto", and so in the year of our Lord 1980, or rather 1979, we saw for the first time automatic telephones which had been all over the world by the year 1900. So those boycotts did achieve something, minor as they might have been.

Do you distinguish between violent action and peaceful boycott action Dr Motlana? -- Yes I do. I was not referring to violent action at all. I was referring to peaceful change (20 in the form of stairways, in the form of boycotts, consumer boycotts and so on. I was not talking about violence.

Now the co-operation between the Soweto Civic Association and the town council that was elected in 1978 was there any co-operation between the two? -- No there was no co-operation, although off the record we did meet. I can recall having lunch myself with the chairman of the Soweto and Deep Meadow council in an attempt to sensitise them to some of the basic uses that bugged our people. We were worried you know that all they were concerned with was the allocation of business (30 sites/....

sites and filling station sites and one tried in your own little way to make them sensitive to the broader issues.

Prior to the 1983 elections was there in fact a, elevated to a question of principle of non-co-operation with the council? What would they then be my lord, they would have been ... -- First Advisory Board, then the Urban Bantu Council.

And then the community councils. -- Community council.

COURT: Community councillors and then town councillors.

MR BIZOS: And then town councils. -- That is right.

This community council, was the question of not co- (10) operating with them axiomatic, as a matter of principle you would not ... -- It was. We had no official contacts with them at all.

Now why, what did you hope to achieve by this ignoring them, not recognising them, not co-operating with them? What did you hope to achieve by this? -- I think originally, like I said when I spoke about Dr Verwoerd that the original stance originated with the government. It was the official structures, the ministers and their lower officials, who made it a point to say as often as they could that they would have no contact (20 with self elected officials. The Committee of Ten, the Soweto Civic Association was also referred to in derogative terms as a group of self appointed unelected people and they would speak to those elected under official statutes. There was one minister who actually said that even if a coloured or indian MP is returned to Parliament by the votes of the man who nominated him and the seconder he would be recognised as an official representative of those people. It is that kind of attitude that turned everybody off.

Did you consider the community council as a viable local (30 authority/....

authority institution that could solve the problems of the people of Soweto Dr Motlana? -- Most certainly not.

And was that made clear at your meetings? -- Very clear.

This was during the late 70's and very early 80's? -- It was.

And the councillors were they referred to in complimentary or derogatory terms in the late 70's and early 80's? -- Over all those years, beginning even earlier than that, councillors were almost always referred to in derogatory terms.

Now we know that violence broke out in 1976 in Soweto (10) Dr Motlana. Did violence really ever stop after 1976 or did it continue taking place? -- Violence has never really stopped. There have simply been periods of exacerbations and remissions but it has never really stopped since 1976.

Now leaving aside the, what we may call the housebreakings. COURT: Could we just pause there now. You do not mean murders which have been there all along? You are meaning political violence or are you meaning school violence? What do you mean by violence? -- I understood the question to refer to what is often referred to as politically motivated violence. Not (20) the crimes of muggers and so on.

But now are you saying that politically motivated violence has almost continuously existed in Soweto since 1976? -- That is what I said.

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But when you say that there have been intermissions, remissions as you called it, how long would that last? -- Variable periods. It would be quiet you know and you would be expecting nothing only to hear as you read your newspapers that in fact the Department of Information has developed a very interesting reporting style. They would say that (30) there/....

there were disturbances in Kwamashu or Kwa whatever and this murder or this looting was not unrest related and the understanding of all of us is that if it is politically motivated the Department of Information will then refer to this disturbance as unrest related.

Yes but now of late we have alas become used to that. But let us take it back to 1983 and before that. Between 1976 and 1983 would you say that in that period as well it was almost continuous? -- Not continuous. I have already said ...

Almost continuous? -- Ja, there would be periods of (10) remissions, exacerbations, remissions and exacerbations. And during the remissions you would think that peace has returned on earth only to hear a few days later that there have in fact been disturbances.

MR BIZOS: What sort of politically motivated violence would you have during this period Dr Motlana? What sort of places would be stoned for instance or attacked or ... -- Very often it would be either the properties or the persons that were identified by the community, or parts of the community, as puppets of the regime, as sell outs, as informers and so on. (20)

Were buses attacked from time to time? -- Yes, buses would be attacked, vehicles of white owned companies would be attacked.

Now what was your association's attitude to this violence that was taking place intermittently Dr Motlana? -- We were unhappy with this sometimes what we thought was mindless violence. We could understand the anger of many of these young people but we certainly could not condone this. We shared the views of our chaplain, Archbishop Tutu for instance, when he publicly and roundly condemned the necklacing of one young woman in Delmas. I myself participated in the saving of (30)

two or three lives. I remember coming to the rescue of one young man who was being almost murdered at Regina Mundi because somebody had identified him as a police informer. I remember being at the Diepkloof hall when one teacher, whose name I still remember, was almost stabbed to death. I had to come between these young people and the teacher and I can say without fear of contradiction that I save his life. So we have been exposed to these kinds of violence and many of us in the Civic Associations, among the priesthood, have in fact been involved in our attempts to stop this kind of violence. (10)

Your association, talking now pre-1983, we will come to the post-1983 period Dr Motlana, pre-1983 was it able to exercise any control to this we will call it sporadic violence that was taking place from time to time?

ASSESSOR (MR KRUGEL): Is that the SCA?

MR BIZOS: The SCA yes. -- Well we certainly could exercise control over the elements that belonged to the SCA but in a huge area of over two million people like Soweto there would clearly be elements not under the discipline or control of the SCA that you could not control and when you call a public (20) meeting there would be many other people that I do not even know about and they might perpetrate violence against other factions.

Now have various names been given to people that are thought to be responsible for this sporadic violence in Soweto Dr Motlana? -- I do believe that such names have been given to such people. I have heard one word that has been used, street children, disaffected, disenchanting, unemployed, uneducated rebels who reject a lot of the work that some of us are trying to do, namely finding them places in schools and so on and (30)

so/....

so on. And these rebellious street children it is postulated may in fact be responsible for some of this mindless violence. Even sometimes against black schoolchildren. There has been for instance a concerted campaign against those who attend private schools. At one time we were very worried in the Civic Association when it was for instance postulated that anybody with a big house, anybody with a big house, not only councillors, in Soweto should be attacked. And it looks like there has been this kind of development that we have to contend with. (10)

Now I now want to deal with 1983 onwards. Did you become aware of any call for the formation of a united front in the beginning of 1983? -- Yes I got to hear about the call that had been made by the Reverend Allan Boesak for the formation of a front to oppose firstly the new constitution and secondly the set of bills that had been proposed by Minister Koornhof and came to be known as the Koornhof Bills.

Well what was your attitude to this call Dr Motlana? -- There had been a feeling for quite some time of the need to form a body ... (20)

ASSESSOR (MR KRUGEL): I beg your pardon, a what body? -- A body, to articulate the grievances of the african people, of the black people of South Africa. And so when this call was made we welcomed it.

MR BIZOS: When you say "we" who do you mean? -- The Soweto Civic Association.

Did the Soweto Civic Association in its executive or in its public stance, did it have any ideological commitment to any of the broad tendencies that one finds in the black community in South African which is sometimes divided? What(30)
was/.....

was the attitude of the Soweto Civic Association in relation to that? -- The success of the Soweto Civic Association was in fact based on the fact that it refused to take sides in the ideological debate in South Africa. We deliberately appealed to people of all political persuasions. The formation of the Committee of Ten which became the executive of the Civic Association I have already described, encompassed not only political activists but even businessmen. There were even community councillors in that meeting and we continued even after the formation of the Civic Association to project that (10) all embracing image and we never addressed the question of ideology at any stage until much later.

Now at the end of 1982, beginning of 1983, was there what was called a new dispensation being debated in South Africa Dr Motlana? -- I am not quite sure what counsel is referring to, a new dispensation?

The, was there any talk of reform, of a new dispensation, of creating structures in which the various people would be represented? -- Well certainly there was talk of the new dispensation which referred particularly to the new constitution. (20) An attempt was being made to represent or to create representative structures for the coloured and indian people in Parliament. As far as blacks were concerned it was the Koornhof Bills you know with their provisions which could not by any stretch of the imagination be regarded as a new dispensation.

Yes. And was there any coupling of this new dispensation on the one hand for coloureds and indians and the Koornhof Bills or the provisions of Black Local Authorities Act was there any coupling in the public debate? -- Among us there certainly was a coupling. It appeared to us as if the, (30) extending/....

extending a form of representative government to the coloureds and indians was to be coupled with what we perceived, particularly when you took into account the three Acts that Dr Koornhof proposed, one of which was aptly titled the Orderly Settlement of Blacks bill which to us suggested massive movement and relocation of blacks. That is the kind of debate that took place in the black communities. We found them completely unacceptable.

You personally, the Association? -- The Association.

The Association of which you were chairman? -- That is (19) right.

And insofar as you are able to speak on behalf of others in Soweto what was the feeling about this new coupling, or this new package deal that was being offered? What was the feeling in relation to it by you, your association and other black people that you know and you were in contact with? -- We were convinced that any dispensation that sought to address the problems on the ground, the grassroots problem of resettlement, of local authorities, as contained in the Black Local Authorities Act, but that excluded, excluded entirely the ques- (20) tion of representation at the next tier of government, which was the provinces or in the ultimate in the central government, were doomed to failure. In other words the question, the fundamental question of South Africa is the question of the franchise and unless that is addressed any attempts to circumvent that is doomed to failure.

When you heard of this call by Dr Boesak for the formation of this body did you hear whether or not any steps were being taken in the Transvaal to form a regional body in the Transvaal? -- Yes we got to hear that there were steps being (30) taken/....

taken to form a regional body in the Transvaal.

When you heard about the formation of, or the intended formation of this body did you or your association decide to do anything about it? -- Yes. We sent representatives to the Transvaal body.

COURT: What was the body called? -- I cannot recall the actual name used for this body.

MR. BIZOS: Do you remember whom you asked to go there? -- I am not sure but I think Mr Ambi Masondo was one of those representatives. I would have to refresh my memory a lot, this (10) is some time back.

Yes. Was this a formal matter at this stage or not, or were you awaiting developments or did you take for granted that such a body would be formed? -- This was, these were exploratory meetings, to look into the question of this. Nothing had been decided upon, no constitutions had been drawn. These were exploratory meetings, the initial exploratory meetings.

And were your representatives official representatives or representatives in name only, how did you view the situation (20) at this early stage, or the formative meetings? -- Well they were official representatives but I mean it is through a body in formation and therefore committed us to nothing. I mean we had not formally joined anything.

Yes. -- These were attempts to form such a body.

Was there talk of the calling of a national forum at or about the same time? -- There was. Three of our members of the Soweto Civic Association in fact were invited to the launch of the forum, a meeting which we attended in Hammanskraal.

Yes. Was that consistent or inconsistent with your (30) general/....

general non-committal attitude in relation to ideological attitudes in the Soweto Civic Association? -- It was consistent with our attitude that we would look, we would work with, we would consult with people with similar ideas.

Did you get to hear eventually that a national launch was called for in Cape Town? -- Yes we got to hear about that.

Did you yourself go there? -- I did.

And whom did you represent? -- I represented the Soweto Civic Association.

And did you go as a, did you take part in the conference(10) representing the Soweto Civic Association and did you take part in the rally that followed it? -- I did.

Were various speeches made there and were various resolutions passed at the launch? -- They were.

We have the resolutions in document A1. I do not want to take you through them at this stage of this trial. Did you agree with the resolutions that were passed at the launch? -- I did agree with the resolutions that were passed at the launch.

Yes. Was this the expression of the sentiments, those(20) resolutions in relation to housing, to education, trade unions, the rights of workers and other matters, were these strange resolutions to you or had similar resolutions been passed before? -- These were the kinds of things that we discussed in our own organisation. There was nothing strange about them.

Things like the call for political prisoners and other matters, were they something that happened for the first time at this launch or were similar resolutions passed elsewhere? -- Similar resolutions had been passed elsewhere. I was very familiar with those resolutions.

(30)

Yes./....

Yes. Now as a result of your attending the conference and the rally did you believe that violence was going to be used in order to achieve any of the objects that were set out, either in the declaration, the principles or the resolutions? Did you think that violence would be used to achieve any of the matters that are referred to in those documents Dr Motlana? -- Violence was never even discussed. I did not believe that it was the purpose of that rally and launch to bring about change through violence. It was a peaceful meeting which would adopt peaceful means to adopt these purposes. (10)

Are you aware that it was resolved that those who were there present would be deemed to be affiliated to the UDF unless they expressly dissociated themselves from the decision when they got back to their organisations? Were you aware of that resolution? -- I was not aware of that clause.

Did you stay at the conference all the time? -- I did not stay at the conference all the time. I had to leave earlier than other delegates to get back to work in time.

And did you consider, after your attendance of part of the conference, did you consider the Civic Association as having (20) affiliated to the new formed United Democratic Front? -- I did not consider the Civic Association as an automatic affiliate. I was under the impression that there would be a formal letter of affiliation accompanied by a small fee of membership.

Yes. Again I do not want to take you through the, in great detail Dr Motlana but ...

COURT: Well what was your attitude towards affiliation? -- Oh I was very happy that we were going to affiliate. Once I got back home we ...

Was that the general attitude of all the members of (30)
the/....

the committee? That they were all in favour of affiliation?

-- No. I became aware that one particular member of the committee was not happy with affiliation, would have loved to see the Civic Association assume the even handed attitude that it had maintained up to then.

MR BIZOS: Who was the person who took that view Dr Motlana?

-- Must I mention his name?

Please yes? -- Mr Tom Manthata, who was then secretary.

Who was then the secretary and who is now accused no. 16 before his lordship? -- That is correct. (10)

The other members of your executive how did they feel about the affiliation? -- As far as I was aware all the other members were happy to be affiliates of the UDF.

ASSESSOR (MR KRUGEL): Sorry Mr Bizos, Doctor can you perhaps clarify your usage of the term "even handed attitude" as far as Mr Manthata is concerned? -- Well I think it was Mr Manthata's attitude you know that our appeal, as I said initially, to the broad masses of the people of Soweto would be affected by our coming out one way or the other in the ideological debate that divides some elements of the black (20) community. Do I have to go into detail?

MR BIZOS: Well perhaps for the, which are the two main tendencies that existed in the black community then and may exist now? -- Well the two main tendencies is adherence of the freedom charter and adherence of the black consciousness.

And that is the even handedness that the learned assessor..

-- Ja.

Or rather that is what the even handedness that Mr Manthata wanted to maintain? -- Ja, that is right.

Now as far as you, do you run a busy medical practice (30)

Dr Motlana?/....

Dr Motlana? -- I do.

And as far as you were concerned, as far as you were concerned after you came back from the launch and there was only one member of your committee that had this reservation, did you consider the SCA affiliated or not affiliated to the UDF? -- We had to write to the UDF formally affiliating. In fact the question of affiliation only came up when a young man who had joined the executive of the Civic Association found that we had not formally affiliated and at one of our executive meetings he insisted on a letter of affiliation (10) being written. So that the act of affiliation took place much much later.

Yes. Now during the period that passed did you know or did you assume that a letter had been written? What was your position as president? -- I assumed that a letter had been written, I assumed that we were affiliates of the UDF.

And did you operate on that basis? -- Oh yes. I did.

COURT: From the beginning? -- From the very beginning.

MR BIZOS: And did you attend any UDF meetings after that?

-- Yes in Cape Town I was nominated to a position in the (20) Transvaal Regional Executive of the UDF and I attended several meetings of that body which were held on Sundays and therefore I could attend as I do not work Sundays. But when the meetings were switched to Saturdays I could not attend those meetings and virtually ceased to be a member of the Transvaal Executive of the UDF.

COURT: But now why were you nominated in Cape Town to the Transvaal Regional Executive? Was there not an existing Regional Executive of the Transvaal at the time? -- There was an interim one. (30)

An/.....

An interim one? -- Ja.

So is it then correct to say that in Cape Town not only the national executive was nominated but also the regional executives? -- That is right. That is correct.

Of all the other regions that existed at the time? -- At that time, that is right.

MR BIZOS: And the meetings that you attended did they, did you hear at any meeting that you attended of any secret agenda, any suggestion of achieving the objects of the UDF by violent means, did you ever hear anything like that at any of the (10) meetings that you attended Dr Motlana? -- Most certainly not.

And although you were not able to attend the meetings when they were switched to Saturday which is a working day for you, did you ever either personally or as the president of the Soweto Civic Association, did you ever become aware that there was any change in the methods of the UDF in achieving its objects by switching from non-violent to violent means, have you ever heard anything like that? -- I have not heard anything like that.

Now you told us that you considered your body as a (20) body which had affiliated to the UDF. Do you know whether the UDF considered you as an affiliated body? Leaving aside formalities such as letters did your people continue, were you received as a person with a rightful place in the UDF at the time that you attended the meetings for instance? -- I was received as a full member of the UDF when I attended those Sunday meetings.

Yes. And as far as you were concerned does the affiliation to the UDF exist to this day? -- It does.

Did the UDF, either the national executive, or Transvaal(30) executive/....

executive or any of its office bearers ever try to control the affairs of the Soweto Civic Association? -- Not to my knowledge.

Were any instructions given to you that you had to perform certain acts or did you have your own discretion as to what you would do and what you would not do as a civic association? -- No.

You told us that you were invited from time to time to attend launches of other civic associations. Had you drawn any pro-forma constitution in the Soweto Civic Association? -- Had I?

Had you prepared any pro-forma constitution for civic (10) associations? -- We prepared a constitution for the Soweto Civic Association.

Was that copied by other associations? -- In fact when I was invited to the launch of such associations as happened in PE and so on one of the things they asked me to bring along was the constitution of the Soweto Civic Association which served as a model for many such associations.

Even before the UDF was, the call for the UDF was made by Dr Boesak in the beginning of January 1983 Dr Motlana did you envisage any co-operation between your original civic (20) association and other civic associations that were coming into being? -- Yes, long before the launch of the UDF we in the Soweto Civic Association had had some consultations with people, representatives of other similar associations throughout the country with a view to forming an overarcng association that would look at the interests of civic associations countrywide.

And what, when you had such thoughts or discussed those thoughts what did you hope you would achieve by having an association of associations so to speak? -- We have, the black communities of South Africa shared problems, problems of (30)

disenfranchisement, problems of rent, problems of unacceptability in the so-called urban areas and we could share experiences, we could get to know how people in different parts of the country handled their problems and it was our desire therefore to pool, to share that kind of knowledge with other associations in other parts of the country.

Your public image in 1983 how were you generally described, were you described as the president of the Soweto Civic Association or did your membership of the Transvaal executive of the UDF take precedence over that, how were you publicly (18) known? -- I was always described as president of the Soweto Civic Association.

Was that the, now were you invited to go to the Vaal?
-- Come again sir?

Were you invited to go to the Vaal triangle to speak at the launch of a civic association there? -- I was.

Do you remember the date? -- No I do not remember the date.

Yes well we know it in this case to have been on 9 October 1983. In what capacity did you go there in order to speak (20) at the launch of the Vaal Civic Association? -- I was invited there as president of the Soweto Civic Association.

Was the invitation that was issued to you any different to the invitations that you had received prior to the launch of the UDF? -- No difference. These were people who said they intended launching a civic association. Could I come and share thoughts with them, could I bring the constitution of my association with me.

Do you recall who actually approached you? -- I do not recall who exactly approached me.

(30)

Did/....

Did you accept when you were approached? -- I did.

Can you always keep your promises as a medical practitioner in relation to this communal matters Dr Motlana? -- I try by all means to keep my promises.

Do you take insurance policies out lest you as a doctor are called upon to more urgent business? -- I always make sure, as I have done this morning, that there is a locum tenens.

Yes. And if you cannot go did you make arrangements for substitutes to take your place? -- I do.

And did you arrange with anyone to watch out or to stand on the ready if you were unable to go? -- In this particular instance I did. (10)

Who? -- I arranged with the secretary, Mr Manthata, to replace me if I could not make it because I did have not professional business but family commitments that may have kept me away from that meeting.

Well this is some, more than four years ago. Do you remember this meeting Dr Motlana? -- I do remember aspects of this meeting.

You remember speaking there? -- I remember speaking there. (20)

Had you spoken at a number of launches before? -- I had.

Did you tend to say substantially similar things at launches? -- Almost the same.

And I do not want you to repeat your speech, unless you are specifically asked by anyone to do so, but can you remember the main points that you made in your usual speeches at launches at this time? -- My usual speeches would refer to the problems faced by all communities at a local level. I would refer to the question of rent which at that time I (30)

knew/....

knew in the Vaal triangle was a very very sensitive and very very emotive issue. I would refer to the affordability of housing, of electricity, of the need to tar those dusty streets and that addressed the problem of crime in the streets and I would then refer my audience to the need to get together because the voice of an organised community would be listened to rather than representation made by individuals about their problems. That was the format that I followed at almost every meeting of these civic associations countrywide.

Now did you in any way call upon the people present at (10) that meeting to try and achieve anything by the use of violence or did you advocate in any way the use of violence whilst you spoke there Dr Motlana? -- I did not.

Can you recall whether anyone, whether you went there at the beginning of the meeting or whether you were late? -- I was not there at the very beginning of the meeting. I arrived there when the meeting had already begun.

Can you recall whether anyone was speaking when you got there? -- I seem to remember that an old friend by the name of Shabangu had been speaking when I arrived there but I am not (20) quite certain. It could have been somebody else.

Do you recall Mr Shabangu speaking about a revolution or the use of violence to achieve any particular object? -- No Mr Shabangu is a trade unionist. He almost always without exception speaks about the need for workers to get together.

Do you recall whether there were any other speakers that you knew at this launch? -- The only other man I can remember speaking there besides the chairman is Mr Curtis Nkondo, an ex-teacher and president of NEUSA who spoke about the need for teachers to get together.

(30)

COURT: N-E-U-S-A? -- That is right.

For teachers to get together? -- That is right.

Did he call for any, the use of violence to achieve any object at this inaugural meeting Dr Motlana? -- He did not.

You say that you recall that the chairman spoke. Do you remember who the chairman was? -- I remember a bearded man, I think his name is Lord McCamel. He chaired that meeting.

Did he advocate the use of violence for the achievement of any objects of the association that was to be formed? -- He did not. (10)

Do you recall whether other people spoke from the floor, so to speak, during the speeches? -- There were other speakers that I cannot remember.

Did you know any of them? -- No I cannot remember any of them.

You yourself were you deputed by the UDF to go to this meeting Dr Motlana? -- No. I was sent by my civic association.

Did you appeal to the people there present if they decided to form a civic association that they should go and affiliate with the UDF? -- I did not. (20)

Do you recall seeing Father Moselane? Did you know Father Moselane? -- I know Father Moselane well.

Was he a priest in Soweto? -- He was a priest in Soweto for many years.

And do you remember seeing him at this meeting? At the launch? -- Yes I think I remember seeing Father Moselane there. But I could not be absolutely certain.

You cannot be. Can you remember anything that he said? -- No I cannot.

Did Mr Tom Manthata turn up to the meeting, did you (30

see/....

see him? -- He did.

And do you recall whether any resolutions were taken at this meeting? -- Like I said I left before the conclusion of the meeting but I think I do recall that there was a set of resolutions that were adopted at this meeting. I cannot remember them.

Did you remember any particular resolution? -- No I cannot.

Was there anything distinctive in any of the resolutions that were taken that was a new type of talk to you or was (10) it the usual launch type of resolution that was taken? -- It was the usual type of resolution that you would expect from a civic association that would refer to such questions as rent, housing and so on.

Was there to be a new type of council in the black living areas in 1983 Dr Motlana? -- Well one of the Koornhof Bills did in fact address the question of the restructuring of black local authorities, the so-called Black Local Authorities Act, which purported to remove the Urban Bantu Councils and replace them with things, bodies now called City Councils, (20) City Council of Alexandra, and a new body.

A new body? -- We were told.

For Soweto it would be a city council. A town council for smaller places presumably. -- Well very small places like that are cities, for instance Alexandra. Very strange nomenclature.

ASSESSOR (MR KRUGEL): I am sorry I did not get that. -- I was saying that we have adopted a very strange nomenclature where little communities like Attridgeville are now referred to City of Attridgeville, City of Alexandra. (30)

COURT:/.....

COURT: So it is a city council not a town council? -- Soweto is a city council.

And Attridgeville? -- City council.

MR BIZOS: And the smaller places town councils. Now did your association consider its attitude to these new types of councils? -- We did. We in fact got a copy of Hansard where the debate on the establishment of these councils was recorded and we were appalled at some of the things that had been said in Parliament about these new bodies which led to our almost automatic rejection of these new bodies. (10)

What sort of things were said in Parliament that you found appalling Dr Motlana? -- It is the inability of our rulers to accept that the local government act, rather not act but ordinance which controls white local authorities is inappropriate for the control of black local authorities. That is number one. Number two that the allocatino of funds already referred to from such bodies as the countries central business districts and industry and commerce, people want to forget that when a mine makes one hundred million in profits that hundred million was made as a result of the contribution of the underpaid black (20) mine worker and that that black mine worker is therefore entitled to a remission of those profits to the area in which he lives. There is such a concept in South Africa which I find so unacceptable that there is such a thing as white money and black money. That money earned in a white area therefore may not be used for the development of black areas. In fact one recalls one administrator called Van Niekerk who required of the City Council of Johannesburg that wanted to raise its rates by one penny in the pound a written undertaking that none of that money so raised would be used in Soweto. It is that (30) kind/....

kind of unacceptable in the setting up of these local authorities, city council of Soweto. And therefore we decided in the Civic Association that we would not be part of such a sham.

Did you hold any public meetings to test public opinion in Soweto as to whether you should participate in ...

COURT: Could we deal with that after the luncheon adjournment.

MR BIZOS: As your lordship pleases.

COURT ADJOURNS UNTIL 14h00. COURT RESUMES

C.1432

PETER DUDLEY WILSON: d.s.s.

(10)

CROSS-EXAMINATION BY MR JACOBS: Reverend will you accept that on that date at the end of August 1984 accused no. 3 was well known to Captain Steyn? -- I cannot answer that question. I do not know whether he was well known or not.

And I put it to you that there was no necessity for him to introduce himself to Captain Steyn? -- That I do not know.

And that did not happen that he introduced himself to Captain Steyn? -- That I would not know. As far as I can recall they greeted each other at the door. I thought he was introducing himself.

(20)

You only thought so. You were not present with them because you were some distance away? -- No I was standing right next to them.

Now after his conversation with Captain Steyn is it not so that you spoke to a Mr Steyn and not to Captain Steyn afterwards? -- It was the same gentleman.

Well how can you now be certain that it is the same gentleman because it was put to a witness here that you were not certain and that you spoke to a Mr Steyn? -- No the Captain Steyn who met us at the gate was the same Captain Steyn who (30)

escorted/....

escorted Father Moselane to the gate after the interview and who spoke to me in ...

So if it was put to Captain Steyn when he gave evidence that you spoke to a Mr Steyn and you are not certain whether it was the captain or not then it was incorrect? -- I would say it was incorrect.

Now is it correct that you only spoke about certain insignificant matters with this Mr Steyn or Captain Steyn? -- Insignificant in that we were passing polite conversation. From my point of view significant in that I was actually (10) also explaining to him the work that I did as archdeacon of Vereeniging and how I lived in Krugersdorp and exercised my task from there.

So that was only explained, according to your evidence today, afterwards, after he had been, after he had seen accused no. 3? -- Yes.

And if it was put to the witness that it was only insignificant matters that were discussed then it is not correct? -- I am afraid I do not quite understand that.

Well do you regard it as significant, you explaining (20) your place of residence and what your position is and, position is? -- I thought it was from my point of view significant that he should know who I was.

Yes. It was not explained before that at all? -- Only that I was introduced as Archdeacon Wilson.

Thank you sir.

RE-EXAMINATION BY MR BIZOS: Were you certain of the rank of the person that you saw at the gate before and after the visit of Father Moselane into the security offices? -- I do not think I can say I was certain of the rank. It is a long time (30)

ago/....

ago but I think it was Father Moselane who told me that he had to meet a Captain Steyn and when we met the man at the door I assumed that this was Captain Steyn. He was introduced I think as Captain Steyn.

And do you remember when you were called to court, into court at Delmas and do you recall that I asked the person who was in the witness box whether he remembered you when you came into court, do you remember that? -- Yes I remember that occasion.

Yes. Did you recognise the person who was in the witness box at that time? -- Yes.

Was he the person that you were introduced to by Father Moselane as Archdeacon Wilson? -- Yes.

And was it, was he the person that came to the gate afterwards? -- Yes.

And when you visited Vereeniging on that particular morning how were you dressed? -- I was dressed very similarly, as I am now.

With your clerical collar? -- Clerical collar and a black suit because it is the only one I had. (20)

And without wishing to reveal your age are you obviously an older person than Father Moselane?

COURT: Are you older than Mr Bizos for example? -- My age is now 52. I do not know what Father Moselane's age is nor what Mr Bizos' age is.

MR BIZOS: Yes but are you patently an older person than Father Moselane? With grey hair and a grey beard? -- It could be said so I suppose. I really do not know what Father Moselane's age is so I cannot say.

Yes. Thank you my lord. (30)

NO FURTHER QUESTIONS.

NTHATO HARRISON MOTLANA: d.s.s.

13/6/88

FURTHER EXAMINATION BY MR BIZOS: Dr Motlana you were about to tell his lordship and the learned assessor that before taking up any decision as to what the SCA should do about the council elections at the end of 1983 you called a number of meetings? -- Yes. We were in the habit of holding very many public meetings in the different areas in which we had branches of the Civic Association and we certainly consulted our people on whether to participate or not.

Did you invite any guest speakers to speak of the advantages of participating in the new system, or the new council system? -- Yes there was an occasion when we invited the head of the Permanent Building Society to come and address our AGM on the Black Local Authorities. I knew him personally and I knew that the Urban Foundation had had a little task force headed by him that had made representation to the government on the question of black local authorities. (10)

Is that Mr Tucker? -- That is Mr Tucker.

And was there a mass meeting at which the advantages of participation were explained? -- There was such a meeting. (20)

And was a consensus obtained at the branch level and at the annual general meeting of the Soweto Civic Association as to what attitude you should take to these elections? -- The people of Soweto made their positions, their opinion very clear.

It was most embarrassing to us who had invited Mr Tucker to see how totally his views about participation were rejected by the residents of Soweto. There was absolute unanimity that the black local authority would not advance the cause of the black people in Soweto.

In 1983 was there any wider political reason for being(30)
against/....

against the idea of the council system because of its coupling with the new dispensation? -- There was that rejection because of that coupling. But there was also I think a feeling that if the black local authority had been made a little more reasonable, particularly in terms of funding, there is no doubt that a lot of our people would have participated.

COURT: In respect of? -- Funding.

Funding? -- Funding. In fact we had a tiny weeny problem where one or two members were in fact talking about participation. (10)

MR BIIOS: Members do you mean of the executive or the membership? -- Of the executive.

Did you as a result of that participate in a campaign to boycott the council elections in 1983 in Soweto? -- We did.

Did you know that the UDF had adopted in the declaration and in its resolutions a similar attitude to the elections? -- I do.

And was your, do you know whether any of the pamphlets and slogans printed by the UDF were used in your campaign? -- Some were used but our campaign certainly pre-dates that of the (20) UDF.

What did you hope to achieve by conducting this campaign of boycott and rejection of the election of council members Dr Motlana? -- Our aim was to draw the attention of those who had the power to change the law to the dissatisfaction of our people with this kind of dispensation. We knew that in fact the black local authorities had been introduced as a result of our opposition to regional urban bantu councils. We knew that as we pushed and agitated the government would change and (30)

indeed/....

indeed is changing.

You told us that the council system had failed completely in 1976 and all the councillors resigned and also that ...

COURT: That is now the Urban Bantu Council.

MR BICOS: The Urban Bantu Council had resigned. You told us that there was a very low percentage poll in 1978 and you indulged in a campaign to boycott the elections in 1983. Did you want to bring about chaos in Soweto by these actions in 1983 Dr Motlana? -- No. We wanted to bring about fundamental change, abandonment of these unrepresentative local authorities and their replacement with something better. (10)

Did you have any example of the success or lack of success of this type of non-co-operative attitude in any other community to fall back on in your expectations Dr Motlana? -- Well there was this prize example of the coloured population of South Africa who under the leadership of one Sonny Leon boycotted the Coloured Representative Council, particularly over the question of the budget. There was a time I recall when they were required to by-pass the budget in order to pay their teachers and other workers and Sonny Leon called his men (20) out and the CRC collapsed.

Did that create chaos? -- Well it did not create chaos. The government of the Republic of South Africa is adept at finding suitable solutions. All they did was to appoint one Althea Johnson as a one woman commission to pass the necessary budget. There was no chaos at all.

And when the council system broke down in 1976 who took over their functions? -- Oh the West Rand Administration Board merely appointed one Nico Malan to run the council, no problem.

Was your campaign in 1983 calling for the boycott of (30)
the/....

the council election successful? -- Very successful. The government claimed afterwards that this was much better. There was a 16 $\frac{1}{2}$ poll but our calculation showed that that 16 $\frac{1}{2}$ poll was in fact of the registered voters. But if you took into account the eligible voters it was even lower than the 5,6 registered four or five years before.

Well did the Civic Association after its affiliation with the UDF or to the UDF did it continue its activities in any fundamentally different manner to what it had done prior to 1982 when it affiliated? -- No there was no change whatsoever. (10) ever.

Did you continue to address the problems of the grievances of the people of Soweto? -- We did.

The state alleges Dr Motlana that your taking up these day to day issues was not for the purpose of redressing the problems but for the purposes of mobilising, organising, conscientising and politicising the masses for the purposes of revolution. What do you say to that suggestion? -- I would not deny that local issues can be used for the purposes as enunciated by counsel but there is absolutely no question whatsoever that we at the local level, at the level of a civic association, were interested very much so in for instance alleviating the housing problem of a place like Soweto. I speak now as a doctor who was doing practice in that area for the past 30 years and when I am called into a home in the middle of the night and I find families sleeping all over a four roomed house, four, five, six, eight families who have lived in a place like Diepkloof since the year 1958 it is enough to make you absolutely mad and therefore my aim has always been to alleviate that gross unconscionable suffering of the (30) people/....

people with regard to that single question of housing. I am certainly interested in seeing that housing is attended to and not use housing in an attempt to get the vote for black people. Although that is always in my mind of course.

In the meetings that you held in the Soweto Civic Association in referring to these day to day issues did you for instance from time to time address yourself or the people there present as to how or as to whether it is possible to find adequate if not final solutions to these day to day problems? -- Yes clearly South Africa has the resources, financial manpower (10) to address for instance the question of housing. It is the lack of the will, political will, the mal-allocation of resources that has led to the kind of situation where the housing shortage in the black community is mounting by almost 20% annually, where you have thousands of houses in so-called white South African standing empty while the housing shortage for blacks stands at something like 800 000, where schools are being closed and hired out to the army and the post office, when hundreds of thousands of black children are in dire need of school accommodation. It is the lack of will, political (20) will to use the available resources for all South Africa's people and we believe that with sufficient pressure, sufficient agitation, the government will finally see sense and use those resources as they should be used for all our people.

Were the day to day, or can you or did you believe that you could separate these day to day issues from the wider political issues and debate that was going on and is going on in the country Dr Motlana? -- That separation would be difficult. I repeat that lack of will is due to the fact that the people so affected have not got the vote, have not got (30) representatives/....

representatives in Parliament and their opinion does not matter a thing. We need therefore as black South Africans to address that fundamental question, the question of power, the question of the franchise. But having said that I also do admit that if those in power intend staying in power as they obviously do in perpetuity elementary intelligence suggests to me that in fact they ought to address those problems of housing, school accommodation, transport, filthy streets in Soweto and so on and so forth. It is a source of endless surprise to me that such intelligent people should not address the problem of (10) the ordinary needs, the everyday needs of the people.

Did you have any views as to whether or not the UDF could be of any assistance to the people of Soweto in both the day to day issues and the larger political problems in which they find themselves with? -- I was very enthusiastic about the impact that a larger organisation consisting of hundreds of affiliates working throughout South Africa, the kind of pressure it could bring to bear, the shared experience, the shared knowledge, the shared resources that could be brought to bear on those who rule over us. It appeared to me that this is (20) a good opportunity not to be missed to be part of this larger movement that would peacefully bring pressure to bear, pressure for change in South Africa. And so we were happy to be part of the United Democratic Front.

Did you on any civic association platform or UDF platform, or any platform of any other affiliate of the UDF that you attended ever hear the advocating of violence as a means by which any of the objects of any of these organisations could be achieved? -- Never ever.

Did you attend a number of UDF meetings, and more (30) particularly/....

particularly did you go to a function called The Peoples Weekend held in Lenasia on 29 October 1983? -- Yes I attended that meeting.

My lord the exhibits are V.19(a) and (b). In what capacity did you attend that meeting Dr Motlana? -- I attended as president of the Soweto Civic Association but I mean I was not delegated, I was not sent there by the executive but I attended in a personal capacity as president of the civic association.

And do you recall whose meeting this was? -- I am not certain now whether it was the Transvaal Indian Congress (19) or the UDF. I am not certain.

Yes. Now did you stay throughout those proceedings or only a portion? -- Only a portion of the meeting.

Do you recall that you spoke at that ... -- I do.

Can you remember what you said? -- No I cannot remember what I said but I repeat on these occasions it would be an opportunity for me to speak about local civic matters. Lenasia, like other black areas, had the same kind of problems, lack of land, lack of housing, transport problems and we shared all those problems. (20)

You are recorded on V.19, in the portion of what you have said and there are a number of interruptions. Is what is recorded the sort of thing that you do say at meetings? -- It is.

ASSESSOR (MR KRUGEL): Have you seen V.19? -- I think it was brought to my attention by counsel but I have not really studied it.

MR BIZOS: Yes. Well perhaps we should put it before you.

COURT: Well do we need it?

MR BIZOS: Not really my lord. (30)

COURT:/....

COURT: Well then let us not waste time on it.

MR BIZOS: As your lordship pleases. It was only because of the witness' uncertainty whether he had seen it or not but we have shown it to him, so ... Now did you also attend the Soweto Youth Congress launch? -- I did.

On 31 July 1983. -- I did.

And did you, were you invited to speak there? -- I was invited to speak.

And again do you recall whether what is recorded in a transcript is precisely what you said or not? -- I would (10) not say precisely. There are corrections and omissions but in essence it is what I would have said.

And can you recall who asked you to go and speak at this meeting? -- I cannot recall who actually asked me to go and speak.

According to the transcript you ...

COURT: What is the reference? V?

MR BIZOS: V.25.

COURT: Thank you.

MR BIZOS: According to V.25 you were introduced by the (20) master of ceremonies and reference was made to the fact that you were a member of the Youth League in the late 40's and early 50's of the African National Congress. Do you recall that? -- I do recall that.

And the speech which is recorded deals with the history and the function of the Youth League during the period that you were there. -- I remember that.

Now the state alleges that you and others that speak about the past history of the African National Congress and its branches such as the Youth League, that it was done for (30)

the/....

the purposes of popularising the African National Congress or furthering the objects of the unlawful African National Congress or inciting revolution. Perhaps you would like to tell us for what purpose you referred to the Youth League at this meeting Dr Motlana? -- I was specifically asked to tell the youth of Soweto a little about the history of the African National Congress Youth League. I was actually asked to refer to that and that is why I referred to it at such length.

Was it done for any of the purposes of popularising the unlawful African National Congress Dr Motlana? -- No. (10)

Although many people would not admit it or would not like to admit it we black South Africans also have a history. We have a history, we have our heroes, we have people who have sacrificed, their professional lives, in the cause of a just South Africa. We remember the role that they have played and it is necessary as all other people throughout the world, throughout history have done to remind our young of the role that some people have played. Some organisations have played. It is not to popularise any organisation but it is to remind ourselves, in fact as we remind them, some of those organisa- (20)

tions have actually played a very negative role. There are such organisations. People who have played a negative role in our struggle and it is necessary to remind the young of such people.

At this meeting of the launch of the Soweto Youth Congress was Mr Oscar Mpetha there? -- He was.

Do you know how old Mr Mpetha is? -- I believe Oscar Mpetha is something like 78 years old. Round about there.

And do you know what his health was like in 1983? -- I find it incredible, even as I look back, that Mr Oscar (30)

Mpetha/....

Mpetha should have attended that meeting at all. He was brought into the meeting on a wheelchair and he looked to me in a semi-coma. I went over the platform to go and see him, I was on the platform already, and got to know that in fact he suffered from very severe hypertension, that he was a diabetic and one of the things we know about diabetes is that if you have hypoglycemia that the blood sugar goes down, you become unconscious, or hyperglycemia that the blood sugar goes up and you also become unconscious and it appeared to me, he looked to me like a very sick man. His right foot was gangrenous (10) and I just could not understand how he managed. When his turn came to speak he did speak very well which also surprised me.

Yes. -- But he was very unwell, very sick.

Now he is recorded there as having called for a few vivas, including if my memory serves me correctly "Viva Mkhonto". I want to ask you this, first of all have you seen the video or not? -- I have not seen the video.

Well his lordship has and we will draw attention to it in argument but from what you remember, from what you remember were these vivas of Mr Oscar Mpetha taken seriously by any- (20) one at the meeting? -- Although the vivas were returned by the audience I would say that a lot of the people there actually giggled in embarrassment. I was worried about the state of his health and I would say Mr Oscar Mpetha was probably affected by the state of his diabetes and that some of the things he said should not be taken that seriously. He was a very sick man.

This hyperglycemia that you speak of does it lead to bizarre behaviour from time to time? -- It does. It does.

COURT: What is it, hypertension? -- Hypoglycemia. The (30)
result/....

result of diabetes melitas(?).

It leads to what?

MR BIZOS: Bizarre behaviour often. Do they sometimes shout and scream or ... -- No they do not but they go into coma which is you know ...

That would be the extreme form?

COURT: Well will you please tell it to me, I cannot hear what you are saying? -- Hypoglycemia is a complication of diabetes melitas when the blood sugar level falls below a certain level and you lose your ability to think, you go into a coma. It (10) is a very lethal complication and often leads to death.

MR BIZOS: That is hypoglycemia? -- Hypoglycemia.

H-y-p-o? -- P-o.

And hyperglycemia? -- Is when the blood sugar is ...

Goes very high? -- Very high.

And what does that lead to? -- It also leads to unconsciousness and death but it can be handled. The one that doctors fear most is the hypoglycemia.

ASSESSOR (MR KRUGEL): The brittle type of diabetes? -- I am afraid the word "brittle" refers to the difficulty with (20) which it may be controlled.

COURT: Is Mr Mpetha still alive? -- He is still alive.

ASSESSOR (MR KRUGEL): Blood sugar doctor, I have heard in another case expert evidence to the effect that that clearly is the food of the brain? -- That is right. And therefore you have got to maintain it above a certain level. We used to give figures of 80 to 120 mgs percent. The unit has been changed now but it has got to be maintained at that level.

If the brain does not get that level of blood sugar it does not function properly? -- It does not function. (30)

MR BIZOS:/...

MR BIZOS: And in between these extremes, in between these extremes, the hypoglycemia which may lead to a coma or to the hyperglycemia in its high degree where there are sort of levels of less than leading to a coma is there bizarre behaviour as a result of effects on the brain, in the lesser degrees before actual coma sets in? -- Well I mean there is a level of the blood sugar level at which you would behave rationally, normally. Say between 80 and 120 mgs percent. But you know when it starts dropping below those optimum levels there will be bizarre behaviour before the final symptoms of coma and (10) so on manifest themselves.

Yes. Now other than these two meetings in respect of which exhibits are before the court did you attend other UDF or UDF affiliate meetings Dr Motlana? -- Well the only meetings of the UDF perse that I attended I have already referred to, were these meetings of the Transvaal Regional Executive on the Sundays that I mentioned. But the other organisations whose launch I attended like the Soweto Youth Congress cannot be described as affiliate meetings because you had to form the organisation first, then affiliate. So if I went to the (20) launch of SAYCO, or COSAS they were then not members of the UDF.

Yes. Now once we have mentioned COSAS was there a, was COSAS present in Soweto during 1983, 1984, 1985 Dr Motlana? -- Well I do know COSAS was a very active student organisation in Soweto. I am not sure when it was formed and I am not sure whether it was banned. I know that it was formed and operated in Soweto and that one day, I am not sure when, it was banned. But it did operate in Soweto.

Yes. Now did the Soweto Civic Association exercise any control over COSAS in Soweto or elsewhere? -- None whatsoever. (30)

None./....

None.

Were you invited to a funeral by COSAS? -- Yes I attended several funerals where members of COSAS had lost their lives.

Were you asked to speak at any funeral of any member of COSAS that lost his life? -- Yes. One particular one which counsel may have in mind was the funeral of one Bongani Khumalo who was killed and I was asked to come and speak at his funeral.

Who asked you to speak? -- Some members of COSAS whose names I cannot remember. (10)

And did you accept the invitation to speak at his funeral? -- I did.

And what happened when you got there? -- Well I found Regina Mundi church packed with mourners, several speakers spoke before me. When my turn came to speak one young member of COSAS approached me and said I was not acceptable as a speaker and asked me to go back to my seat.

Had you been called on in Regina Mundi to come up and speak? -- Yes the chairman had asked me to come forward and as I was walking towards the podium this young man intercepted (20) me and told me that I was unacceptable as a speaker.

Who had organised this funeral? -- COSAS.

The very organisation, but I thought that you had been invited there by COSAS? -- I had been invited by COSAS.

COURT: Well the chairman called upon you to speak, from the platform, is that correct? -- That is right.

So the executive wanted you to speak? -- They had invited me.

An ordinary member of COSAS told you he did not want you there? -- I do not know, I think he was a member of the (30) executive./....

executive. I did not know his name.

That would be strange, yes.

MR BIZOS: But you say an individual came up to you and he said he did not want you to speak? -- Well no he said the movement, COSAS, did not want me to speak.

Even though the chairman of the COSAS meeting had called you up? -- Even though the organisation, the organisation that asked me to speak and the man presiding at this memorial service had asked me to come forward and speak. Just before I reached the podium I was intercepted and asked to leave. (10)

By a person who had been on the platform or a person who had been in the audience? -- In the audience.

Did you know this person? -- Yes not by name but I knew him as a very active member of COSAS.

Now, and being confronted by this young man in this way what did you do Dr Motlana? -- Nothing. I went back to my seat. I did not want to create a scene in front of these thousands.

COURT: How was it then explained from the platform that you had not turned up? -- I had turned up. (20)

But did they see you moving to the front? -- Everybody saw me.

But now how was it explained that you had not reached the platform? -- I was at the platform already. All I had to do was walk across to the podium and speak and everybody was looking at me and was surprised when I walked back to my seat.

What did the chairman say? -- Nothing sir, nothing.

MR BIZOS: Yes. Well did anybody really have any control in Soweto in situations such as this, on every member, over every member of COSAS Dr Motlana? -- I would say that it was (30)

difficult/....

difficult to maintain control over some of these organisations. Not only COSAS. Even my own civic association I would not say that we had complete control although over the years we never had similar incidents.

Now did you attend a number of funerals?

ASSESSOR (MR KRUGEL): Are you going away from this meeting?

MR BIZOS: Yes.

ASSESSOR (MR KRUGEL): At Regina Mundi. But everybody there seems to have known that you are coming to address the meeting?

-- Everybody knew. (10)

And this single young man confronts you and tells you to go back to your seat and you go? -- Yes.

And nobody says anything? -- Nobody said anything.

Not in the entire meeting? -- Not in the entire meeting.

And you are a popular man in Soweto? -- Well I thought...

A very well known man doctor? -- I am well known, yes.

And respected? -- I think I was respected.

MR BIZOS: And was there a, I am sorry you attended a number of funerals you told us? -- Oh yes. Many.

Did you speak at any other funerals of young people who(20) were killed? -- Very many. Many funerals.

I would like you in your own words please to tell us why funerals of victims of police action or unrest related incidents which is now used as an expression, why these funerals are held in your community Dr Motlana?

COURT: Why are funerals held?

MR BIZOS: In this form my lord, why these funerals are held in this form. -- The killing by the security forces, repeated killings dating especially from June 16 1976 have become a very emotive issue in our community, terribly emotion charged, and(30) the people have always demanded the right to bury those people

so unnecessarily killed and I have been witness to some of those killings and I repeat the words so unnecessarily killed by people I have often considered undisciplined. We have demanded the right to bury them in peace. The police have always denied us that right. When there is a funeral of a so-called unrest victim they have sent loads and loads and loads of casspirs and hippos to surround Regina Mundi, a thing they would not do when an ordinary resident of Soweto is buried. I have myself been to Protea several times to protest at this kind of behaviour and so the funeral of an unrest victim (19) has become an event, almost a political event. I must admit that we also take the opportunity to meet with our constituents and a funeral like that takes on the flavour of a political rally but I do know that when and if the police keep away completely nothing ever happens, the funeral goes on very peacefully. But the police for reasons best known to themselves will always insist on being present there, very provocative, unnecessarily so. And that is why I think a whole ethos has developed around burials in black townships. I do hope you know that one day the cycle of violence, killings, (20) burial, more killings, will be broken and it will only be broken by the police deciding once and for all to stay away from the funerals.

At the funerals that you have attended during the period 1984 to 1985 of this political nature that you have described was violence ever advocated as a solution to the problems or counter-violence called to avenge the killing of the people that were being buried, has it ever happened at any funeral that you were at? -- Never ever, never.

At meetings of UDF, UDF affiliates, at the funerals (30)

that/....

that you have described, at the launch of various associations which may or may not after their launch become members of the UDF is there singing Dr Motlana? -- There is always singing.

Of freedom songs? -- Of freedom songs.

The allegation by the state Dr Motlana is that these songs are sung for the purposes of popularising the ANC. What do you say to that? -- I must repeat what I said previously that black South African also have a history and there are people, there are occasions, there are events in their past that they recall and often in their chants, in their singing (10) they will remember those events, whether it is Hinsa(?), Moshoeshoe or Dingaan, they get mentioned. God Almighty, his name is invoked and mentioned quite often. The ANC's Oliver Tambo, they also get mentioned in addition to other people that the young particularly want to remember. What I want to emphasise is that very often this singing, this chanting, is not part of the programme. There will be young men who come into the hall and take over almost as a form of entertaining the crowds that attend these meetings.

Is Mr Mandela's name mentioned in these songs? -- Mr (20) Mandela's name is very often mentioned in these songs.

Are songs sung in which Mr Mandela's and Mr Tambo's name is mentioned? -- There are songs in which those two names are mentioned.

You say that you have a history. Now just I want, I do not want to embarrass you personally Dr Motlana but we just want to take it as an example. There are people in South Africa who call Mr Oliver Tambo, the leader of a terrorist organisation and a terrorist. Now for how long have you, had you known Mr Tambo as an example? -- I first got to know Mr Tambo in (30)

1949 when I could not enter medical school because I did not have mathematics and Mr Tambo, a first class mathematics teacher, taught me all the math I knew.

Were you together in the Youth League? -- We were together in the Youth League.

What does Mr Tambo's wife do? -- Adelaide Tambo is a nursing sister I got to know at Baragwanath and she still, she is now matron of an old people's home in London.

And did you work with her, you as a young doctor and she as a nurse? -- I did. (10)

And in the early years, in the 1950's did you and Mr Tambo hold positions in the African National Congress? -- We did.

Can you deny that part of your life as an individual Dr Motlana? -- There is no way I could deny that. That is why I say my people also have a history.

Could you keep quiet about it? -- I could not keep quiet about it.

In singing about Mr Mandela or incorporating the name of Mr Tambo into a song, incidentally did you yourself at these meetings sing these songs Dr Motlana? -- No I have not got a (20) very good singing voice.

And do any of these songs that you have heard call for any action, do the songs call on people to do anything? -- To my knowledge no. I mean about the most popular one is where you, one young man very popularly it would be Siphwe, would mention a name like "Oh Mandela" and the crowd says "Hayi, hayi" He is not asking anybody to do anything. He just invokes the name of Mandela and the crowd responds, does not even mention the name, it is just "Hayi, hayi, hayi." |

Has this expression "Hayi, hayi, hayi" that we have (30) seen/....

seen on the videos, has it any special meaning, does it mean anything? -- No, not to my knowledge.

Slogans such as Amandla and Awethu and Mayibuye, are they used at the meetings and at the funerals that you have attended Dr Motlana? -- They are used.

And are they considered as the slogans of the presently unlawful ANC? -- They are not.

What sort of people used the slogan Amandla and Awethu and Mayibuye and Matla? -- It has become a way of greeting in the same way that the people of Lesotho meeting in the streets will say to each other "Khotso Morena" or the youth of Israel will say "Shalom". We at this meeting raise our fists as a sign of solidarity with our fellow oppressed and shout "Amandla" as an expression of our determination to have the kind of power necessary to change conditions in South Africa. It does not mean anything beyond that. It is a salutation and the same way that the fist was developed in the United States by a labour organisation which actually had the fist in their emblem. I heard the story recently about how the fist came to be used. Anybody who thinks it is Russians and communists who first used the fist does not know his history. This originated in the United States and ...

COURT: How long have you known that doctor? -- One week.

That it originated in the United States in a labour union? -- Labour union.

Yes, for how long have you known that? -- One week.

One week? -- That is right.

Well then you did not know your history? -- Well I mean there are those who say that those who ascribe that to Russia in the earlier days of this twentieth century do not know their/....

their history because the origin of that fist in the United States is way back in the 19th, not the 20th century.

Yes. -- But we could produce the necessary information on that.

MR BIZOS: Yes I do not think that ...

COURT: Yes I have it before court doctor.

MR BIZOS: I do not think it is an issue any more but I think his lordship's remark is really that you say we do not know the history because you also apparently suffered under the same ignorance. -- Oh I did, I did. I only learnt that (10) last week.

I see.

COURT: Well we beat you by a couple of months.

MR BIZOS: Yes. The question of colours. This, the combinations of colours, green, gold and black, are they exclusive to the African National Congress Dr Motlana? -- They are not. In fact one would say that the one organisation that has popularised those colours even more than the African National Congress is the Inkatha movement of KwaZulu.

And did you in the Soweto Civic Association have T shirts (2) done? -- We did have T shirts done in those colours.

And did the members of the Soweto Civic Association wear them openly? -- Oh they wore them openly.

COURT: What were the colours of the T shirts? -- The skippers were yellow but had an inscription across the chest "Soweto Civic Association" in green, or was it black. I cannot recall now but there was a black somewhere. But I mean the skipper itself, the body of the skipper was yellow, the writing of the "Soweto Civic Association" was green. Oh I think there was in the middle of that a fist in black. (30)

Now/....

Now did that have any reference to Inkatha? -- Oh no, oh no, none whatever.

MR BIZOS: How are these three colours really regarded? Is there any name attached to them? -- Well those colours I think even before they were chosen by the African National Congress were sort of revered colours in the black community in the same way that the British seem to regard blue, red and white as the colours of royalty. We associated the black colour of course with our blackness, the gold is always associated with the riches of, below our feet, and the green is the beautiful (10) greenery of our land. So they have a meaning, they mean a lot to us.

My lord there is just, I do not want to, may I just approach my learned friend? I think that there is a spelling mistake of some importance in one of the, of the transcripts and I cannot remember whether it was corrected or not. May I just approach my learned friend because I do not want to.. In going through the transcript of the Soweto Youth Congress launch.

COURT: V? (20)

MR BIZOS: V.25 my lord. We notice the word that you speak of as recorded, if it has not been corrected that "militarisation of the ANC, speaking of ..."

COURT: Page?

MR BIZOS: I am just trying to get the page. It is ...

COURT: One five?

MR FICK: The third paragraph I think.

MR BIZOS: We did not have a corrected copy my lord.

COURT: Well what is the question Mr Bizos?

MR BIZOS: Do you, I merely want to find the passage so (30) that/.....

that I can... I want to put this before you. Please read the whole paragraph in which the last sentence is:

"The presence of the youth in all the campaigns of the ANC in the frontline position were decisive in the militarisation (it reads) of the ANC, both organisationally and ideologically .."

Please have a look at the context and tell us if you can remember what you said, whether you said militarisation or some other word? -- I was clearly talking about militancy. I even doubt whether I would have used that verb militarisa- (10)
tion but I was talking about militancy not military or militarisation.

COURT: Well just a minute now. What are you saying that you would have said? Militancy or militisation? -- It is not the kind of language I would use.

You would not use either? -- No I would use the word.

Militancy you would have used? -- Militancy.

Militancy? -- And it is the need to, you know to raise the militancy of the organisation. But I would never say militisation or militarisation. There must be something (20)
wrong there. I would never use that word. In that sense.

MR BIZOS: Thank you my lord.

CROSS-EXAMINATION BY MR FICK: Dr Motlana you have told the court that you attended a number of UDF meetings of the UDF Transvaal executive, is that correct? -- Yes.

Since when was that? -- After the launch in Cape Town there were a number of Transvaal meetings in Khotso House, Johannesburg.

And until when did you attend the UDF Regional executive meetings? -- My feeling is that it could have been three or (30)

four/....

four such meetings, not more, because the programme as I say it was immediately changed to Saturday meetings.

And did you receive any papers of the meetings of the UDF after that? -- The papers I received would have come through our secretary. Not to me direct.

Am I correct in saying that you did not receive the minutes of the other UDF meetings which you had not attended? -- You are correct to say that I did not receive them.

COURT: And when you say your secretary it is not your personal secretary in your practice you are speaking of? -- No. (10)

The secretary of the SCA? -- That is right.

MR FICK: Now Dr Motlana I would like to refer you to a certain EXHIBIT AM.25. This is volume 2 my lord. The police officer will hand you a copy doctor. -- Thank you.

This is a document with the heading "SCA Blueprint". Have you seen this document before Dr Motlana? -- Can I have a look at it please?

Please have a look at it. -- I think this the first time I read the original. It is not the original that we drew up as this actually says. (20)

COURT: Do you know a Mr Ngwenya? J. Ngwenya? No it is not in the document. -- No I do not know Mr Ngwenya.

J. Ngwenya. -- No I do not know him.

He is in Soweto.

MR FICK: Jabu Ngwenya? -- Oh Jabu Ngwenya, oh I know Jabu Ngwenya.

COURT: Well it seems that this document was found in his possession.

MR FICK: Is he a member of the Soweto Civic Association? -- I beg your pardon? (30)

Mr Jabu/....

Mr Jabu Ngwenya is he a member of the Soweto Civic Association? -- He was a supporter, not a paid member of the Soweto Civic Association. He was a supporter.

Did the SCA draw up this document? -- The Soweto Civic Association drew up a blueprint and one or two people were then asked to draw up a condensed copy of that document.

For what purpose? -- Because the Soweto blueprint ran to almost four or five pages. And we wanted something that you know somebody would have in his possession. My aim was to have a small little on page A4 as you call it, that some- (10) body could carry around with them.

Were you satisfied that this EXHIBIT AM.25 was a complete and correct summary of the original? -- In my hurried reading of this document I cannot find anything exceptionable but that is not to say that I would accept everything written in this thing. I mean I would have to you know really have a look at it.

And was it distributed? -- No not to my knowledge.

Now for what purpose did you want to have a condensed form of the original? -- If we had had the condensed form (20) we would have to go back to the executive committee of the association for approval. Having done that then we would print you know very many copies to ...

Was EXHIBIT AM.25 accepted, approved by the executive? -- I cannot recall. I just cannot recall. I am sorry. Not this particular thing I have in my hand now.

Do you know whether the condensed blueprint was distributed, whether it was this one or any other one? -- No I am not aware that we in fact went on to distribute the condensed form. We did distribute the original form. (30)

Is it not so that the Soweto Civic Association popularised the idea that the people should govern themselves? -- In Soweto?

In South Africa? -- The Soweto Civic Association would not project the idea that the people of South Africa should govern themselves but what we were concerned with were local issues in Soweto. But we certainly would not project the idea that the people should govern themselves.

Was it not so that the Soweto Civic Association worked towards the aim to establish an alternative government in Soweto? -- What do you mean by alternative government sir? (19)

A government of the so-called people elected by the people in Soweto themselves. -- Our assumption was always that an authentic representative council in Soweto for which we campaign over the years would be Soweto People's government for themselves. Certainly we campaigned for representative authentic acceptable government of the people of Soweto by the Sowetans themselves, certainly, yes.

And in the whole of the republic? -- In the whole of the republic, the Soweto Civic Association was part of a broader movement that campaigned for a just South Africa in which (20) all South Africans, and I mean all, would be enfranchised to vote for their representative government to sit in Parliament and legislate for the whole country and not a minority government.

And what was the attitude of the Soweto Civic Association towards the freedom charter? -- I am not sure what the attitude of the one member of the executive would be towards the charter but I know that for the rest of the nine they were happy with the provisions of the charter.

COURT: Is the one member accused no. 16? -- Tom Manthata? (30)

Yes./....

Yes. -- Yes.

MR FICK: Well I put it to you that the Soweto Civic Association worked towards the establishment of a peoples government, an alternative structure in Soweto in opposition to the black local authorities. -- I honestly do not understand the trend of your questioning. We certainly, most certainly, campaigned for a representative government in Soweto. That is why I referred to my conversation with people at the university who told me about local government structure. You can imagine a man of my age, I must have been about 50 then, with degrees (10) from that university, who had no idea about how local government in South Africa worked because of my lack of the vote. I had to go at that age to go and find out exactly how white local authorities worked. I got to know for the first time about the local government ordinance and all I said was let us make this ordinance applicable to black areas like Soweto. If you mean by that that we campaigned for an alternative form of government certainly yes, and that alternative government would be within the general constitutional framework of South Africa under the local government ordinance. (20)

Now would you please have a look at EXHIBIT AM.25, paragraph one, the third paragraph of paragraph 1. It is stated there:

"We the people of Soweto shall govern and decide on our own lives. We will formulate and control Soweto's local Authority. It shall be run by the people, for the people and be of the people."

Do you have any comment on that? -- I do not know whether this was in the original blueprint but even if it was not I find nothing exceptionable in that statement. (30)

But/....

But this, according to this passage it was not the aim to establish a government according to some other ordinance of the government? -- Well ...

This is a Soweto local authority outside any law? -- Clearly we were not going to say in a document like that "as contained in the local government ordinance". There is no reference of any law here. But clearly our whole campaign taken together, all our consultations were towards making the city council of Soweto answerable, responsible, acceptable to the people. If we intended a different structure at all (10) we would have had to tackle Cape Town and Pretoria and change the constitution. We were not that naive and so unintelligent as to aim at a restructuring of Soweto alone in the morass that is South Africa. How could we achieve that? Give us some credit for thinking out things.

COURT: Before you and counsel get further at cross purposes what was the date of the blueprint for Soweto? Approximately, what year? -- 1978.

And when you wanted a condensation of the blueprint what was the date, approximately? -- Well it would be round about (20) 1979-1980.

1979-1980? -- Ja.

And what was the situation then in Soweto as far as local government was concerned? -- It was very fluid. As I pointed out the Urban Bantu Council system had collapsed. Dr Koornhof had come up with new initiatives and our aim in doing all this was in fact to influence those who had the power to change that law. I mean we spoke to people like Jan Steyn of the Urban Foundation. This is why Mr Steyn of the Urban Foundation set TAKA(?), and a group of lawyers to advise the minister and (30)

those/....

those people met with us regularly. This is not a campaign of red eyed revolutionaries who want to change the whole system. These are guys who were saying to the government that which you have in place is unacceptable. This is what we suggest. And I would imagine our government ought to be very very grateful at the kind of input that the Soweto Civic Association was making. It was not without a price by the way. There are those who accused us of collusion with our oppressors.

MR FICK: Now the Soweto Civic Association, what was its policy as far as working with government bodies was con- (10)
centred? -- We found it very difficult to work with government bodies. We did not work with government bodies.

Was it not part of your policy to work outside government bodies? -- Yes I would say it was part of our policy to work outside government bodies in an attempt to change those government bodies.

And when you were invited by Dr Koornhof to come and speak to him in regard to the problems of Soweto, the Soweto Civic Association came up with a condition that the passes must be first abolished, is that correct? -- They did. (20)

And I put it to you you came up with that condition because you knew that the government at that stage could not accede to such a condition and therefore you came up with that condition? -- Let us be grateful that that kind of pressure finally eventually made the government abolish the pass laws. If we had not over the years consistently persistently maintained that attitude the pass laws would still be with us in their original brutality.

The point I want to make is you came up with that point with the intention because you knew all along the government (30)

would/....

would not accede to that condition and you had no intention of talking to the government and therefore you came up with this condition? -- I did not know that the government would reject that condition. We know now by hindsight that the government in 1987 accepted that condition. Who are we to say therefore that if we press hard enough about the Group Areas Act that down the line the group areas might in fact not go. Who could have said a few years ago that the Mixed Marriages and Immorality Acts would go when the policemen are jumping into peoples homes and feeling the warmth of the sheets. (10) That is gone today and we must go on agitating, pressing for the necessary changes.

C.1423

But I put it to you not through consultation with the government, you want to bring the changes about without consultation with the government or any government bodies. -- The beauty of the present condition, the present situation, is that we talk at each other, not with each other. When an Archie Gumede makes a statement in Durban one fine morning seven days down the week the cabinet has a look at that statement. It is either that through press statement or through third (20) parties, make no mistake about it sir we talk to each other and that is why in fact these changes are made because the government does get to know what blacks are saying and thinking.

Now another subject. You were a member of the ANC since? -- I joined the ANC Youth League in the year 1948.

Up to 1980? -- 1952 when I was banned.

COURT: Is there a difference between joining the ANC and joining the ANC Youth League or when you join the ANC Youth League do you become a member of the ANC? What was the situation? Was it merely a sort of a junior group and a (30) senior/....

senior group? -- It is a junior group, it is a junior group.

ASSESSOR (MR KRUGEL): Where were you then doctor? -- At Fort Hare.

MR FICK: And do you know whether the ANC adopted this particular salute? -- Which salute?

Do you know whether the ANC adopted any salute? -- Oh there was a salute that the ANC used but I know that it is a salute that is not exclusive to the ANC.

Ja and which salute did the ANC adopt? -- A raised clenched fist with the thumb pointing upwards. (10)

Now what does the thumb symbolise? -- I think within ANC circles the thumb symbolised the return of Africa, Mayibuye, the land.

And the other four fingers? -- I am not aware what the four fingers ...

COURT: Sorry the word you used was Mayibuye? -- Mayibuye.

Yes spell it for record purposes please otherwise we get a hash in the record. -- M-a-y-i-b-u-y-e.

MR FICK: And did the ANC adopt any anthem? -- I do not know what do you mean by the word "adopt". With regard to the (20) raised fist and extended thumb I know that it is a sign, a signal that is used everywhere. You allow a motorist entry into a packed lane of cars and he does this. When Senna wins in his Honda he does this at the audience. The fact that the ANC also does this ...

COURT: This is now a clenched fist with the thumb sticking out. -- Well they do that.

As you demonstrated. -- I have got one picture of Jessie Jackson, you know after winning one of the elections doing this, I must bring it to court, I mean Jessie Jackson. It (30)

does/....

does not mean that he is a member of the ANC. YOU know the anthem, I was coming to the anthem. The anthem Nkosi Sikelele has been sung by africans for many many years and the ANC also sings it. When you say "adopt" you do not mean appropriate I hope. It is still available to other people, the governments of Zambia and Zimbabwe also use it.

Tell me do they sing it in Zulu? -- Xhosa and Zulu.

I mean in Zambia and Zimbabwe? -- I have never asked myself that question. I know the second language in Zimbabwe in Ndebele which is very similar to Zulu. (10)

Yes well there it may possibly be sung. But in Lusaka what language do they use when they sing it? -- I do not know myself, I must find out.

Well it is not that important.

MR FICK: Was Nkosi Sikelele i Afrika not formally adopted as the Congress anthem, one of the congress anthems of the ANC? -- Well I am not sure of the meeting where that resolution was formally adopted to make Nkosi Sikelele the anthem of the ANC but I am aware that during my days as a member of the ANC we sang that at the end of every meeting. Now the anthem as (20) you know is actually a prayer and we are very religious people, we are christians, we sing, we like to pray at the beginning of our meetings, we like to pray at the end of our meetings and that probably is the reason why that prayer became, came to be sung at the end of every meeting of the ANC.

And the other anthem, song adopted as a congress anthem by the ANC is Morena Boloka? -- Yes Morena Boloka has become part, in fact part of the Nkosi Sikelele, they are sung together By the way very many other organisation besides the ANC sing that anthem at the end of their meetings, womens organisations. (

youth/....

youth organisations, even AZAPO would sing that at the end of their meetings. It is not the exclusive property of the African National Congress.

But would you agree that it was first adopted by the ANC as their anthem? -- Well the ANC being the oldest political organisation in the country clearly it would be the first to adopt it, not adopt it, to sing it.

Now about day to day issues. I would like to put it to you that day to day issues were used by the Soweto Civic Association and the UDF to mobilise the people to partake in (10) the freedom struggle? -- Please allow me to repeat what I said with that question. We do not deny that we use these issues to mobilise the people but I would deny that we would use the suffering of the people merely as a ploy to organise, to conscientise without a desire and a push to have those grievances addressed. Only somebody who lives in the eastern suburbs of Pretoria or the northern suburbs of Johannesburg would think that black South Africans struggling as they are doing against horrendous iniquities would look at the idea of liberation and not look at the questions that bug their (20) people day to day. As I speak to you now our aim is to have those things addressed not, not after liberation in 2025.

Now I put it to you that for instance the shack demolitions somewhere in Soweto gave the Soweto Civic Association the chance to raise the residents' awareness. What do you say to that? -- We speak here as if an association like mine would promote the erection of shacks in Soweto. We have pleaded. I have seen some PFP members of Parliament, I have sent them to go and speak on our behalf to Connie Mulder, when Connie Mulder was minister of Plural Relations. I have asked them (30) to/....

to make land available so that those who now live in shacks can have serviced sites. That has been our work over the years. Give us serviced sites so that people can live a decent life. To think that we would use the people now living in Mshenguville, and I go through to Mshenguville every day, use their grievances for political purposes is to insult us.

COURT: I am sorry, you were mentioning a suburb or a section what was the name you mentioned? -- Mshenguville.

Mshenguville. -- Yes Mshenguville.

Just spell it for the record please. -- M-s-h-e-n-g-u- (19)
v-i-l-l-e.

MR FICK: I would like to refer you to EXHIBIT W.1 page 12.

ASSESSOR (MR KRUGEL): Page?

MR FICK: Page 12. The pages are numbered at the top. This is a document "State of the Nation" issued in August 1983. Do you have the page Dr Motlana? -- I do.

The heading of the document is "Bread and Butter Battles". -- I have got it.

Will you please have a look at the last column. -- On the right? (20)

On the right. The second paragraph:

"In Soweto the shack demolition gave the Soweto Civic Association the chance to raise residents' awareness of the way that the community council acts as an agent of the Administration Board."

COURT: Where are you reading please?

MR FICK: Page 12, last column, the second paragraph from the top.

ASSESSOR (MR KRUGEL): What was the admission on this document Mr Fick please? (30)

MR FICK:/.....

MR FICK: It was found in the possession of E. Makgoe, Tumahole.

COURT: Tumahole?

MR FICK: Tumahole my lord. Now I would like to read the next paragraph as well:

"Organisation against shack demolitions, forced removals and bad township administration has led to the residents rejecting community councils, bantustan policy and reactionary leadership. Instead residents support the alternative leadership that has grown with grassroots (10) organisations."

Do you have any comment? -- I do not know who wrote this, I do not know where this comes from but the implication that the Soweto Civic Association managed to raise the residents' awareness over the shack issue or over the inability of somebody to raise those shacks is clearly, from what I have been saying this afternoon is clearly nonsensical. Well I mean the shack removals is just one of the very many issues but nobody wants shacks to be erected anyway. I have already told you sir that what we want is services land so that people (20) can erect, and people like Kevin Maasdorp, sociologist out of the University of Natal, have said to the South African government on very many occasions "For God's sake stop demolishing shacks." In Inanda that city of shacks they accept for instance that those people who have built there have built to their own level. This is what they can afford. Intelligent sociologists should find a way of making those shacks livable. Once the shacks are there never ever demolish them. And that is the new thinking out of our universities. Do not demolish them, make them livable. But in the meantime find additional (30) land, /....

land, service the land and allow people to build for themselves. do not put up fancy houses that they cannot afford. It is a question that our government should address that it is not addressing. And do not blame civic associations for the problem that has arisen.

Well I put it to you from this passage it is clear that the Soweto Civic Association politicised and organised the people of Soweto to reject the councils? -- Over the shacks?

Ja. -- No I am not going to deny that. I am not going to deny that we used issues like the lack of housing. In (19) fact that lack of housing is one of the primary issues we used to organise the people, to conscientise, to mobilise. We make no apology for that but our hope sir is that those who have the power will heed our protestations and make that land available. I know now that the government is beginning, belatedly, to hear what we have been saying to them since 1950 and are beginning to look at South Africa and to make available, land available for black housing. That is our aim. We are beginning to achieve results.

Now you also gave evidence about the violence in Soweto. (20) You said that the violence which broke out in 1976 never really stopped. Now do you agree that the violence in Soweto after 1976, let me first ask you this the 1976 violence how long did it last? For the whole of 1976 or also 1977? -- Well it lasted the whole of 1976 really, into 1977.

And after that there was no other violence on the scale, on the same scale? -- No, never ever. Never on the same scale.

Not by far? -- Oh not by far. It was just isolated incidents that occurred you know from time to time.

ASSESSOR (MR KRUGEL): The question is not quite clear Mr (30)

Fick/....

Fick, do you mean now in Soweto as such?

MR FICK: In Soweto as such.

ASSESSOR (MR KRUGEL): In Soweto as such violence never occurred on the same scale again after that?

MR FICK: Yes that is ... -- Yes I would say that it never again occurred on the same scale although it never entirely ceased.

ASSESSOR (MR KRUGEL): You do not include the rest of the country in that statement? -- No, no, we are talking about Soweto. (11)

Only Soweto? -- Yes.

Thank you.

MR FICK: And then in 1983/1984 was there any violence on a larger scale? -- Yes during 1983/84 there was escalation of violence, particularly in the Vaal area.

COURT: Especially in the? -- In the Vaal area.

The Vaal area. No but let us stick to Soweto. -- Okay.

Because unless we want to debate what you read in all of the newspapers that you read we can shorten the proceedings somewhat. -- Thank you. (12)

MR FICK: Now was there also an escalation of violence in Soweto in 1983/84? -- There was.

And were the schools in ...

COURT: As early as 1983 or only in 1984? -- I seem to recall that it was 1984 but I am not quite certain.

MR FICK: Were the schools involved in the violence? -- The schools were involved. By 1985 it was a complete schools boycott.

Now when did the school boycott in Soweto start? -- Well do you mean around that period you are referring to? (30)

1984/1985. -- It started in 1984. We were battling to get the children to write their exams in 1984.

And were you yourself involved in the education problems in Soweto? -- I was.

Are you aware of the establishment of a so-called Crisis Committee in Soweto? -- My association was responsible for that. We called a meeting at St Margaret's church August 1985 where the Soweto Parents Education Crisis Committee was established.

COURT: April 1985? -- August 1985.

August 1985.

(10)

MR FICK: And do you know does the existence of a Crisis Committee in Soweto before August 1985? -- No I do not know of any such crisis committee.

And the Committee of Concern? -- I know of no such committee.

And did your organisation, the Soweto Civic Association, and COSAS work closely together on the education issue? -- We worked closely with very many organisations. For the first time even teachers organisations. TUATA was represented at that meeting.

(20)

Now when did you for the first time work closely with COSAS on the education issue in Soweto? -- I cannot recall the time when I can say we started working closely with COSAS but we have always worked very closely with the students since 1976.

Were you involved in any committee or commission which was looking into the violence in 1984 in the schools in Soweto? -- A committee that looked into violence in the schools in Soweto.

Yes the cause of the violence. -- No I do not even know of such a committee.

(30)

And/....

And who were responsible for the parents students committee, crisis committee, in Soweto? -- The Soweto Education Crisis Committee was a committee of students, parents, teachers.

Yes and who organised the meeting at which the committee was selected? -- The Soweto Civic Association.

It was not a meeting of COSAS? -- No. No.

And was SOYCO also involved? -- Yes SOYCO was involved. The community ...

And AZASO in Soweto, was AZASO also involved? -- I am (10) not aware that they sent representatives but I will be surprised if they were not.

Do you know Mr Vusi Khanyile? -- He was secretary, he became secretary of the Soweto Civic Association.

When did he ...

COURT: Spell it for the record please.

MR FICK: V-u-s-i, Vusi, K-h-a-n-y-i-l-e.

COURT: He was the secretary of what? -- He became, I am not sure of the year, secretary of the Soweto Civic Association.

MR FICK: Was he not involved in the education issue in 1984/ (2) 85? -- He most certainly was.

In what capacity? -- As secretary of the Soweto Civic Association he was, no as a member of the executive of the Soweto Civic Association he was involved in the organisation and formation of the Education Crisis Committee, Soweto. And became a member of that committee.

Was he also involved in the National Education Crisis Committee? -- The development where he is, that after the formation of the Soweto Education Crisis Committee which incidentally despite what you may read from your newspapers, (30) especially/....

especially those issued by the Department of Information, was entirely responsible for the return of the children to school. Based on our experience we went on to organise the larger national conference that took place on 28 December 1985 where the National Education Crisis Committee was formed and where Khanyile, Vusi, became the secretary.

Did you ...

COURT: What was the date in 1985? -- 28 December 1985.

20 December 1985? -- 28th.

28 December.

(10)

MR FICK: Did you attend that conference? -- I did. I attended the conference.

And did you attend the subsequent conferences also? -- I attended the subsequent conference in Durban.

The one in March 1986? -- I did.

The one where Zwelakhe Sisulu was a speaker? -- I missed the address. I got there late. You will recall that our meeting was disturbed. Zwelakhe Sisulu addressed the meeting in the morning. Some unruly elements then forced us to change the venue. I attended the evening meeting which started at 18h00 and ended at 06h00. I was present at that meeting. (20)

Yes. And did you obtain a copy of Zwelakhe's speech? -- I believe I have it somewhere but I have not really studied it.

Now was it also in Soweto demanded by the students, the scholars in the schools that they want an SRC? -- Yes it was a demand of the students that there by SRC's at school.

COURT: How far did that go back, that demand? -- I am not sure but as early as 1976 there was already the SSRC, the Soweto Students Executive Council. But it had an unusual structure/.... (30)

structure in that every, instead of having an SRC in a school every school sent two representatives to a central SRC. So instead of having localised SRC's at school it was a central SSRC for the whole Soweto.

MR FICK: Now ... -- I imagine then that the idea of having SRC in schools had already taken root in the minds of Soweto schoolchildren.

COURT: Now this SSRC did it exist before the crisis or did it come into being after the crisis? When I say crisis after 16 June 1976? -- It came just before this. (10)

It came into existence before 16 June? -- That is right. It came into being in fact, to my knowledge, it is my information is that it came into being in an attempt to organise the big march to Orlando Stadium and for that they used representatives from each school who came together to plan that march.

COURT ADJOURNS UNTIL 14 JUNE 1988.

DELMAS TREASON TRIAL 1985-1989

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