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DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORÉ: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

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KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

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COURT RESUMES ON 30 JANUARY 1987.BAVUMILE HERBERT VILAKAZI: d.s.s.

COURT: Mr Vilakazi before Mr Jacobs starts we discussed yesterday a paragraph in the Working Principles of the United Democratic Front and I asked you certain questions on it. Would you like to add anything to what you already said? -- That is so.

Yes go ahead. -- The paragraph in the AI on the Working Principles the question referred to was on the UDF not replacing the liberation movements. (19)

Well it is not exactly in those words. Let me just get the exact words.

"The UDF shall not purport to replace the accredited liberation movements of the people."

-- That is so, yes. Now the question that followed there was whether I would regard COSAS as a liberation movement.

As the accredited liberation movement. -- Yes as the accredited liberation movement. Why I said no to that answer because that would be seeing COSAS in isolation of other organisations in the country. My impression the launching of (20) the United Democratic Front was that there were a number of organisations who through some political philosophy would be grouped together under that particular philosophy and be seen to be as a group a liberation movement. As it was then there were groups of which I would say COSAS was part of, that is including the Soweto Civic Association, which group believed in non-racialism as a concept. As opposed to other groups, groups like AZAPO who were already there, groups like the Azanian Student Movement who though they believe in Black consciousness would be seen as a Black consciousness (30)

movement/....

movement. So my understanding there on that paragraph is that the UDF shall not itself purport to replace these accredited liberation movements of the people, being that as it was the UDF was open for membership from all these groupings regardless of ideological position being held and through the UDF the invitation was that all these organisations could come together without any risk of losing their own autonomy. As I would not see the Soweto Civic Association or COSAS or the Vaal Civic Association individually as a liberation movement. But through sharing the same belief with other organisations who believe (10) in non-racialism, like for instance groupings like the Black Sash or the Detainees Parents Support Committee together these organisations, when they are together, they come together as a liberation movement bent on the concept of non-racialism.

Have you finished? -- That is so.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi did you, after the Court adjourned yesterday did you discuss this with your co-accused? -- I discussed this with myself because the person who I could have discussed it with ...

COURT: No please answer the question. The question is did (20) you discuss it with your co-accused. The answer is either yes or no. -- No.

MR JACOBS: Not out of your answer you have given to the Court now how is it possible for UDF to replace AZAPO? There is not such a possibility, it can ask AZAPO to join? -- That ...

MR BIZOS: My Lord it does not say, it says precisely the opposite, it will not replace. The question is founded on a misunderstanding of the passage.

MR JACOBS: Can you tell us how it is possible for UDF to replace AZAPO? -- As it is ... (31)

MR BIZOS:/....

MR BIZOS: I object to the question My Lord.

COURT: Why do you object to the question?

MR BIZOS: To replace AZAPO My Lord.

COURT: Yes.

MR BIZOS: And the passage is not, it is not going to be a substitute, not going to be a substitute.

COURT: Yes Mr Bizos.

MR BIZOS: If it was going to replace ...

COURT: Yes Mr Bizos the misconception is on your part not on Mr Jacobs' part, the question is allowed. (19)

MR JACOBS: Will you answer my question please. -- The UDF could not replace AZAPO because AZAPO being a political organisation I see it as a first level organisation.

Yes it can never ... -- Whilst the UDF is a second level organisation.

So there was no possibility of UDF replacing AZAPO? -- That is so.

And it can only try to get AZAPO to join the UDF? -- Not AZAPO only because when ...

Or AZASM, or the others? -- The others together, being (20) representative of the Black consciousness movement as a liberation movement.

Well if UDF can never replace AZAPO then there is no need for such a provision in the Working Principles because you are saying here, I will read it to you again,

"The UDF shall not purport to replace the accredited liberation movements."

So -- That is so. As I put it I said in my explanation, particular with regard to COSAS and the Soweto Civic Association, equally with AZAPO we do not look at AZAPO in isolation (30)

but/....

but we see AZAPO as part of the Black consciousness movement which is one of the accredited liberation movements. So as I, the clause there removes all fears for the, all the movements that were willing to come under the umbrella of the UDF.

COURT: If that explanation is correct Mr Vilakazi how do you reconcile paragraph 3.4, that we are dealing with, with paragraph 6.1? Where it is explicitly set out. Why was it then necessary to repeat it in 3.4? -- Because at paragraph 6.1 it deals with the original formation of the structure.

Not only, it deals with the members as well. -- The (10) membership of which is on individual organisation level. Whilst at paragraph 3.4 it deals with the particular concepts that may feel threatened by joining up within the UDF. Like I said the Black consciousness movement would be comprising of a number of organisations affiliated to the Black consciousness philosophy amongst which AZAPO would be a member.

Is your reading that paragraph 6.1 refers to regionals only and not to members? -- Refers to the formation of the region by membership, which membership is by individual organisations. So if an individual organisation within the (20) Black consciousness movement decides to join as an organisation within the UDF then its autonomy will be maintained. But what 3.4 here implies is that the concept of the Front is not to take over any political ideology or to threaten by membership into the Front no political ideology would be threatened as such.

MR JACOBS: Is it not so that this specifically referred to the ANC, that is, and that then in regard to the ANC 3.4 will be more in line? -- No. The way we saw it, being the formation of a United Democratic Front in the country and this being (33)

the/...

the Working Principles open to people who, or to organisations who want to affiliate and people who have different ideological followings like the Black consciousness movement and the others, this clause is meant to be clear on the members or the organisations within different concepts that by affiliating to the United Democratic Front it does not mean that the new concept is to be born out of that which will then replace the concepts that have been there before the formation of the United Democratic Front, and being a peaceful organisation that was bent to approaching the problems of this country through protest (10) inside the country I did not see any link or I did not attach any link to the ANC with regard to that clause.

But you say that the ANC is an accredited liberation movement? -- Here we are...

Yes or no? -- .. talking in terms of inside the country. This was meant for organisations inside the country. So with the ANC being banned, it being an accredited liberation movement or not that will not have anything to do with this clause here because this is directed at membership within the country.

COURT: The question is is the ANC an accredited liberation (20) movement, yes or no? -- Well yes it is.

MR JACOBS: And so ...

COURT: Is the PAC an accredited liberation movement? -- Well I would see it as such.

MR JACOBS: So this 3.4 can be applicable to them? -- No. My understanding of 3.4 is with reference to organisations operating legally within the country.

Where does it say, in this law say operating legally in the country? -- Well the UDF was meant to operate legally within the country. (11)

I did not ask you about the UDF, I am asking you now about the accredited liberation movements. Where does it say any accredited liberation movements must operate legally in the country in this? -- Well my answer is with the understanding of this clause and of the United Democratic Front of which this clause comes out of the Working Principle of such a Front.

This surely cannot be, this 3.4 surely cannot be applicable on the UDF itself? That is according to you operating legally in the country? -- I do not understand the question.

Well if this clause is only referring to accredited (10) liberation movements legally in the country, and as you understood the UDF then it must also refer to itself, according to your explanation? -- That itself will not replace those accredited liberation movements of the people inside the country, as the UDF was launched inside the country. I would find it difficult if this would also include organisations operating, or organisations of the people's accredited organisations of Lesotho or of Botswana or of South West Africa or of Rhodesia, because the United Democratic Front is a front based in South Africa, operating legally in South Africa to seek peaceful (20) change to the situation inside the country in South Africa. If an organisation is banned in South Africa equally this clause then will not refer to that organisation. That is how I understand it.

Mr Vilakazi we are going back to EXHIBIT V19(b).

COURT: V19?

MR JACOBS: (b), page 6. I would like you to read there in the middle, the tenth line from the top.

"What are we going to do as a people who want to liberate the country? We must discuss freely among ... (33)

COURT: /....

COURT: Let us just recapitulate. Whose speech are we dealing with?

MR JACOBS: Still with Aubrey Mokoena's.

"What we are going to do as a people who want to liberate this country? We must discuss freely amongst ourselves as comrades, understand this concept, internalise them, make them our own. The struggle must belong to the people it must not be distant there. It belongs to the, and belong to different people or officials. This is the popular struggle of the people. We must spread the (10) gospel of the UDF, everybody must spread the gospel of liberation."

Can you remember Mr Mokoena saying this at this meeting and do you ... -- This meeting took place in 1983, in October, and I will not be in a position to have, at this stage to remember every word that came from Mr Mokoena then.

Were you present while he was making his speech? -- I was present when he spoke.

And at the time when he was making his speech did you concur with him, agree with him on what he said? -- I under-(20) stood what he said.

And did you agree on this? -- On this yes I agreed with him.

And will you have a look at the bottom of that page as well, the last paragraph, eight lines from the bottom. It started:

"We must be personally involved and convinced of our struggle for liberation. We must make and support the call to release Mandela and all his comrades who have been incarcerated. (They raise clenched fists, (30) clapping/....

clapping of hands) on Robben Island. Mandela is a symbol which symbolises genuine liberation of our people and In fact we know that without him no meaningful political solution in South Africa can be possible."

Do you remember that? -- Well I can see that here in this script.

And at the time did you agree with him when he made his speech? -- Well I could understand him as an official of the Release Mandela Committee.

Is he also an official of UDF ... -- Well he is.

.. and REC, Regional Executive, Transvaal? -- I think (10) he was at that stage.

And did you agree, that was my question, what he was saying? -- Well I agreed with the concept of the release of Mr Mandela for negotiations to take place between the leaders of the people and the government in solving the problems of the country.

Do you agree out of the two portions just read that it is an important part of the concept of the struggle for national liberation that the struggle must belong to the people? -- Where are we now, back to the talk? (20)

COURT: Yes what line are you dealing with Mr Jacobs?

MR JACOBS: The first passage that I read sir, I combined it in one. That, do you agree that it is an important part of the concept of the struggle for national liberation, I am referring to this liberated country.

COURT: Well then let us get away from the text as such. Just put the statement to the witness and see whether he agrees, your statement and not Mr Mokoena's.

MR JACOBS: Do you agree that it is an important part of the concept of the struggle for liberation that is part of what (30)

Mr Mokoena/....

Mr Mokoena said, that the struggle must belong to the people?

COURT: Is the question now that Mr Mokoena said it or are you asking the witness' opinion?

MR JACOBS: Out of what Mr Mokoena said.

COURT: Well let us forget about Mr Mokoena. Do you want to know what he thinks or do you want to know what Mr Mokoena thinks?

MR JACOBS: I want to know what he thinks.

COURT: Well ask him what he thinks and forget about Mr Mokoena. (10)

MR JACOBS: Do you agree that it is an important part of the concept that the struggle must belong to the people? -- My understanding of this line it means that people have got to be involved in trying to solve the problems on the matters affecting them and their lives. That is my understanding of this, and not to wait for other people to do that for them without them being involved, without them being agreeable even to the methods that are there. But with them involved they can apply the methods they see as befitting the situation to their benefit and in that regard I will agree with Mr Mokoena. (20)

And is it also in line with the policy of the UDF that the people must be an important part of the struggle? -- Well I do not know of an official policy to that regard.

And the VCA, is that in line with the policy of the VCA, that the people must be involved in the struggle? -- Well with the VCA we believe that the residents must participate fully in decision making within the organisation to be able to deal with problems that affect themselves.

I beg your pardon, I did not hear the last part? -- I say in the VCA we believe in full participation of the residents (30)

in/....

in deciding on matters that affect their lives.

And in the VCA did you try to mobilise the people to participate in the struggle? -- Mobilise them to participate in the area committees in their struggle to improve their lives in the townships.

I will like you to have a look further on what Mr, just before we go on I just want to ask you something else here. I see here that Mr Mokoena said that Mandela is a symbol which symbolises the genuine liberation of our people. Do you agree to that? -- Well Mr Mokoena chose amongst the leaders of (10) the people of South Africa Mr Mandela because of the belief that the people have that with the solving of the problems the leaders of the Black people of South Africa must be involved in the negotiations towards solving the problems of the country and ...

COURT: Mr Vilakazi I am sorry to interrupt you but I have a difficulty with the way in which you answer questions. You tend to give an explanation first and then later on you may or may not come to a point whether you agree or disagree with the question put to you. I would ask you first to say you agree (20) or you do not agree and then give your explanation so that we know where we are going. If you want to agree in a qualified way say "Well I agree but subject to the following". Just tell us where we are going before we have a long speech. -- I agree as I understand that this is the feeling of the majority of the Black people in the country that the problems of the country must be discussed with the leaders of the Black people. And with Mr Mandela regarded as a leader of the Black people of the country I understand the call for his release and Mr Mokoena's indication of the importance of Mr Mandela in these (30) deliberations/...

deliberations in improving life in South Africa for all.

MR JACOBS: Mr Vilakazi will you agree with that the answer that you have just given to the Court makes Mr Mandela not a symbol but makes him part of the process of negotiations, is that correct? -- Well I see him as part of the process.

But here it is not a question of him being part of it. They say Mandela is a symbol of, which symbolises the genuine liberation of our people, he is a symbol? -- Well I do not know what the symbol is, in what context the symbol is used there, so I would not commit myself to that. (10)

If you take the words as they stand here, and that was the message conveyed to the audience, it was conveyed to the audience that he is a symbol? -- Yes and I do not know if the audience would have understood what is meant by that now that I did not even understand now what is meant by that.

So do you agree that Mr Mandela is a symbol of the struggle for liberation? -- My answer is I cannot agree as I did not understand the context in which the word "symbol" is being used.

And if that is the policy of the UDF that was stated (11) here that Mandela is being used as a symbol in the struggle for liberation to get the people, what would you say? -- I do not know of an official UDF policy to that regard.

Mr Vilakazi do you know anything about the official UDF policy? -- Well one of the policies of the UDF is non-racialism.

Is that all that you know? -- Well I do not know them all, the policies of the UDF but I will not say this is the policy of the UDF.

And if a person in the leadership of the UDF comes around and says that Mandela is only a symbol of the struggle, (12)

the/....

the struggle for genuine liberation what would you say to that then? Would you accept it or what would you do if you were not in politics, you were an ordinary person? -- I think you will have to clarify.

MR BIZOS: The word "only" does not appear in the passage.

COURT: Mandela is a symbol, not only.

MR JACOBS: That Mandela is a symbol which symbolises the genuine liberation of our people, I will read it out of it again.

COURT: Now what is the question?

MR JACOBS: If that is said by a person in the leadership (10) of UDF to people at a meeting arranged by UDF then everybody must accept that he is only a symbol, that is putting the policy of the UDF.

MR BIZOS: My Lord the word "only" is introduced, which is not there and the witness' answer was that he is not a symbol, he is part of it and to introduce the word "only" and ask him to comment on it is not fair, with respect.

MR JACOBS: Leave out the word "only", that he is a symbol. -- Well if Mr Mokoena as an official of the Release Mandela Committee sees Mr Mandela as a symbol of the liberation (11) and I as a Vaal Civic Association member see Mr Mandela as part of the whole thing, of the whole problem solving situation in the country and I give my answer to that effect I do not see now why the advocate now presses me to be agreeable to that point being made by a member of the Release Mandela Committee of which I am not a member myself. Even if I explain that I did not understand in what context the symbol is being used there.

You cannot dispute that Mr Mandela is regarded by the UDF for the purpose of the struggle as a symbol to catch the (12) people/....

people and to get the people to follow them? -- I do not understand that now.

You cannot dispute if Mr, I put it to you that if Mr Mokoena said he is a symbol in the struggle that in actual fact why you were singing about Mandela always and he is used as a symbol to get the people behind the UDF? -- Well in this speech Mr Mokoena does not say that and I have never heard of any directives from the UDF with regard to what songs should be sung and for what purpose and for what reason. I have heard songs being sung and I have given my understanding on the (10) songs that I have been asked to explain why are these songs sung.

In general terms can you tell the Court why a symbol is used, do you know? -- Well I did not know.

You do not know? -- I do not know.

Not at all. And I would go further and say that Oliver Tambo is also used as a symbol and that is why you are singing of Mr Tambo as well?

COURT: Have you a comment on that? -- No I disagree with the proposition. (10)

MR JACOBS: Do you know of any reason why a terrorist leader is being used or propagated as a symbol of the struggle? -- I do not know any stage where such a person has been propagated as a symbol of the struggle.

Is it not done here? Is not Mandela propagated here as a symbol of the struggle? -- Well I do not know that I said that I do not know what context the word "symbol" has been used there. I know why people from time to time will sing praises to Mandela. That question I have answered earlier on during cross-examination. (10)

Do/....

Do you... -- Unless I understand in what context this symbol is being used by Mr Mokoena.

On the face of it as it stands here without looking for hidden meanings behind it, as it stands here that he is used as a symbol in the, which symbolises the genuine liberation struggle? On the face of it it is quite clear that he is being used as a symbol to get the people together behind the struggle? It is, and to use, and it is used to mobilise the people in the struggle? What do you say to that? -- Well I will not take it at face value. (19)

MR BIZOS: My Learned Friend is not giving the words at their face, there can only be a face value if we use the words. The words are that Mr Mandela is a symbol who symbolises the genuine liberation of the people, and in fact we know that without him no meaningful political solution in South Africa can be possible.

COURT: Yes your quotation is correct, apart from the fact that there is not any Mr.

MR BIZOS: Well I am accustomed to calling everybody Mister, I am sorry. (20)

COURT: No I have no objection to that but you were correcting Mr Jacobs all along so I just put the correct facts on record.

MR BIZOS: Thank you My Lord, I apologise for introducing the word "Mister" but if we are going to take it at face value My Learned Friend must not paraphrase the words because what Mr Mokoena is saying, there is nothing about the struggle there, there is that in order that there may be a meaningful solution to South Africa it must be possible, Mandela must be allowed to play a part in it. But if we are asked for the meaning of the words on face value he must not paraphrase them. (21)

COURT: /....

COURT: Repeat the question, let us hear it again.

MR JACOBS: I will repeat it. I put it to you that the way it is put here in this phrase the meaning of that is that Mr Mandela is used as a symbol to mobilise the people in the liberation struggle?

COURT: The objection is against the word "struggle".

MR JACOBS: Genuine liberation can only be, he can either agree or disagree first but that is an interpretation that I put to these words on the face value, in the struggle, in the liberation of the people. Alright let us put it like that then. -- Well (10) as Mr Mokoena puts it in the whole context as it is that Mandela is a symbol which symbolises the genuine liberation of our people and in fact we know that without him no meaningful political solution in South Africa can be possible. This is the message that is spread by the Release Mandela Committee of which Mr Mokoena is part of and I know for a fact that many Black people believe that way, that it will be important for the leaders of the people who are in jail to be released so that they can be in a position to negotiate with the government on solving the problems of the country. This I have (20) outlined earlier on.

Mr Vilakazi I am putting it to you that Mr Mokoena is not referring to the Release Mandela Committee in relation to the committee when he spoke about this. If you go back and just look at that same passage and have a look at

COURT: Well why are you debating this passage with the witness? I can read the passage for myself, I can draw my own conclusion, you can put your interpretation to the witness and we can get on with something else.

MR JACOBS: As the Court pleases. I want you to have a (30) look/....

look at EXHIBIT 19(b) still, the speech of Mr Frank Chikane, and I would like to refer you to pages 11 and 12. Do you know Mr Chikane? -- I know Mr Chikane.

Is he in, do you know that he is the Vice-President of the Transvaal UDF? -- I do not know if he is at the moment.

COURT: Well at the time when he spoke? -- At the time he spoke, yes.

MR JACOBS: Do you know that he was the Vice-President of the UDF national? -- Well I knew him as the UDF Transvaal Vice-president. (19)

And according, I just want to help you and to refresh your memory, and according to A1, EXHIBIT A1, it is Vice-Presidents and the Reverend Frank Chikane is quoted there. Do you accept it then that he is a Vice-President of UDF national?

COURT: Well do you accept that? -- That is so.

MR JACOBS: Now I would like you to have a look at page 11 of the exhibit. And we start there, the last paragraph:

"We are going to call upon all organisations, grass roots organisations, community organisations, all the worker organisations to start a new spirit when they reach (20) home after this Rally, that our efforts should not only end up in a Rally and speaking but we should go into action and I want to warn you that the system will never care about people who talk and go and sit down at home."

Can you remember this first part? You were present when this was said? -- I was present during Reverend Chikane's speech.

And do you agree that this is a call for the mobilisation of the people? -- Well I understood it to be a call for people to go back home in their organisations and build stronger structures within their organisations. (30)

And/....

And to mobilise the people in the stronger structures?

-- To mobilise them into joining their structures.

Yes, and then we carry on:

"And that we are going to leave here with a determined spirit ..."

COURT: Let us just before that question is put, what do you understand under the term "mobilise", why the term "mobilise"?
-- Mobilise I understand it to mean to bring people together and to get people to start working towards the forming of an organisation. After that for them to build their organisa- (10)
tion to be strong. In such a way I would see an organiser as a mobiliser, regardless of any organisation.

And "organise", what does that mean? -- Well I understand it to be one and the same thing. The basic aim of the organiser.

So the word "organise" means the same thing as "mobilise"?
-- That is how I understand it.

MR JACOBS: Do you agree that the mobilising is for the people to get into action, according to this part that was read to you?

"That our effort should not only end up in a Rally and (20)
speaking but we should go into action."

-- As I said into action of bringing people together under different organisations in different areas.

And not action of speaking? -- Well as he says there action of speaking and by speaking I understand him to be referring to the Rally and go back home and sit. But he said instead of sitting down at home you go back there and go into action of organising people around you into the people's organisations as existed there.

Yes and what then, what action after organising them into (30)
organisations?/.....

organisations? -- Well he does not mean, he does not talk about the action after the first action because he talks only about one action there, that is how I understand him.

So you take it literally that there is no mention of after the organising the action, after organising? Is that correct, in your answer? -- The question is what do I understand by this action here. And my understanding of this action is to organise people. These people being organised there are so many actions that can come out of that, they draw up their own working programmes, they draw up their own meeting programmes (10) timetables and what projects to embark on. Those are all part of the action.

Mr Vilakazi who asked you about what do you understand under "action"? -- The question is what action after the first action.

No you, just answer my question. Who asked you what did you understand under "action"? -- I did not put it as my understanding of the action. I said what could be after this action of organising, the action that could follow, so many different actions could follow depending on the organisa- (20) tion because the question was what other action after the first action of organising. Then I say that the following actions could be the drawing up of working programmes, the drawing up of particular projects as isolated from the needs of the community there, building up self help schemes in the community, whatever programmes a particular organisation may be embarking on, those are part of the action.

Carry on with this passage and on page 12:

"And we are going to leave here with a determined spirit, all those who belong to one area, different organisations (30)

and/...

and the affiliates of the UDF must meet together, form task forces to work within their area of jurisdiction to work against the system."

Was that said? -- Well I cannot remember specifically this being said.

And at the time did you agree with this, when it was fresh in your memory? -- Well I would agree with this.

Now what task forces must be formed? -- Is that my understanding of that now? The task forces?

Yes what task forces must be formed, what ... -- My (10) understanding of these task forces would be the groups that would be established say one to spread pamphlets, two to organise mass meetings the their venues and groups that can be set to arrange for speakers in the particular areas and the group that can be set up to look after the well being of the people who attend the meetings there, like say catering if there has got to be catering there, discipline there if there has got to be discipline there. Those are task forces that is what he says that now. People from different organisations should come together and work towards that in working against (20) the system because that period was the period of the campaigns against the Black Local Authority.

And what task forces did you form in the Vaal? -- Well we in the Vaal we worked as the VCA.

Is that a task force? -- Without any link with another organisation.

And did you work against the system? -- The system of apartheid, yes.

Well it is what is said, to work against the system. -- The system of apartheid, yes. (30)

Did/....

Did you work in the Vaal against the system? -- That is so.

"It is your assignment when you leave here to make sure that your area is covered. Don't worry about other people, worry about where you are and if you do something where you are everybody shall have done something everywhere. (Audience applause). This is a call that we are forcing you to undertake henceforth and our determination is that we bring our liberation closer."

The work in the Vaal undertaken by you against the system (10) was to bring the liberation closer, is that correct? -- The work undertaken by the VCA in the Vaal at that period was with regard to the opposition of the Black Local Authority.

And was it in line with the UDF Vice-President's order that you work to bring the liberation closer?

MR BIZOS: I submit that it is a misinterpretation to say that it was an order.

COURT: This is not an order, this is a speech held.

MR JACOBS: A speech held. But his call to you. You see this call that was forced on you by the, it is saying here (20)

"This is a call that we are forcing on you".

Now this call that Mr Chikane was forcing on you did you...

ASSESSOR (MR KRÜGEL): Forcing you to undertake.

MR JACOBS: To undertake. Did you conduct your activities in the Vaal in order to bring your liberation closer? -- That we are forcing you in my transcript is written by pencil here. Under it there was words to the effect that "which you are going to undertake henceforth".

COURT: Yes you can take it that the words "which you are going" are deleted and that they were replaced with a (30)

correction/.....

correction and that that correction is "that we are forcing you to undertake". -- That is so. And I must state that the language of the Reverend Frank Chikane, even if here he literally is saying that we are forcing you there is no situation where the UDF or an official of the UDF or anybody in the UDF was in the position to force anything on the affiliate organisations.

MR JACOBS: Now the call, and did you in your activities in the Vaal, did you take them up to bring your liberation closer? -- This was during the period of the opposition of the Black Local Authority and at the time that we attended this meet- (10) ing we were already established as the Vaal Civic Association and being established as the Vaal Civic Association as such we had already got the mandate to oppose the Black Local Authority in our area for the reasons that were put up in the area that we should have the government intervening seeing that the people would be rejecting the Black Local Authorities, the Council system in the Vaal complex, the government will intervene and through some discussions an agreed structure would be there. There was no focus at the time to any form of liberation other than the removal of the system in the Vaal complex(20)

What agreed structure did you envisage that must be agreed upon between the Vaal Civic Association and the government? -- Well I am not just saying the Vaal Civic Association necessarily because the people of the Vaal complex were the ones to decide whether the Vaal Civic Association should negotiate on their behalf or they should elect any other delegation from amongst themselves to negotiate. That is another level that depended on the people of the Vaal complex and I cannot say as such that the Vaal complex was going to negotiate on the people's behalf. But what I am saying is the people of the (30)

Vaal/.....

Vaal complex would then, together with the government, reach an agreement on a particular structure that would be of benefit to the people there and to the government.

But I am asking you what particular structure did you envisage, I suppose when you fight for something you must fight, have an idea, have a symbol or whatever you call it, that you fight for and that you want. So what particular structure did the Vaal Civic Association envisage when they took on the government on the Black Local Authorities Act? -- The people of the Vaal complex envisaged a structure that(10) would be discussed with them by the government prior to the structure being put into office, and this structure would be, the constitution of the structure would be out of agreement between the government and the people. That is the kind of structure we envisaged.

COURT: But did you have no perspective of the future, did you have nothing in mind what you wanted? -- Well that would have depended on all the demands being drawn up and how these were to be dealt with at the stage of the negotiations. For each structure, each part of the structure there would be demands(20) and proposals being put for that particular part of the structure and the whole structure would be then negotiated with the government. Making it a structure that ...

So is it then your answer that though you were agitating for the replacement of the Black Local Authorities with something else you had not thought about what that something else would be? -- When we talked of the replacement of the Black Local authority we were envisaging a structure that would be representative of the people, that would be agreed upon between the people and the government and this structure would be (30)

such/....

such a structure that would be financially viable.

Yes? -- And will act only on the mandate of the people in dealing with the problems of the area.

Now why could all this not be accommodated with some changes within the existing Black Local Authorities system? -- If that was the position to be with the boycott of this particular system the situation where negotiations to look into this and see where the proposals of the people could fit in within the existing, the local authority, then such negotiations would go on to reach a conclusion whereby all parties (10) would be mutually benefitting.

Yes but now my question is actually this, it boils down to this, why did you not agitate for more powers and better finances for the existing Black Local Authority? That would have given you what you wanted? -- Yes but the thing is the Black Local Authority itself, as it was, it was not consulted with with the Black people and its intention again was to be a substitute for meaningful political rights in the country. So when we talk in terms of power, that is what I am saying, through negotiations these things of importance like power (10) we would have gone into discussions how much power does this structure have and does it mean that this is the end of the road for the Black people, and that should be made clear, and if we say we will have more power at local level but still this does not close off the general political rights for the Black people in the country then also that would have been clear at that stage.

Well is it then, is it then your evidence that in fact you were not so much interested in amending, changing the existing Black Local Authority to have say for example the (10) same/....

same powers as the City Council of Johannesburg that that you were really interested in political power at a much higher level? -- Both, we were both concerned about political power at a much higher level and also concerned that this was offered in place of that. Much as I said earlier on that we recognise the need for local authority but this local authority, the powers being given the people on local authority level should not be a replacement of the power, the political power that they could have in the country itself. So if there were to be negotiations with regard to the actual existence of the local government (10) and its power and its structures all these problems would have been cleared out there.

So in fact your attack was not so much directed at the Black Local Authority system against which you had certain grievances that you wanted amended but you wanted to attack the system in order to demonstrate that you wanted political rights at a higher level? -- No that was not to demonstrate particularly with the political power at a higher level but to demonstrate that this cannot be accepted as a substitute to that because if we demonstrate to have this removed because (20) we want political power then it means we mean that we must not have any local government at all. That is not what we were saying. We were saying that the local government that was offered should not stand as a substitute for meaningful political power in the country.

Well is not the answer then yes we accept this but we do not accept it as the end of the line? Is that not what it should have been, if your evidence is correct is that not what should have been your attitude? We accept it, we want to improve it, it must have as much power as the Johannesburg (30)

City/....

City Council but we are not going to accept it as the end of the line, we want full political powers? But why break it down? -- Yes but if it had the political powers itself equal to those of the JOhannesburg City Council and if it was to serve the interests of the Black people at local level and accepted as such we would not have been against it. The other problem was that it was still inadequate because it was not what we aspired for in a local authority again, despite the fact that it was offered.

Well that point you have made, that point you have made (10) and what I put to you, and I think I have put it clearly enough, is that I would have thought that one would then agitate for an amendment of the powers and an increase of the powers of the existing black local authorities, not for the destruction of the system? -- Well an amendment to it and the additional powers added to it and the structure being discussed with the Black people on whom, or the structure would have force would mean that in my understanding it would mean the doing away with the initial structure that was there completely because it cannot be the same now. I cannot say it is still the same structure (20) still added. But those additions that the people wanted being fulfilled there then it means it is a different structure. If those additions were to be there to make it that different structure that the people wanted, that was the situation, not additions but it still remains the same as old.

MR JACOBS: Do I understand your evidence then correctly that the Black Local Authorities and the Council system, Councillors and Black Local Authorities were used by you in order to get higher political rights? -- We did not use them to get political rights, higher political rights. (31)

But/....

But is that not what you said now, that when you ask for both systems, the Black Local authorities in a better condition together with a higher say? -- Yes but that does not amount to using the Black Local Authority.

I want to read on here where we stopped:

"We cannot have more people dying whilst we are playing. We cannot have our leaders languishing in jail. They are waiting for us to bring liberation. It is our task to make sure that they are liberated and freed from those jails and if we are not going to take seriously we are (10) not going to achieve anything and I call upon you, all of you to be dedicated every day, it should be your assignment, you are going to produce the results for the liberation of the people."

Is it correct, this was said here? -- That is so, yes.

And would you agree that this is calling up of the people, the masses, to participate in action, mass action? -- I agree that this is the message of Reverend Chikane to the people.

And this call for mass action is for liberation, to liberate? -- That is so. (20)

And did you agree with that, that the people must participate in mass action? -- Yes I agreed with that proposition.

And the mass action must be against the government? -- The mass action, I will repeat, must be against apartheid.

And is not apartheid depicted as the government, the apartheid government? -- Well apartheid government is something else, but I am talking in terms of apartheid. The mass action here, as I understand it, the question is is it against the government. I say against apartheid particularly because I have emphatically said that the UDF was bent to peaceful (30)

deliberations/....

deliberations in removing apartheid in the country in seeing to that the problems of the country are resolved peacefully. If a message like this is given to the people affiliated to the United Democratic Front or at a meeting that is attributed to the United Democratic Front everybody there knowing that they are part and parcel of the UDF because they believe in peaceful resolution of the problems they will understand it and I am sure they will understand it the way I understand it now.

And the action that the masses must take, what did the action include, how can the masses take action? -- Are we (10) going to page 11 again or which part?

No I am asking you out of your answer. -- Peaceful action, peaceful protest, mass rallies, protest rallies, petitions, demonstrations. All forms of peaceful protest that the particular organisation can feel or can decide on being most suitable in their area.

COURT: Inside the law or also breaking the law? -- Well peaceful protest, I do not know what My Lord refers to when he says inside the law or outside the law?

I wanted to know by peaceful protests do you mean (11) within the confines of the law or do you mean that with peaceful protest you can still break a lot of laws or some laws? -- Well with peaceful protest I believe that being a peaceful protest it will be confined within the law.

MR JACOBS: And the peaceful deliberations must also be done by the masses? -- That is so.

Do you know whether it is the policy of UDF that there must be deliberations with the government, negotiations? -- Well I know that the UDF had undertaken such a step.

They have undertaken ... -- Such a step. (12)

To/....

To negotiate with the government? -- You can say so because some time after this event, I cannot remember whether it was 1984 or 1983, I read in the newspapers about the UDF writing letters to the then Prime Minister and the present President Mr P.W. Botha. I would see that as some form of negotiations.

Negotiate for what? What is the policy of the UDF, to negotiate for what? -- For peaceful resolution of problems in the country.

COURT: Well is that a form of negotiating or is that a (10)
form of demonstrating, if you write letters to the Prime Minister surely these letters are simultaneously sent to all the newspapers? -- Well that is talking to the Prime Minister and the Prime Minister responding, I would see that as first level or first step of meaningful negotiations.

Would you regard this as meaningful negotiations if somebody writes a letter to the Prime Minister and it is published on the same day or the day afterwards in the newspapers? -- Well I would not know about the publishing of the newspapers but if I confine myself to the writing of the letter to the Prime (20)
Minister I would see that as an important step in opening up negotiations.

MR JACOBS: Now negotiating for what, what is the policy of the UDF? You joined the UDF, you are an affiliate of the UDF, now what is the policy of the UDF to negotiate for what? -- Negotiating for peace, justice, reconciliation and democracy and equality at all levels.

COURT: Well these are rather vague concepts are they not? Were they not concocted? -- Well I cannot remember whether in the letter it was to what effect but if the advocate is (30)
asking/...

asking a question like is it the policy to negotiate and to negotiate for what then these are the ideas that come on my mind, as I know it that those are the problems that are there in the country, which the UDF is bent on solving in peaceful means.

Yes well it may well be that counsel is debating something with you that you do not know about.

MR. JACOBS: Do you know what the UDF was negotiating for? What they are opting in their policy, do you know their policy or not? If you do not know say so. -- The policy of the UDF is to bring all peace loving people of South Africa together (19) into one united democratic front, to work towards a South Africa where there is democracy and there is justice and there is equality in front of the law. That is how I know the policy of the UDF

Do you know what they would ask the government in negotiations according to their policy? You are the one that said they were willing to negotiate peacefully with the government. -- Yes like I said the writing of the letter was a first step. The first most important step in opening up negotiations. Now when it comes to negotiations, when it comes to negotiations (20) there must be demands. There must be demands first and these demands must be presented to the person you are negotiating with or the side that you are negotiating with and these demands must be demands drawn clearly on the mandate from the people. Now if there was any opportunity given to the UDF for such negotiations to open up with the government I am sure, as a fact, that even from the Vaal Civic Association there would have been a clear mandate to the United Democratic Front on what demands should this negotiations be based on. That is to say that those would depend on the mandate of the people, depending (21)

on/....

on the situation at that time, when negotiations are opened.

So Mr Vilakazi then I must presume that you do not know what the demands of the UDF are in regard to political issues?

COURT: Well he has given you a lot of concepts, equality before the law, justice, etcetera.

MR JACOBS: But for specific demands, whether it is for civil rights, civil rights, or the right to vote or what, is there anything specific or not? -- Well if, there are specific things and these are built out of the general demands that I put out earlier on.

COURT: Now apart from what you think the demands should be (10) in fact do you know that the United Democratic Front had certain specific demands, apart from general concepts? -- The specific demands of the UDF were embedded in the demands as set out by the different affiliates within the United Democratic Front. They were demands with regard to the education in the country.

Well just a minute, I am interrupting you, you were looking at Al. Are you referring to the resolutions taken at the launch of the UDF, is that what you ... -- No My Lord.

Not that. Yes go ahead. -- Right, now with these affiliate organisations they themselves they have got their own (20) demands that as affecting them and these inter-relate from area to area and as such can be brought together to be representative of one section of the community, being that of the students and their demands can come out clear that they demand equality in education. Then together you have a situation where the community organisations also have their particular demands which also being brought together can be representatives of the community organisations throughout the country.

So, to cut this short, are you saying that at no stage were specific demands formulated and that your conception (30)

is/....

is that should negotiation be on the table a mandate would have been obtained by the UDF from the various communities or organisations or affiliates? -- No ...

Is that what you are saying? -- ... the basic demands are there.

The basic demands are there? -- The basic demands are there.

Well they are set out in A1, is that not so? -- That is so.

Yes.

MR JACOBS: Let us carry on then. I proceed from where I (11) last stopped:

"Secondly we are calling on you to work for unity in action, whether you have differences ideologically or otherwise or from organisations for different purposes that is not the issue. The issue here is the liberation of the people. It is the ..."

Let us stop there. In regard to your explanation of the demands now how do you relate that to the issue, what is said here as the issue. The issue here is the liberation of the people? What do you mean by liberation of the people? (11)

COURT: Well he had not used that phrase.

MR JACOBS: I beg your pardon?

COURT: You cannot ask him what do you mean by liberation of the people, quoting from this document.

MR JACOBS: What is meant, do you know what is meant here...

COURT: You can ask him what he thinks when the term liberation of the people is used. It means, when he listens to the speech.

MR JACOBS: Can you give us your meaning of the words "the liberation of the people" as you listened to the speech? (11)

-- Well/....

-- Well by liberation of the people I understand a situation where people would shed their problems at all levels.

Shed their problems at all levels? -- That is so.

What problems? Can you be more specific than just problems in general? -- The problems that are created by the laws that govern their lives.

Must there then not be any laws? -- I did not say that there must not be any laws but the problems created by these laws.

Are the laws, can you be more specific what laws? -- Say the migrate labour system. Migrate labour system as it is (10) forces families apart.

Did the government start in this direction, to uplift these laws? -- Did what?

Did the government start to uplift these laws?

COURT: In what year? When?

MR JACOBS: I will leave that question at the moment, I will come back to it sir. What other laws? -- The influx control which equally like the migrate labour system keeps families apart.

Let us get it, shorten it. Would you be satisfied (21) if all the laws that you are not satisfied with are withdrawn but accept the new constitution, would you be satisfied? -- I would be satisfied with a situation where there is equality in front of the law in South Africa. Not where you have particular laws being made for a particular group of people.

Does it also mean then that there was, the constitution must also fall away? -- Well if the constitution does not constitute of equality in front of the law, equality in front of the law in the country of our birth.

No, now what is your perception on this? -- I have got (30) difficulty/....

difficulty in that I want to say in the constitution, in it there is nothing said about the equality of all people in front of the law, there is nothing offered in the form of equal rights at all levels in the country, for every resident or citizen of the country. That constitution cannot be a constitution without the laws that will specify particular regulations for particular groupings. For it to be able to, for these laws to be able to be scrapped then there must be something being said about it in the constitution.

Does it then also mean the government must be disposed (10) of and that the government of the masses must be formed, and that will be, will ensure the liberation that you aspired for? -- Well I aspire for a government of all the people of South Africa. That is what I aspire for.

And that will be the liberation in a nutshell? -- That will be liberation in a nutshell.

Yes, put in a nutshell that means that the government by the people, that will be ... -- It will depend if that constitution that will be there then will still be a constitution that satisfies the needs of this country to have it be (20) non-racial without any discrimination, will offer equality in front of the law, will offer everything. To have a multi-racial government or a non-racial government of the people, the whole people of South Africa but this government not addressing itself to these problems then it means the subjects of the country, the very people, will still be bonded down by these oppressive laws as they will be and as such these people will still be wishing and willing to protest further for what they would deem as a liberation.

new system, chosen by the people as a whole and that is the freedom that you and the UDF and the VCA are aspiring for?

-- That is so because if I agree with the advocate by saying that the government that will be chosen by everybody in the country it would mean that everybody would be represented and every representative in the government will know what are the aspirations, the problems of the people in his constituency, the people he represents.

And... -- Otherwise he will not be in a position to say what are the exact aspirations of a particular group of (18) people.

And does this also mean a government according to the provisions of the Freedom Charter? -- A government according to the provisions of the Freedom Charter?

Yes this government of the people, that they follow the Freedom Charter as a basis for the constitution? -- Well I do not see myself the Freedom Charter as a constitution but I see the demands being similar to the demands, the demands that I believe in being similar to the demands laid out in the Freedom Charter. (20)

But the constitution, my question was a constitution based on the Freedom Charter? I did not say the Freedom Charter to be a constitution. So do you ... -- Well the constitution be based on similar demands because when the people decide, when the people decide, at that stage when the people have got the right to make such a decision and the people draw the constitution people will be addressing themselves to the problems as existent at that stage. And as such we cannot say we limit, or I cannot say I will limit my aspirations to the composite of the Freedom Charter as such. I say at the moment I have (20)

got/....

got demands similar to those drawn out in the Freedom Charter. But at that stage there may be new clauses that the people would like to see in the constitution, there may be deletions that the people would like to see in the constitution. So I cannot just attach myself directly to the Freedom Charter as such.

But it can be a basis for a new constitution? -- Yes like I say it can be a basis.

And so the main thrust of the negotiations envisaged by the UDF and yourself with the government is for the libera- (10) tion of the people in the lines just explained by you? -- Well the line I have just explained I am attaching myself to my own individual perception and within the Vaal Civic Association ourselves we had not sat down and looked at, to discuss that particular aspect. As such I cannot say I agree with that proposition.

And it is for liberation in this sense explained by you that, and then we go on with this, you agreed that what Mr Chikane said further in this, and would you listen to this please: (20)

"The issue here is the liberation of the people. It is the suffering of the people, it is the people who are feeling the oppression. (Audience applause). And they are waiting for us to come together with them in a struggle for liberation. Your key for UDF therefore is unity in action, bring everybody here, whoever says what- ever say our slogan is to liberate our people in unity and that we therefore all come together for the sake of the unity of the people. May you be strengthened as you go home and may we see results and may our leaders (30)

in/....

in prison be happy and freed out of that prison. " And that is for this kind of freedom that the people must unite in action, is it correct? Do you agree with that? Is it correct that for this kind of action that the people must unite in action? -- No, I do not see it only as for only this kind of action but I see it in the name of the UDF itself, the United Democratic Front.

Then it must unite in the UDF then, is that what you say?
-- Unite in the UDF.

And the action under the leadership of the UDF? -- Not under the leadership of the UDF but jointly together through (10) UDF as a forum come together to reach agreement on particular issues that affect them then so that if they are going to take any action with regard to that particular issue at different levels, as I said that the UDF is where different organisations share experiences. If it is local organisations and they come together with a particular problem then they share it amongst themselves, amongst each other. Besides that the problem, the solution will be envisaged to be applicable to all areas depending on the feasibility of the application of the solution in that particular area. (21)

Do you agree with the phrase that your key for UDF is, therefore is unity in action? Do you agree with that? -- Well this is how Reverend Frank Chikane sees it.

Do you agree with that? -- I agree with the concept of having people uniting under the banner of the United Democratic Front.

And the key for unity is action, do you agree with the phrase here? -- The key for unity is action. I do not agree with that. I agree ...

The key therefore ... -- I would agree if he says the (31)

key/....

key for unity is to be united.

That the key therefore for UDF, therefore is unity in action? Do you agree with that phrase? -- Well that is a proposition and I may not necessarily agree with it.

Yes. Can you tell me if the government is not willing to just let the government go, let there be no negotiations to let a group take over, the masses take over and form a new government what would, what is the next step in the UDF and the VCA and yourself? -- Well I have never made any proposition for any particular group of people to take over the government. (10)

But you did make provision of -- But I have always suggested that what we need in South Africa is for South Africa to be governed by people representing all the people of South Africa, all sections of the people of South Africa. Not like another group coming in to oust another group. Then we will still remain with the same problem of not being representative of the people of South Africa.

Let us get it like this now. There are at the moment three Chambers in Parliament, is that correct? -- That is so.

You agree. And if a fourth Chamber is supplied, (20) provided for to represent the Black people would that satisfy you people in the UDF, the VCA and yourself? -- Well you talk about satisfying of the UDF. Where it comes to opinion I am not in a position to form opinions for the United Democratic Front, I am not in a position to form opinions for the Vaal Civic Association and for myself the concept of the fourth Chamber I am hearing I think for the third time in this court here and to me it is still a very foreign concept because I have not got information on this and I do not know what it entails and I cannot readily formulate a concept on it. (30)

Do/....

Do you know what the ... -- What I have always said is that representation should be in such a way that an agreement had been reach through negotiations.

And if the government is not prepared to stand down and let an election be held on the basis of a one man one vote system and the new constitution, without any chambers, with the majority of the people ruling and forming the government did you provide or did you envisage, or did you take that into account in the UDF, in the VCA and yourself in your deliberations? -- I do not know if the UDF has taken any stance (10) with regard to that proposition. Definitely in the Vaal Civic Association we have not reached that stage and I personally, as a person, having been involved in negotiations and having seen a number of negotiations breaking down I know there are lots and lots of, a number of machineries that can be applicable when negotiations break down and for one to, it is not the spirit of negotiations to go into negotiations with an imbedded idea that if the negotiations break down that this will be the position I take. Because firstly you have nothing indicating that negotiations once started will break down (20) and the merits of negotiations breaking down will depend on facts at table, what brings the breaking down of the negotiations, and of course there can still be other negotiations, negotiating on how to resume negotiations, and this not be applicable there are other machineries that are applicable and at that stage I am sure before negotiations take place there should be agreement that if, if that question would come then it is a matter of having to be debated then it means the two groups will have to agree that we have to agree that if negotiations break at this level then we try these, if they (30)

break/....

break at this level then we try these. Because negotiations by all means are a process to mutually reach an agreement and I cannot see any mutual agreement being reached if there is an air of dishonesty even before negotiations start. That is not the basis for negotiations.

Mr Vilakazi do you not agree that when you are fighting for freedom and you get in the masses to participate in this fight for freedom and you mobilise them that you must have something in mind that if you are not successful in negotiating what you are going to do next? You must take that into (10) account, is that not so? -- That is exactly what I have just explained and if I may say I have always preferred to use struggle for freedom and not fighting for freedom, particularly after the misunderstanding around the word "fought" the other day here. I rather would remain on the basis of struggle for freedom.

Mr Vilakazi do you know much about the policy of the UDF and the UDF itself? -- In as far as I am an affiliate I think I know.

Because every time I ask you you say you cannot talk (20) about the UDF and say about the UDF.

MR EIZOS: My Lord with respect the answer was misunderstood. The answer that was given "I cannot speak for the UDF and I cannot speak for the VCA, I speak for myself". That is the last time the UDF knowledge was referred to. " I do not know what the UDF would say about a hypothetical question. I do not know what the VCA would say about a hypothetical question. What I say about the hypothetical question". Your Lordship will ...

COURT: Well before that the policy of the UDF was discussed and at some stage the witness said "Well I do not know (30)

what/....

what the UDF policy on this or that point is.

MR BIZOS: Yes My Lord I agree with that but the question is that every time I ask you you say that you do not know what the policy is. That is what the question is.

MR JACOBS: Let me put it again another way sir. I will rephrase it. Every time I ask you about the policy of the UDF you could not answer the court, is that correct?

COURT: Why do you say "every time"? I had some answers about the policy of the UDF. Why do you not limit it to the point which you are attempting to make? (10)

MR JACOBS: Do you know about the policy of the UDF? -- With regard to what aspect?

On the principles of the UDF, the policy of the UDF in achieving its goal? -- As far as I know it is that UDF will embark on peaceful protests to achieve its goal.

Yes. Did you study the policy of the UDF, did you study the documents of the UDF and try to find out what is the policy, the aims and objects of the UDF? -- I studied them and that is those in A1.

Did you study any other documents? Did you find out (20) the plan of action, did you do anything to further your knowledge of the workings of the UDF? -- Like which document? If the advocate can refer.

The documents issued by the UDF, documents. Did you study any of them? -- Yes I have studied all the documents that have been, that had reached me being produced by the United Democratic Front. From the reports, from the reports from the General Councils that were forwarded to my organisation and when I was there I had been able to read through and hear what was reached at this date that that meeting was held. Then there has (30) been/....

been the UDF News that there has been also issued....

So you fairly well studied the working of the UDF and its policies, aims and objects? -- Well to my satisfaction.

Did you attend any UDF meetings yourself? -- UDF meetings?

Yes, mass meetings?

COURT: Well we have had one, the People's Rally.

MR JACOBS: Other than the People's Rally? -- Well I have said in my evidence that I was not a VCA representative to the General Council and the only other meeting that I did attend was the UDF conference in Port Elizabeth. (19)

So you attend the conference. Did you attend any other Rally or meeting of the UDF, mass meeting? -- No other mass meeting.

And any council meetings? -- Well I was not a rep, I could not have attended a council meeting, not being a rep.

Did you attend a meeting? I did not ask you whether you can participate in it? -- Well I did not attend a General Council meeting.

No one, not even as a observer? -- Sorry My Lord I did not hear the question? (20)

Did you not attend any General Council meeting as an observer? -- No, the General Council was held on Saturdays and Saturdays are the days mostly on which I would find myself away from home working. Saturdays and Sundays.

Did you attend the launch of the UDF? -- No I did not.

Did you attend any national executive meetings except the one in Port Elizabeth? -- I was never a member of the executive of the UDF.

So your knowledge you gained of the UDF you gained out of the publications and papers of the UDF?-- And through reports (30) from/....

from the representative of the Vaal Civic Association in the UDF.

Did you go to the UDF offices itself to speak to the leaders of the UDF there, to find out what the policy, aims and objects of the UDF was? -- With regard to what particular subject?

The aims and objects of the UDF? Before you joined it to become a member of the UDF? -- I did not join the UDF to become a member of the UDF but the Vaal Civic Association when seeking membership there we were sent the UDF Declaration and (10) the Working Principles to study and after that it is then that we sought membership to the UDF.

You yourself did not decide on your own that you will support the affiliation to UDF because of certain convictions that you arrived at? -- Well that was a decision of a meeting where we took time discussing the issue of affiliation and it was at the point that, when the point we realised that affiliation would not affect our autonomy as an organisation that we agreed to affiliate with other organisations in the UDF for peaceful resolution of the problems in the country. (20)

And that was only after 9 October? -- That was after 9 October.

And if I remember correctly it was how long after the 9th? I cannot remember. -- Well I think, well affiliation was much much later.

No when you received the Declaration? -- It could have been a week after the weekend of the 9th.

But you yourself you never did go to the UDF to find out there from the people, the leadership of the UDF what they are all about? -- I was never suspect of the UDF and there was (30) nothing/....

nothing compelling me to go there.

Because, I am asking you this because you said AZAPO asked you to join them and you were not satisfied with their policy and then you did not join them. So I supposed if you refused AZAPO that you have examined their policy and aims and objects and the UDF must have been the same? -- Well with the UDF it was an organisational decision and I aligned myself with it because I had studied what I had received which was to me enough to make me decide whether to join the organisation or not. (18)

Now we can finish off this meeting of this Rally at the end of October 1983.

COURT: Which Rally is this?

MR JACOBS: This Rally, the UDF Rally in Lenasia. Is it correct that at this meeting nobody stood up and told the audience that the UDF disassociated itself from the suggestions that UDF and the ANC is struggling the same struggle? -- Is it correct what?

Is it correct that at this meeting nobody, either from the UDF or otherwise, stood up and told the audience that the (20) UDF is disassociating itself from the suggestion or suggestions that the UDF and the ANC is struggling the same struggle? -- That nobody stood up to say those words?

To say the UDF is not, is disassociating itself from this suggestion on the meeting? -- Well I would not remember quite clearly unless I am shown the transcript.

So you cannot remember so you cannot dispute it as well? You cannot say that somebody did that? -- Well if there is somebody who did that, who stood up to say it and I do not remember it. (20)

Can/....

Can you remember whether anybody stood up to disassociate the UDF from the suggestion that the terrorist must inspire the people with new courage, with strength and determination to secure your freedom? -- I have heard words to this effect that were dealt with in this indictment, in this transcript.

Yes, but did anybody in the UDF or anybody else stand up after the meeting after that speech or any time during the meeting and say that the UDF is disassociating itself from that suggestion? From those words. -- But is the suggestion that terrorists, is there a suggestion about terrorists in (10) that?

The suggestion that terrorist must inspire the people with new courage, with strength and determination to secure your freedom? -- I cannot remember if there was the word terrorists there in that passage.

COURT: It does not there I think, I do not think it is there.

MR JACOBS: No terrorist but the people ...

COURT: Do you see it in the passage Mr Jacobs?

MR JACOBS: I beg your pardon?

COURT: Where do you find it in the passage? (20)

MR JACOBS: I find that out of the questions to him, that the people went across the border and that they are the people, in cross-examination it later came out that it is terrorists. But the people, the exiles going across the border, if I can just find that.

COURT: Well can we not cut this short. WAS there anybody at this meeting that you can remember that got up and said "I disassociate myself from what the Reverend Chikane or anybody else said at this meeting"? -- Well there is nobody who said that. (30)

Nobody/....

Nobody objected to anything said by any one of the speakers?

-- Nobody objected to anything.

COURT ADJOURNS FOR TEA. COURT RESUMES

BAVEMILE HERBERT VILAKAZI: Mr Vilakazi I want to put to you that the UDF has drawn up the Declaration on important basic preconceived principle that they know that apartheid will continue, do you agree to that?

COURT: Just a moment. Is your knowledge necessarily your principle?

MR JACOBS: I am going to put the principle out of EXHIBIT (10) A1.

COURT: Yes I am not concerned with the principle. You said it is the principle of the UDF that they know that apartheid will continue. Can you not merely say that the UDF knows that apartheid will continue and therefore they have the following principle, against that background they have the following principle?

MR JACOBS: I put it like that. The UDF knows that apartheid will continue and with that as a background they accepted the Declaration? Do you agree to that? -- I would agree to the (20) proposition that the Principles and the Declaration were drawn on the knowledge of the existence of apartheid at that time.

And that apartheid will continue, that was what I put to you? -- Well by continuing I cannot accept that proposition to be referring to the continuity of apartheid but it was to deal with apartheid as it existed at that time.

Will you have a look at EXHIBIT A1 on page 5. The fourth paragraph and they are specifically stating here:

"We know that apartheid will continue."

-- As at that time yes.

(21)

You/.....

You say as at that time? Why do you say that? -- Because there were the people who agreed to these declarations at the launch of apartheid were looking at the situation in South Africa as it was in 1983.

And the basis of the declaration was that they accept that apartheid will continue? -- That they accept existence of apartheid and since there was no indication at that stage that apartheid will go, that is how they came together under the banner of the UDF.

Is there anything to change this now? That you, can (10) you explain why you say at that time. Can you say is there anything that changed this principle?

COURI: Well as at present or as at 1984 instead of 1983 or when?

MR JACOBS: As at present? -- Well as I said the present, apart from getting a newspaper here and there I have no knowledge of what is happening in the country since my incarceration and as such I cannot say there is anything to alter the principle at present.

And as to the time of your arrest was there any change? (20) -- There was nothing to indicate any change.

And did you in the Vaal, the Vaal Civic Association, accept this principle as well? -- That was the basis for affiliation by accepting these principles and the declaration as it is, as a whole.

And as a result of these principles they committed themselves to mobilise the masses to fight the State for freedom? Do you agree with that? -- Well I do not use the word "fight" and I do not know of any situation where the masses were used to fight but I have always used to strive, to use protest (30)

as/....

as the means.

Let us read from the Declaration. You said you accepted it, you discussed it and accepted it. Further down there more or less in the middle:

"We commit ourselves..."

From there, have you got the place? Have you got the place Mr Vilakazi? -- I have got the place.

"We commit ourselves to uniting all our people wherever they may be in the cities and countryside, the factories and mines, schools, colleges and universities, houses (10) and sports fields, churches, mosques, and temples to fight for our freedom."

-- I can see that yes.

And you did accept it and you did adhere to it? -- We accepted it, not because we accepted that word as it may have different implications but with the understanding that UDF is a peaceful organisation and as such the loose usage of the word "fight" there may not imply the taking up of arms but using different methods of protests.

But they did use the words "To fight for our freedom" (20) when they adopted this Declaration? -- I do not dispute that.

"We therefore resolve to stand shoulder to shoulder in our common struggle and committed ourselves to work together to organise and mobilise all community workers, student, women, religious, sporting and other organisations under the banner of the United Democratic Front. To consult our people regularly, honestly and bravely, strive to represent their views and aspirations, educate all the coming dangers and the need for unity. Build and strengthen all organisations of the people, unite in (30) action/....

action against these Bills and other day to day problems affecting our people. 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."

Do you accept that also as for the VCA when you joined the UDF?
-- Yes we accepted that as well.

So it is clear from this in the Declaration already the fight, call it then fight, against the Black Local Authorities was accepted by the UDF and also by the Vaal when you later (10) on accepted this Declaration? -- Yes I agree to that, and I will still continue that the use of the word "fight" cannot be literally taken as it is, particularly when used by a front of the UDF's nature.

Did you ... -- Which is a front striving for peaceful change in the country.

Did you do anything to find out what the UDF is meaning by the word "fight" to make sure that you are not ascribing to something violent? -- We used our understanding of that word "fight" in the declaration because if the UDF was not seen to (20) be an organisation bent on peaceful protest in the country then there would have been necessity to enquire further on the use of the word "fight" but our understanding of the UDF as a front made us understand the use of words like "fight" by the UDF.

Are you finished? -- That is so.

Now I will ask my question again. Did you do anything to make sure of the meaning of the word "fight" as used here?
-- Well we discussed it in the Vaal Civic Association and we accepted it on the basis that I have just set out now.

Was there any person there that could tell you more (31)
information/....

information about what the UDF is meaning on this word "fight"?

-- The UDF had already been launched and we have enough information about the UDF's peaceful approach to problems and when we discussed that we interpreted it to mean protesting or using protest method in dealing with the problems facing the people in the country.

Who ... -- Not necessarily fighting as in taking up arms.

Who explained to you in the VCA that the fighting here does mean protest? -- We discussed it amongst ourselves and that is the conclusion we reached. (19)

Did you decide between yourselves that what the UDF is meaning here is protest? -- That is so.

So , but nobody tried to find out whether it is the truth or not? -- Well that was the truth because of our understanding of the nature of the front, as I put it, and there was nothing the contrary that could show that this usage of the word "fight" means something else other than what we understood it to mean.

Do you agree that it is also part of this Declaration that day to day issues or day to day problems of the people must be used to mobilise and organise them and get them to fight (20) against Black Local Authorities? -- I do not see it being put that there is anywhere where it says that we must use these to mobilise the people. What I see there is to consult our people regularly, honestly and bravely strive for, strive to represent their views and aspirations, educate all about the coming dangers and the need for unity, build and strengthen all organisations of the people, unite in action against these Bills and other day to day problems affecting our people.

Uniting against ... -- Uniting them so that they can be able themselves to deal with these problems, not taking (31

day/....

day to day issues to the people because the people themselves are they, the people who are experiencing these day to day problems and I cannot imagine a situation where any person can come up with day to day issues and present them to the people in mobilising them, but ...

Do you know whether it is part of the UDF policy to use day to day issues in order to mobilise the people? -- No I do not know that.

And if it is so what would you say? -- Then I will have to understand in what context that is put. (10)

In order to mobilise the people for united action? -- Then I will have to understand what the use of day to day issues, that saying what does it mean and what does it entail and how is this to be done. Then I can agree that this is what the UDF does or this is not what the UDF did.

COUPE: So according to you you thought you were conversant with UDF policy? -- I was conversant with UDF policy to this effect.

MR EIZOS: The witness points to the document before him when he says "to this effect".

COURT: Yes? (20)

MR JACOBS: And it is one of the campaigns, the other campaign envisaged and enclosed in this declaration is the one against the constitution? Is that correct?

COURT: What is the last part of your question? The campaign was?

MR JACOBS: Campaigns against, one of the two campaigns enclosed in this document is one against the constitution.

MR EIZOS: The constitutional proposals, I do not think it had materialised yet. It was before the Referendum.

MR JACOBS: Well the constitutional proposals and what (30)
actually/....

actually later on became the constitution? -- I agree that one of these was against the proposals for the new constitution.

During January 1984 did you, the VCA was already part of the UDF and did participate in the General Council Meetings of the UDF Transvaal? -- Yes by January the Vaal Civic Association had already affiliated to the UDF.

And you did receive the Minutes of all the General Council Meetings regularly? -- Well I can say we received the Minutes of the General Council regularly.

And how many delegates did you have that participated (10) in the meetings of the General Council? -- One permanent delegate and two alternatives.

How many delegates must attend the meeting of the General Council? -- Two.

Did you have two delegates attending the meeting? -- We had one permanent delegate and two alternatives.

Who was the permanent one? -- Reverend Lord McCamel as the Chairman of the Vaal Civic Association.

And the alternatives? -- The alternatives were Mr Mike Kgaka, who was the Assistant Secretary in the Vaal Civic Association, and Mr Esau Raditsela who was the Vice-Chairman of the Vaal Civic Association. (20)

And did the UDF representatives always attend the meetings, the two of them? -- I do not get the question clearly.

At every General Council meeting did two representatives of the VCA attend the General Council meeting? -- As possible as they could maintain that.

And did any observers, could any observers from the VCA attend General Council Meetings? -- Well the observers were allowed to attend. (31)

Do you know if any attended? -- I cannot remember at any stage we having an observer there.

Is it part of the aims and the objects and the policy of the UDF that all affiliates must take up national campaigns of the UDF? -- That is encouraged but that is not forced on any affiliate.

Did you take up any UDF campaigns?

ASSESSOR (MR KRÜGEL): Are you going away from the UDF, the representatives at the meetings?

MR JACOBS: I am coming, I am still busy with that. Can (19) you tell me after a meeting, a General Council meeting, is there a report back to the VCA? -- Yes people who attended a particular General Council Meeting will report back to an executive meeting.

And do you know whether they receive any report back from the, from any national executive meetings, did they report back any decisions of the national executive of the UDF that was carried over to the General Council meeting? -- The people who reported back to the Vaal Civic Association executive will report back on issues dealt with at that particular General (20) Council meeting.

I would like you to have a look at EXHIBIT F1 page 4.

COURT: Has the witness got a copy?

MR JACOBS: Page 4 have you got it before you?

COURT: I think for record purposes you should tell the witness what this document is.

MR JACOBS: I will put it on just before my question. Do you have EXHIBIT F1? That is the Minutes of the meeting of the National Executive of the UDF held on 21 and 22 January 1984 at Kanya House in Pretoria. Have you got it before you? (33)

-- I have got it in front of me.

Now paragraph 8.2 on page 4, that is a resolution taken on that meeting. Do you agree? -- I see that, yes.

The following resolution was adopted on this matter, the matter being the non-racial Referendum. And then point (b):

"Each affiliate of the UDF mobilise and organise the people to oppose the constitution on the basis determined by the local conditions and in accordance with the aims, objects and principles of the UDF."

Do you agree to that? -- I agree to that, yes. (19)

So it seems from this that under certain circumstances when it relates to national campaigns that the affiliates must do that, must take up the campaigns and they must do it in accordance with the aims, objects and principles of the UDF? -- Where possible, yes.

And I suppose then you must be conversant with the aims, objects and principles of the UDF? -- That is so.

Can you tell us what the aims, objects and principles of the UDF are? -- Those are those we dealt with in A1.

Only according to what is mentioned in A1? -- That is (20) so.

Is that the only aims, objects and principles of the UDF? -- As I know them to be.

Are they the only aims, objects and principles of the UDF or do you not know? -- I know them as they are, both in the Declaration, the Working Principles and also the constitution of the UDF.

So do you agree when the UDF national executive accepts a resolution that you must carry that out? -- No. Here, and it does not even purport to mean that all affiliates must (21) because/....

because the word "must" is not used there and as I have indicated that we affiliated to the UDF with full understanding that we will maintain our autonomy and if the organisation was not in favour the organisation voted against participation in a particular campaign then that organisation would not be penalised in any way for not participating in that campaign because it has got the right to maintain its autonomy.

Well why do you say that? Did you attend any meeting?
-- Because I was aware of the workings of the UDF with regard to the affiliates. Because it is there that it is stated, (10) in documents, that the affiliation to the UDF does not mean that any organisation loses its autonomy and as such this resolution also does not mean that each affiliate must, so it will be wrong to say that the UDF executive could instruct organisations to do (a), (b), (c), (d).

Did you take up the matter of a non-racial referendum in the Vaal Civic Association? -- On the matter of the non-racial referendum we did not take any part in that.

Did you take up a campaign of the UDF that each affiliate of the UDF must mobilise and organise the people to oppose (20) the constitution on the basis determined by local conditions and in accordance with the aims, objects and principles of the UDF? -- Yes we did that. If I may add through peaceful protest against the Black Local Authority Act.

COURT: Was that peaceful protest against the Black Local Authority Act something you did as a result of the resolution set out in paragraph 8.2(b)? -- That we had done already.

Pardon? -- We had done that earlier on before this resolution was passed.

MR JACOBS: And do you see the campaign against Black Local (30) Authorities/....

Authorities as part of the campaign against the constitution?

-- That is how I see it.

Mr Vilakazi I just want to get something clear in my mind. Do I understand your evidence correctly that you actually become conversant with the workings of the UDF only after you received the Working Principles and the Declaration? -- Well I do not think that can be limited to that but through publications and through consultations, through discussions with people can also be other means of being acquainted with the workings of a particular organisation. And through what (10) you read in the Press also.

So just to, so that we are clear on it to what publications are you referring to? -- Publications that will cover the story of the UDF.

Which publications? -- Well I may not remember in 1983 which publications carried the, covered the launch of the UDF and what the UDF was.

Can you name one of them? -- Well I cannot remember if any one of them was there in 1983, that I may name but for instance publications like Speak and the UDF News itself. (20)

The Eye? -- I did not get that?

COURT: The question is "The Eye"? -- The Eye. No I have only heard about the publication I have not read it in the Vaal complex.

MR JACOBS: Now do I understand you correctly that you cannot say before the launch of the Vaal Civic Association whether you got your information from the publications mentioned by you? -- What I am saying is there were Press publications also which I read. If I was asked specifically which publications I learned from I would have said the Press played a role and (30)

I/....

I could have read also from either speak or the UDF News itself then. I cannot remember between the two publications which one I read where I learned about the United Democratic Front. But I also spoke to people.

Then you also said, except for the speaking to people and discussions you said you got your information before the launch of the VCA also from consultations?

COUPT: Conversations I understood him to say. Not consultations.

MR JACOBS: He first said publications, consultations and (10) discussions.

COURT: I thought conversations, not consultations.

MR JACOBS: Let us clear it up and say did you refer to publications, consultations and then discussions with other people? -- I spoke about talking to people, having discussions with people, I said also one could read through the newspapers, through publications and I also said one could also consult.

No Mr Vilakazi you did not say could consult, you specifically said you got your information ... -- If I can remember the question well I take it the question was how would you (20) at that time have learned more about the workings of the UDF and I said through these consultation, discussions with people, talking to people, through publications and newspapers. If I remember the question well to be focussing at how would you have known the workings of the UDF before your affiliation.

Mr Vilakazi you do not remember the question well. My question was where did you get your information from before the launching of the VCA on 9 October? -- As an individual apart from reading the Working Principles with other, the Declaration with other members of the Vaal Civic Association I had (30)

earlier/....

earlier on discussed with people who I knew to have been involved with the United Democratic Front to find out what is it all about. I have also read in the Press after the launch of the United Democratic Front and also have read in publications either it being Speak or the UDF News itself.

You are not saying anything about consultations now? Did you have any consultations before 9 October 1983? -- Well we sent a delegation to the UDF office, before 9 October?

Yes. -- No before 9 October, no.

And if you said at the first time when I put my question that you mentioned also consultation that would have been a mistake? -- That would have been a mistake if the question had been clear before the 9th October. But I understood it to have been at the launch of the VCA, after the launch of the VCA, after the launch ...

Before the launch of the VCA on 9 October, was the VCA launched on another date? -- No well if it was before the launch of the VCA then I will limit myself to having discussed it with people, then having read about it through newspapers and publications. (20)

And is it correct Mr Vilakazi you cannot dispute that before the launching, a week or two before the launching you cannot dispute that there were discussions between the Action Committee and the UDF on the possibility of launching a civic association in the Vaal? -- I have no knowledge of such an instance.

But you cannot dispute that it happened? -- I cannot agree or dispute something that I have no knowledge on.

ASSESSOR (MR KRÜGEL): Mr Jacobs may I interrupt just for a moment please. I think we are getting away now from (30)

EXHIBIT F1.

MR JACOBS: Only F.

ASSESSOR (MR KRÜGEL): Yes. Mr Vilakazi the two representatives that used to attend the meetings of the UDF you say reported back to the VCA on what transpired there? -- That is so.

And on the 23rd of this month you also testified that your Chairman was mandated to put the views of the VCA on the Coloured and Indian Referendum to the UDF? -- That is so.

And you referred to EXHIBIT O4. -- That is so.

Could this be made available to the witness please. (10)
The import of your evidence was that this was the report or the mandate of the VCA that was put by your Chairman to the UDF.
-- That is so.

The signature at the bottom I suppose then is that of Lord McCamel, it is quite easily readable too? -- That is so.

Can you just turn please to the previous page, the last page of EXHIBIT O3. There is also a signature and the words written out "Lord E.R. McCamel". -- That is so.

Do you recognise the handwriting? -- Yes.

Would this also be a report by Lord McCamel? -- That (20)
will be the report by Lord McCamel.

Can you say what report this would be? -- It is a report to the General Council.

Is this the report to the General Council. -- That is so.

And it is dated 14 January 1984? -- That is so.

And this report in the very first paragraph reports on the formation of a civic association in Bophelong, at least a committee, and a youth congress that has been formed. -- It says so.

Yes thank you Mr Jacobs. Perhaps I should just round (30)

this/....

this off, so apart from the fact that the representatives reported back to the VCA there was also a reporting to the General Council by the representatives? -- I do not get that one clearly.

Apart from the fact that the representatives that the VCA sent to the UDF and the fact that they reported back to the VCA they also reported to the General Council on what was happening in the VCA? - Basically they would report on the Vaal Civic Association there at the General Council. That is so. (10)

COURT: Well this means then that the Vaal Civic Association had a hand in forming a youth congress, paragraph 1, and an Action Committee, a Parents Action Committee, paragraph 4, and an S.R.C., paragraph 4 of this report? -- On paragraph 1 this reports on the activities in Bophelong where an Area Committee had been established. Now where it talks of a youth congress had been formed I did not know whether the report implied that the Vaal Civic Association was involved in the forming of the youth congress or the Bophelong Area Committee was involved there. As this report as it is never came to my knowledge, (20) this was directed to the UDF and I saw it for the first time as an exhibit in this court. In Zone 7 I know there was a Working Committee under the area representative there which was working towards forming an area committee, that the area representative had reported on to the Vaal Civic Association's executive. In Zone 12 I had heard from the area representative there, Mr Matsobane had reported that there was some work being done towards the establishment of an area committee, I know that part. Now on no. 4 it states specifically that a working committee in Zone 7 had organised a group of twenty parents (30)

to/....

to look into the problems affecting Evaton and Sebokeng zones because of the school problem. Students who had failed their internal examination had been turned away from Ezokwazi, which is the name of the school. This problem, and Tokelo and Sepotemba. Those are the names of the schools. I know about this problem from time to time there have been reports on this problem to the Vaal Civic Association executive. Where it talks about plans are afoot to form a parents committee, Parents Action Committee and S.R.C.'s both in this area and the Bophelong and Boiphatong area I do not know of these plans (10) at the executive level in the Vaal Civic Association and this may have emanated between, in the discussions between the Action Committee and the schools inspectors in the area at the schools where the problem of, this schooling problem was resolved by the assistance of the schools inspectors there.

MR JACOBS: So let us go back then to the consultations between UDF and the Action Committee, do you know anything about them? -- As I said I was not a member of the Action Committee and I did not know of any consultations between the Action Committee and the UDF. (20)

You do not know anything about it? -- I did not know anything about it?

Do you know about previous consultations between the members of the Action Committee and Soweto Civic Association? -- Not that I know of.

Who were the members of the Action Committee? -- I knew a few people in the Action Committee. I knew Miss Edith Lethlake as I have got it from her and I had known Mr Simon Vilakazi, ex-accused no. 18, and Mr Esau Raditsela and later I got to learn of Mr Ratsomo, accused no. 22. (30)

You/....

You knew nothing about Esau Raditsela and Edith Lethlake and accused no. 2 being the people having dealings with UDF in Khotso House about the possibility of a civic association being established in the Vaal? -- As I said I was never a member of the Action Committee and I did not know what the Action Committee did apart from organising for that meeting.

I would like you to have a look at EXHIBIT L, and there we will have a look at L7. I will describe it in a few minutes time. Have you got it in front of you, L7? -- That is so.

Now L7 on top that is a handwritten report, Vaal (10) Action Committee is the heading of it and it is attached to EXHIBIT L1 being the minutes of the General Council Meeting held on 15 October 1983, that is the General Council of the United Democratic Front, Transvaal. Do you agree to that? -- That is so.

Could you have a look at the name, L1, that the Vaal Civic Association was already taking a seat on this meeting of 15 October. Do you agree to that? Do you agree? -- The Vaal Civic as observers.

No it is not saying here as observers. Have look at (20) L1 at the top: Present, there are the organisations sitting on that, S.A. Mineworkers Union, NGWUSA, and then Vaal Civic Association. -- I can see that yes.

So they were already taking a part in the General Council Meeting as the Vaal Civic Association? -- Well as observers like I said.

Where does it say as observers? -- Well the report does not say as observers.

Where does the report say as observers? -- The report does not say as observers. (31)

I/....

I beg your pardon? -- The report does not say as observers.

But I am saying, I am putting to you according to this exhibit it is participating as a full fledged member on, according to this L1 document and it never says here that they were only observers? -- The report does not say that Vaal Civic Association was not participating as a full member at that General Council Meeting.

How do you know that they were only participating as observers? -- Because that is the General Council that accused no. 22 and Mr Hlalugo attended and brought to the Vaal (10) Civic Association the Declaration and the Working Principles of the UDF.

You see if you have a look at page 2 of this report, have a look at paragraph ...

COURT: Let us call it the minutes.

MR JACOBS: The Minutes, at paragraph 6. There it is reports from affiliates and the Vaal Action Committee is there mentioned as an affiliate. -- Well I did not know that Vaal Action Committee was an affiliate.

So what do you say then to them being there as obser- (20) vers? -- Who?

The two gentlemen mentioned by you? -- Well I do not know of Vaal Action Committee being an affiliate of the Vaal Civic Association and the delegation that we sent to the UDF attended as observers.

And tell me during the period just after the launch, until the end of November did you attend the meetings of the Vaal Civic Association regularly? -- That is so.

Did you miss any of them? -- Well I cannot be sure if I missed any of them. (30)

And/....

And you already said that you received, always received the minutes of the previous meeting back in the Vaal Civic Association? -- That is so.

That is minutes of the meeting of the General Council? -- That is so.

And attached to that all the attachments produced in that meeting? -- Well I cannot say all the attachments are made there. I know the reports were received. We never received any attachments.

And the Vaal Civic Action Committee's report would have(10) been attached to that minutes of the meeting? -- No it was not attached.

Now on this document, EXHIBIT L7, the fourth paragraph, it mentions there a series of consultations and meetings were organised, amongst others members of the UDF were consulted and suggestions and advices from them and members of the organisations like the Soweto Civic Association were welcomed. So before the launching of the UDF do you agree, this is part of the report attached to that meeting? -- This report was not attached to the report of the General Council meeting when it(20) came to the Vaal complex.

Did you know anything about the report attached to that meeting? -- Attached to that meeting?

Yes, of the General Council, referring to L1? -- The report represented there?

Yes. -- I knew of a report that was presented there.

COURT: Well was this the report that was presented there? -- This is the report that was presented there.

MR JACOBS: So you know nothing about this and you cannot dispute then a series of meetings between UDF and the Action (30) Committee/...

Committee in the Vaal? -- I can explain how I got to know about this report. Can I explain how I got ..

C.500 COURT: Yes certainly. -- After we had mandated Mr Thembekile Hlalugo and Mr Thabis Ratsomo to enquire on affiliation to the United Democratic Front at the meeting where they reported back with the Declaration and Working Principles they told us that they had also been invited to attend a General Council of the United Democratic Front at the date of Saturday the 15th, which meeting they attended. Now seeing that they did not have a mandate from the Vaal Civic Association to make any report(10) or with regard to a report because at that stage the VCA did not know that they would be expected to submit reports on their areas. Now the two gentlemen were asked if they can just report on the situation in the Vaal complex and present this report to that meeting, whilst being given observer status. That is when they decided then that they will write a report on the activities of the Vaal Action Committee instead of the VCA, and it was only after this document had been handed in in court as an exhibit that I came to know of it, that I came to see it. All the same I always knew that they had made a report at (20) that moment with regard to the workings of the Vaal Action Committee and not the Vaal Civic Association.

MR JACOBS: Did they report to you what they reported to the General Council in this report? -- If I remember well the summary was just that they reported that there was an area committee that was established that assisted in launching the Vaal Civic Association. I can remember it to that effect.

Did they say anything about this part of the report, a series of consultations and meetings? -- As I said I did not know anything about the series of consultations and meetings.(30)

Did/....

Did they not report it? -- Well they did not report it.

To the executive of the VCA? -- I cannot remember them reporting on the exact details of what was in the report.

You see they are also reporting on the second page, if you have a look at the second page, the association is planning a series of house meetings leading to mass meetings in various areas before the elections. Do you see it? -- That is so.

Is it correct? -- Well that is correct.

COUPÉ: Did you say that a few resolutions were passed at this meeting? -- At which meeting? (10)

At the founding meeting of the VCA a few resolutions were passed? -- No I would not say a few.

Neither would I looking at the exhibit. Can you explain why this report says a few resolutions including that of joining the UDF were passed? -- Well I do not know why was this said to be a few resolutions whilst in actual fact there were no few resolutions as we have seen in AN13.

MR JACOBS: Now when did the planning take place of a series of house meetings leading to mass meetings in various areas before the elections? -- The planning took place immediately (20) after the launch of the Vaal Civic Association.

What did you plan at that stage? Is this now immediately, the same day, the 9th? -- At the meetings after the 9th.

At which meeting? -- Well at, this was in the agenda at a number of meetings after the launch and before the protest rally of 27th November.

When did the planning take place, can you tell the Court, can you be specific? -- Well between the period of 10 October and 27 November.

Did you do any planning on the week after the launching (30)

of/....

of the VCA? -- Yes some planning was done.

What planning was done? -- That area representatives should now start working at house meeting levels talking to people around the forthcoming elections.

And when did you plan for mass meetings? -- Well on subsequent days, plans for mass meetings came up.

Was it after that first week? The meeting of the first week after the 9th? -- The report as I see it here is saying the association is planning a series of house meetings leading to mass meetings, meaning that at that time the author of (10) this report was referring to what plans were afoot at that stage and that was the holding of house meetings were being planned. With the end result of at a later date the holding of a mass rally, a protest rally.

I will ask you again then when did you plan the holding of a series of house meetings and a mass rally? -- During the same period of 10 October to 27 November.

You are not going to be more specific? I am giving you a chance to do it now. -- Because I cannot remember the details of each and every meeting as I put it earlier on (11) and I will not bind myself to dates because that would be wrong. I might bind myself to a particular date only to find that this took place at another date.

You are not binding yourself to dates. Why not? -- Because I cannot remember the date.

On what day of the week was it, 9 October, when the VCA was launched? -- It was on a Sunday.

Sunday. And the next Saturday, the next week, then you will get the next week and on Saturday would have the 15th, is that correct? -- That is so. (12)

And/....

And your first meeting, except for the one directly after the launching was after the 15th? -- That is so.

So how could they have said then if it was only planned after you came together after that time, how could they have reported it here then on the 15th to the General Council? -- I do not say so. I did not say so.

I am asking you. -- But I did not say so. I did not say they did that, they reported on the planning that was still coming after the 15th, I said the planning was a continuous thing between 10 October and 27 November, that is how I (10) put it, and at the period when this was written I specifically noted that, at the time the author wrote this he merely indicated that at that stage the planning for house meetings which would lead to mass meetings was under way.

But I asked you when did you start the planning of that? -- Well we started the planning at the meeting of the 10th.

Of the 10th? So now it is the 10th. When I gave you an opportunity to explain that ...

MR BIZOS: No the answer was the same earlier on My Lord.

COURT: The answer was "Our first meeting was after the (20) 15th". Now it may well be that the witness made a mistake but the questioner is entitled to put the question. Next question.

MR JACOBS: Now another point, why is, do you know, can you explain why is it that although it was not necessary to hand in written reports they handed in a written report at that stage to the General Council? It only became, afterwards it became compulsory for written reports being handed in. Not even being members of, affiliated members of the UDF? -- The explanation that the two gentlemen gave was that at the meeting they were told how the General Council sits and what is (30) expected/....

expected of affiliates. But it was suggested to them that they could attend as observers but it was also suggested that if they were in a position to they could write a report on their organisation or on the situation in the Vaal. That is how they came to do that.

I beg your pardon, I see here on paragraph 6 again, only written reports were accepted. It might be that they were only accepting, to be fair to you it might have been that they would only accept a written report on that particular day. -- And that is what they did, they wrote a written report. (10)

This report, whose handwriting is it in?

COURT: L7?

MR JACOBS: L7 to be specific. -- It does not say who the author is.

COURT: No the question is whose handwriting is it? -- Well I cannot say if it is Mr Ratsomo's handwriting or Mr Hlalugo's handwriting.

MR JACOBS: Is it possible that it is a woman's handwriting? It might even be Miss Lethlake? -- Unfortunately I have got no expertise on detecting handwritings, as such I cannot (20) differentiate between a woman's handwriting or a man's handwriting.

Now you would agree that this last paragraph, that the association is planning a series of house meetings leading to mass meetings in various areas before elections is a clear indication that the Vaal Civic Association is already reporting to UDF on the conducting of the campaign against Black Local Authorities? Even before they were members of UDF? -- Yes but here it is very clear that we are reporting as the Vaal Action Committee. (30)

But/....

But they are reporting here as the Vaal Action Committee but they are reporting what the association, what the VCA is going to do? -- Because they have spoken earlier in the report that on 9 October the VCA was launched at a particular date and this is what the VCA is doing here now.

Yes. That was my question. -- But I cannot say that this is the VCA's report.

But they are reporting already to the, to General Council of the UDF what VCA is going to do in relation to the UDF campaign against Black Local Authorities? -- Yes the Action(10) Committee is reporting about the VCA.

Are the two gentlemen, the two gentlemen who attended this meeting were they also members of the VCA? -- They were also members of the VCA.

And they were reporting on planning that you as association did, is that not so? -- They were reporting on the Vaal Action Committee and the VCA.

Mr Vilakazi I am only referring to this last paragraph. Does this last paragraph refer to the Action Committee? Have it before you? -- No I think we had already agreed that this(20) paragraph is referring to the Vaal Civic Association.

Yes. Now why do you bring in the Action Committee because this is not the plans of the Action Committee, or is it? -- Now when your question came again that they were reporting on the Vaal Civic Association, then I take it we were talking in terms of the whole report now because this part we had already been through it and I had agreed that this refers to the Vaal Civic Association.

Yes. No my question, I will repeat my question now. It was already at this stage being reported to the UDF what (31)

steps/....

steps the VCA are taking in implementing the campaign of the UDF against Black Local Authorities? -- No.

So why was it necessary then to report on the steps to be taken in elections? -- I am saying no because I do not see that campaign as the UDF campaign or the VCA having carried out the campaign of the United Democratic Front. Secondly I have stated clearly how I received the information with regard to this report which I said I saw for the first time as an exhibit in this court. And that these people were reporting on the activities of the Vaal Action Committee and how it assisted (19) in the formation of the Vaal Civic Association and what the Vaal Civic Association was doing at that particular moment. They could not write a full report on the Vaal Civic Association because they had no mandate from the Vaal Civic Association to do that. But as they still regard themselves as the members of the Vaal Action Committee they could report on the Vaal Action Committee.

COURT: Was not the sole purpose of the Vaal Action Committee to found a civic association? -- I did not know their aims in broad terms, whether it was particularly for the formation (20) of the Vaal Civic Association or to exist and do other things, I did not know.

Well did it continue to exist afterwards? -- I do not know.

You never heard of it being active at all? -- I came to know about the Vaal Action Committee during the period towards the launching of the VCA and I did not know how long it had existed and how long did it exist thereafter.

Well after that did you see it being active, after the launch of the VCA or did it just disappear from view? -- Well I do not know what happened to it because I never saw it (30) existed./....

existed, only learnt that the launching meeting was prepared by the Vaal Action Committee.

MR JACOBS: Do you know about any discussions or did anybody mention anything about discussions with Soweto Civic Association afterwards, that they were part in bringing about the launching of the VCA? -- As I said I did not know of that information.

But you cannot dispute this report that that really took place? -- Well I cannot dispute what is in the report because it is what I do not know. (10)

You also do not know who arranged for the speakers at the meeting? Of the 9 October 1983? -- Well I took it it was the Action Committee.

According to the notice was there not a change in the people who came to the meeting as guest speakers? If I remember correctly, I am going on memory now Mr Shabangu was not, I do not know whether it is Frank Chikane or Mr Shabangu. Can you remember on the notice? I will help you now. It was originally advertised that Mr Motlana, Mr Mkondo and the Reverend Frank Chikane were the speakers, were to be the (20) speakers. Is that correct?

COURT: What document are you referring to?

MR JACOBS: That is EXHIBIT AN3. I think, Edele daar was na al twee dokumente verwys gewees.

HOF: Ek gee nie om nie, na watter een verwys u?

MNR JACOBS: Ek het sommer net om dit te kry, AN3 gekry.

COURT: Well it is now put to you that the Reverend Frank Chikane was advertised as a speaker and according to your evidence then he was not there, somebody else was there? -- No I did not see Reverend Chikane at this meeting. (30)

MR JACOBS:/.....

MR JACOBS: Do you know why there was a substitute for him? --
No I do not know.

If anybody would say that the UDF was the driving force in the creation of the new civic organisations and that they were initiated by UDF what would you say? -- Then I would ask which civic associations.

Also the Vaal? -- Then I would deny that.

You would deny it. -- I would deny that.

Can you tell me, just before I go further with this point, what publications were distributed for other organi-(10)
sations in the Vaal? -- Well the Vaal is quite broad and there are a number of organisations in the Vaal.

By the VCA? -- Well we distributed the Black Sash publications.

What are they, their names? -- "Know Your Rights" and the publication on the Black Local Authority.

What is that? -- "You and the Pass Laws".

Are those publications that you sold? What do you say? -- We would look for publications to sell at a profit from a number of organisations. (20)

Now can you name the publications that you in actual fact were selling in the Vaal, receiving them from other organisations in order that you can, as you told the Court to raise funds? -- "Know Your Rights" from the Black Sash, I remember for certain that we did distribute that one in the Vaal complex.

Was that one sold? -- Yes we did sell it at a profit.

Yes? -- Then there was also the "Work in Progress" which we also sold for a profit.

Yes? -- Those are the two I remember now that we used to sell for profits. (30)

But/....

But I want more, can you not remember the other for any other, for any reason because it is strange that those are the ones I can remember now, what do you mean by that? -- When I am thinking back on which we specifically distributed and sold at a profit. Among those I remember the "Know Your Rights" from the Black Sash and the publications from "Work in Progress".

Any UDF News? -- Well UDF News was not being sold.

Was that, did you receive any News? -- We received UDF News yes after we had affiliated. (10)

COURT: But you did not sell it, it was free? -- We did not sell it.

MR JACOBS: Did you distribute them free? -- We distributed them free.

Did you receive the UDF News regularly and then distribute it? -- I cannot say it was regularly because it would depend on whether the people who went to the General Council would be able to get UDF News to bring back to the Vaal complex.

Yes what other publications did you receive? Try (20) and remember? Do you know the publication Speak? -- Yes there was Speak.

Was that one distributed? -- Yes it was distributed.

COURT: For profit? -- No I cannot remember if we had any arrangement to sell it at a profit.

MR JACOBS: Did you distribute that one regularly? -- I would not say if they were distributed regularly because all publications were delivered to the Chairman's house, the Reverend Lord McCamel and I would always hear from him when there were any new publications. So I would not know if we received (30)

them/...

them regularly.

The State of the Nation, do you know such a publication?
-- I know such a publication but I cannot remember it being distributed in the Vaal.

Do you know which organisation is distributing that publication? -- The State of the Nation? It is a long time since I have seen it, I cannot remember which organisation produced that one.

The Eye? -- No I never received the Eye in the Vaal complex. (10)

You cannot remember any other document? -- Well there was also SASPO National.

COURT: That you distributed? -- Yes.

For profit? -- SASPO National, yes it was for profit.

MR JACOBS:

I would like you to have a look at EXHIBIT T13. That is a report of the Secretariat of the UDF National General Council.

COURT: Yes which portion of this report?

MR JACOBS: On page 3, have you got it, he has not got it yet sir.

COURT: Yes to which portion are you referring? (20)

MR JACOBS: Have a look at page, have you got page 3 before you? Of this exhibit? Under the heading "Track Record of UDF", paragraph 4, the second paragraph there:

"The last three months also has seen a mushrooming of new civic and youth organisations. These organisations were not only inspired by the UDF but were initiated by the UDF itself."

Would you say that is a correct statement? -- Well I would not be in a position to comment on this statement.

Why not? -- Because I do not know of the Vaal Civic (30)

Association/....

Association as an organisation that I belonged to having been initiated by the UDF.

But if it was initiated ... -- And I do not know of any other civic association or organisation that was initiated by the UDF.

COURT: Well it may well be that you not having any knowledge of the workings of the Vaal Action Committee are not in a position to say whether or not it was initiated by the UDF? -- But at least having served with the people within the Vaal Civic Association, people who have been members of the (10) Vaal Action Committee and also having seen the participation of the community at the launch and having had no indication whatsoever that the UDF might have initiated the formation of Vaal Civic Association and also having not heard anything to that effect I cannot simply be agreeable to it because I see it here in print in a report that I do not know.

Mr Vilakazi do you not agree it is a simple question that you can either, cannot dispute it either, you cannot agree but you cannot dispute it also? Is it correct? Because you knew nothing what happened before 9 October between UDF and the (20) Action Committee. -- Well if the report was saying the Action Committee might have been initiated by the UDF but not the Vaal Civic Association, I disagree with that.

So you would say that the UDF did nothing to initiate or to assist the Action Committee in launching the VCA on 9 October? -- That I will ...

Is that your evidence and then must we ... -- That I will not dispute, that they did something to assist I would not dispute because I would not know but that the UDF initiated the move is what I will dispute. (30)

And/....

And on what grounds do you dispute it if you have not got any knowledge of what happened before 9 October? -- Well my knowledge is that from the people who were in the Action committee who told me that they had come together and after a call had been made in Evaton by a person who had nothing to do with the UDF at that point in time.

You have no personal knowledge? Your disagreement is not based ... -- But I have information to that effect.

Your disagreement is not based on any personal knowledge from your side? -- My disagreement is based on the informa- (10)
tion I have with regard to the Vaal Civic Association.

Why do you not answer my question Mr Vilakazi? -- I am answering the question.

Is it a difficult question to ask you whether your information is not based on your personal knowledge? -- My information is not based on my personal knowledge as I did not attend that meeting.

I would like you to have a look again at EXHIBIT C110.

COURT: You can look at it as much as you like but you are going to be questioned on it on Monday and not today. (20)

COURT ADJOURNS UNTIL 2 FEBRUARY 1987.

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