

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1988-06-20

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR: MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

421

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 20 JUNE 1988.

LYBON TIYANI MABASA: d.s.s.

EXAMINATION BY MR BIZOS: Are you a trained teacher living in Soweto Mr Mabasa? -- That is true.

And what position do you hold in AZAPO at the moment? -- I am deputy president of the Azanian Peoples Organisation.

COURT: Will you just speak up please. I have difficulty in hearing you.

MR BIZOS: Just repeat that please? -- I am deputy president of the Azanian Peoples Organisation. (10)

Were you its president at any time? -- I was president of AZAPO between the years 1983 and 1984.

Were you one of the co-convenors of the national forum? -- Yes.

And are you a member of the Biko Foundation? -- I am.

Were you present at the formation of AZAPO in 1978 in April, on April 28 and 29? -- Yes I was convenor of that meeting.

COURT: What is it, 1978?

MR BIZOS: 1978. -- 1978.

And what positions other than those you have already (20) mentioned have you held in AZAPO since? -- In 1982 I was head of the cultural secretariat of AZAPO. I have been head of the secretariat for education in AZAPO in 1985 and I was vice-president, political education in 1986.

Yes. -- And I was deputy president in 1987 and I hold the same position this year.

Were you ever restricted from holding office in AZAPO? -- In December 1978 I was served with a five year banning order which was lifted in May 1982.

After the restriction order was lifted in May 1982 did (30) you/....

you again become active in the affairs of AZAPO? -- That is true.

In what capacity? -- As head of the secretariat on culture.

And did you from 1982 onwards, when the restriction order was lifted, have you helped, have you kept yourself informed about the affairs of AZAPO? -- That is true.

Throughout this period or were there any interruptions?

-- Throughout this period.

From 1982 to ... -- To today.

... the middle of 1985, at any rate were you au fait with the affairs of AZAPO? -- That is true. (10)

And during the period 1983 to mid-1985 would you say that you held high level or low level positions in AZAPO? -- I held high level positions in AZAPO.

I want to ask you at the outset about an allegation that has been made in this trial that there was a conspiracy, an agreement to commit crime, between AZAPO, the UDF, the ANC, the South African Communist Party, the UDF affiliates, members of their executive and other structures. Do you know of any such agreement or any such conspiracy that your organisation was involved in Mr Mabasa? -- I am not aware of any such actions (20) by us in AZAPO.

Now if there was any such agreement, to use the words of the further particulars, at high level, that is AZAPO high level and UDF high level, have you any reason to believe that such agreement may have been entered into without you knowing about it? -- For 1983 and 1984 I occupied the highest level of the organisation and therefore I should have known.

And in 1985? -- I still should have known because I was a member of council by virtue of being head of the secretariat on culture. (30)

Who/....

Who was the president of, who was the president in 1985?
-- It is Ishmael Mkhabela.

When was he elected president? -- He was elected in Cape Town in December 1984.

And what is the policy making body of AZAPO? -- The policy making body of AZAPO its congress.

And between congress who interprets or carries out that policy? -- It is the executive or central committee which are regularly ratified by the national council of the organisation.

Were you a member either of the executive or the national(10) council or both during 1985? -- I was a member of the national council.

Did any, did the national council in 1985, was it called upon to ratify any executive decision in relation to any agreement with any of the organisations that I have previously mentioned? -- No.

Now I want to come back to the end of 1982 when you started being active again in AZAPO Mr Mabasa.

COURT: Is there a difference between the conference and the council? -- Yes there is a difference. (20)

The conference is what, is all the members together? -- It is open to all members.

As many as come? -- As many can come whereas council consists of the executives of various branches and regions of AZAPO. And that will also include secretariat members. It would include formations of the organisations like advice offices which are started by the organisations, executives of such would have the right to attend our national council.

Thank you.

MR BIZOS: Now I want to go back to 1982. As soon as the (30)
restriction/....

restriction order was lifted did you become active in the affairs of AZAPO? -- Yes.

At that time was there any broad political discussion in relation to what has been called or was called the new deal, the constitutional proposals? -- Yes there were discussions.

Were you aware of the proposals by the President's Council in relation to the tricameral system recommended by the President's Council and what were known as the Koornhof bills or the Black Local Authorities Bill and other bills. Were you aware of that? -- I was aware and I used to read also about (10) them in the press even at the time that I was banned.

In 1982 how did AZAPO react to these proposals? -- We reacted by saying that these proposals do not guarantee other citizens of the people, which are black people in this country, rights and therefore they were dumb bodies which do not have real power.

Did AZAPO in 1982 have to formulate any new policy in relation to whether or not it would co-operate with the government in relation to these proposals? -- No, it was standing policy that we do not participate in government created (20) structures, especially because from past experience we knew they did not have real power.

When was this policy of AZAPO formulated not to participate or acquiesce with structures created by the government which you considered as not having any power? -- When I was unbanned and went back to AZAPO I found that policy being there in the organisation so I would think it was formulated some time when I was banned which could be between 1978 and 1982.

Mr Mabasa I know it is difficult because I am asking the questions and you are answering them, to look towards me, (30)

but/....

but I think it will be a little easier for his lordship if you address his lordship please because I am familiar with your answers.

COURT: And you can stand back and do not worry about that microphone, it will pick it up, it is quite sensitive enough.

MR BIZOS: You found this policy of shall we call it non-co-operation or boycotting of structures of the government which you considered did not have any power. Would it be correct or incorrect to say that since the formation of AZAPO in 1978 did you know of any participation by AZAPO in any (10) government structure which, in any government structure? -- I am not aware of any participation of AZAPO in any government structure at any time.

What did you in AZAPO, let us confine ourselves to 1982, what did you in AZAPO hope to gain by boycotting these structures? -- We hoped by boycotting these structures we will put pressure on the government to bring about fundamental and meaningful change rather than these structures which we knew were not working and were not going to work.

In relation to the local government, that is councils (20) such as Urban Bantu Councils or Community Councils or Town or City Councils, what was the policy or attitude of AZAPO during 1982? -- The policy remained the same that they should be boycotted, people should not participate in them.

And for what reason was that policy formulated? -- The policy was formulated because from past experience, and admission of some of the people who resigned from the UBCs in 1977 it was that these bodies do not have real power, they are not able to change. If people need houses the council itself is not able to bring about that people should have houses. (30)

They/....

They depend on the central government for that.

During 1982 did you confine yourself to Johannesburg or did you go elsewhere in the country? -- I went, I attended one meeting in Boipatong with the president of AZAPO then, Khehla Mthembu, a branch meeting. I also ...

COURT: I am sorry, what about Khehla Mthembu? -- I attended a meeting with him in Boipatong.

Where was it? Boipatong? -- Boipatong.

MR BIZOS: He was the chairman of the local branch you said? -- Khehla was president of AZAPO at that time, in 1982. (10)

I beg your pardon with him, I beg your pardon, and you attended a local ... -- A local branch meeting.

A mass meeting or a committee meeting or what was it? -- It was a meeting of members of AZAPO. It was not really a mass meeting.

And what was the purpose of that meeting? -- Well they were discussing problems facing AZAPO as an organisation. I do not know of any other purposes because I was just invited by the president to accompany him.

Did you go beyond the Transvaal? -- In November I went (20) to Cape Town with Ishmael Mkhabela who was in the national executive of AZAPO, and Sefako Nyaka, also in the national executive of AZAPO. They invited me and ...

COURT: Sefako? -- Nyaka, N-y-a-k-a.

And in what year was it? -- 1982.

MR BIZOS: November 1982? -- Ja November 1982.

COURT: They invited you? -- They invited me to accompany them. They were going to Cape Town.

To a meeting? -- To check on the branches of AZAPO in the Western Cape. (30)

MR BIZOS: /.....

MR BIZOS: When you went to Cape Town to do that did you come across any organisations outside AZAPO with whom you had discussions or looked into? -- Yes we met people from SACOS which I think is South African Sports Council.

Council for Sport. -- Yes. We met Frank van der Horst who at that time was president of SACOS. We met people from the Disorderly Bills Action Committee, DBAC, people like Neville Alexander, and we had discussions with them about the new Koornhof Bills and also Sefako and Ishmael Mkhabela were going actually to invite Neville Alexander to become a speaker in (10) the congress of AZAPO which was due in the beginning of the year 1983.

Yes. Now you mentioned...

COURT: Just a moment. Yes thank you.

MR BIZOS: You mentioned that there was the action, the Disorderly Bill Action Committee. Now what was this committee about, do you know? -- It was a committee of various community organisations in the Western Cape which have come together to discuss the Koornhof Bills and the Black Local Authorities Act.

And what about the tricameral ... -- And the tricameral (20) issue.

COURT: Was that then a disorderly bill? -- Yes they were calling themselves the Disorderly Bills Action Committee, DBAC.

MR BIZOS: Did they remain with that name? -- They later changed that name and called themselves the Cape Action League, CAL..

Do you know whether they published any notices or news sheets, whether they handed them out? -- Yes they were publishing they had things like pamphlets and newsletters, some of them were actually distributed at the national forum in 1983 and at our congress where they were invited in January/February (30)

1984.

And were you handed any of their news sheets? -- Yes.

I want to show you a documents with the heading "Against Botha's Plans! For Full Democratic Rights." Have you seen this document before? -- Yes.

My lord I seek leave to hand it in as EXHIBIT DA.216. I just want to explain that unfortunately the original document was marked and although your lordship can read below the marking which I will ask your lordship's registrar to hand up, the photostat machine does not bring out the marking. (10)

COURT: Where is the original document?

MR BIZOS: That is the one that ...

COURT: The one that I have here?

MR BIZOS: No my lord that your lordship is now handed.

COURT: Yes?

MR BIZOS: But your lordship will see that those markings make it impossible to read the ...

COURT: The photostat.

MR BIZOS: The photostat. So what we have done is ...

COURT: Who marked the original? (20)

MR BIZOS: I do not know.

COURT: Yes?

MR BIZOS: Obviously someone ...

COURT: Someone in your group.

MR BIZOS: In our group.

COURT: Who thought it was very important.

MR BIZOS: He was right.

COURT: And therefore obliterated it.

MR BIZOS: But what we have done, your lordship will see that we have actually typed the portions. (30)

COURT:/....

COURT: I will take in both these documents then. Does the witness need one of them?

MR BIZOS: As your lordship pleases, we will give him one of the, we will give him one. And whilst your lordship is dealing with the documents similarly did you see at the time being distributed a news sheet called "Cape Action League formerly known as the Disorderly Bills Action Committee"? Will you please have a look at that. Did you see that being distributed at the time? -- Yes though I would not be certain of the exact time I have seen it being distributed. I have seen it. (10)

But either at your conference or at the ... -- Or at the forum.

Or at the forum. Now there is a similar problem in relation to this but again we have taken the liberty of typing out what... Would you just hand the original up to his lordship please, which is legible. It will be DA.217. The copies are stapled but our stapler has unfortunately here run out, but we will see to it that it is done properly.

COURT: Yes this is the Cape Action League new sheet of August 1983, Volume 1 no. 2. (20)

MR BIZOS: As your lordship pleases. Now the, if we could deal with DA.216, the middle of the second column.

COURT: I think I will exchange mine for the witness'. I would like the original please.

MR BIZOS: "When the Disorderly Bill Action Committee was organised in 1982 civic bodies, sporting organisations, womens organisations, trade unions and students and youth organisations participated. Organisations have united to fight against the enforcement of an inhuman law. There is nationwide opposition to the Koornhof Bills and to (30)

the/....

"the President's Council's proposals and the Labour Party has been rejected for its acceptance of the PC proposals. Accepting these proposals means accepting apartheid. Accepting the Koornhof bills means accepting apartheid. There is no question of our accepting apartheid. The rejection of these measures is proof of our unity and our commitment to democracy. The state knows that it has lost the battle to divide the hearts and minds of the oppressed. It sees resistance everywhere, in every organisation of the people. It sees all these organisations rallying to the cause of the workers at Leyland and Wilson-Rowntree under the banner 'An injury to one is an injury to all'. It sees them rallying to the cause of freedom of movement under the banner of the Disorderly Bills Action Committee. It sees them rallying to the cause of the full franchise and rejecting the Labour Party's sellout. It sees the unity in struggle of the oppressed. It sees the growth in democratic organisations of the people. The apartheid state must engage in a fight ..."

(10)

(20)

COURT: Sorry, where are you reading now?

MR BIZOS: Sorry my lord, the last words on the ...

COURT: I am sorry there is a mistake here. There is something wrong. My second page is not what your second page is supposed to be.

MR BIZOS: I am sorry my lord does your lordship's not .. Yes no it is definitely wrong, it is the wrong second page. I am sorry.

COURT: Yes go on.

MR BIZOS: "The apartheid state must engage in the fight to the/...."

(30)

"the death. The fight becomes more vicious as the days of its enduring grow less. The state now desperate will resort to desperate measures. The only road left to apartheid is the road of military dictatorship, of naked terror, of undisguised fascism. That road the state will now take."

And then it goes on to analyse the reasons why it is opposed to these proposals. Now the other, if you could please have a look at DA.217 starting at the bottom of the second column which on the copy is obliterated: (10)

"For this reason the Koornhof Bills want to divide the african people not only into ethnic groups but also between permanent urban blacks and homeland blacks. A small number of the black people will be allowed to live in the cities on a permanent basis."

Now, and does it go, does this document go on ...

COURT: Well he need not tell us what the document says.

MR BIZOS: And the obliterated portion on page 2:

"It was the first alliance of organisations in South Africa to oppose the President's Council and the Koornhof Bills." (20)

COURT: It should be "the President's Council's proposals and the Koornhof Bills".

MR BIZOS: As your lordship pleases, thank you. Now this sort of opposition in that sort of strong language, was it current in 1982 Mr Mabasa? -- It was current.

And ...

COURT: No this is not 1982, this is August 1983.

MR BIZOS: It is dated August 1983 but it relates back to, it describes what happened earlier on. (30)

COURT:/.....

COURT: Yes?

MR BIZOS: Did AZAPO do anything to oppose the implementation of the Koornhof Bills and the tricameral system Mr Mabasa?--
Yes it did.

What did it do? -- We called several meetings where we would explain to people why we think they should not participate in such structures, leaflets and pamphlet were given out also criticising the new deal, as it was called.

Did you print any pamphlets or any news sheets which you distributed? -- Yes. (10)

Did you carry this opposition out openly or in secret? --
It was openly. We are a legal organisation.

When would you say your visible opposition to these proposals started? -- Effectively in 1983 when I was in office. I know for sure we instructed our branches several times to hold meetings. But even prior to that there were press statements where the publicity secretary of the organisation would time and again state the position against the new deal.

During 1983 in relation to the national forum, very briefly can you explain to his lordship what its purpose was? -- The (20)
national forum was initiated by several people in the community.

The purpose was to bring people from different organisations to take a decision or an approach towards the new deal. Many organisations were invited in the first national forum, more than 200 organisations attended and they all agreed that they will oppose the new deal.

COURT: When was it held? -- It was held on 12 and 13 June 1983.

At Hammanskraal? -- At Hammanskraal, St. Peters.

MR BIZOS: Were you at that conference? -- I was co-convenor (30)

of/....

of that conference.

COURT: Who were the others? -- The other convenor was Saths Cooper, Bishop Tutu was in the committee, Bishop Manas Buthelezi was also in the committee, Neville Alexander was in the committee, Letsatsi Mosala was in the committee.

Who Mosala? -- Letsatsi, L-e-t-s-t-s-i, and Don Mattera. Mat? -- Don Mattera.

Mattera? -- Yes he was also in the committee. I think those were the people in the committee.

MR BIZOS: Was this confined to members of AZAPO, this (10) forum? -- No. As I am giving the list most of the people in that committee are not even members of AZAPO.

And what was the reason for trying to get this forum together? -- We were trying to get this forum together because we believed that the new deal was not only challenging one organisation but it was something which was facing all oppressed people in South Africa.

COURT: But now at this time there had already been formed a United Democratic Front in I think three provinces. Why did you not join that? -- Well right from the beginning we were (20) critical of the United Democratic Front on the basis of principles on which some of us were operating, an organisation like AZAPO.

MR BIZOS: What were the main objections or objection to the United Democratic Front from its inception? -- One of the main objections at that time was the inclusion of people who in AZAPO in particular we thought had direct links with government bodies. Structures like the Black Sash at that time which we know that had direct links with people within the PFP and the PFP was a party operating within the government structures. (

Should/....

Should I add?

Yes.

COURT: But was the Black Sash in the UDF? -- We were made to understand it was.

MR BIZOS: Any other body that you were made to understand was involved in the UDF in the beginning of 1983? -- We know also that NUSAS had actually given its full support of the formation of the UDF.

And did similar objections operate to them in your organisation? -- That is true. (10)

COURT: What link did they have with the government? -- Well somebody in AZAPO analysed it properly. He said NUSAS represents the children of the ruling class and Black Sash represented the wives of the ruling class.

MR BIZOS: During 1983 were there going to be elections for councillors in various areas? -- That is true.

Did AZAPO take up any attitude in relation to these elections? -- Yes we did.

Did you do that in co-operation with the UDF or UDF affiliates or independently? -- We did it independently as (20) AZAPO.

Did you hold any meetings or have any placard demonstrations against these elections? -- We held various meetings, again instructed our branches to hold various meetings throughout the country. We issued press statements in opposition to the elections. We also gave out pamphlets criticising the pending elections.

And did you express any view to the public as to what they ought to do or not do in relation to these elections? -- We made a point that if they vote in these elections they will (30)

not/....

not be voting for change but they will be voting for the perpetuation of the apartheid system, and that they should not participate.

Now did you have any slogan at the time in relation to these elections? -- One of the major slogans we were using was that "Don't Vote for your Own Oppression", "Don't Vote for the Perpetuation of Apartheid".

Did you and Mr Saths Cooper take part in a radio programme conducted by Mr Mike Hanna? -- At Capital Radio, yes we did.

My lord I am referring to EXHIBITS V.29 and EXHIBIT 25. (10) There will be admissions in relation to them. Have you seen the transcript during consultations for your giving evidence at this trial Mr Mabasa? -- Yes I did.

Does the transcript correctly reflect ...

COURT: Well must you not do it properly? Show him EXHIBIT V.29 and ask whether this is the transcript?

MR BIZOS: No the admission, this is why I said there would be an admission...

COURT: Is there an admission on this?

MR BIZOS: There will be admissions my lord. (20)

COURT: Yes, thank you. Does the transcript that you were shown correctly reflect what you and Mr Saths Cooper said on this programme? -- That is correct.

And did that represent your policy and the policy of AZAPO at the time? -- As far as it related to the elections participation it fully represented the policy of the organisation.

MR JACOBS: Edele dit pla my net iets, dat mnr Bizos sê daar sal 'n erkenning wees oor hierdie tape. Ons is nog nie eers genader oor hierdie, oor 'n ander band is ons genader gewees. Ek weet nie, ek hoor dit nou vir die eerste keer dat daar (30) gaan/....

gaan erkennings wees. Dit, ek weet nie eers die aard daarvan nie en mnr Bizos kan nie sommer so net 'n stelling maak daar gaan wees en dat die staat nou dan hom net oor die ou end moet gaan erken nie.

MR BIZOS: I am sorry that we have to be reduced to this. I gave my learned friend a document, he made certain corrections about other matters which was retyped and no corrections were made in relation to these matters. But if I have to show the witness the exhibit I will show it to him.

COURT: Well we will not waste much time on this, get (10)
EXHIBIT V.29 please.

MR BIZOS: As your lordship pleases.

COURT: Just get it out of this box here. Do not fetch it, it is not necessary.

MR BIZOS: We have a copy which is just highlighted in places. Can I just show it to him for the purposes of identification?

COURT: Yes.

MR BIZOS: Is this the transcript, V.29, that you were shown?
- - Yes.

And does it correctly reflect what you said. Right. (20)

COURT: Just a moment. Mr Bizos you should have supplied us with a copy of V.29. We have not got one for the witnesses. But anyway we are nearing the end of the case so it does not matter so much.

MR BIZOS: We will see to it that that set is a full set as well so that it does not, I am sorry about that but we will see to it. Do you know how this transcript, or rather how the tape was made? -- Well we knew the date we were going to have the interview with Capital Radio and most of our members were informed to listen to Capital Radio on that day and I think (30)

some/....

some of them did tape the interview.

COURT: Well do not lead the witness to think.

MR BIZOS: Well do you know whether it was recorded? -- It was recorded because when we went to council in Cape Town members of the organisation had the tape recorder and it was the biggest thing at council after council, everybody was playing it and people were listening, making jokes out of it.

I see yes. And do you know whether copies of that recording were made available to various members? -- From Cape Town other people offered that if anybody wanted they could. (10)
I think the Durban branch.

Yes have you ever spoken ...

COURT: Could I just get clarity please. Did you first have the interview on Capital Radio? -- Yes.

Then you had your national council meeting? -- Yes.

Then at the national council meeting somebody produced a tape of that interview? -- Yes, they were playing it.

And they played it? -- Yes.

And joked about it? -- And joked about it that I like saying "Let me come in there". (20)

I see, thank you.

MR BIZOS: And have you ever spoken on Freedom Radio from Lusaka? -- I have never been to Lusaka and I have never spoken on Freedom Radio.

Or given any interview on this subject matter other than to Mr Mike Hanna when it was produced on this radio programme? -- No I have never.

Now do you know whether you had a branch in the Vaal during 1983/84/85 Mr Mabasa? -- Yes we had a branch.

Do you know when that branch was formed? -- It will be (30)

ere/....

mere speculation because I was banned when it was formed. So I would not be certain of the date and year.

When you came back into circulation in 1982 was the Vaal branch in existence? -- Yes, I have already indicated that I attended one meeting.

And did it continue to exist during the period 1983/84/85? -- Yes.

Did you know, did you come to know Mr Oupa Hlomoka, accused no. 2 in this case? -- Yes.

When did you come to know him, more or less, do you know? -- I came to know him well in 1983. And in 1984 I went together with him, we helped organise the funeral of Jabu Shabalala. (19)

In the Vaal? -- In the Vaal.

COURT: Jabu Shabalala? -- Shabalala.

MR BIZOS: Did you in AZAPO change your policy in relation to the tricameral system or to the black local authorities or the Koornhof Bills as a result of any agreement with the UDF or any one of its affiliates? -- No we did not change.

Are you aware that approaches were made by the UDF for either affiliation or co-operation between the UDF and AZAPO? -- Approaches were made in 1983 after the UDF was formally launched in August. They were not approaches, as I understood them then, for working together. They were approaches for affiliation. (20)

COURT: But what would be the difference? -- The difference is if they were just approaches for working together they would not demand much formality but affiliation would mean that we call all our branches, we go into congress, we decide with all our branches throughout the whole country that now you must know/.... (30)

know that the whole organisation is affiliated to the UDF.

Yes, and what would be wrong with that? -- Well I have already stated that we thought the UDF and us were not agreed on principles.

MR BIZOS: Did any agreement ever materialise? -- No.

And in opposing the elections at the end of 1983 what did you hope to gain? -- We hoped to put the necessary pressure on the government to bring fundamental and meaningful change, that apartheid should come to an end.

Was this a campaign which was conducted by you on a (10)
violent or on a non-violent basis? -- It has always been on a non-violent basis. We are an overt legal organisation.

During your term of office in 1983/1984 did you concern yourself directly with any organisational work or campaign in relation to the increases of rent? Anywhere in the country and more particularly in the Vaal? -- No but we had a standing policy like in our campaign in Soweto against the pending elections, we did mention that every six months there would be a rent increase which is very common in the locations.

Other than that ... (20)

COURT: Just a moment now. I am sure you did not have a standing policy that every six months there would be a rent increase. What was your policy there? -- I am saying on the pamphlets which we issued we pointed out that there is a problem, there are such regular rent increases in our locations that you hardly pass a substantial amount of time without rent increases.

So were you against it? -- For the type of houses, lack of streets, lack of decent houses, anybody who is black would be against that type of thing. (30)

MR BIZOS:/....

MR BIZOS: Did you carry out any specific campaign or did you concern yourself as AZAPO, as an organisation, in the opposition to rent increases in the Vaal during 1984? -- Well we were not aware that there were rent increases in the Vaal. Had our branch told us and told us that national office we need assistance we would have got ourselves involved. We are dependent on our branches.

Did your branch involve the head office in relation to the increase in rent in the Vaal in 1984? -- No.

What is the attitude of AZAPO's involvement in what (10) have been called day-to-day issues in various areas Mr Mabasa? -- The attitude of AZAPO in such issues is that in each and every area we would want to have members and our members are part of the community so if there is a thing which affects the community we would expect our members to participate. But otherwise at a national level we do not directly involve ourselves on day-to-day issues. Unless asked to do so by our branches.

There is evidence before his lordship that the chairman of your local branch, Mr Hlomoka, accused no. 2, spoke at (20) the meeting of 19 August and 26 August and 2 September 1984 at the Anglican Church in Sharpeville on this question of the increase in rent. What is your organisation's attitude or policy in relation to involvement of your members or branch office members to such local community issues? -- We are not against it. We would actually encourage them to take part in community activities because while they are members of AZAPO they remain members of their immediate communities.

When they speak or act there as members of the community do they represent AZAPO? -- Not unless they have been (30) instructed/....

instructed to do by head office. They would act as members of AZAPO in their personal capacities.

What was the position of Mr Khehla Mthembu on 2 September 1984 in AZAPO? -- 19?

S4. -- I think he served in the youth secretariat.

COURT: In the? -- Youth secretariat.

Was he not on the executive? -- No.

MR BIZOS: Was he given any mandate by AZAPO to go and address any meeting in Sharpeville on 2 September? -- No.

Do you know of his seeking any such mandate? -- No. (10)

After the, or sorry, before 3 September 1984 did AZAPO as an organisation, to your knowledge, have any part to play as an organisation in the Vaal? -- No.

Did you become involved as an organisation, that is AZAPO, in any way after 3 September? -- Yes we did. When there was a crisis, as a national political organisation then we went to go and see how things were and what was happening in the Vaal.

And did you take any part in its activity, in any activity in the Vaal or render any assistance? -- Well we asked our health secretariat at that time to set up a clinic and ask (20) some nurses to help at the Anglican Church in Sebokeng. I do not know the zone where, the church were Father Lenkoe was, and we were ...

COURT: The church of Father? -- Lenkoe, Peter Lenkoe.

Spell it please? -- L-e-n-k-o-e.

Yes, in his church? -- In his church we were providing any medical service which people would need. Because there had been, we were reading in the press that the hospital could no longer cope, there were lots of people, and AZAPO moved in. We were also in touch with the priests in that area, some of them (30)

Like/....

like Father Photolo.

MR BIZOS: Please spell Photolo for the record? --

P-h-o-t-o-l-o.

COURT: What about him? -- Well those are the people we would meet at Father Lenkoe's place and there were a delegation of priests who time and again would go and maybe negotiate with the police if there are problems.

Are you saying that a group of people, amongst them Father Lenkoe and Father Photolo, all being priests, would meet at Father Lenkoe's place? -- They used, the two times (10) I went there they were there.

Was this now in Sebokeng or in Sharpeville? -- In Sebokeng. Sebokeng.

MR BIZOS: Now do you know Father Moselane, accused no. 3 before his lordship? -- Yes.

Was he a member of AZAPO? -- No.

Had he been a member of AZAPO would you have known about it? -- I would have. I am a founder member of AZAPO and I have known Father Moselane for quite some time.

Do you know Mr Tom Manthata, accused no. 16 before his (20) lordship? -- Yes I know him.

Was he a member of AZAPO? -- He was not a member of AZAPO. I know him as my teacher at high school.

Was there any constitutional or organic link between AZAPO and AZASM? -- Yes AZASM was formed by AZAPO as its wing for the students at high school and university.

Do you remember when it was formed? -- It was formed in 1983. I cannot remember the exact date. I think late in August or so.

Once it was formed was it dependent or did it receive (30) directions/....

directions from AZAPO? -- It is an autonomous student body. If they so choose they can consult on issues but they are not duty bound to consult us.

Do you know anything about an organisation called AZANYU? -- I have read about AZANYU.

Did it have anything to do with AZAPO? -- No.

During the period 1983/1984 and the first half of 1985 do you know, did you know of any office premises or any office bearers of AZANYU? -- No.

Do you know Mr Baleka, accused no. 1 before his lordship? (10) The gentleman right here with the glasses? -- Yes I know him.

When did you see him? -- I think recently, I came to know him I think last year when I went to Delmas.

When you visited Delmas? -- Yes.

Was that the first time you came across him? -- Ja.

Was AZANYU politically active in Soweto as far as you know during 1983/1984/1985? -- Well I read in the press, especially round about March 21, sometimes you would read in the press that they went and cleaned the graveyards but that is where I would, the information about them would end. (20)

The ...

COURT: Apart from what you read what are they, are they a students organisation? -- I am not sure, I think ...

You do not know what they are? -- No I would not say I know.

MR BIZOS: You say the only activity that you heard of that they were engaged in was to clean the graves on 21 March of what? -- The normal, every year.

Which graves in particular? -- In Sharpeville.

COURT: In Sharpeville?

(30)

MR BIZOS: /....

MR BIZOS: 21 March is the commemoration of that unfortunate event, yes. Right.

COURT: You read about that when, in what year? -- I think 1983, 1982.

MR BIZOS: Other than that have you heard of any activity? -- I also read in the press when I was banned, I think some of the members were charged, Masabata Loate was AZANYU. I think I read in the press that there was a case involving her and they mentioned AZANYU but that is ...

COURT: Yes, well do not give us a lot of press reports. (10)

MR BIZOS: What is the status of papers read by various individuals at your congresses or at your council meetings Mr Mabasa? -- With papers it will depend if at a congress maybe a decision is reached by the central committee or the national executive that they are going to have a seminar and a person regarded as an expert on that particular subject is asked to come and deliver that paper. At the end of his delivery of the paper if delegates are satisfied about the paper then the paper will be adopted. That paper will form part and parcel of the policy, or it will influence the policy of the organisation. (20) But in the event where somebody is asked to read just a general paper, maybe the keynote address, where normally there would be no questions it will just be a paper. It will not have status of influencing the organisation.

Yes. Let us ...

COURT: Well I take it that it might have influence, whatever its status is. It depends on the person who says it and what he says? -- I would ...

Are you not influenced by thoughts? -- You are influenced by thought but it will not form part and parcel of what you (30) would/....

would call the policy of the organisation.

That is a different matter.

MR BIZOS: Has AZAPO been holding commemoration services? --
We do.

For how long?

COURT: What commemoration services? -- We have what we in
AZAPO call the black calendar.

Black calendar? -- Black calendar, which would be March
21, we call it heroes day.

You call that heroes day? -- Heroes day. (10)

Not 16 December? -- No, no. We call May 1 labour day.

Yes? -- We call June 16 Soweto day.

Yes. -- And we call from 6 to 12 September national black
consciousness week and ...

ASSESSOR (MR KRUGEL): From the 6th to the 12th. -- To the 12th.

COURT: A week? -- Ja it is normally the national black con-
sciousness week. And we call 19 October black solidarity day,
and that is where the black calendar ends.

That is all? -- Um.

Now I understand the first three. The black conscious- (20)
ness week, does that tie up with the banning of black conscious-
ness organisations? -- The black consciousness week ties up
with the Biko affair. It is when it was reported that round
about that time he was very sick and on the 12th it culminated
with his death.

MR BIZOS: 19 October was the ... -- The banning of the or-
ganisations.

COURT: What year? -- In 1977, October 1977.

1977. Yes?

MR BIZOS: Now what is the purpose, well first of all for (30)

how/....

how long has, as far as you know personall, as far as you know for how long have commemoration services been held? -- Since the time I was at school people were holding commemoration service, especially of March 21. I knew it then as heroes day as I know it now as herces day.

Up to what year were you at school? -- I left school and university the end of 1975.

COURT: Now just a moment. Let us just stick to school. When did you leave school? -- School, 1971.

MR BIZOS: Now are there, have you attended commemoration (10) services regularly throughout this period? -- Yes I have attended commemorations regularly and throughout the whole country.

And did you since the formation of AZAPO, did AZAPO participate in commemoration services? -- Yes for all those dates I have given as the black calendar we hold commemoration services in AZAPO.

COURT: You hold them? -- We hold commemoration services.

But not for the full week I take it? -- The Biko week, every day there is an event until the 12th.

MR BIZOS: What is the purpose of these commemoration services (20) Mr Mabasa? -- The purposes of the commemorations is to rededicate ourselves in the cause of change. We call people, we address them, tell them that other people who wanted change have lost their lives but it does not mean that because of that people should not strive for an end to the apartheid system.

In your experience has violence been advocated at any commemoration service that you have attended during the period that you have attended them? -- Not that I know of.

And more particularly during the period 1983, 1984 and 1985 was violence against anyone or anything advocated at (30)

any/....

any commemoration service? -- No.

In relation to the commemoration service in Soweto, particularly on 16 June....

COURT: Of what year?

MR BIZOS: Of any year, 16 June, have there been some difficulties as to who should have Regina Mundi, the large church there as a venue? -- Yes because of the proliferation of organisations, that there have been many organisations and all of them on this day they want to hold commemoration services. It ended up with the priests taking responsibility or organising (10) for June 16 and therefore asking organisations to say which will be their speakers and they have shared those meetings.

COURT ADJOURNS FOR TEA. COURT RESUMES.

LYBON TIYANI MABASA: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Mr Mabasa I now want to move to the matters of funerals of people who have died with political overtones. Have you attended such funerals? -- Yes.

Have you attended many of them over the years? -- Yes.

What is the purpose of the funeral with political organisations present? -- Well on the one hand it is to encourage (20) people that despite the fact that people die their struggle for change in the country should not be abandoned, and secondly to encourage the next of kin to realise that they are not alone, maybe during their period of mourning and that is why we attend such funerals.

At meetings, commemoration services and funerals in which there is an AZAPO presence and where you have been present have slogans been used? -- Yes.

Has the slogan Amandla and the response Awethu been used? -- It is common each and every AZAPO meeting. (30)

What/....

What do you say to the suggestion made by the state that that is an ANC slogan? -- There is no truth in it.

And is the slogan Mayibye used? -- It is common in AZAPO meetings too.

And "An injury to one is an injury to all"? -- It is common, especially from people who have a labour background.

Do people sing at meetings called by AZAPO? -- Yes they do.

And at commemoration services and funerals where there is an AZAPO presence? -- They do. (10)

Now what sort of songs do they sing? -- They would sing songs like Senzeni na, they would sing songs like Ayaqikaza ...

COURT: Sorry, spell it please? -- Senzeni na ...

No that one we have had so often we know it. What is the next one? -- Ayaqikaza, I could translate it for you.

Well just spell it first? -- The thing is it is Zulu and I am not Zulu. It would be a bit difficult. But I know what it means.

Aya, what did you say? -- Ayangqikaza.

And translated for us? -- Translated it means they want (20) to go back they are getting scared. It says Ayangqikaza ayasaba amagwala , the cowards are scared. Athi kungcono Sibuyel emuva, they say it is better we should go back.

MR BIZOS: Any other songs? -- We sing Hlananani u basabenzi.

Any other songs? -- We sing Sekukudala sinikela ngamandl' ethu.

We will get one of the accused to write it out for the...

COURT: Sekudala? -- Sekukudala sinikela ngamandl' ethu. It is long we have been giving our strength. Sekukudala sinikela ngegazi lethu. It is long we have been giving our blood. Sithi (30)

mandlethu/....

mandlethu, now we are saying our power or our strength, Malkhokhelwe, must be repaid, Sisithi Igaslethu malikhokhelwe, we are saying our blood should be repaid.

MR BIZOS:

Yes. Now when...

COURT: What do you call these songs? -- We call them freedom songs, like choruses with the church.

MR BIZOS: For how long have you been present at any of these three types of functions where these sort of songs were being sung? -- Many times.

And the shouting of these slogans? -- Yes. (10)

Have the police been at or nearby your meetings and your commemoration services and funerals? -- In some of them the police are nearby. In some of them they actually get in and stand at the back. In some of them they keep what has been commonly called a low profile. They are there but they are not interfering, safe distance.

Do you know whether your meetings are recorded by any mechanism? -- I have no knowledge but I would accept it as a fact that it is part of their job to do that.

Has any police officer ever come to complain to you (20) over these years about the slogans and the songs that you were singing or anything else that was happening at these functions? -- Sometimes they do. They would ask who is responsible for the service and if you are leader in that you will go out and they will say what songs are they singing and you will explain.

And is that where the matter has been left or have steps been taken against you? -- In all cases we have been involved it has ended there.

And did you correctly represent to them what songs were being sung? -- Yes I do. (30)

COURT:/....

COURT: So then they could not understand the language? -- Some of the policemen I have dealt with, especially the security police, they are experts on african languages. In 1978 there was Major Heysteck, he knew Tswana better than I did.

MR BIZOS: Yes. Now in relation to the boycotting of schools did AZAPO call for the boycott of schools at any stage Mr Mabasa? -- We have never.

Did AZAPO help to try and defuse the education crisis for the children to go back to school? -- The local branches of AZAPO in areas which might be affected would, as is their(10) responsibility to try to resolve such problems.

I want to ask you in relation to the use of the boycott as a political weapon, do you know for how long it has been around? -- I think I grew up knowing that there is a boycott.

I mean I knew of Besawal(?) and the potatoes. That was a long time ago. I think it could have been earlier than before I was born or in my youth. It has been there with us for a very long time.

COURT: When were you born? -- I was born on 17 June 1952, which makes it I am 36 and three days.

MR BIZOS: Well do you in AZAPO consider it a successful (20) or an unsuccessful instrument of political activity? -- I think for anybody who wants to bring about meaningful but peaceful change boycott is the only available meaningful and successful strategy.

And by boycott do you confine it merely to the consumer boycotts or such matters or do you go further on the wider political field? -- It is on a wider political range, boycott of council elections, boycott of the Koornhof bills, and consumer boycotts, all related things.

wide criticism of the Koornhof bills that you spoke about earlier, whether, led to the withdrawal of any bills or whether new ones were introduced? Can you recall that? -- I would not know the details but I know at one time certain bills were withdrawn and they came back amended, the government thinking that they are much better I suppose.

COURT: What type of bills? -- The council bills, the Koornhof bills it was attack of several bills. I am not a legal person I would not know how to define them properly.

Yes but do you not know what is meant by the Koornhof (10) bills? -- I know what it is meant by the Koornhof bills because at the time they were bills which were relating to local, black local authority and such things.

But how many bills were the Koornhof bills? -- I would be committing myself to something I would not be exactly sure how many were there.

MR BIZOS: You say that the government thought that they were better. What was AZAPO's attitude in relation to that, did you have to examine them in detail or did you reject them out of hand? -- Well we do not need to examine them in detail because (20) any bills brought under the framework of apartheid are not likely to bring any meaningful change to black people.

COURT: So is your attitude that any bill that emanates from this present parliament is in any event no good as it is unrepresentative, so you need not look at it at all? -- Up till now there has not been a good one.

MR BIZOS: Is it, what was the AZAPO position in relation to the call for a national convention? -- Our initial attitude, as I found in the documents of the organisation when I became, when I was unbanned, was that it was okay to have (30)

a national convention but black people should put strong bargaining demands.

And did that position change or not? -- Since the government, despite the fact that organisations like AZAPO had indicated that indeed they are interested the government has not brought an olive leaf to say we so feel too. So that AZAPO changed its position and said we are not considering the national convention at all.

COURT: When was that? -- That was in 1985.

At your congress? -- It was accepted at the congress in (10) 1984 and we campaigned, we had a campaign against the national convention in 1985.

MR BIZOS: But the decision was made in 1984? -- 1984.

And what do you call, what did you call for instead in 1984? -- Well we said the national convention, the government has not responded to people's request for the national convention and we made alternative suggestions like things like the constituent assembly where people would come as representatives of different constituencies that would include the Nationalist Party from its own constituencies. (20)

I have no further questions my lord. Before I sit down may I ask your lordship for leave to excuse accused no. 17 tomorrow. He has to report to the Johannesburg Hospital.

COURT: Yes, permission is granted.

MR BIZOS: As your lordship pleases. And I have from someone, who obviously is capable of reducing to correctly spelt Zulu, does your lordship....

COURT: Could the witness just look at it.

MR BIZOS: Have a look at it. If they look like the words that you have described. (30)

COURT:/.....

COURT: Let me have a look at it. Yes, thank you.

MR BIZOS: Then finally as a result of further pruning over the weekend the witness is probably the third or fourth last witness. There will be two, or at most three short witnesses after this.

CROSS-EXAMINATION BY MR JACOBS: Mr Mabasa were there any discussions between AZAPO and the UDF to work together? -- I have already made an admission.

When was that? -- In 1983.

When in 1983? -- Before the October council, I would (10) not remember the exact date.

When was the October council? -- Before the AZAPO council in October in 1983 in Cape Town. So before that because at that council I remember we made a report that the UDF has approached the organisation for affiliation.

And can you tell the court who were present at this meeting between the UDF people and the AZAPO people? -- There were two meetings, if I remember correctly. The first meeting involved members of AZAPO like myself, I think Saths Cooper and others and from the UDF it was people who were occupying (20) national office we felt that they did not occupy the same office as we and therefore not representative.

Just look at the court. You need not look to the back of the court please. -- The people we felt were not representative of the UDF. I think amongst them there was a Mr Valli. The other people, but we thought it was not an adequate delegation to speak with the national executive of AZAPO.

Now can you only remember Mr Valli of the UDF? -- In that meeting. Yes it was real people we felt were not senior people. (30)

Can/....

Can you not remember any of the other senior people of the UDF? -- There were no senior people of the UDF in that meeting.

What do you regard as senior people? -- Oh had they brought Albertina Sisulu, Archie Gumede, or Curtis Nkondo, those were senior people of the UDF at that time.

So the only person you can remember from this first meeting was Vallie? -- Yes. And I remember there were no senior people.

Who arranged for this meeting between UDF and AZAPO? --
The UDF approached AZAPO. (10)

Yes. So nothing happened at this first meeting. You said that they were not senior enough to meet you? -- We felt they would not be able to take the decisions they had come on because they were not an adequate delegation for that meeting and subsequently they wrote another letter for another meeting and we therefore gave them a delegation which we thought would be equal to the delegation they sent us. Of not senior people.
COURT: You sent junior people on your side? -- Equal to their delegation.

MR JACOBS: So no decisions were taken on this first meeting (20) at all? -- No decisions were taken on this. They were going to report that they had approached us they were raising these problems and we told them that AZAPO is not able to decide just at the committee level. We have councils and we have got congress, we cannot decide just at the office.

And on this first meeting what proposals did they bring to you? -- Well the basic proposal, like I told the court earlier, was that is there a possibility of AZAPO affiliating into the UDF.

Yes. So that was not acceptable. Were there any other (30) proposals?/....

proposals? -- Well at that time that is what we discussed, the possibility of affiliating and we raised the problems we had with affiliation into the UDF.

So that only affiliation was discussed on this first meeting? -- On the first meeting.

Nothing else? -- Nothing else.

No other co-operation between the two organisations? -- We had a, no, no, it was not discussed. Then we had a second meeting.

Now who represented AZAPO in this second meeting? -- (10)
There was Letsatsi Mosala.

COURT: Mosala. -- Letsatsi Mosala, M-o-s-a-l-a. There was Khehla Mthembu.

MR JACOBS: Was he on the executive of ... -- None of them were in the executive. They were an equal delegation to that delegation from the UDF.

Yes? -- And they met member ...

Only two members of AZAPO? -- I think there were two or three but all of them were people who were not on the executive, people, some of them who had been in the executive in (20) the past but who at that time were not in any executive of AZAPO.

And from the UDF who attended that meeting? -- I think the same people. I was not in that meeting.

Do you know of any meeting where the national secretary of the UDF attended? -- The?

The national secretary and the publication secretary, accused 19 and 20? -- No. Not where I was present.

COURT: No but that you heard of? -- No I did not, I did not hear about that.

MR JACOBS:/.....

MR JACOBS: Was there a report back to you on this second meeting? -- There was a report back to us on this second meeting. The people we sent still maintained the position that we will not affiliate to the UDF, explaining also the big processes which would be involved in trying to affiliate to the UDF. The second position, members of the UDF tried to find out about the possibility of co-operation between the two organisations and we made, and our representatives made the position that so long as it does not compromise the principles which are the foundation of the organisation co-operation (10) would be possible.

Did you accept your, AZAPO, did they accept co-operation between the UDF as long as it is not against their principles? -- We accept co-operation with any organisation, even with the government, if it does not violate our principles.

Yes. Did you accept and did you decide on it to co-operate with the UDF as long as it is not against your principles? -- We agreed because it is not possible.

What do you mean now? -- We mean that our principles still remain that they have the daughters and sons of the bosses (20) in their organisation and they have the wives of the bosses in the organisation. So principle it is already violated, it is not possible.

So you did not agree to work with them? -- It was a tactical agreement, we wanted to be decent and nice. We say okay we agree our principles, so long as they are not violated.

COURT: But now how, on what basis could you then possibly co-operate with the government, provided you do not waive your principles? -- That is what I am saying, that that statement is loaded with meaning. What it means if AZAPO puts the (30) condition/....

condition of its principles in essence it says we are not co-operating because principles are the whole foundation of the organisation. We violate our principles we have no organisation.

MR BIZOS: Were you not prepared to work on them against the black local authorities? -- We have been working against the black local authorities without them. We would not stop them. If we meet them in the street distributing pamphlets against the black local authorities we would not say that is our act, do not do it. They would probably be commended, but it (10) would not be called working together.

It was against your policy to work with them on black local authorities, to co-operate with them on black local authorities? -- To work together in the same structure is what we were against but we were not working in the same structures. We were not consulting on what they are doing, they were not answerable to us so it cannot be called working together.

COURT: Well there are two things. The one is whether you / co-operate within the same structure and the second is when you co-operate but retain your structure. What are you telling (20) me now? -- Maybe I could give you the best example to make you understand what I am saying. The South African government did not want Kennedy coming to South Africa and they made their point very well known. AZAPO did not want Kennedy coming to South Africa and there they were together at the airport saying "Kennedy go home". Would you then call that, that AZAPO and the government were working together?

Well did you regard it as AZAPO and the government working together? -- The twain shall never meet under the present circumstances. (30)

Yes/....

Yes well let us not try to be funny, let us get back to brass tacks. Did you, for whatever purpose you had in mind, tell the UDF we will co-operate with you on certain aspects? Or did you not tell that to the UDF? -- We said that with the provision that provided our principles are not compromised.

ASSESSOR (MR KRUGEL): But you said in the same breath that is not possible. -- I am saying it was a decent way of saying to them it is not going to be easy to work together with you because working together with you will compromise our principles.

COURT: Yes that is what you are telling us now. What did (10) you tell the UDF? Did you tell the UDF we will co-operate with you provided our principles are not compromised? Is that what you told them? -- That is right.

MR JACOBS: Was that decided also on your conference? -- It was reported in our council.

And was it also discussed and decided on in your conference? -- It was not discussed and decided on congress.

Did you report it back to your people at the conference? -- We reported it at council and people laughed when they heard what has been said, to prove that people understood (20) it to be a polite way of saying we will not work together.

So you even did not report it back to your national, your convention? -- We only report decisions of things which will be implemented at congress.

Now on the question of day-to-day issues you told the court that it was left to the branches to take up the issues in the communities? -- We, I told the court so.

Yes. So was it the AZAPO people in branches in the communities were they allowed to take up the issues with other organisations affiliated to UDF? -- They would take (30)

up/....

up issues in community structures where all members of the communities are, not particularly the UDF.

No but take for instance the Vaal Civic Association, will they take up the issues in conjunction with the Vaal Civic Association? -- I do not think they would take up decisions together with the Vaal Civic Association but if there was a community issue which needed all members of the community to take action members of AZAPO too would go because they would not start by saying we will not go because there are members of the Vaal Civic Association. (10)

COURT: No but were your members, your executive members on branch level prohibited from joining as members the Vaal Civic Association? -- Yes.

MR JACOBS: Were your branch members allowed by AZAPO to join the organisations in their action against say black local authorities, in a community? -- They would. Most of the time it would be initiated through the branch itself. They would not need to join other organisations for that type of activity.

Can you tell the court what did AZAPO do in the Vaal triangle in 1983/84 in connection with black local authorities? -- I have not had any report of AZAPO activity. It was a very young branch, the Vaal branch. (20)

What is the position from the branches, must they regularly report back to AZAPO head office in the Transvaal Region? -- We have what we call regional structures. They would first report to the regional structures and then we go to council. They will report at council. Ultimately they will report at the regional report at congress.

In 1983 were you part of the Transvaal regional structure? -- I was president. (30)

And/.....

And what did they report back to you from what they were doing in the Vaal? -- In 1983 at council in Cape Town they reported that they were having problems, the branch was not having a lot of members and I think that is what they reported.

Were any reports made to you about the expansion of the organisation in the Vaal? -- We instructed them actually to try and get more members of AZAPO in the Vaal.

Did accused no. 2 ever report back to your region that he participated in activities in the Vaal on rent issues? -- No, he did not report. (10)

Was he not supposed to do that? -- He did not report to me.

Was he not supposed to report back to the region of... -- He would report to the region and subsequently it would be taken to council but I am not aware of such a report.

ASSESSOR (MR KRUGEL): Mr Jacobs I did not hear you well, but did you say 3 or 2?

MR JACOBS: 2. And Mr Khehle Mthembu is he a member of the Transvaal regional? -- He was not a member of the Transvaal region. He was head of the youth secretariat. (20)

But is that not part of the executive? -- It is not part of, the secretariats, we have about eleven secretariats. They are not part of regions. They are independent, they have got independent programmes. He concentrates on youth.

Do they not form part of your executive? -- No. The executive consists, now we call it the central committee, it consists of ten people.

Do they send representatives to your meeting at the regional council meetings? -- They will only meet the central committee at council, they will not even meet us at the regional/.... (30)

regional level. We are, we head the whole organisation nationally and therefore the only time the regions can meet us is at council and congress.

Are they not part of the regional structure? -- No, no they can go to the region if they are asked to do so, for particular, maybe reports or workshops.

So if I understand you correct then there is more or less eleven secretaries, one is of the youth? -- There is health, there is labour, there is education, there is community development. (10)

Now how does AZAPO with all these secretaries as part of them control the whole issue if they are not part of at least the ... -- They are not part of a region. They are part of council and they work under the project co-ordinator who is a member of the central committee of AZAPO.

Are they part of the council? -- Um hum.

Do they represent AZAPO on the council? -- At council they represent their various secretaries. The health secretariat will go to council to represent or to give us reports on what he has done in relation to health. The labour secretariat will go to council to report to council on what he has done relating to matters concerning labour, and all of them they take that same form. (20)

Was it ever reported back to the council in your presence of what took place in the Vaal, what action was taken by the Vaal branch of AZAPO? -- No it was not reported at council. Like I said earlier on after the crisis in the Vaal I was one of the people who went there and I could give some reports of what I have seen in the Vaal, as president of the organisation.

Did you investigate after the crisis in the Vaal, did you/.... (30)

you go to investigate in the Vaal? -- We talked to priests in the Vaal.

Did you go to investigate ... -- I went to investigate and talk to people in the Vaal.

Only to priests? -- To priests yes, and people maybe who were in the vicinity.

So why did you not go to your branch in the Vaal and find out from them what was happening in the Vaal? -- People were no longer available in the Vaal. After that period it was very difficult to get people. (10)

COURT: How do you mean available? Had this disappeared or were they arrested? -- Others were arrested, others had disappeared. It was a chaotic situation in the Vaal during that period.

MR JACOBS: From the whole Transvaal branch you could not find anyone from the branch itself to report to you what was going on there? -- Well I spoke to people like Charles Mabitsela who were out in Zamdela, because those were the people who could get hold of ...

COURT: Sorry you are speaking so fast, Charles who? -- (20) Mabitsela.

Mabitsela. Yes? -- Who also at that time was a member of the region in the Vaal.

MR BIZOS: The question my lord related to Transvaal. I assume that it was a mistake for the Vaal.

COURT: Yes.

MR JACOBS: No to the Vaal, from the committee in the Vaal.

COURT: The Vaal. The question is why did you not speak to your Vaal branch committee? -- When there is a crisis most of the time we leave the normal channels of communication and (30)

see/....

see if there is any immediate help we can give as central office, humanitarian help we can give to people under those circumstances.

Well is that your whole committee disappeared? -- The health committee was there.

No the Vaal branch committee? -- Yes we could not get people at that time.

Had they been arrested or had they disappeared? -- Well some of them were arrested.

And the others? -- The others I think they had just (10) disappeared.

MR JACOBS: When did you investigate the crisis in the Vaal? -- A few days after we saw in the press and TV what happened in the Vaal.

A few days, was it before 10 September? -- I would think it is round about there.

And you could not find any of your members of the Vaal branch of AZAPO? -- We did not at that time.

Who were arrested at that time? -- I would not be able to have the right information. I know at that time when I (20) went to the Vaal I did look for Oupa, accused no. 2, and I was not able to get hold of him and luckily while I was still in the Vaal then I met these priests who I know and I was just wanting to know what was happening there.

Were you not interested in your members in the Vaal to find out if you could assist them and whether they were arrested or what was going on with your members of the Vaal branch? -- It was easier for them to make contact with us.

While they were in jail? -- Their families, and normally in the forms they do have next of kin and the procedures (30)

for/....

for the organisation they know, they ultimately get in touch.

I would like to read to you something that is said by the UDF. It is EXHIBIT W, it is volume 10.

COURT: EXHIBIT W?

MR JACOBS: W.60 on page 24. This is a document with the heading "Repression in a Time of Reform" on the first page and then on page, this is the document and on the second page it is issued by in November 1984 by the United Democratic Front and different other organisations and on page 24 in the middle of that page, the middle column, and this is what UDF said (10) according to them, there stands the second paragraph:

"The Vaal Civic Association, the Sharpeville Anti-Rent Committee, the Vaal Womens Organisation, COSAS, AZAPO, United Democratic Front and various local trade unions, such as the Orange-Vaal General Workers Union and Engineering and Allied Workers Union came together to oppose the increases. They called meeting during August, wrote letters to the councils and circulated a petition. The council refused to retract the proposed increases. At meetings held during the week prior to the clash (20) between residents and the police it was decided that people will stay away from work in protest against the increases."

What do you say to this? Did you in AZAPO know about this working together between the local branch of AZAPO and UDF in the Vaal? -- We did not know and for any branch of AZAPO to go into coalition with any organisation it would need to be taken to head office and from head office it would go to council, from council to congress. There is no possibility that a branch can go into a coalition structure on its own, alone. (30)

Well/....

Well there is nothing of a coalition but they were working together to oppose the increases and that is in accordance, if I understood your evidence correctly, that it was left to the branch to carry on with issues in the places, in the townships? -- I said so.

Yes. -- That branches are instructed to participate in community activities because they are members of their communities.

So is it then correct that in the Vaal at least your local branch of AZAPO worked together with the UDF and the (10) Vaal Civic Association and so on on issues in the Vaal, on the rent issue? -- It was never reported to us. I see it here.

But you say accused no. 2 he was the chairman of the branch in the Vaal, is it not correct? -- That is correct.

Was he going contrary to AZAPO policy when he went on and co-operated with the organisations in the Vaal?

MR BIZOS: My lord that is not his evidence, with respect.

COURT: Mr Jacobs you can only put it on the basis that should it be found that this is correct then you can draw your conclusion. You cannot put it on the basis that he did. Not on (20) the basis of this report.

MR JACOBS: As the court pleases. If this is a correct version was accused no. 2 going against, on his own against AZAPO policy? -- If he is going as an individual it would have been okay but if he involved the organisation he would have to be called in to account how he came to do that.

Do you know...

COURT: Well could I just get clarity. Your decision was that if your principles are not compromised then you could work together. -- That is correct. (30)

Now/....

Now surely it will not compromise your principles if AZAPO and the VCA together sign a petition against the rent? -- If he signs that petition in the name of AZAPO he has already involved the whole organisation because the branch does not exist in isolation. That he will need to get permission from the region, from the region to council and even council might not be able to take that decision. It is, the highest decision making body of the organisation is congress.

And if he speaks at a meeting? -- If he speaks as an individual he can speak. (10)

And if he is announced as Mr so and so and AZAPO? -- Well that is, that was at a time if you are a public figure it is unavoidable.

MR JACOBS: Did you find out at any stage whether Mr Hlomoka, Oupa Hlomoka, accused no. 2, whether he addressed any meetings in the Vaal in connection with the rent? -- I did not know about that.

Was it never reported back to either the region or to ... -- We never had such a report.

Was any report ever made from the Vaal to the region or (20) to any other higher office of AZAPO? -- I am saying the minutes of the council in October 1983 shows the type of reports we got. People reported on the organisation, the growth of the organisations and the problems they encountered and we have never had such a report.

And in 1984? -- In 1984 we gave, as a reference we gave a report on what happened and how we helped in the Vaal. Because after the crisis it became an issue where everybody wanted to go and see if they can help and head office then also got interested in the issues of the Vaal. (30)

Were/....

Were there no meetings held in either the regions attended by the Vaal branch of AZAPO? -- There could have been.

No but can you not tell the court? -- I cannot tell the court because with regional meetings they do not have to report to us that the region is having a meeting.

But do you not discuss what is going on in every community and the branch in every community? -- We would want to discuss things in that way but we would normally not have time to go into each and every community when we have about 101 branches throughout the whole country, at one council which normally (10) involves workers and not more than two days.

Did accused no. 2 ever report during 1983 on what was taking place in the Vaal at the regional meeting? -- He never, after the Vaal crisis he never attended council. Maybe he could have if he did.

Did he ever report to the region on the membership, whether it increased according to the instruction given to them? -- I am saying after the Vaal crisis accused no. 2 never attended any other council. I think by the time there were councils he was already arrested. (20)

But between 1983 and 1984? -- 1983 I have given the councils he reported to.

I beg your pardon? -- I have already given the council, I gave an example of one council he reported to in Cape Town.

No I do not want an example. I ask you a specific question. Did he report back to your regional council after you gave the branch in the Vaal ...

COURT: Could we just now get council. The Cape Town council was the national council if I have it correctly. -- Correct.

You are now asking the witness about regional councils. (30)

Do/....

Do you want to know about a report to the regional or a report to the national council?

MR JACOBS: I first asked to the regional and then I go to the national council. So the regional council, did he report back to the regional council on the instruction at the national council in 1983 to increase the membership in the Vaal? -- I am saying we do not attend regional meetings. Central committee does not attend regional meetings.

So you did not attend any regional meetings? -- No we do not. (10)

But I thought you said you were the president of the regional Transvaal? -- I was the president of the whole national organisation.

Now what did the AZAPO, what did they do in order to see to it that their instructions were carried out in the Vaal to increase the membership? -- Well we were not concentrating only in the Vaal. We wanted membership throughout the whole country. So the same procedures in all regions are that people should talk to people about AZAPO, tell people about AZAPO, show them the constitution, show them the policy, ask them to join, (20) apply also to the Vaal.

Do you know whether any new branches were formed in the Vaal during 1983/84? -- There were no new branches.

Do you know whether any new members on the executives, were there any reports of new members of executives chosen in the Vaal or in ... -- In which year?

1983 or 1984? -- After every congress the branches are instructed to have their regional congresses where new people take structure so we would expect that the Vaal would also do the same. (30)

COURT: /.....

COURT: Well is it a regional congress or is it a local meeting?
-- They would start with their local meetings and then they have regional congresses because they would need to have new regional people.

MR JACOBS: Were there more than one branch in the, AZAPO branch in the Vaal? -- No.

Where was its situation, the branch in the Vaal? -- I have already said we had a branch in Zamdela and I used the name of Charles Mabitsele as a member of the Zamdela branch and we had a branch in Sebokeng. Branches in, or units of the Vaal (10) branch in Boipatong, Sharpeville, had fizzled out in 1983/84.

So is it then four branches in the Vaal? -- I counted, there used to be about four.

That was in 1983 and 1984? -- In 1984, 83/84 I think we no longer had a branch in Sharpeville and Boipatong.

But you had branches in -- Zamdela and Sebokeng.

Zamdela and Sebokeng. And accused no. 2 you have already told the court that he was the chairperson of one of the branches. In which one was he the chairman? -- In Sebokeng.

So he was the chairperson for the Sebokeng branch? -- Ja. (20)

You are certain of that? -- He was chairperson.

You are certain of that? -- Yes.

You also referred to the Sharpeville branch and the Boipatong branch. Were they in existence in 1983? -- I said in 1983/84 they had fizzled out. But at the beginning of my evidence I pointed out that I attended a meeting with Khehla Mthembu in 1982 where, in Boipatong where there were members of the branch there and some of them I was told are from Sharpeville. But in 1983 there was not a single person I was showed to be coming from Sharpeville. (30)

So/....

So then in 1983 and 1984 you are positive that there were no branches in ... -- They had fizzled out.

In Sharpeville and Boipatong? -- No.

Were you not keen to have new branches? -- We are keen to have new branches every day.

In Sharpeville and Boipatong? -- We were keen to have branches in Sharpeville and Boipatong like we are keen to have branches everywhere.

Now I would like to go first to this, the next one, those two exhibits handed in by you. The first one is DA.216. (10) Where did you see this document for the first time? -- This document I saw at the national forum.

So you saw this document at the national forum. And I understood your evidence also that you saw the other one at the national forum? -- No I said at the congress in January .

COURT: The other one is DA.217.

MR JACOBS: At the forum that was in 1984 is that correct? -- That was in 1983.

1983? -- Ja.

And is this a complete document? (20)

COURT: Which one?

MR JACOBS: EXHIBIT DA.216? -- It is so long ago I would not know whether this is complete as it is now.

Have you not studied it? -- I have studied it, the contents sound complete but I would not be sure that it is complete. There was nothing before this article or there was nothing after the article itself.

Who issued this document? -- We got these documents from CAL.

From? -- Cape Action League which we had developed a (30) working/....

working relationship with at the national forum.

But who issued it? -- I do not know.

And the other one, EXHIBIT DA.217 ...

COURT: I see there is something written on top of this document but that is not part of the document. -- I do not think it is part of the document.

MR JACOBS: This other one, EXHIBIT DA.217, was it issued like it is now before the court, two pages of it? -- Ja I think it was but I would not commit myself that this is a complete document also. (10)

Well if it was issued like this in two pages only then it must be the complete document. -- What I am trying to say is we had agreed with this committee that we will work together in the forum to oppose and, this, they were showing us what they have already done against the new deal. So all I am saying it could have come from a bigger document. It could even have come from a newsletter.

But if you can remember it so well Mr Mabasa then you can tell the court whether it was only a document consisting of two pages? -- My remembrance is only based on the fact that (20) this was the type of programme we had agreed on to work together and this was their contribution on that programme.

COURT: This is not an original that we have before court, this is a copy it seems. What the assessor has is a copy of a copy. Yes? Where does this document come from Mr Bizos? Where is the original of either of these documents?

MR BIZOS: Those are the ones that were handed to us and we showed them to the witness and he identified them. I do not know where they, they were in my brief. I do not know where they come from. If we have to call evidence in relation to (30)

it/....

it we will have to call evidence.

COURT: Well clearly DA.217 is not the original, that is a photocopy and DA.216 may or may not be an original document.

MR BIZOS: May I just have a look at the original of 217 because I produced the ones that I found in my brief. I have no knowledge where they came, I took them at face value, showed them to the witness and he said that they were distributed there. Yes it does look that 217 is a photostatic copy whereas the other seems to be some, 216 appears to be a process. We may have to make enquiries.... (10)

COURT: Well maybe nothing turns on it but ...

MR BIZOS: We will make enquiries. We will seek some admission once more information is available. If not we will try and put it right.

COURT: Yes.

MR JACOBS: Now EXHIBIT 217, can you tell the court when this was completed, when it was drawn up? -- I said they distributed copies of this at our congress in 1984. I would not be sure where it was prepared and when it was drawn up. The detail of the producers, I would not be able to provide the court with (20) that information.

And is it correct then that you cannot tell the court the contents, when that was said what was taken up in the contents here?

COURT: I do not understand that question Mr Jacobs. What is it?

MR JACOBS: Yes, the contents of this, when the different versions were made, you cannot say when it was made? That was taken up in this document? -- Yes I would not be able to give the date of its actual production. All I can say is (30) that/....

that it was given to our congress at the beginning of the year 1984.

And you cannot say whether this, what is contained in this document was only said in 1983 in August for the first time? 1983. -- Yes I would not be able to tell the court that this was said for the first time in August. Like we had already pointed out there have been, AZAPO as an organisation has said some of these things much earlier than August 1983.

But this is not an AZAPO document, it is the Cape Action League and whether they said it first in August 1983 you (10) cannot say? -- No I would not be able to do that.

I just want to get something clear before the next point. You were a member of the Black Peoples Convention? -- That is correct.

In the main committee of that, the central committee of.. -- The local Johannesburg branch.

And that organisation was banned, one of the banned organisations? -- That is correct.

It was banned on 19 October 1977? -- That is correct.

And then after that is it correct that you started as (20) a founder member of AZAPO? -- That is correct.

To form AZAPO instead of that banned organisation? -- That is correct.

And is it not so that AZAPO is an organisation supporting the PAC, and also ... -- Completely incorrect.

Also adhering to black consciousness? -- We do not support the PAC and we have made statements that AZAPO supports AZAPO. We have our policies, our constitution, we represent no other organisation other than ourselves.

And is it correct that the most of the people, of the (30) banned/....

banned Black People's Convention organisation was taken up into AZAPO, in the leadership? -- Some.

Is it not most of them? -- No.

That is the people that did not flee the country? -- Even those who are still in the country, some of businessmen, there are lots of people who were in the BPC who are not in AZAPO.

And the BPC was that an adherent to the PAC? -- No.

And is it also AZAPO policy to replace existing government with another government? -- It is AZAPO policy to want to bring about fundamental change in this country which of course (10) would affect the government of the day.

Now what will you call fundamental change? -- Fundamental change would be one if you grant every citizen of this country franchise, the right to vote. Obviously what exists now would not exist tomorrow.

So it is a one man one vote system? -- It is a safer system.

And to replace it with a new government? -- I have said if people are voted in many members of the present government might be there but they must be voted in by all citizens of (20) this country.

And is it also accepted by AZAPO that the government is not prepared to adhere to a system of one man one vote? -- We know that.

And you accept it as well? -- We accept that they hold that position at this present moment.

Yes, and you planned in accordance with that acceptance of that principle? -- We are aware of that principle but we know people do change, even governments attitudes do change.

But at the moment you are planning your strategies and (30)

your/....

your actions according to that principle? -- That is true.

Do you call yourself, your struggle against the government as a revolution? -- Well we call the struggle against the government as a revolutionary struggle.

And do you in AZAPO accept in principle that in this revolutionary struggle there will be a loss of life and ... -- Our understanding of a revolutionary struggle is a struggle involving fundamental change and it is a peaceful struggle.

Did you not accept in principle that there will be a loss of life in this struggle? -- There have been people who have (10) died in the process of the struggle, we accept that.

And do you also accept that in the future there will be people who will die as a result of this revolutionary struggle? -- Not as a result of the revolutionary struggle as such. But because when people are fighting for change there happens sometimes where, we have seen sometimes people dying. There are people who have died in detention, there are people sometimes who have died when police opened fire on them. So it is possible that people will die.

And do you regard it, this struggle, as a war in which (20) your people are engaged with the government of this country? -- Our understanding of a political struggle, to start with it is a war of words. We put our position, it is warlike. We accept that it is a warlike situation.

Yes, as warlike situation where there will be a loss of life? -- No.

Because of clashes with the government and the government forces? -- I do not accept that position.

COURT: So you have a revolution without violence and a war without blood? -- We have said in the context of political (30) organisations/....

organisations we understand that most of the time it was a war of words, we disagree with the government, we used strong language but at no time have we advocated that people should take knives or stones and fight the government. We have used the legal means that are available to us.

MR JACOBS: Will you agree that all the struggle in the townships against black local authorities nearly on a national basis, on a national basis nearly all the times it took on the form of violence? -- AZAPO has branches at least in most of the towns and we have never had instances where there has been (10) violence.

In the Vaal, in Sebokeng, in Sharpeville, was there violence in that area? -- I, that was a crisis situation and I would not be the expert to speak about it because I was not on the spot.

But will you agree that the struggle developed into a violent struggle in those areas? -- I think it is a very unfortunate situation because those involved in the struggle are involved in a peaceful struggle.

It may be unfortunate or whatever you call it but do (20) you agree the struggle developed into a violent struggle in those areas? -- I would agree that the police came, they opened fire, there was violence. But I still say it is unfortunate because most of the time people hold meetings and there is just no violence.

Will you agree that before the police arrived at the scene that there was violence against councillors? -- I said I do not want to make myself a specialist on the Vaal. If you pick up an instance where I would know and I would be able to give the chronicle and chronology of events I will be comfortable (30)

to/....

to prove that people get engaged in the struggle without violence.

But you investigated the situation in the Vaal? You must have come across the knowledge that before the police interfered there was violence against councillors? -- Whatever I would say, that is why I had avoided it, it would be hearsay.

I would say I heard somebody saying the police opened fire first and you would be the first to say that is hearsay.

Do you agree that it was not only clashes between the police but there were was also violence against property (10) of the council, community council? -- From hearsay and I would make my base, I have read that there were such activities.

And you investigated it, you tried to, you went specifically to the Vaal to find out what was going on there? -- I have pointed out that I spoke to people and I do not want to use what I heard from different people as a basis of my argument because I was never in the Vaal at that point in time.

So, but do you agree that when you investigated it you found out that in this revolution or war or this freedom struggle damage was done to the property of shop owners? -- (20) We different in our perspective. Firstly it was a rent issue which would be a local issue which an organisation like AZAPO would not make it a major struggle in that context, especially that it involves, I had made my point very clear right from the beginning that it involved but one area. Our entering into the situation would depend largely on us being invited into the situation. We went there whilst there was a crisis because it was crisis which was in all the newspapers and everybody was going there and we went there.

But was your evidence not to the effect then, if I am (30)

wrong/....

wrong tell me so, that you allowed your branches to get involved into local issues, rent issues for instance? -- We did because they lived in those communities.

Do you agree that the issues in the schools, in the education field, developed into violence? -- They do sometimes.

Do you agree that a lot of schools were burnt and destroyed? -- I have seen some.

So that is part of this freedom struggle or revolution without violence or this war without violence that you describe? -- I need to describe that very clear so that you understand (10) the way we look at things. In most school problems they start as internal school problems and time and again there are interferences from outside, sometimes the police are called into a school situation and once that happens then other schools start supporting maybe the the protests the students in a particular school have been having and most of the time that has been the order of things. It has not been because there is a big struggle at schools.

Is it correct Mr Mabasa when you in AZAPO addressed public meetings you stressed it to the people attending those meetings that you in AZAPO are engaged in a revolution? -- We stressed that we are engaged in a revolutionary struggle because that is how we define a fundamental, a struggle for fundamental changes, not cosmetic changes. (20)

And do you agree that on public meetings you in AZAPO brought it to the notice of the people that you are involved in a war? -- In a warlike situation. If it is taken out of context one could push that line but at the time we say it is a struggle, we are involved in a war for change.

And I put it to you it is not always put at the meetings/.... (30)

meetings and explained to the people that it is only a war for change but it is a war to take over the power in this country? -- To transform our society and time and again we have made statements as an organisation as to our position against violence.

No but you are not answering my question. On these meetings to the public, on mass meetings you have ... -- People come to AZAPO meetings understanding what AZAPO stands for and therefore whatever language is used in those meetings they translate that language as consistent with the position (10) of AZAPO as an organisation.

So, but it is not explained on the meetings, it is only explained to the people that you are engaged in a struggle or a war for power and they understand it themselves as you said in any other way? -- We explain to the people, we make press statements as regards maybe the points which are not clear like the question of violence. People understand. That is why when an AZAPO member is arrested and people meet me in the street they will say "What have you done, you are a good organisation" because they understand the way in which AZAPO as an organi- (20) sation works.

Well then answer my question. My question is a simple one that on the public meetings it is explained to the people that you in AZAPO, you are engaged in a struggle or a war for power? -- For change, a revolutionary struggle which is a struggle for fundamental change.

And is it also explained that it is a struggle for power? -- We have put our position, our minimum position to the government because we believe that change involves power and we talk about power. (30)

No/....

No that is to the government but I am asking and I do not know why you are evading my question. At the public meetings you explain to the people as people addressing the public that you are engaged in a struggle for power? -- In some meetings, not in all meetings, in some meetings we explain ourself. It depends on what meeting one attends and what information one gets.

And is it put to the people that you are engaged in a revolution for power? -- In a struggle for fundamental changes because that is what, that is how we interpret revolutionary (10) struggle.

ASSESSOR (MR KRUGEL): What do you mean by fundamental change? -- Fundamental change is the change which will affect all the citizens of this country. The change which would involve the franchise for all, the change which will involve the equitable distribution of wealth in this country, the change which will grant full citizenship to all citizens of this country. That is the fundamental change.

Do you see that you can have a change like that by peaceful means? -- It has been, it is possible. (20)

Would you have a look at DA.217 please. The first column right just before you get the block in section there "We demand". -- Just before?

Just before you get to the block in section, the very last paragraph. You talk, well the writer there talks about the new deal and this is now the Cape Action Committee, the Cape Action League. Talk about the new deal and they say:

"It is an attempt to make the oppressed and exploited people believe that they can get their freedom by constitutional and peaceful means."

(30)

-- I/....

-- I understand that.

So you say that this, is this statement correct? -- That statement is correct.

So you go along with that? -- I go along with that and I would explain to the court why. So far the constitutional means which the government has used in trying to bring about change for black people has been structures like community councils and all related structures. Now what we in AZAPO are saying we are saying that is inadequate and that is why we call for people to reject those structures. The government (10) is in power, it is capable of bringing up new changes and we have confidence that they could do that.

But does this not suggest that you cannot get freedom by constitutional means, by the government doing anything? -- My understanding is not that.

COURT: What is your qualification at university? -- I got a secondary teacher's diploma and I had eight BA degree courses.

I did not finish my studies.

COURT ADJOURNS UNTIL 14h00.

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