

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1987-09-10

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

283

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACCOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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VOLUME 283

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COURT RESUMES ON 10 SEPTEMBER 1987.

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, did you write EXHIBIT AL8? -- I did.

It is a document which you yourself signed. What did you do with it once you drew it and signed it? -- I made available copies of this document to our regional secretaries with the intention that it be made available amongst others to our national executive committee members and as much as is possible to make it available to the public and the (10) press.

Can you place a date on it more or less? -- At the time I wrote this article it was the first half of 1984. I cannot give a specific time.

Date? -- Date.

Does it - did you do it in your capacity as publicity secretary? -- I did so.

I am going to deal with this document in some detail in due course, but I would like to refer you to the first paragraph in AL8. "There is a tradition among Whites in this (20) country to view Black politics with suspicion or downright condemnation as agitation, extremism, terrorism. The United Democratic Front has not escaped these charges and the tractors of the liberation movement took advantage of the long established attitudes towards Black resistance to apartheid in order to prejudice the front." Did you believe this to be a correct statement? -- I believed so.

I want to refer you to what Mr Molefe, accused no. 19, said, that at the time that the UDF was launched, it was not necessary to say expressly in either the declaration or (30)

in/...

in the Working Principles that the UDF that was about to be formed as a national organisation had a policy of non-violence. Do you recall the evidence of Mr Molefe in that regard? -- I recall that.

You as the eventual publicity secretary, did you take an interest in what the editorial policy and what the public perception about the formation of the UDF was in August 1983? -- That is so. It was a matter of prime importance in fact for me, because I was responsible for the public image of the United Democratic Front. (10)

Was there unanimity amongst the newspapers about the image of the United Democratic Front that was about to be born? -- There was no unanimity on the attitude of the various newspapers towards the United Democratic Front and I think if one takes that the various newspapers represent various groupings and strata of our society, it is clear that some sections of the South African society did not understand the UDF as it was and others did perceive and accept and understand as in fact it was.

I want to show you some documents which were published (20) at the time and then ask you.

COURT : Are you coming back to this document? Should we not finish AL8 first?

MR BIZOS : No, I am going to deal with it chronologically later. The reason why I refer to it is in order to put into focus the reason for what we are going to try and show to Your Lordship in relation to this, but I will be coming back to the document.

I want to show you an article signed by the editor of the City Press on 7 August 1983. What is the City Press? (30)

The/...

-- The City Press is one of the weekly newspapers that serves the Black community.

Did this editorial appear at the time? -- It did.

DA56. I would like to read it into the record. "The best of luck to all. This month sees a turning point in Black politics in this country. The United Democratic Front (UDF) will be formed and the names of the people behind it are impressive. They go across the whole spectrum of our struggle. Names like Mrs Albertina Sisulu, who needs no introduction, veteran trade unionist Archie Gumede, old (10) time civic leader Mr Oscar Mpetha and a host of others.

We have over the years stressed that violence will not ever solve this country's problems, but talking will. The groups who have ranged themselves with the UDF are those who have opted for a realignment of Black aspiration and the reduction of the tensions that beset this land especially among Blacks, yet hoping that their deliberations will bear fruit." What would you say about the views of the editor at the time? Did they correspond with your views as to what the perception of the people was in relation to the UDF's attitude (20) to violence? -- They certainly corresponded. Especially with regard to the fact that the UDF was perceived within Black communities very broadly in general as a non-violent initiative, one which people saw as different from the organisations which were then known to be following violent methods of struggle.

I would like to show you an editorial from the Argus. Is that published in Cape Town? -- That is correct.

Is it a daily newspaper? -- It is a daily newspaper.

Do you know its circulation? -- I am not certain about (30)

its/...

its circulation, but it would range in thousands like the Star, just like the Star and the Rand Daily Mail or so. It is quite a widely read newspaper.

ASSESSOR (MR KRUGEL) : How big is the Cape after all? -- It is big. It has got a fair amount of surrounding areas to which the Argus spills out most inland.

COURT : This is of 17 August 1983.

MR BIZOS : The heading is "Uniting against the Botha plan. Next Saturday will see the formal launching on a national basis of the United Democratic Front, a wide alliance of (10) groups, political and otherwise, intent on opposing Government policy, in particular Mr P.W. Botha's new constitution. It remains to be seen how cohesive the alliance will be. But there can be no doubting its potential impact on the South African political scene. The Front includes practically every anti-Government political and social body of note in the Black and Coloured communities. It has White backing in the form of the Black Sash and NUSAS, among others. It has powerful religious (both Christian and Muslim), labour and student support. It bids to fill a political vacuum that (20) has existed since the early sixties. The Front is starting up as the Government's constitutional changes are about to receive their final endorsement under the existing political system. The Front's most telling challenge is to the Government's claim of decisive support for its reform initiative from the Coloured and Indian people. The Labour Party's willingness to work with the new constitution, initially at least, is quite decisive for the Government's plans if these are to have any credibility at all as a means of sharing political power. The UDF is likely to bring the party (30) and/...

and its adherents under tremendous pressure in the event of a referendum, general election or other test of popular support for the proposals. Against a multitude of voices protesting that the new constitution will entrench apartheid, polarise the races, alienate the Black majority, the Labour Party's only chance of sustaining its position will depend on what visible gains for the Coloured people it can show for its strategy. The signs are not auspicious. The UDF offers to bring no new policies or philosophies to the scene. It will bring together voices that have sounded disparately(10) for many years without being heard - voices that need to be heard for the sake of peace and good government." This was published shortly before the launch on 20 August 1983? -- That is correct.

COURT : DA57.

MR BIZOS : The concluding sentence "Voices that need to be heard for the sake of peace and good government", was the perception at the time that this was going to be a peaceful organisation? -- That is correct. I think as I have said even, yesterday, at the press conference that point had (20) been made.

I want you to please have a look at the Sowetan of 22 August 1983 some two days before the commencement of the conference - after, I beg your pardon. After the commencement of the conference. We have already had evidence about what the Sowetan is. Do you know what its circulation was at the time? -- It was the only daily that was serving the Black communities in the Witwatersrand, Pretoria, Vaal, complex and I cannot give precisely, but it ran into thousands.

(30)

I want to read a number of paragraphs of this. "The number of people who attended the United Democratic Front (UDF) apart from being impressive, was over and above all comfortably representative. The choice of officials from the patrons right down to the most junior officer seems splendid and studded with extraordinary personalities. It seems evident that anybody who stands in the way of the UDF at this juncture will only be called in derision. We are perhaps glad to see that AZAPO has been supportive of this rally. For whatever your views about the movement, it must be admitted (10) that they have put together the kind of professional job that can only be impeded by direct government action and that is the kind of action we would like to advise the government not to contemplate. It is necessary for organisers of such conferences to mount the kind of constructive occasion that would make even their enemies appear silly and politically naive. While we are about that, we believe that it is about time that our politicians on the opposition become as wily as the Biblical snake and as careful as the dove. There is just ..." (Court intervenes) (20)

COURT : Is there not only one or so paragraph that you can read? If I have got to listen to all the editorials that everybody wrote in the past, we will take ages. What paragraph are you referring to?

MR BIZOS : I was going to refer to all the paragraphs, except the last three.

COURT : Very well, read on.

MR BIZOS : While we are about that, we believe that it is about time that our politicians on the opposition become as wily as the Biblical snake and as careful as the dove. There (30) is just no need for breast beating and giving your constituents the/...

the misguided idea that victory is around the corner. There is a lot of spade work to do and governmental opposition that might try to distabilise the smooth. The bogus pamphlets distributed before the Cape Town rally are an indication of this. There is no doubt that the more aggressive the UDF seems to be, the more radical attacks against it are going to be. We believe that our people in South Africa should be made aware - We believe that all the people of South Africa should be made aware that organisations formed to oppose the government are not necessarily disrupted from(10) progress in the country. It is obvious that the UDF has a responsible agenda and does not look at violence. For instance as a tactic for political persuasion. If this kind of conference is instilled in the minds of the people particularly if it is stressed that the movement is working towards peace and stability for all, then it will grow." Was that in accordance with the perception at the time? -- That is correct.

I would ask this to go in as DA58. I would like you to please have a look at an editorial on October 27, 1983 in(20) the Rand Daily Mail. I do not want to read the whole the editorial but merely the last sentence in the second paragraph and the third paragraph. I will try and leave out the motivation for it and merely ... "This is added to because thusfar those meetings of these various organisations actually held have been peaceful. Indeed, the whole purpose of the organisations is to put forward viewpoints peacefully. That is the basis of the creation earlier this year of the two umbrella movements, the United Democratic Front and the National Forum." The second last paragraph(30) in/...

in the same editorial "Another fundamental point arises. If people are prevented from ? peaceful parts to declare their views on government policy, then what are they supposed to do?" Does this editorial on those points represent the perception of the UDF at the time? -- That is correct. I think that is as accused no. 19 tried to explain to the Court. We were generally understood and we had made plain that we were a non-violent organisation and throughout people understood us as a non-violent organisation and we understood that. The masses of the people in particular our consti-(10) tuents understood that the UDF was committed to non-violent means of struggle.

COURT : DA59.

MR BIZOS : I want to show you a column published in Beeld on 25 August 1983. I want to read three paragraphs out of this. -- Just before Mr Bizos reads, I just want to mention that as part of my work I did follow the reports on the UDF in the Afrikaans newspapers. It was very important from our position to have an idea as to how the UDF was perceived by the various sections of the South African communities (20) and this is one of those articles that I recall reading at the time. There were quite a number of single articles. These were some of them that I did come across at the time.

MR BIZOS : This is shortly after the formation of the UDF. I want to read the first paragraph "Dit kan wees dat die geskiedenis homself gaan herhaal met die United Democratic Front. Die nuwe buite parlementêre beweging agter wie links progge so lus lyk om aan te tou." The other is the third paragraph "Destyds se storm troepe teen die nasionale regering wou emosies gaande maak oor die Kleurling stemreg en die (30) pogings/...

pogings om die Kleurlinge op 'n aparte kieslys te plaas. Vandag wil massa histerie aanblaas teen die ontwerp grondwet waardeur die Bruinmense terug na die parlement sal kom." I want to read the paragraph immediately above the cartoon "Gaan die PFP aansluiting soek by die UDF? Gaan die UDF die PFP toelaat om sy parlementêre arm te word of gaan hy slegs buite parlementêr die wêreld aan die brand probeer steek? Die progge was nie openlik teenwoordig by die geboorte van die nuwe United Front nie, was hulle geïgnoreer." What I want to ask you is this - obviously this is not a very complimentary article in relation to the UDF. Even the Afrikaans papers that you read at the time, did they make any suggestion that this was going to be a violent organisation? -- No, they did not make this suggestion. There was, however, a matter of derision that was discernable in the perception of the UDF.

COURT : This goes in as DA60.

MR BIZOS : Apparently there was an attempt to form a united front in 1952. Do you know anything about that? -- I have come across this here and there in my reading of history. (20) It had to do with the question of the franchise to the Coloured community.

COURT : Was it not the Torch Commando that was part of the UDF then? -- I think the Torch Commando and a number of other organisations were involved. The fact is, there were a number of formations at that time. In the Coloured community they formed what they called the Franchise Action Council and so on.

MR BIZOS : Very briefly I want to refer to the same newspaper of 24 August 1983 by its political columnist Harber. (33)

Do you recall this? -- I recall this.

In it the UDF, if you have a look at the second and third paragraphs is really dealt with on the basis that it may be an embarrassment to the Progressive Party or the Progressive Federal Party? -- That is correct.

There is a statement in the second last paragraph on the first column "Dr. Slabbert noem dit 'n baie belangrike en betekenisvolle ontwikkeling. Dr Alex Boraine, voorsitter van die party se uitvoerende bestuur, beskryf dit juigend as die belangrikste ontwikkeling in Suid-Afrika sedert die (10) jare vyftig" and then the columnist starts dealing with his views of this. Was there anything at the time to suggest that it was perceived by persons such as the political columnist referred to and other editorial matters as a violent organisation? -- No, except for articles like these written by Beeld correspondents may be and some of the Afrikaans newspapers. There was no suggestion that the UDF was a violent organisation.

I ask that this be admitted as DA61. I would like to ask you whether as time went on whether accusations of (20) violence and connection with the ANC started appearing in newspapers which were not editorially in favour of the UDF? -- That is correct.

And you as a publicity secretary, what did you do about these allegations in these newspapers? -- I took steps to correct these. At first I denied that and then attempted to put across the correct position as it was. In some instances I wrote articles that I attempted to get into newspapers to be published and documents such as AL8 would be examples of some of the efforts which I made to correct (30)

the/...

the position.

Could we turn to AL8. We have already read out the first paragraph. Does AL8 represent the policy of the UDF on the matters that it deals with? -- That is correct.

Did it represent your own personal view before the launch of the UDF? -- That is so.

Would you read the document into the record from the second paragraph on, please. -- "Many people who support the new deal still cannot understand why we oppose the new constitution act as not being a step in the right direction. (10) Their aversion to the UDF feeds on this lack of understanding of our standpoint. We reject the new constitution act, because it excludes the African majority from government. The Act of Union in 1910 extended qualified franchise to Africans in the Cape and Natal. Because it excluded Transvaal and Free State Africans, it was fraud. But even that was taken away after 1936. Since then successive White governments have set up structures which have never gained credibility among African people and that includes the present homeland governments. African people have never accepted the homeland (20) structures, because they do not find themselves properly expressed therein. The new constitution entrenches White monopoly of political power, because the White House is a majority house. There is no sharing of power even with the Indian and Coloured South Africans. Put together Indian delegates and Coloured representatives, will constitute only three-quarters of the White House. This constitution places responsibility upon Coloured and Indian people for further apartheid legislation without giving them power to effectively determine what laws may or may not go into the statute (30)

books. Furthermore the tri-cameral form was adopted so as to preserve the fundamental apartheid principle of White untouchableness. Racism remains the corner stone of the new constitution. Indians and Coloured will still be treated with the same racial contempt as before. Hence the retention of the Free State laws that prohibit Indian settlement in the province and parts of Northern Natal. Indeed the Minister of Transport has already assured the official opposition that even the blue train will be divided into racial coaches so that White MP's do not mix. The concept of local govern-(10) ment or own affairs will ascertain that the co-opted groups are confined to the present townships with shortage of housing, lack of schools and other facilities. There is nothing materially that the new constitution will do to improve the living conditions of the co-opted groups. More than this, the new constitution is unacceptable for the fundamental reason that it is not the constitution of the people of South Africa. It is the product and property of our South Africans and only Whites voted to decide whether it is acceptable or not. What we call for is a constitution for(20) the entire people of our country, Black and White. We believe that over centuries of over action all the people in this country have contributed to the present shape and face of South Africa. All have a rightful claim to the heritage of wealth, culture and residence. South Africa is vast enough to accommodate all, but any constitution which excludes any section, whatever race or colour, is a sure formula for racial and violent conflict. Past and present history clearly confirms this. In 1960 after 48 years of campaigning for African political rights, like the hated (30) pass/...

pass laws and influx laws, the African National Congress was banned and prohibited. The response was swift and eye-opening. On December 16, 1961 a section of the ANC, the Spear of the National, emerged as the armed wing and inspite of everything today's rising tide of sabotage and armed engagement with police and army units, points to a growing trend of resort to armed struggle. A constitution such as the present one can only intensify African, Indian and Coloured frustration at their failure to attain effective political rights. Such a constitution amounts to fueling the furs (10) of anger at the government's stubbornness and insensitivity to their aspirations. Our motivation in the United Democratic Front lies precisely here. It is our realisation that the new constitution act does not remove areas of dissatisfaction but in fact cushions apartheid against future and more resistance, especially African resistance. It is generally considered that the next logical step within the context of the new constitution is to conscript Indian and Coloured youths into the army, that is to strengthen the South African Defence Force as a tool against African resistance to apartheid. (20) The SADF's role at Bulhoek in 1922, Sharpeville in 1960 and Soweto in 1976 has cut out a threatening image in African eyes. When African students refuse to study in Afrikaans because White students were not forced to study in Sotho or Zulu, it was the SADF and police units which came and shot them. Many of those who left the country took to arms in response. In a letter to the Prime Minister last year, the UDF drew attention to the shortcomings and called for a national convention of all South Africans, Black and White to draw up a constitution acceptable to all. We have (30)

confidence/...

confidence that given that opportunity South Africans will not choose revolution. We are opposed to the new deal because we are opposed to bloodshed."

You told us that you tried to give as wide publicity to this document as you possibly could. -- That is correct.

Did you hold press conferences? -- I did.

Did you address meetings? -- I addresses very many public meetings.

The distinction of the UDF once it was launched to campaign against the local authorities and the elections held(10) thereunder and the elections in terms of the new act for a tri-cameral parliament, did you personally have any reason to believe that there was anything unlawful in opposing those elections and asking people to boycott them? -- I was always convinced that we were acting perfectly legally and that we had the right to say that we did not agree with the government and as long as we did not resort to violent means, I was convinced and I remained convinced that we had the right to do so and we did do so.

Was the UDF the only organisation that called for this(10) boycott or extension? -- We were not the only organisation that expressed opposition to the new dispensation. Apart from ourselves, there were - for instance in parliament, the Progressive Federal Party itself expressed its opposition, well of course the CP and the HNP for their own reasons of course. Then within the homeland structures, there were a number of homeland leaders who expressed opposition to the new dispensation, there were church leaders who opposed it, trade union leaders who did so and very many other organisations which were independent of the UDF and which(30) did/...

did not form part of it. Some of which were very critical of the UDF, expressed opposition to the new constitution.

In order to give His Lordship some idea of the extent to this opposition, do you remember what the attitude was to the referendum in which Whites were to either endorse or reject the proposals in 1983? --Is that now the general attitude?

Yes. -- Well, whilst the results of the referendum were known, the reaction was very sharp. It ranged from the invitation of Chief Buthelezi to the ANC and the PAC to (19) join him in what he called a marriage of convenience and it ran across our own condemnation and other organisations and to the trade unions. There were ministers, chief ministers like Mabusu and so many others, who were disappointed and who felt that something urgent needed to be done to persuade the government to abandon the road it had chosen.

Do you know whether anyone had called for the boycott of the "Yes/No" vote in the referendum? -- Yes, that was quite a question. I think amongst others Chief Buthelezi had made a strong call on the White community to vote no. (20) Within our own ranks there were sections which felt that people should vote no, other people felt they should not vote at all and some of the other, right-wing parties in the White sect communities also did call for this no vote.

Do you recall what the editorial policy of the Star newspaper was in relation to the referendum? -- The call by the Star I think there was wide publicity that people must vote no.

Are you sure of that? -- I am not 100% certain.

You have referred to the reaction of people who were (30) inimical/...

inimical to the UDF like Chief Buthelezi. I want to show you a cutting from the Rand Daily Mail of 4 November 1983. It would be DA62. Is this the one that you are referring to? -- That is correct.

I want to read the first paragraph and one or two other paragraphs in this article.

COURT : This is Mr Harber whom we met before?

MR BIZOS : Yes. "Chief Gatsha Buthelezi, the Chief Minister of Kwazulu suggested yesterday that it might be possible for his Inkatha organisation to form "marriage of convenience"(10) with the banned African National Congress and the Pan Africanist Congress in the wait of the referendum result." About the middle of that column "He warned that the result would mean ongoing conflict in South Africa and it paved the way for more violence." The second last paragraph on the same column "Chief Buthelezi told the Kwazulu legislative assembly that it was plain that the road of a negotiated future we have traversed in this house and - is closed for the moment to us unless of course a miracle occurs. He said Blacks could only succeed in bringing Whites to their knees if (20) they were united in using their worker power and their consumer power. He said he was appealing to ANC president, Mr Oliver Tambo and Mr John Bokhele the leader of the PAC. They must know that what has been done presents us Africans with a new ball game whether we joined the violent strategy of the PAC and the ANC or the non-violent strategy of Inkatha, he said." Was this representative of the anger that you have spoken of? -- It did and I think it expressed the very high tide of feeling at the outcome of the referendum, the fact that White people had accepted the constitution that (30) excluded/...

excluded the African sections. This was really the complaint.

COURT : It has not say what form this marriage would take?

-- This is what we read in the papers and what is significant is that he, Chief Buthelezi was so angry that he was prepared to join hands with armed organisations. We did not go to that extent. We insisted that non-violent path must be fully explored and our organisations must be strengthened so that the government can be convinced of just how strong the majority of our people felt about the thing and just how strong they felt about the problem being resolved (10) peacefully.

MR BIZOS : Do you recall that the referendum was on 3 November 1983? The statement was made a day or two afterwards? -- Yes, that is correct.

I now want to deal with the launch. You told us that at some stage you joined the pre-planning committee? -- That is correct. Advance planning committee.

ASSESSOR (MR KRUGEL) : Before you go on, your views have been asked about what Chief Buthelezi says here, but I caught the very last paragraph of this report. Mr Kgame, Mr C. (20) Kgame said it was evident from the results that the majority of Whites in South Africa were ready for a change, not only for the benefits of Coloureds and Indians, but also for Blacks. How did this strike you? -- In order to understand how we understood that, it would be important to understand how Mr Steve Kgame is perceived by us within our communities, because there are people evidently whom in our communities are regarded as so to say they are defeated and they have no spirit and they could not speak the truth. Even when a thing is wrong, they are what you may call baas boys "Ja, (30)

baas/...

baas, ja baas". Even when a thing is wrong, just because it is said by the baas it is right. Mr Steven Kgame unfortunately is one of those people that is perceived that way. In fact some of the people that used to be with him, have even abandoned him now, because he is, if I may express my own personal opinion, not different than what the old Greeks used to call fools, criminals and eunuchs. He is a perfect tool of a dictator. He would not exercise his own judgment. To see that African people are excluded from parliament and say that is good, I do not know what is good about that. (19) I cannot begin to see what is good about that. The best minds within our communities understand that this man here is not talking in their interest. He is more concerned - he must say that and he gets his salary or something like that may be for it. Those things have been said before and they have been said in our communities. So, he is - let me put it just in brief. This is a classic puppet. That is what he is.

MR BIZOS : There are complaints in the documents about bogus pamphlets ... (Court intervenes) (20)

COURT : Are we going onto the launch?

MR BIZOS : Yes, it relates to the launch. Was there any attempt made to disrupt the launch of the UDF? -- That is correct and that took the form of a number of bogus pamphlets distributed in the main centres Cape Town, in Johannesburg, purporting to come from the UDF and informing the public that the UDF national launch was no longer going on and that it would go on at some future date.

I want to show you a pamphlet purporting to have been issued by the United Democratic Front. Is this the (30)
pamphlet/...

pamphlet? -- I recognise this as the pamphlet.

COURT : DA63.

MR BIZOS : Did the advance planning committee or anyone connected with the regions of the UDF or anyone, any authority have anything to do with the printing and distribution of this pamphlet? -- We had nothing to do with this pamphlet. In fact we were shocked when we came across this and we had to make hurriedly telephone calls to make sure that people remained properly informed and that they came to the conference.

Please have a look at document A1. Do you know how (10) the declaration that appears on A1 page 4 came to be drawn up? -- That is correct.

How? -- As I understood the position, initially there had been a declaration document prepared at the Anti-SAIC meeting. At the time when the joint executives of Transvaal, the Western Cape and Natal met, they were not satisfied they were not happy with it being adopted as representative of the front. In the interim, in any event, Transvaal had - rather Natal produced its own declaration at his own launch and so with the Western Cape. It was felt that it was (20) necessary, it would be necessary to produce a declaration that would satisfy everybody and as I understood the position some people largely the secretaries of these regions were given the task of drafting a declaration. On the Friday, the 19th when the advance planning committee met in Cape Town, some documents, some declarations formally prepared were represented but it was not satisfactory and the secretaries of the regions had to go back and do a bit more work on it.

ASSESSOR (MR KRUGEL) : In Cape Town? -- In Cape Town now. That was subsequently presented to the conference. That (30)

is/...

is now the session before the rally in the afternoon. There was debate that took place around that, amendments were effected and in the end on Saturday afternoon it was adopted as the declaration of the front. That is in broad outline how I remember the path it followed.

MR BIZOS : I do not want you to deal in detail with how the conference and the rally were conducted, because your colleague Mr Molefe gave a description of that and I did not understand the State to put that in issue. As far as the declaration is concerned, which was adopted, I want to ask (10) you a number of questions. It is the State's allegation that the UDF had as its object to overthrow the government by violence including threats of violence. What do you say to that allegation? -- I deny that categorically.

What do you say to the allegation that the UDF was formed as a result of Mr Tambo's statement apparently made on 3 January 1983 calling for some sort of front? -- I deny that allegation completely. I have always known both from direct interaction with my colleagues in the UDF and I have also made public as a result the fact that the United (20) Democratic Front came into being as a result of a call that was made by Dr Allan Boesak at the Anti-SAIC meeting in January 1983. For myself I think actually that the UDF was inspired by the step of the government to introduce the new dispensation, that if anybody else is to be blamed for the formation of the United Democratic Front it must be the government, because if the government did not introduce that dispensation which was not satisfactory we would not have had ground to form the United Democratic Front. Let me perhaps explain why other calls that had been made as (30)

we have heard in the trial, 1981, 71, 82 may be and so on. Why may be they did not succeed is because there was no actual cause good ground, but whilst the new dispensation was there and people were not happy about it, the call was made and there was a response to it.

Was violence part of the program of the UDF at any stage that you were associated with it? -- Not at all. As I have said, it was - the UDF made the matter publicly clear at the press conference on the eve of its national launch. The point has been repeated over and over, sometimes (10) through my mouth and on many other occasions through the mouths of other leaders of the United Democratic Front that the UDF wants a peaceful solution and that it calls on the government to call a national convention of the leaders of the respective people of our country to work out an acceptable constitution. That is the approach of the United Democratic Front.

Did you ever contemplate the use of violence in the UDF? -- I know of not a single meeting at which the UDF ever sat to consider whether it must use violence or not. From (20) its foundation the question of violence was out. That is why newspapers, editorials and reports of various kinds could be written to say that the UDF was a non-violent organisation and we never raised any objections against those editorials. In fact, if anything we gave them reason why they should write more and some of our articles which put the position of the UDF forward did not receive publicity. So, we have not only said in public meetings, we have written about it and other people have written about us knowing, with the knowledge that we are a non-violent front. (30)

What/...

What do you say about the allegation that the UDF intended to make South Africa ungovernable? -- That is news to me. I heard about this for the first time that we want to make the country ungovernable I think when some of the government's spokesmen accused us of being a front of the African National Congress and therefore that we wanted to pursue a certain policy of the ANC and to make the country ungovernable, but that has never been the policy of the United Democratic Front.

What do you say about the allegation that the UDF was preparing the masses in South Africa for a violent revolu- (10)
tion? -- I deny that. If anything, we were preparing the masses for a peaceful resolution of the problems of our country.

Did you yourself receive any or have access to any publications of the United Democratic Front or the South African Communist Party? -- Not at all. I was privileged to know for the first time some of the publications of the ANC when the State brought its exhibits here. I did not even know the titles of these magazines that were here. I had never even read about them. (20)

Was there any debate at the conference about the declaration? -- There was a fair amount debate on the declaration of the UDF.

What was the debate about?--Initially we read the declaration before lunch and there were several amendments which were effected. I cannot recall each and every one of them and then just before lunch - the luncheon adjournment the question that came up was one of whether the declaration should not specifically state or include traders as being part of the people who would be adversely affected by this (30)

new dispensation. That is to say the commercial section. Some people felt that we should mention there that the commercial section will also be there or it would also be affected. Other people felt that it was adequate as it had been stated and other people proposed suggestions of a different nature. So, there was quite a fair amount of debate on this question. As a result of this, it was moved that the declaration be read right through and people - that the conference must adjourn and that people should be allowed to debate in an informal atmosphere, so that it would (10) facilitate the discussions in that way. So, we read both the declaration at that stage and also the working principles so that during the lunch hour there would be informal discussions of both documents among the delegates. The people who had objections would raise them then. So, it would facilitate proceedings really whilst we come back. With regard to the declaration, the issue was one of the commercial section whether it must be included or not and that was discussed at length during the lunch adjournment. I myself got involved in it because Mr ^{Khan} Kahn who had raised the (20) question, was very insistent that the commercial section must be mentioned and some delegates were trying to persuade him that it is alright as it is and so on. So, I also took part in this discussion. This was after the conference adjourned and during the luncheon. When we came back therefore the question had been resolved there because it had been agreed that alright, if we just say - I think what it says ... (Mr Bizos intervenes)

Perhaps we will refer to it later. -- We agreed that the declaration as it stood, did not need anything to say (30) about/...

about the traders because it encompassed them, on that question at least. That went on through the lunch adjournment. There were other amendments which were affected of a different kind, towards here, towards there and so on.

You have made your views known to His Lordship and the Learned Assessor. I am not going to ask you how you understood the declaration, because I think that you have covered it in the main about what sort of Africa you want to see and we will leave for cross-examination anything that they want to raise with you in connection with the declaration, but (10) there are just one or two aspects that I want to deal with. What were the two most important issues in the country at the time in relation to the dispensation that you hoped to address by adopting this declaration? -- We hoped to address the question of the new constitution act and the Koornhof Bills.

Please have a look at the last sentence, the last paragraph "And now therefore we pledge to come together in this United Democratic Front and fight side by side against the government's constitutional proposals and the Koornhof Bills." (11) Was that seen as the main aim of the formation of the front? -- That is the uniting purpose of setting up the United Democratic Front.

Was this purpose, the formation of the United Democratic Front made known generally throughout the country? -- That is correct.

Was this understood by the representatives of the various organisations to have been the purpose? -- That is correct.

And we have already had evidence that very many copies of this were distributed? -- Oh, yes, that is correct. (12)

I want to deal with one other allegation which the State(s) makes and that is this that you were going to use day to day issues in order to achieve some greater purpose. What do you say to that? -- This is absolutely untrue. When we set up the UDF, we brought together organisations which by their very nature were community organisations. In any event on their own were handling local problems attempting to make life more bearable for the people. So that that presented an immediate objective to get certain benefits for our communities. If people did not have proper sewerage, those (10) organisations attempted to solve a problem of that nature. If people did not have a school, those organisations served the purpose of solving those problems, but it was because of the realisation of our people in their various settings and communities and organisations, whether they be church organisations or educational organisations, that the problems that they were attempting to solve on a daily basis, were really the outgrowth of apartheid. That as long as the government continued with that policy, which is the source of these problems, those problems would remain unsolved. (20) In fact, they would be reproduced over and over again. To sort the problems and to get rid of those problems, it was important to draw the attention of the government to the fact that those policies of apartheid even in the new dispensation would continue to cause us those problems. There has never in none of the speakers that spoke in the conference of the front and none as far as I know that spoke at anyone of the launches of the regional formations of the front - has ever suggested that now what we are about here is trigger to use these day to day issues so that we can (30) cause/...

cause trouble. We were more concerned with solving the problems that confront our people, get them direct benefits what benefits can be found but at the same time, when the new dispensation came to say to the government that that policy is causing these problems and we do not want it for this reason. So, I deny that we had any conspiratorial motive to use those things, complaints and daily issues of our people to cause trouble.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(10)

1907

MOSIUOA GERARD PATRICK LEKOTA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Lekota, in the declaration on page 2 it is stated that "We know that apartheid will continue". -- That is correct.

That White domination and exploitation will continue and so it goes on. -- Yes.

What do you say to the suggestion made by the State in cross-examination that you knew that your efforts would come to naught and that the government would never ..."

(Court intervenes)

(20)

COURT : Actually it is at page 5.

MR BIZOS : I am sorry, page 5 of A1. What do you say to the suggestion that by setting this out you knew that your efforts would come to naught? -- I deny that suggestion. I think it is a misinterpretation of this section of the declaration. What the declaration puts across here is that under the new dispensation apartheid will continue to exist and that it will manifest itself in these forms which are now indicated here "White domination and exploitation will continue. Forced removals will continue. The group areas(30) act/...

act will continue. Bantustans will remain. Unequal distribution of the land, wealth and resources of the country. Migratory labour system will live on. The government will continue to rely on junior partners, the so-called leaders of our communities." And that we will continue to be harrassed. For instance the pass laws remained ... (Mr Bizos intervenes)

They are set out? -- Yes, bannings and so on. All that I want to say is that it is a misinterpretation of the section. (10)

Did all the Koornhof Bills become law as far as you remember? -- As far as I recall two of them became law, but the Orderly Movement and Settlement of Black Persons Bill was or did not become law.

and you campaigned against the introduction of this legislation? -- We have campaigned vigorously against that piece of legislation.

The suggestion by the State is that all these lofty ideals set out in this declaration were incapable of acceptance by the government and that you knew that they would all be rejected. What do you say to that? -- I deny that. We pursued these ideals with the full conviction and belief that the government could be moved to hear our voice. We have never changed from that position. (20)

Do you recall whether you claimed any credit for the abandonment of one of these rules? -- It is correct. When the Orderly Movement and Settlement of Black Persons Bill was set aside, both ourselves and other organisations which were opposed to it and which had campaigned against it, claimed credit for having persuaded the government successfully to/... (30)

to abandon it.

I want to show you a newspaper cutting which quotes you on 4 May 1984. The last three paragraphs in column 1.
COURT : It is the Rand Daily Mail of 4 May 1984. It will go in as DA 64.

DAGG
MR BIZOS : The article quotes a number of people who were opposed to this bill and campaigned against it. I only want to deal with the last three paragraphs in column 1. "The United Democratic Front, which was formed partly to oppose this and the other two Koornhof Bills, said the Government (10) retreated on the Bill because of the campaign run by the UDF and other progressive organisations. But the UDF was convinced that part of the provisions of the original Bill would be implemented through the recently passed Aliens and Immigrants Amendment Bill." -- Correct.

"This would happen despite assurances given by the Government during the Parliamentary debate, the UDF publicity secretary, Mr Patrick Lekota said." Are you correctly recorded there? -- I am corrected recorded here.

The last part of the declaration says or speaks of a (20) commitment "To consult our people regularly, honestly and bravely strive to represent their views and aspirations." -- That is correct.

What do you say to the suggestion by the State that you were really doing the bidding of the ANC? -- I deny that flatly. As I have said, the UDF was inspired by the problems that we in our community perceived all the time. We went back constantly to our people to find out what what they wanted, how they felt about the law and because we had made a commitment that we would represent them bravely, we have (30)

never/...

never hesitated when the moment arose to state honestly, whatever the consequences to ourselves, how our people feel about it and I think even at this point in time we continue to carry that responsibility. We know that our people are listening to us, are reading and we must say here what has been said and we must say we represent that honestly. There is not a board who is intimidating us or who is giving us instructions. We represent our constituency and we must speak on behalf of the constituency honestly. It is only then that that constituency can have confidence in us (10) and perhaps tomorrow also re-elect us, but if now it finds that we have failed that duty, it will say to us you are just puppets and that has happened to many of our people who have veered from the mandates that have been given. We are stuck by the mandate.

We will come in greater detail later to affiliates autonomy and not directing people to do that which the leadership wanted to do. How important was this in the UDF? -- The question of mandate?

Mandate

And consulting the grassroots ... -- Perhaps the (20) most important issue about the United Democratic Front and within the Black communities is the issue of being correctly represented. We were constantly constrained to go back to our affiliates to get accurate mandates about what they want us to do and if we were not sure, we had to go back to find out the correct thing. As an organisation we had an important consideration and reason why we had to do so. Too many today are people who walk around in our communities and who claim to represent those communities. If we made a mistake in this regard we would find ourselves in the (30)

same/...

same position where people would say who said you must do it? Where did you get the mandate? What is the difference between yourself and Steve Kgame for instance? So, for us to protect the survival of our organisation and standing within our communities, we had to constantly go back to those affiliates and communities and get the mandate. We could not therefore have been able to take instructions from anybody else other than the councils of the organisation to carry out the decisions which had been raised in those councils. I think at some point in 1984 when we were accused of being a (10) front of the ANC I was at that time in detention, the acting secretary made this point. The UDF has got a constituency. If it is going to take instructions from the ANC or from anybody else, it is going to fall fowl of this constituency and it will find itself completely discredited.

In relation to the allegations that you were really a front of the ANC, you yourself, have you tried to put the record straight on behalf of your organisation whilst you were its publicity secretary? -- That is correct. That task, I have had to do that from time to time. I recall at one (20) time I was pursued by the newspapers, that was November/December 1983 I was in the Eastern Cape and at the time busy with the preparations for the launch of the Eastern Cape and I was pursued there with the statement that had been issued in New Delhi or in Delhi at the Common Wealth conference by the ANC that it had made a call there that the United Democratic Front was a significant opposition group that needed to be supported and so on. The immediate of course statement that had come from the then Minister Le Grange was that the UDF was a front of the ANC and the (30) newspapers/...

newspapers pursued me there to find out what had happened and I responded to this, but apart from that, I also had been approached by a number of groupings, like business groupings and so on who had asked me to state the position in the UDF and I have written articles to these explaining the position of the UDF in detail.

I want you to please have a look at a statement made by you or a newspaper report on 5 December 1983 in the Evening Post.

COURT : Where does one find the Evening Post? (10)

MR BIZOS : Where is it published? -- The Evening Post is one of the papers in the Eastern Cape, Port Elizabeth and those areas.

COURT : DA65.

MR BIZOS : It is headed "Lekota denies any UDF link with the ANC" and it is datelined Cape Town. "There could be no links between the African National Congress and the United Democratic Front under the present circumstances, the UDF has announced. The publicity secretary, Mr Terror Lekota, was reacting to a statement of support for the UDF issued by the ANC at the recent common wealth conference. While we welcome the support of the ANC just as we welcome the support of any organisation or group of South Africans opposed to the constitution and the Koornhof Bills, there are no links between the UDF and the ANC, nor can there be any links under the present circumstances, Mr Lekota said. This was because the ANC was banned and because the methods of the UDF were different from those of the ANC. Mr Lekota said the UDF was concerned about allegations by some government officials that the UDF was a front of the ANC. There (20)

is/...

is no grain of truth in this allegation, but behind it lies an attempt to prepare the minds of the White electorate for the moment when the National Party shall decide to smash the UDF, he said. It is our contention that if this government had any evidence that the UDF is in any way connected with the ANC, they would either have arrested, detained or imprisoned those of our members and officials who would been responsible or would have had long since banned the UDF, Mr Lekota said." Did you make that statement? -- That is the text of the statement that I made. Incidentally (10) ... (Court intervenes)

COURT : Are we sure that this is the Evening Post because this has just been written in on the side, but this comes from Cape Town.

MR BIZOS : I will deal with that. My instructions are that it is the Evening Post. Did you seek out individual newspapers in order to make statements or did you adopt some other methods? -- In fact, I must explain that at times I called press conferences at which spoke a number of newspaper people. At times I was approached by specific newspapers (20) asking me for a statement on a particular issue and to which I would respond. But also one finds that you make a statement, sometimes I would make statements saying Port Elizabeth and SAPA, which is the South African Press Association would have representatives there and the statement issued from them would not only be restricted to the Eastern Cape, it would be relayed to newspapers in Natal, in the Transvaal, in the Western Cape and the Free State and so on, so that you find one statement going the whole country and even going abroad. I think - one of the things that I know (30)

that/...

that happened with the statement is that having issued this statement in the Eastern Cape, there were newspaper reports of this statement in the Western Cape, there were newspaper report of this statement in Natal and also in the Transvaal and I have no doubt that some of the papers who were interested in this topic at the time took it abroad, especially the statement had been made in Delhi at the Common Wealth Conference. So, the newspapers have got this network and they spread the message right across.

Would you please have a look at DA42 a document which(10) has already been handed in through Mr Molefe. I do not want to read that over again. Was this in response ... (Court intervenes)

COURT : Just for the record sake. This was it seems a report or an article in a paper which was the Star.

MR BIZOS : Of 20 April 1985. -- That is correct.

Did you make that statement? -- Yes, I issued that statement in response to a speech that had been delivered by the State President in parliament the day before, that is on the 19th. That is 19 April 1985 (20)

You have told us in relation - you recall that an issue was made in this case when did you directly and expressly say that you were a non-violent organisation. You have given us some instances of direct statements made before the launch, editorial opinions at the time, you have given us statements in which you denied any association with the African National Congress. Did you regard those statements as statements indicating the UDF's view to violence? -- That is so. In fact, the extent to which we dissociated ourselves or denied the links with the ANC can only (30) fully/...

fully be comprehended. If it is taken into account that at some point we specifically stated that we had nothing to do with the African National Congress, that was done in a number of meetings. At other times we specifically stated that the UDF was opposed to the use of violence or that it was a peaceful organisation and yet on a number of other occasions, we made it quite clear that the position of the UDF was to solve the problem of the country, the government must call a national convention. All of which places the UDF at a particular position in relation to the use of (10) violence and made it quite clear that our position was not one of the use of violence.

Were you yourself asked to write for the South African Foundation News? -- Oh, yes, in early 1985 I was invited by this organisation to write an article presenting the position of the UDF, because they needed that for their own readership and I did do so.

What is the South African Foundation News? -- It is a publication that is produced by this foundation which is a foundation of a number of business concerns as I under- (20) stand it.

What is the main aim of the foundation? -- One of its main concerns as I was told at the time is to facilitate communication between the various sections of South African society and as far as is possible to help to contribute to debates, to seek constitutional change by peaceful ways in the country.

I want you please to have a look at an article published in the March issue of the South African Foundation News. Was that written by you? -- This was written by me. (30)

DA66. I want to read portions of this into the record. Starting at the beginning. Perhaps you could read this.

"The United Democratic Front has two major objectives: to expose the serious shortcomings in the new constitutional dispensation, and to pressure the government into calling a national convention of all the people of South Africa that would lead to the adoption of a democratic constitution. We in the UDF seek a negotiated settlement because we believe that the less bitter the methods adopted to resolve the present problem, the easier will be the process of recon-(10) ciliation. The longer the government resists a program of guided negotiation, the more it creates the chance for a deepening of the conflict and acrimonious circumstances. The process of reconciliation then becomes more difficult. The reason for the existence of the UDF is to help the various sections of the public to learn to live together, to move towards a democratic society with all participating. The UDF will not participate in the forum announced by President Botha because that forum is founded on apartheid and does nothing to eliminate the problem. Certainly while acknowledged (20) leaders like Nelson Mandela remain in prison, there cannot be a solution capable of bringing about lasting peace. Consultation up to now has failed to eliminate armed conflict for this reason: we need a process of well-founded negotiation. In a country where people carry arms to further their political aims, the non-violent UDF cannot be considered radical. Some black groups would deny a place for whites in their new society, but we in the UDF still want to go for a negotiated settlement, with rights for Black and White. We are, I believe, the most reconciliatory Black(30) organisation/...

organisation presently operating. To ignore the UDF now is to ignore the most meaningful Black initiative."

Stop there for one moment, please. I want you to please read the last paragraph in the last column. -- "The government should strive to create an atmosphere necessary for a national convention. Let the accepted leaders represent their constituencies, Black and White, let there be representation on the basis of popular support, and let us create an open forum for all the peoples of South Africa without exception." (10)

COURT : Could I just ask you a question on the first column middle of the page, the forum announced by President Botha, what was that forum? -- The State President had suggested that the government wanted to consult or would be prepared to consult some of the organisations, not some of the organisations, but some of the leaders in the country and quite evidently except for the UDF and some of the other organisations, that only went for the homeland leaders, the town councillors and so on. That is what it was about.

You mean the UDF was not included in those asked to (20) participate? -- As we understood the terms, we were free or at least we had an option to come into it, but the point which we raised was that to participate in a scheme like that, which did not have the capacity to eliminate the conflict that was raging in the country, was unacceptable to us for the precise reason that what we have said was that to calm the Black communities, the leaders of the people must be released and whilst our leaders remained locked up in prisons, there was no way that people would accept that forum as representative. (30)

ASSESSOR (MR KRUGEL) : Did you understand that you were free to participate in the UDF now if you wanted to? -- As we understood the position at that time.

COURT : But did you understand that you were free to participate with reservation of your position? -- Not with reservation of our position. At that time the State President made the point quite clear, that that forum is the one that will be regarded as representative and that what decisions were reached, were final decisions.

Was that forum not be a forum which was to discuss (10) a proposed new constitution? -- No, it was not. In fact it was intended to discuss accommodation of particularly the African communities in this present dispensation. It was not saying let us come together and look at ways of creating a new political order in the country. It was not saying that.

Yes, but was the intention not that it would discuss ways and means to give the African population an effective say in the running of the country? -- No. If that was the position, the leaders of the African people, would then (20) have had to be there, who was going to represent us. Our leaders were locked up in jail.

That is step two. I am not asking you that. Is step one correct? -- No, no, it is not correct. Step one was to examine how African people could be accommodated in this present dispensation. That is what it was about.

That could not have been because the present dispensation provided only for three groups. -- Yes, that is why the forum was specifically involving the Africans. It was not going to involve everybody else in there. (30)

No doubt you will debate this with everyone concerned later on.

MR BIZOS : This article that appeared in the South African Foundation News, do you know whether or not it was reprinted in the Weekend Post newspaper? -- That is correct.

COURT : For record purposes, what is the Weekend Post? -- The Weekend Post is one of the Black community newspapers.

In Johannesburg? -- I think its headquarters were in Durban but it serves the Black communities all over. The circulation of this article did not land only with the business (10) sector. It went into our communities so that our people know what in fact ... (Court intervenes)

Just give us the date of that publication?

MR BIZOS : 6 April 1985. I now want to turn to the Working Principles. Had anyone undertaken responsibility for the formation of the Working Principles? -- As far as I understood the position the Natal UDF had been given the task of drawing up the Working Principles.

And were they discussed by the advance planning group? --. Yes, I think they were briefly discussed, but there was (20) not much really that I can say what happened. It was just accepted. It was just looked at and there was no problem about it.

I want you to please have a look at EXHIBIT A1 and the section of the Working Principles on page 3 3.4 "The UDF shall not purport to replace the accredited liberation movements of the people." Were you there when his 3.4 was incorporated into the Working Principles? -- Yes, I was there. In fact I read the Working Principles to the conference and when this amendment was moved I dictated it to the whole conference (30)

COURT/...

COURT : You mean this was an addition to the original draft?

-- Yes.

3.4 was not in the original draft. It was moved as an addition? -- It was moved from the floor and then I read it - I dictated it and the whole conference had to write as I was dictating it.

MR BIZOS : There has been debate in this court as to the meaning of this. Leaving aside the interpretation of the words, could you please tell His Lordship how it came about that this amendment was moved? -- This is how this came (10) about. At the national launch there were all kinds of political groupings and organisations and people who came from varied ideological, shall I say camps, some people were from the Unity Movement, some people from the Non-Racial Movement, others from the BC organisations, Islamic this and African Socialism and what not. The Court will remember that earlier on I mentioned that just before the luncheon adjournment we read the Working Principles and suggested to people that whilst they were at lunch time they could discuss informally some of the points so as (20) to facilitate debates afterwards. The Working Principles were also read at that time. People were given copies of the Working Principles so that they could look at it and scrutinise it. In the course of the lunch adjournment some of the people did not concern themselves with the Working Principles. I mean, they did not concern themselves with the declaration, but they were discussing the Working Principles. I recall that I came across a group at some point at lunch time who were discussing where some of the people that I knew from Natal were raising the question (30)

that/...

that it looks like if we go into this UDF with these Working Principles as they are, we will now be swallowed in. In other words, it means what one may call a "samesmelting", fusion and they did not want this type of thing. They wanted to preserve their ideological position. There was some debate about that. I did not think it was an important point as far as I was concerned. The more important point was the issue of the inclusion of the commercial section and the one that concerned the declaration. I stood for a while there listening to some of this debate and then I moved to these (10) other groups that were discussing the declaration. When we came back after the lunch adjournment and I read the Working Principles again, now this amendment was moved from the floor that we must add in this section that the UDF shall not purport to replace the accredited liberation movements of the people and because I was aware of the debate that had been taking place, I did not have any problems, I could understand it immediately and I wrote it. I did of course ask the house whether there was any objection against the amendment and there was no objection. Later of course, as will (20) be seen, we were criticised or some people criticised the fact that this clause was included here under "Aims and objectives". They felt it should not really belong there. It should have been put somewhere else. It is not something that you can call an aim as such. In any event, that is how it went in.

You say that there was a debate at lunch time in which some of the people you knew from Natal were involved. Can you recall a couple of the people? -- Among the people who were discussing this point I recall both Advocate Skweyiya (30)

and/...

and Advocate Phoswa.

There is no "h" for record purposes. Poswa. Do you know whether Mr Poswa in particular belongs to any particular tendency? -- As far as I know he was part of the Old Unity Movement, Non-European Unity Movement, NEUM.

You say there was concern about fusion or "samesmelting"? -- That is correct. People wanted to retain their independence. Their grievance was that the constitution must be opposed and then they said they did not want to become - they must not now be deprived of their ideological posi- (10) tion.

COURT : It was a question of identify? -- Yes, identity.

Used in political terms? -- Yes.

MR BIZOS : Was there any discussion or any understanding that this was reserving the position of the African National Congress or the Pan Africanist Congress or anything like that? Was there any discussion or any understanding of this nature? -- At no stage did any suggestion of that nature arise. It is an importation which has no basis whatsoever in the circumstances that were there. It was (20) just not there at all.

As far as you were concerned whilst you were in the UDF was the "s" ever dropped deliberately dropped as an amendment? -- No, incidentally, that reminds me now, I personally dictated this amendment when it was moved. First of all it was moved there and then I had to dictate it back to the House to write it down and I think I dictated it more than once, at least two times. When, however, the Working Principles were produced at a later stage, there were some copies of the Working Principles which did not have the (30)

"s"/...

"s". In fact accused no. 19 and I had to make ways to correct those copies. There were copies which were correct, because they said "movements", but there were also other copies, I could not quite find out who had produced them, which did not have this "s". This is now shortly after the national launch. At no stage was it - am I aware that it was decided at any meeting of the UDF, whether it be regional or national, that the "s" must be dropped. It has always been part of it and that is because we wanted to - it allowed other people to feel comfortable, that even if in the UDF they must not(10) be seen to be what they did not pretend to be.

You have already touched on this, but I want to refer you to rights of members 6.1 on page 9 of A1. "Rights of members. All regional formations and member organisations shall have complete independence within the umbrella of the United Democratic Front, provided that actions and policies of members are not inconsistent with the policy of the UDF. The national executive committee in consultation with regional councils will decide whether or not any inconsistencies exist." Why was this incorporated in the Working(20) Principles? -- First of all because the UDF was a front, the question of autonomy of the affiliate was an important one. In fact because the affiliates of the UDF were organisations that had existed in their own right before the UDF was formed, it was important for them to define the parameters as to what extent they were ceding their independence in affiliating and to what extent they remained independent. This section here, this clause attempts to define relationship between the UDF and its formations so that sometimes you have a group of organisations in a region taking a (30) particular/...

particular decision. That decision is a decision that is binding on that region. It is a decision of that region. Of course within that region itself there is a certain amount of autonomy of the affiliates themselves, to what extent they are in a position to carry out that or not. So, that a decision that is taken by a region does not bind the other regions which are not party to it, but even if a decision was taken at the national level of the UDF the front did not really have total power to force its affiliates or any of the regions to pursue those decisions. So, it was really (10) a very sensitive situation to balance. One had to be very careful not to attempt to ram things down, the throws of people even if it was by a majority. I may give this example on this question of autonomy. The referendum question for the Indian and Coloured communities.

I think that reference has been made to this, but I do not know that anyone has placed on record precisely what the referendum was. Was there a proposal as to whether or not the Indian people and the Coloured people would be asked whether they wanted this tri-cameral system to be decided (20) by referenda of their own? -- Yes, that question arose and it became particularly important after the White referendum because the White community had been asked to say where it stood in relation to the new constitution. Now, the debate really was whether the government would allow the Indian and Coloured Communities to do so or not and then the government said if the Indian and Coloured communities wanted a referendum, if those parties wanted it, they can have it. If they did not, this was the position. So, the issue became one of serious debate now. Once the government has said so. (30)

That/...

That is how the whole referendum in question then arose.

Was in fact - were there differences of opinion within affiliates or amongst affiliates of the UDF on this question? -- There were a lot of differences. Differences had began with a response to the White referendum and it became even sharper now with the question of a possible referendum for the Indian and Coloured communities. There were very sharp differences there.

What were the different standpoints? -- There were people who felt that the UDF and its affiliates should call for (10) a referendum, demand that the government should call a referendum so that we could show through our supporters that it was unacceptable. Therefore that we could vote no. There were people who felt that we, the UDF should not take that position, because to start with, if they took that position it would mean justification of a racial referenda and racial methods of looking at issues and yet others felt that even if we called for that referendum, the government - we did not have control over the results and we could not be sure that the results would be accurate and so on. So, there (20) were all kinds of debates and objections that were raised. But the main disagreement was whether it should be called for or whether it should not be called for. That was really the main question. We could not reach consensus. We called a conference in the circumstances. The question could not be resolved there. It was referred back to the regions for further discussions. The NEC was given the mandate to synthesise views from the various regions and come out with a position that even at that stage in early 1984 the position remained dead logged and we were not quite able to (30) resolve/...

resolve that issue.

In view of this example that you have given, what do you say to the suggestion that the UDF gave directions or control the policy of affiliates? -- If anything, this is one case which illustrates clearly that the UDF did not have the amount of control over its affiliates that is suggested by the State. It shows quite clearly that we had to attempt to balance things very carefully, otherwise we would have found ourselves in problems.

In any event this divided opinion, were referenda (10) eventually called for for the Indian and Coloured Communities? -- No, they were not called for. I think - we were not the only ones of course who had problems with this question. Even the participating parties had problems, although of a different kind, because I think they were more threatened by the amount of support which we had and they could not afford to take us on on that question and so they were not called, because ... (Mr Bizos intervenes)

Once it became clear that there was this division of opinion, what was the decision of the National Executive (20) Committee? -- In the end the National Executive Committee resolved to make a call on the government for a non-racial referendum. That is a referendum for the whole country, but it left the question open for the regions of the UDF in the case of the Indian and Coloured communities if a referendum was called to handle it on the basis of the conditions that existed in those regions as they judged the situation best.

A number of resolutions were taken at the conference? -- That is correct.

They appear on EXHIBIT A1. I do not want to refer (30)

to/...

to them individually, what I want to ask you is ... (Court intervenes)

COURT : Just a moment. Were these resolutions taken at the conference, adopted there and later read out to the assembly, to the public meeting? -- No, that was not the position. They were adopted in the conference. That is the session that began at 10h00 until about 17h00. That was the conference section and it closed off and then immediately afterwards the rally, the public rally began. These resolutions were not read to that rally, that public rally. What was (10) read out, however, at the end of the proceedings was the declaration. I think it was the closing section of the declaration. I am not really accurate on that point. The very last portion of the declaration of the front was read by Dr Allan Boesak who was the last speaker and all of us repeated the words after him as he was reading and that is the only thing that was read to the public there.

The resolutions appear on page 24 and subsequent pages of A1. What do you say to the allegation by the State that each one of these resolutions represented the conduct of a (20) campaign by the UDF? -- That is simply not so. It will be seen I think if one looks at these resolutions, some of them were issues that were at that point in time of public interest and therefore issues which people were thinking about. Some of them were issues which affected our communities and broadly the front expressed its position or its views on that, but they were not campaigns at all. They were not intended to be campaigns in any way.

What meaning did you give to the word "campaign" in the UDF? -- A campaign as we perceived it would have been (30) something/...

something that would be pre-planned with stated objectives and it would be nationally co-ordinated. It would be something that would be undertaken at a particular time by our affiliates and it would start there, it would end where, at least. Those parameters would have to be defined.

How did these resolutions come to be put to the conference? -- Some of the resolutions were moved from the floor, that is by individuals from regions, some of them followed debates or discussions on an issue where the resolutions committee was asked to draft a resolution on the (10) issue after the debate and sometimes individuals call for the resolution on the issue and then it was proved by whoever was available to do so. It was a fairly well fluid situation.

Was there any co-ordination of the proposed motions? -- No, in the first place it was not pre-planned. So, the kind of - everyone of them came whenever it came. If somebody had finished writing it for instance and he said - it reaches the resolutions committee and it passes the table, that is how it went. (20)

Was there a resolutions committee? -- There was a resolutions committee.

Who did it consist of? -- I cannot remember how the whole of it, but some of the people that I remember were there, were Ebrahim Patel, Mr Paul David and some of the other people. I cannot remember the other people now so distinctly.

Which campaigns would you say the UDF actually conducted during your term of office as publicity secretary?

COURT : What was your term of office? -- It was from 1983, (30)

20 August until my arrest.

Your arrest was?-- That would have been 23 April 1985.

The campaigns were? -- The campaign against the Coloured Management Committee elections. Then there was the Black Local Authorities elections. Then there was the million signature campaign and finally the campaign against the new constitution - elections in 1984.

MR BIZOS : During the term of office that you have mentioned were you in detention. I think it is an admission. Between 21 August 1984 and 10 December 1984? -- That is correct. (10)

We have what purports to be a recording of the launch in V1 and V26. I do not want you to deal with any detail in relation to the speeches. At this stage, what do you say about these recordings? Are they a true reflection of the proceedings? -- It is difficult for me to say that they are a true reflection or not, because some of the things that happened that I observed in meetings or that I heard are not there. Some of the things are there that I did not observe and at some meetings I would have been busy with other things myself, so I would not have been able to observe (20) the meeting from beginning to end. So, I cannot vote for the accuracy or inaccuracy of the tapes.

For instance Mr Frank Chikane's speech starts on page 23 of V26. When did he in fact speak? -- That is an obvious mistake, because he was at the beginning of the conference on the 20th in the morning. He was the first person to address it, so that all the proceedings of the conference would have followed his speech, but I find it is in the middle there.

Is this an example? -- Yes, this is an example of some of the things.

(30)

For/...

For how long did the conference last? -- I estimated that it began at about 10h00 and it went on to about 17h00/17h30 in the afternoon.

With a luncheon break? -- With a luncheon break.

And the rally? -- The rally began at about 18h00 and it went on into the evening possibly up to about 22h00 or 22h30, late in the evening.

You told us yesterday that there appear to be a relaxed spirit at the time - in 1983 and you wanted to express your views about the future of the country and you took an (10) opportunity to do so. There were - how many delegates were there to the conference? -- I would say approximately 6 to 700 delegates attended the conference.

And how many people at the rally? -- It ranged between 12,000 and 15,000.

Let us deal with the conference first without wanting to sound elitist in any way. What strata of the community were represented there? -- I cannot think about a section of the community that was not represented. There were professionals, there were workers, housewives, students, (20) the youths in general, everybody that you could think of.

People who have taken an active part in the professions, in medicine, in law? -- That is correct.

Were they there? -- In abundance. I remember at some point we had the problem that the police were said to be around and then we needed people to go and talk to them. Then it was suggested that we must just get lawyers and there was a whole mob of lawyers there and advocates and everybody. There many of these people.

Doctors, trade unionists, teachers? -- That is (30)
correct/...

correct, church men.

How do you feel about this allegation that this was a conspiratorial meeting in order to overthrow the State by violence? How do you react to this having been there? -- I think it is proposterous. Any conspiracy or secretive agreement where there are so many thousands of people, would be too public to be a secret any way. It would have no future as a secret, because the whole country almost was there. We had no secret agreements there, no secret agenda, in fact the purpose of making the meeting so big and (10) inviting people and so on, was precisely so that the decisions and the agreements that were made there must be known as widely as possible. Especially we went to Cape Town so that we must be not too far from parliament also. So that the government can hear and the newspapers were invited, the TV crews were invited and everybody had to know what we had decided.

COURT : You were within shouting distance of parliament?

-- Yes, that is correct.

MR BIZOS : Was there any decision about who would be (20)

the affiliates in relation to the people who were present?

-- It was decided that - it is stated in the Working Principles that all those who are present, those organisations present, unless they specifically state so, would be regarded as affiliated. There is one mistake that I just want to correct here and I thought I would raise this issue just now and it just escaped me again. I think at page 9 of Al 5.3 it will be seen there that - may be the other copies are correct, but mine is not correct. It says "In terms of membership". It should actually say "The terms of (30)

membership/...

membership." This mistake is an old one and it has always been there. As I have said the Working Principles state that those were present unless otherwise would be regarded affiliated.

The organisations that had sent delegates there, did they accept that they would affiliate? What steps did they have to take in order to show that they were not interested in affiliating? -- Even if they were not affiliating, they would have to state so. They would have had to let us know that look, we are not affiliating and we are only here as (19) observers or so, because they registered as they were coming in. So, we had the list from the registration as they were coming in. If they did not affiliate, they would have indicated that way. If they had affiliated there and at a later stage they decided to disaffiliate, all they needed to say was that we are withdrawing and that was all. There was no other condition they had to satisfy.

Do you know whether there were any people from the Soweto Civic Association at the national launch? -- There were some of the people present there. I recall speci- (20) fically Dr Motlana was there.

COURT : When we speak of the launch, are you speaking of the conference? -- I am speaking about the conference now. The conference itself. People like the Reverend Chikane, people like accused no. 19 and some of the people that I knew came from the Soweto Civic Association.

MR BIZOS : You heard the evidence of Mr Molefe who told His Lordship about the SCA that in the UDF it was generally accepted that the SCA was affiliated and you also heard the evidence of Mr Manthata, accused no.16, that as far as (30)

he/...

he was concerned there was no affiliation. As far as the UDF was concerned, did it conduct any enquiries about the internal ways of a particular organisation? -- No, we did not. Our general perception had always been that the SCA was affiliated to the UDF. I am not familiar with the internal workings of the SCA and in any event we had no right to go and pry into the affairs of organisations, but our understanding was that it was affiliated to us and that is as far as I can take the matter.

We also have a situation where ... -- There is some-(10) thing that I just want to mention. I had said here now that all the organisations, if they were there, they affiliated and that was all, but I must also say that of course that they had to ally themselves or to accept the declaration of the front on such formalities as are set out in the Working Principles. I just wanted to add that.

COURT : Well, the fact that they were there, that they participated in the adoption of the declaration and the Working Principles and that they later on did not withdraw from your organisation, meant that they subscribed to these(20) papers? -- That is correct.

MR BIZOS : You did not go and enquire whether a particular delegate had the authority of his executive committee or his general meeting or anything like that? -- We did not do that. We are not in a position to do that. That was particularly so with an organisation like the SCA where you find that the personalities are well-known personalities and some of them serving in some of the committees of the front. We did not have any reason to really think we must go and investigate what had happened

(30)

Did/...

Did all the affiliates pay their subscription fees? -- Some did, some did not as it is. I think some of them are very poor organisations and if a little bit of money has to be raised everybody has to take out 50c and so on.

Was there any credit control as to whether affiliates paid or not or was it just left in abeyance? -- I cannot speak on the internal working of the regions and so on, but as I understood it, it was not a particularly strict condition.

You did not chase people for their dues? -- No, we did not especially because they had their own economy problems.

COURT : Numbers were more important than numbers.

MR BIZOS : I am sure.-- UDF support is quite important.

We also have a situation where apparently both the SCA and the Committee of Ten were listed as affiliates. Did you know what the precise relationship between the Committee of Ten and the SCA was? -- Admittedly no. I myself, I think especially in 1983 I was also under the impression that the SCA and the Committee of Ten were two distinct organisations. It was much later that I came to the knowledge or realisation(20) that in fact that was not the position. I think a lot of other people especially if they are not staying in Soweto would have - I would not be surprised to find some who would think that the SCA and the Committee of Ten are two distinct organisations.

And the list of affiliates, where was that done? -- It was done in the Western Cape. That is where we were at the time and they would have been even further from Soweto, from Johannesburg to know some of these things.

And where would they have picked up the names from? --(30)

They/...

They would have picked up the names from the registering pages that we had as delegates were coming in.

Once you were elected national publicity secretary, were you a member of the national executive? -- That is correct.

Were you ever present at any secret or conspiratorial meeting of the National Executive Committee of the UDF? -- Not at all.

Did the National Executive Committee keep minutes? -- All the proceedings of meetings were minuted. (10)

Were written reports submitted to you? -- Well, there were written reports submitted and they were kept.

Did you attend all the National Executive Committee meetings? -- Yes, except those which took place when I would have been in detention.

Which is the last meeting that you attended in 1984? Do you recall? -- That was the July, 21/22 NEC in Bloemfontein.

Did you attend other National Executive Meetings during 1984? -- No. (20)

COURT : After or before that date?

MR BIZOS : After that date? -- After?

After the July meeting. -- After July 1984 I did not attend any NEC meeting.

The indictment alleges that you attended the meetings of the National Executive Committee in pursuance of a conspiracy to overthrow the State by violence in which the ANC and the SACP were involved. What do you say to that? -- That is simply untrue.

You have seen the minutes that were kept of the (30)

National/...

National Executive Committee as exhibits in this case? --

That is correct.

An attempt was made to incorporate some of the decisions into the indictment. I do not want to debate with you whether they have been correctly transcribe, correctly summarised into the indictment or not, but what I do want to ask you is, whether there was anything at any of the meetings which you attended which either concerned itself with the overthrowing of the State by violence or promoting a revolution or making the country ungovernable? -- Not at all. (10)

The indictment alleges in a number of places that the UDF mobilised, conscientised and politicised the masses for the purposes of overthrowing the State by violence. What do you say to that allegation? -- I deny that flatly.

Did you claim the right as an individual and as an organisation to organise the people? -- No, we did not claim any right to organise the people. We considered in any event that we had a duty to take the initiative and see to it that the problems which confronted our communities are attended to. In all civilised communities especially mor than big (20) societies where people find themselves in big settlements and so on. There is no way in which one can solve problems without setting up an organisation and therefore co-ordinating community effort in one common direction.

Insofar as you addressed meetings, issued pamphlets made public statements, did you see yourself any different to any other group of people taking part in the political life of the country? -- No, we saw ourselves taking part in activity, either political or civic, that was pursued by any other political or civic organisation in any of the (30) other/...

other communities including the White community and as far as we were concerned that was the only appropriate way in which we could take up problems and draw the attention of the government to the problems which confronted our communities.

You told us of what the main purpose of the establishment of the front was. Were there any, other than the campaigns that you have mentioned, other issues in the community which you found constrained to take up? -- That is correct. A lot of our affiliates would have been concerned with a (10) number of other issues pressing problems around which we would find ourselves from time to time forced to comment and to express their feelings about them.

What do you say to the State's allegation that your concern in relation to this issue was really not in relation to the issue itself, as an end to itself, but rather in order to achieve some grandeur objective? -- I think there is a mistaken impression. The question of proper representation, of participation in the government of our country is too important a matter for play time. For us the elimination of apartheid, the involvement of our communities in the (11) political decision making process of the country, is a matter that is very crucial. It is a matter that concerns our very survival and particularly because the problems which we are confronted with, the things which we do not have, the rights which we are not accorded, are as a result of the fact that we do not have political rights in the country. It is too pressing a matter for us to toy with, to pass time with, to play around with. We have families, we are parents, we have ambitions which we cannot achieve because (30)

of apartheid. We know that when we stand up and we say that apartheid is unacceptable, indeed I mentioned at one of the meetings for us the consequences are serious. It could mean many years of imprisonment. It could mean many months of detention without trial.

K908
ASSESSOR (MR KRUGEL) : When you say what? -- When we say to the government apartheid is unacceptable to us, when we say that we do not support its structures, the consequences for us and our families are killing, to say the least and as I say we could go to jail. We have done so. For the (17) last two years we have been in jail. We have not seen our families, we have not seen our children. We know that these things would happen. We cannot take up an issue like that and play with it. That would be playing with our lives. The reason why we take up the issues and when we state that these things are unacceptable is because we realise that if we do not do so, the consequences for our people, the consequences of our country would be more serious than if we stood up and said so. Let us perhaps - some of us may be pull a bit difficult here and there but if in stating (20) the complaint of our people we can reach the government. If we can persuade it to change, then our suffering would not be in vain, but we cannot sit back and fold our hands at a time when our country is undergoing serious problems and then say - and then leave things to go on like that. We stated that even to the State President that we cannot leave the obligation, our obligations as mature and responsible citizens of our country. We cannot link that to any section of the population. We are ourselves in our right obliged to act responsibly. If we did not do so, and a lot of (30) people/...

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LEKOTA

people are losing their lives in the townships and so on
and what not, how do we stand up, how do we explain our
behaviour tomorrow.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14h00.

DELMAS TREASON TRIAL 1985-1989

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