

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

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DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

147

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

VOLUME 147 IN CAMERA GETUIE NR. 24)

(Bladsye 7 328 - 7 419)

MNR. FICK : Die volgende getuie wat die Staat sal lei wil die Staat aansoek doen dat hy sy getuienis in camera gee. Die getuie sal getuig oor die ANC dokumente.

HOF : As die getuie toegelaat word om te getuig en in camera getuig sal sy nommer wees I.C. 24. Waaroor sal hy getuig?

MNR. FICK : Hy sal getuig oor die ANC dokumente, die egtheid daarvan. Hy sal getuig spesifiek ook oor BEWYSSTUK AAH(2), dit is die 8 Januarie 1983 verklaring van Oliver Thambo en hy sal getuig oor sekere sogenaamde vryheidsliedere.

HOF : Waarom wil hy in camera getuig? (10)

MNR. FICK : Hy is n oud ANC lid.

HOF : Enige kommentaar, mnr. Bizos?

MR BIZOS : If it appears that he was in the ANC and has left it or deserted it, then in terms of Your Lordship's ruling I do not know if we can take it any further.

HOF : Voordat u begin getuig, is u n oud ANC lid?

I.C. 24 : Ja, vir agt jaar.

HOF : En u vra dat u in camera getuig?

I.C. 24 : On the other hand I am aware of the policy of the ANC that people who can give evidence against the ANC are (20) supposed to be killed.

HOF : Die reëling is dat die getuie in camera sal getuig.

IN CAMERA GETUIE NR. 24, v.o.e. (Deur tolk)

MNR. FICK : Die Staat wil vra dat die Hof hierdie getuie waarsku in terme van artikel 204 op die klagtes van - die hoofklagte van hoogverraad en die alternatiewe van terrorisme.

HOF : Die beskuldigdes staan tereg hier op n aanklag van hoogverraad met alternatiewe aanklagte van terrorisme. Die Staat dui aan dat daar n moontlikheid is dat u n medepligtige mag wees in sekere van die dade. U word desnieteenstaande (30)

daardie/...

daardie feit verplig om getuienis af te lê en alle vrae ten volle te beantwoord, maar indien u na die oordeel van die Hof u getuienis bevredigend gee, sal u deur die Hof kwytgeskeld word van vervolging op dié aanklagte. Onder daardie omstandighede is u verplig om te getuig. -- Ek verstaan.

ONDERVRAGING DEUR MNR. FICK : U is in 1976 na die onluste wat algemeen bekend staan as die 1976 onluste na Swaziland? -- Ja, ek is na Swaziland toe.

U het daar gegaan na 'n skool vir vlugtelingne?

HOF : Vlugtelingne of politieke vlugtelingne? (10)

MNR. FICK : Politieke vlugtelingne. -- Ja, dit is korrek.

En u is terwyl u daar was gewerf vir die ANC? -- Ja, dit is reg

Nadat u gewerf is deur die ANC waarheen is u deur die ANC gestuur? -- Mosambiek toe by 'n plek bekend as Matola.

Hoe lank het u gebly daar by Matola? -- Ek skat ongeveer 'n maand.

Het u enige opleiding ondergaan by Matola? -- Ja, ons was voorgestel aan die ANC Political background since 1912 en opleiding ontvang in Marxisme en Leninisme. (20)

Het u daar van die Freedom Charter geleer? -- The Freedom Charter is the maximum program of the South Africa and from there on it will be transferred, whereby there will be a transitional period, whereby the Communist Party will take over and to put a full program which will be a full program of the South African revolution.

COURT : Is the Freedom Charter the end or the beginning of a transitional period? -- The Freedom Charter is not the end of the transitional period.

What is the end? -- The end is going to be the program(30)

of/...

of the Communist Party of South Africa.

Is u dit geleer in Matola? -- Yes, we did learn that in Matola.

MNR. FICK : Na die maand is u verplaas na ander kamp met die naam van Quibaxe? -- Ja, ons is na Quibaxe kamp.

HOF : En waar lê dit?

MNR. FICK : Is dit nog steeds in Angola? -- Ja, dit is in Angola.

Het u daar ook verdere opleiding ondergaan? -- We got training on the military aspect. That is we trained in (10) the political field and militarily. We were trained with different weapons. That is Makarov pistol, TETE(?) pistol and also with PKM and AKM and how to throw hand-grenades, topography and tactics and also engineering, how to blow bridges and how to plant landmines. We were taught for a period of six months.

COURT : Let us just get clarity on the procedure henceforth. We have a very capable interpreter in court. You are at liberty to use him or not to use him, but I suggest that you use the interpreter. I have no objection to you using (20) English phrases if that is the normal phrase used by you, but at the moment it would seem as if you are going to give your evidence in English. I have no objection to that as well, but unless you are very conversant in English, I would suggest that you use your own language, rather than use English, but you are at liberty to use English if you want to, but if you intend to use the interpreter, then please work through the interpreter.

MNR. FICK : Het u ook politieke opleiding ondergaan by Quibaxe? -- Ja, op die vak geskiedenis van die African (30)

National/...

National Congress.

Het u enigiets meer geleer omtrent Marxisme en Leninisme daar? -- Ja, omtrent Marxisme en Leninisme en Dialectical Materialism.

COURT : What is dialectical materialism? -- It entails ideals and religion, all material things involved in that.

So, it is a sort of a philosophy? -- Yes.

Is it a philosophy on religion or is it a philosophy of an economical nature? Or social structure? What sort of philosophy is it? -- It is about the social structure. (10)

MNR. FICK : By hierdie kamp, terwyl u daar was, het u enige literatuur gekry om te lees van die ANC? -- Ja, ek het baie boeke gekry wat ek gelees het.

HOF : As u nou sê u het boeke gekry, beteken dit amptelik, in die sin van dat die ANC dit verskaf het of het u dit maar sommer êrens geleen by iemand? -- Dit is die boeke wat aan ons deur die ANC verskaf was om te lees. Dit is die boeke wat ek gelees het.

Kan u van die boeke se name vir die Hof gee? -- Ja, party van hulle sal ek nog die name van kan onthou, die (20) titels.

Kan u vir die Hof sê? -- AC, dit staan vir African Communist, Dawn wat gaan oor die militêre of die soldate in die algemeen. Dit wil sê die militêre mense wat in die ANC is.

Is dit 'n boek gerig op die militêre vleuel van die ANC? -- Ja.

Is daar nog ander boeke? -- Sechaba.

Is dit 'n algemene boek of is dit ook vir 'n spesifieke groep bedoel? -- Dit is 'n algemene boek wat 'n mens orals (30)

kan/....

kan kry in Suid-Afrika.

HOF : As u praat van boeke, is dit nou 'n boek wat eenmalig verskyn of is dit 'n tydskrif, 'n "periodical"? -- Dit is 'n tydskrif wat uitgereik word gedurende 'n sekere periode.

MNR. FICK : Is daar ander van hierdie boeke wat u nog kan onthou wat u daar gelees het? -- Ja, ek onthou nog baie van hulle.

Is daar enige boek wat deur die ANC uitgegee word onder andere vir vroue? -- Ja.

Wat is die ding se naam? Weet u? -- VOW. (10)

Ken u 'n boek met die naam van Mayibuye? -- Ja, ek onthou van daardie boek.

Wie gee hom uit en wat se boek is dit? -- Die ANC gee dit uit. Hulle is die mense wat dit aan ons verskaf.

Is dit ook 'n tydskrif wat gereeld verskyn? -- Ja, dit is ook 'n periodieke tydskrif.

U sê dit word vir u gegee deur die ANC. Kan u vir die Hof sê, hierdie boeke wat u genoem het, hierdie tydskrifte, is dit self uitgegee deur die ANC of is dit deur ander plekke uitgegee en dan net deur die ANC verskaf om te lees? -- Ons (20) kry dit van die ANC wat dit aan ons verskaf. Hulle kry dit van sekere plekke af waar die boeke opgeneem word, of ge-"tape" word.

HOF : Ge-"tape" word of gedruk word?-- Waar dit gedruk word.

MNR. FICK : Na hierdie ses maande, was u deur die ANC na 'n volgende kamp gestuur met die naam Vienna? -- Ja, ek is na so 'n kamp toe gestuur.

Hoe lank was u daar gewees? -- Ek was nie baie lank daar gewees nie. Omtrent drie of vier weke.

HOF : Is dit ook in Angola? -- Ja. (30)

MNR. FICK/...

MNR. FICK : Is dit 'n gewone ANC kamp waar mense gehou word of is dit 'n "transito" kamp of wat se kamp is dit? -- Dit is 'n "transito" kamp waar die mense deurgaans.

Vandaar is u na 'n volgende plek gestuur deur die ANC. Is dit korrek? -- Ja, van Vienna af is ek na East Germany toe gestuur.

HOF : Watter dorp? -- Teterow.

MNR. FICK : Die plek by Teterow waar u was, wat is dit? Is die 'n kamp, 'n kollege of wat se plek is dit? -- Dit is 'n militêre plek waar ons opleiding ontvang het. (10)

Wat se opleiding het u daar ontvang? -- Dit was soortgelyk aan die een van Quibaxe, maar die verskil was dat dit 'n intensiewe opleiding was van wat ons in Quibaxe ontvang het.

Net duidelikheidshalwe, het u daar weer militêre opleiding ondergaan in sekere wapens en ook opleiding in die politiek? -- Ja, meer as wat die opleiding te Quibaxe behels het. Ons is daar opgelei in die German Communist Party.

Die geskiedenis van die Duitse Kommuniste Party? -- Ja.

Deur wie is u daar opgelei? Duitsers of wie? - Deur die Duitsers opgelei. (20)

HOF : In watter taal? -- Tydens die opleiding was daar mense wat gebruik was wat in Engels gekommunikeer het en daar was tolke gewees wat dan oor getolk het van Engels na Duits en omgekeerd.

MNR. FICK : Hoe lank was u by hierdie plek gewees? -- Vir ses maande.

U is toe van daar af teruggestuur deur die ANC na watter plek toe? -- Toe ons teruggekom het daarvandaan, is ons na Viella kamp toe waar ons twee dae vertoef het.

HOF : Wat is die plek se naam? -- Viella. (30)

Vienna/...

Vienna of Viella? -- Viella, n l.

Ek het hom deurgaans gehad as Vienna.

MNR. FICK : Ek ook.

HOF : Laat ons net duidelikheid kry. Is daar n Vienna kamp en n Viella kamp of weet u net van een en dit is Viella kamp? -- Daar is net een kamp en dit is Viella.- Ek het twee dae daar vertoef. Daarvandaan is ek toe na n ander kamp toe. Dit is Fazenda kamp.

MNR. FICK : Is dit nog steeds in Angola? -- Ja-

U was daar aangewend as n wag? -- Ja, ons was daar (10) gewees as wagte.

Na n maand is u oorgeplaas na n volgende kamp? -- Ja.

Wat se kamp is dit? -- Ek is na Kamp 32 toe. Kamp 32 het baie name, byvoorbeeld Chitera is die tweede naam, Number 4 is die derde naam en Quadro is die vierde naam, Odebe is die vierde naam van dieselfde plek. Dit is al name.

U was daar n peletonbevelvoerder van die wagte. Is dit reg? -- Ja, dit is reg.

Hoe lank was u by hierdie kamp? -- Vier jaar.

HOF : Tot waar trek ons nou al? Tot wanneer was dit? -- (20) Sedert 1980 tot 1984.

MNR. FICK : Weet u of daar enige verklarings gemaak word jaarliks deur die ANC se bestuur? -- Ja, ek weet daarvan. Dit is korrek.

Om meer spesifiek te wees op sekere dae, op n sekere dag elke jaar? -- Op n sekere dag van elke jaar.

HOF : Wat is die dag? -- Op 8 Januarie. There is a speech which is made by the national executive committee of the ANC.

MNR. FICK : Die verklaring, as hy die eerste keer gemaak (30)

word/...

word, hoe word hy gemaak? Waar word hy gemaak, elke jaar?
-- Dit word eers uitgesaai op die Radio Freedom van die ANC.
Daarna word die pamflette versprei deur dit na die kamp toe
te stuur waar dit by die kampe gelees moet word.

Net duidelikheidshalwe, verstaan ek u reg, kom dit eers
op Radio Freedom en dan tweedens word dit in pamfletvorm
versprei in die kampe? -- Ja.

En is daar ander maniere nog hoe die boodskap bekend
gemaak word? -- Ja, na die pamflette by die kamp gelees is,
word dit geanaliseer in die kampe deur verskillende persone (10)
nadat dit gelees is.

HOF : Word lesings daarvoor gegee? -- Ja, daar word lesings
gegee oor hierdie pamflet, die inhoud daarvan, deur 'n sekere
persoon wat nie al die mense wat lede is van die ANC kan
lees nie.

MNR. FICK : Word hierdie boodskap in enige ander vorm ook
nog behalwe hierdie lesings in drukvorm bekend gemaak? --
Nee, daarvan weet ek nie. Al wat ek weet is, dit word gedruk
en dan na die kampe toe gestuur.

HOF : Word dit nie ook gedruk in die publikasies wat u (20)
netnou genoem het nie? -- Ja, dit word in die Sechaba. In
die 1983 Sechaba sal u daardie toespraak kry.

MNR. FICK : Terwyl u by hierdie kamp was, wat ons nou maar
Kamp 32 sal noem, het u daardie - so 'n toespraak van 8 Januarie
1983 eerstens oor Radio Freedom gehoor? -- Ja, ek het.

Tweedens, wat ek vir u wil vra is, terwyl u by daardie
kamp was, het u hierdie boodskap in die pamfletvorm gekry
waarvan u praat? -- Ja, ek het.

En derdens wil ek u vra het u hom in die Sechaba gekry
toe u by daardie kamp was? -- Ja, in Januarie 1983 se (30)

uitgawe van die Sechaba het dit verskyn.

Ek wil aan u 'n dokument toon. Dit is BEWYSSTUK AAH(2).

HOF : Hy is al ingehandig?

MNR. FICK : Hy is reeds ingehandig. Sal u na die dokument kyk en sê of u hierdie dokument ken? -- Ja, ek ken hierdie dokument.

As wat ken u hom? -- Ek ken dit as 'n Statement by the National Executive Committee of the ANC in the year 1983, the year of united action.

U het voorheen gepraat van u het hierdie toespraak in(10) pamfletvorm gekry by die kamp. Is dit wat u bedoel by 'n pamflet of het u iets anders bedoel by 'n pamflet?-- Ja, dit is die pamflet waarna ek verwys het.

Ek wil dan met u gaan na 'n volgende plek. U sê u was tot ongeveer 1984 by hierdie betrokke kamp gewees? -- Ja.

Is u van daar na 'n volgende plek gestuur deur die ANC? -- Ja, ek is toe na die Soviet Union toe.

Was dit nog steeds in 1984? -- Ja, ek is in 1984 weg en het teruggekom in 1985.

Na watter plek in die Sowjet Unie is u toe? -- Ons (20) is na Balashega toe, 'n plek in die nabyheid van Moskou. Dit is omtrent 11 na 12 kilometers vanaf Moskou. Die plek se naam is Balashega. Dit is 'n Russiese woord.

HOF : Die Balashega, is dit 'n dorpie of 'n kamp of wat is dit? -- Dit is 'n militêre zone van die Russe en ons het ook ons eie kamp daar gehad.

MNR. FICK : U is daar opgelei? -- Ja, dit was meer as die vorige opleidings wat ons alreeds vantevore gehad het.

Waar in is u opgelei? -- Political lessons, Russians history about the second world war, intelligence and security(30) tactics/...

tactics, topography, en gespesialiseer in "engineering" en "fire-arms" en "anti-air weapons".

U was daar ongeveer tien maande en u sê gedurende 1985 het u teruggekome? -- Ja.

U is toe weer terug na Viella kamp? -- Ja.

U is van daar af na Luanda gestuur? -- Ja.

Van daar af is u na 'n plek met die naam van RC? -- Ja, dit is in Lusaka.

HOF : Is dit 'n woonbuurt? -- Ja, dit is ook maar 'n soort van 'n "transit camp" vir mense wat deurgaen. (10)

MNR. FICK : En van daar af is u na watter plek? -- Ek is na 'n plek bekend as Mdendere in Zambië.

En uiteindelik van daar is u na Botswana? -- Ja.

U het uiteindelik in Bophuthatswana gekome? -- Ja, ek is toe in Bophuthatswana gelaat.

Hierdie prosedure wat u nou gevolg het, hoekom het u so beweeg? Waarheen was u op pad? Vandat u by Viella weg is, waarheen was u op pad? -- Ons sending was om in die land te infiltreer.

HOF : Dit is Suid-Afrika? -- Ja. (20)

MNR. FICK : Van Bophuthatswana af is u waarheen? -- Mafikeng, Rustenburg, Krugersdorp.

HOF : Wanneer het u Suid-Afrika weer binnegekome? -- Vroeg in Januarie 1986.

MNR. FICK : U is gearresteer deur die polisie terwyl u op hierdie taak van u was? -- Ja, te Krugersdorp.

Ek wil nou met u 'n paar algemene aspekte behandel. Terwyl u in hierdie kampe was van die ANC in Angola veral, het u daar enige vryheidsliedere gesing of teëgekome dat dit gesing is? -- Ja, baie van hulle. (30)

Terwyl/...

Terwyl u daar in Angola was, het u gevind dat daar nog steeds nuwelinge kom aansluit by die ANC by die kampe? -- Ja, daar was baie.

Kan u vir die Hof meer vertel in verband met hierdie vryheidsliedere wat u van praat? Is dit vryheidsliedere van die ANC spesifiek, is dit liedere wat die mense daar aangebring het of wat se vryheidsliedere het u gesing? -- Om dit te verduidelik. Daar is vryheidsliedere wat daar gesing was toe ek daar gekom het. They were composed by the ANC. Daar is liedere wat ek ken wat saam met die mense daar (10) gekom het, dit wil sê die mense wat van Suid-Afrika af gekom het.

Na u? -- Ja, terwyl ek daar was.

U het vir die Hof gesê daar is liedere wat daar gekompooneer is deur die ANC. Hoe weet u dit? Het u self deelgeneem en gesien dat dit gedoen word? -- Daar is van hulle wat ek aan deelgeneem het toe dit gekompooneer was en daar is van hulle wat ek gevind het met my aankoms daar toe ek die eerste keer daar gekom het in 1977. Nee, nie 1977 nie, 1978.

HOF : Is u 'n man met musikale aanleg? -- Baie. (20)

Wat speel u? Die kitaar? -- Nee, ek sing mondelings.

MNR. FICK : Ek wil aan u 'n paar liedere stel en dan by u verneem of u kommentaar het op hulle. Ek verwys eerstens na AA(9). Kan u vir die Hof enigiets sê van lied nr. 1 op bladsy 1 Igama Lika Mandela/Sisulu Malibongwe. Ken u so 'n lied? -- Ja, baie goed. Ek ken daardie lied as 'n lied van die ANC. Toe ek daar buite die land gekom het, dit wil sê by die ANC buiteland gekom het, het hulle dit gesing.

Ek wil vir u 'n volgende lied wys, dit is nog steeds AA(9) lied nr. 2. Die lied se naam is Mandela Mandela. (30)

Mandela prescribes for freedom. Mandela says freedom now. Now we say away with slavery in our land of Africa. Bolihlala Mandela." Ken u so 'n lied? -- Ja, ek ken dit baie goed.

Eintlik was dit gekomponeer deur die mense van June 16.

Dit is die MK mense buite die land. Dit is die ANC mense.

HOF : Word MK, dit is nou Umkhonto we Sizwe, as ek dit reg het, genoem die mense van June 16 of bedoel u net dat dit op June 16 gekomponeer is? -- Mense wat daar by die ANC gekom het in die tyd van June 16 1976 was bekend as Detachment June 16. Dit is nou daardie tipe mense wat ek na verwys (10) as June 16 mense. Dit is die mense wat dit gekomponeer het.

Is u ook na verwys as een van die Detachment June 16? -- Nee, ek was in die Detachment van Isandwana.

MNR. FICK : Ek wil 'n derde lied aan u meld. Lied nr. 3 Umzima Lomthwalo Ufuna Manima? -- Ja, ek ken die lied, maar die lied het ek eintlik geken terwyl ek nog in hierdie land was. June 16 1976 het ons dit gesing in die tyd van "uprising".

Was u self teenwoordig tydens van hierdie optogte of betogings of vergaderings van June 16 1976? -- Ja, ek het (20) 'n vergadering bygewoon te Morris Isaacson Skool en ek was teenwoordig in die optog na Pveni toe. Dit is in Soweto. Dit was die eerste optrede van June 16.

HOF : Het julle toe die lied gesing? -- Ja, ons het dit gesing.

MNR. FICK : Het u hierdie betrokke lied ook by die ANC in die kampe aangetref of het u dit die laaste keer hier gehoor in 1976? -- Ja, met my aankoms buite hierdie land, was hulle besig om dit te doen en ons het dit eintlik ook gesing toe ons daar kom.

(30)

Die/...

Die volgende lied is lied nr. 4 Senzenina. Ken u die lied? -- Ja, ek ken die lied. Ek het die lied begin ken toe ek nog hier in ons land was.

Het u hom ook by die ANC aangetref? -- Ja, ons het dit ook daar buite die land gesing.

HOF : Wat is die betekenis van die lied Senzenina? -- In Sotho beteken dit nog dieselfde Senzenina.

MNR. FICK : Dan wil ek na die volgende lied toe gaan Mandela wethu somlamdela. Ken u die lied? -- Daardie een het ek vir die eerste keer gehoor buite die land met my aankoms daar. (10)

Elke keer as u praat van buite die land, bedoel u in 'n kamp van die ANC of praat u van 'n ander plek? -- Ja, ek bedoel dat ek dit by die ANC kampe gehoor het.

Dan wil ek met u gaan na 'n volgende lied toe, lied nr. 7. Ek slaan nr. 6 oor. Thina Sizwe Isenyama Sikalela Iswelethu. Ken u so 'n lied? -- Ja, ek ken daardie een ook. Ek het daardie een leer sing gedurende die June 16 "uprising".

Het u hom later weer in die ANC kampe gehoor? -- Ja, ek het dit gehoor.

Dan die volgende lied is Tina Silulutsha, lied nr. 8? (20) -- Daardie een het ek nog gehoor terwyl ek in Suid-Afrika was en buite die land in die kampe van die ANC.

Was hierdie lied deel van die liedere wat gesing is met die 1976 onluste of het u dit op 'n ander plek gehoor? -- Gedurende die "uprising" van 1976.

Lied nr. 9 O Wena P.W. Botha, O Wena P.W. Botha

-- Ja, dit ken ek ook, want ek het dit gekry daar buite die land toe ek in die kampe van die ANC kom.

Lied nr. 11 Angena Mayoni, Amayoni a South Africa? -- Dit ken ek ook. Ek het dit daar buite die land by die kampe (30) gekry/...

gekry. Oorspronklik was dit gesing deur die mense van die ANC.

Is dit 'n lied wat u sê wat daar gekomponeer is? -- Dit is gekomponeer daar by die kampe.

Dan lied nr. 12 Nkositi nko singabazabenzi? -- Ja, dit ken ek ook van die kampe af. Oorspronklik het ek dit by die kampe gehoor.

Dan nr. 13 Vula Botha Siyaqonqoza? -- Ja, dit ken ek ook, maar ek het dit vir die eerste keer gehoor buite die kampe. (10)

Dan wil ek nr. 16 aan u stel Nkosi Sikilele e Afrika? -- Volgens my opleiding wat ek ontvang het, Nkosi Sikilele is eie "national anthem" van die African National Congress. Dit is die opleiding wat ek ontvang het.

Ek gaan dan na BEWYSSTUK AAY(10) toe. Lied nr. 1. Internationale ... condemnation. Ken u hierdie lied? -- Ja, van die kampe van die ANC.

Word hy gesing op spesifieke geleenthede by die ANC kampe of is dit maar 'n algemene vryheidslied? -- Nee, dit word nie in die algemeen gesing nie. Gewoonlik het ons (20) dit gesing op die werkers se dag, 1 Mei. Die lied het dan daar betrekking.

HOF : Het julle dan die woorde geken of moes julle van 'n papier af sing? -- Aan die begin het ons papiere gehad, maar later het ons nie meer papiere gehad nie, want ons moes geleer het om te sing sonder daardie papiere wat die woorde was.

MNR. FICK : Dan gaan ek na BEYSSTUK AAY(11). Ek wil aan u 'n lied stel Umzima Lomtwalo Ufuna Manima.

HOF : Het ons hom nie al gehad nie? Dit is 'n AAY(9) (30)

lied 3. Lees dit net weer.

MNR. FICK : Umzima Lomthwalo Ufuna Manima. My afdruk is baie swak.

HOF : Dit lyk na Amadoda. -- As dit Amadoda is maak dit sin, maar andersins maak dit nie sin nie.

Ek dink ek wys die lied aan die getuie self. Kyk na AAV(11) lied nr. 2 asseblief en sê of u dit ken. As u dit nie kan lees nie, moet u net sê u kan dit nie lees nie. -- Ek ken die lied, maar net die laaste woord daar op die eerste lyn van Manima is die een wat ek nie ken nie. (10)

Andersins ken ek dit. In plaas van Manima is dit Madoda.

MNR. FICK : As wat ken u die lied? Waar het u hom gehoor sing? -- Ek het hierdie lied begin hoor terwyl ek nog hier in ons land was voor ek hierdie land verlaat het.

Was dit met die 1976 onluste? -- Ja. Ek het dit weer gehoor buite hierdie land.

HOF : By die ANC? -- Ja.

MNR. FICK : Lied nr. 3 Mandela says fight for freedom, Mandela says freedom now. Ken u dit? -- Ja, ek het dit gekry by die ANC, toe ek daar kom. Die ou lede van die ANC het (20) dit gesing.

Lied nr. 7 Release those detainees whose only crime is to work for the freedom our people or people in our time. Mandela is our comrade. His only crime is to work for the freedom or people in our time. Ken u so 'n lied? -- Nee, ek ken hom nie.

GETUIE STAAN AF.

HOF VERDAAG TOT 11 SEPTEMBER 1986.

K453

HOF HERVAT OP 11 SEPTEMBER 1986.

MR TIP : My Lord, may I approach you in connection with (30) accused/...

accused no. 7, Mr Mphuthi. I am advised that an appointment has been arranged for tomorrow morning with an optician at 11h00. Might he have leave to attend that?

COURT : The date will be the 12th at 11h00.

IN CAMERA GETUIE NR. 24, nog onder eed

MNR. FICK : Die Staat wil die Hof dan verwys na BEWYSSTUK C(122) nr. 7 van die C reeks.

ONDERVRAGING DEUR MNR. FICK (vervolg) : Ek wil voortgaan om u te verwys na sekere liedere. Ek wil aan u stel lied nr. 3 Kubi, Kubi ensovoorts Siyaya. -- Ja, ek ken die lied(10) behalwe natuurlik sekere bewoordinge in daardie lied. Byvoorbeeld waar hulle praat van UDF het ons gebruik gemaak van ANC en waar hulle verwys na Archie Gumede het ons gepraat van Oliver Tambo.

HOF : Is dit 'n ANC lied of is dit maar 'n ou lied wat elke mens aanpas en nuwe name insit? -- Ons het hierdie lied gesing by die ANC.

Het u hom geken al is dit met ander woorde hier en daar toe u nog in Suid-Afrika was voor die tyd? -- Ja, ek het die lied geken terwyl ek hier was. (20)

MNR. FICK : Waar het u die lied leer ken? -- Dit is gedurende die tyd van June 16 tydens die demonstrasies.

HOF : Dit is nou in 1976? -- Ja.

MNR. FICK : Ek wil u dan verwys na lied nr. 15 Thina Silulutsha Lalapa e Afrika. Ken u dit? -- Ja, ek ken daardie lied. Ek het dit leer ken in die jaar van 1976. Ons het dit ook gesing by die ANC.

Dan lied nr. 6 ... Hof kom tussenbei)

HOF : As u sê in die jaar van 1976, bedoel u nou in die jaar 1976 in Junie met die opstand? -- Ja, gedurende die opstand(30)

in/...

in die jaar 1976.

MNR. FICK : Dan lied.nr. 6 Umatjeli Waitata e Mocambique.

Ken u so n lied? -- Ja, hierdie een het ek geleer by die ANC.

Ek sal dan verwys na C(123). Ek wil u verwys na die tweede lied van bo af Rolihlahla Mandela Freedom is in your hand. Show us now the way to freedom in this land of Afrika. Ken u hom? -- Ja, ek ken die lied. Ek het dit geleer by die ANC.

Dan net die volgende een U Samora waitat e Mocambique Izipimbi Sago Zikona? Ken u dit? -- Ja, ek ken die lied (10) oorspronklik van die ANC waar ek dit geleer het.

Dan die volgende bladsy die heel onderste liedjie Ikamzaleka Nelson Mandela Malibongwe. Ken u so n lied? -- Ja, ek ken die lied. Dit ken ek ook oorspronklik van die ANC.

Dan gaan ek na C(125). Angena Majoni amajoni e South Africa ensovoorts. Ken u dit? -- Ja, ek ken die lied. Ek het die lied geleer terwyl ek by die ANC was.

Dan nr. 10 op die bladsy Palele Bonke Itilongweni. Ken u so n lied? -- Ja, dit kan ek ook van die ANC af.

Dan lied nr. 11 Sikwaza, Kwaza, Kwaza Mkhonto ensovoorts. (20 -- Ja, dit ken ek ook van die ANC.

Dan C(126), die vierde bladsy. Aan die regterkant bo staan n lied en die nommer in hand geskryf 13. Die lied se bewoording is Wena Strydom, Watint Abafazi. Ken u so n lied? -- Ja, ek ken die lied. Ek ken die lied van die ANC eintlik. Dit was die vrouens se lied.

Dan net die volgende een nr. 14 South Africa Izwe Lokolo Izwe Lobao. Ken u so n lied? -- Ja, ek ken die lied.

HOF : Waarvanaf ken u dit? -- Ek het hierdie een geleer terwyl ek nog hier in die land was. Dit was in Junie 16. (30)

Dit/...

Dit is van 1976.

MNR. FICK : Het u die lied daarna weer gehoor op 'n ander plek? -- Ja, toe dit gesing was by die ANC.

Ek slaan dan 'n bladsy oor en die volgende bladsy is daar 'n lied wat genommer is met die hand nr. 25 Utenina U nje nje Wena Johnnie Vorster Jimmy Kruger Matanzima Buthelezi. Ken u so 'n lied? -- Ek ken die lied.

Waar het u hom geleer ken? -- Ek het dit geleer by die ANC buite die land.

Dan die volgende bladsy lied nr.27 The people's flag (10) is deepest red ensovoorts. Ken u so 'n lied? -- Ja, ek ken die lied. Ons het dit meestal gesing as daar 'n "international workers' day" is, byvoorbeeld "International stays holidays." Dan sing ons daardie lied.

Waar? -- By die kampe, Angola se kampe, dit is die kampe wat aan die ANC behoort.

Dan slaan ek twee bladsye oor. Die derde bladsy is daar lied wat die nommer met die hand geskryf is nr. 2 onder aan Wena Matanzima U sisi Kibenga. Ken u so 'n lied? -- Ja, ek ken die lied. Ek het die lied geleer by die kampe van (20) die ANC.

Ek kan net vir die Hof se inligting verwys na volume 8 van die C reeks, dit is C(139). Daar is ook liedere. Ek gaan dit nie aan die getuie stel nie. Dit is van dieselfde liedere. Dan gaan ek oor na die V reeks. V(1). Ek verwys eerstens na bladsy 1(a). Daar staan Siyaya Siyaya Noba Kunyima. Ken u die lied? -- Ja, ek ken die lied.

Van waar? -- Van die kampe. Dit is die ANC kampe buite die land.

Dan bladsy 9(a) Nunzi e Supreme Court ensovoorts. (30)

Dan/...

Dan skreeu die ander Siyaya. Ken u so 'n lied? -- Ek ken die lied, behalwe die woorde Nunzi e Supreme Court. Ons het gebruik gemaak van Nunzi e Soso.

Sasol? -- Ons het die woorde Nunzi e Soso gebruik in plaas van Nunzai e Supreme Court of die volgende woorde was deur ons gebruik dat dit gegaan het oor Nunzi Voortrekkerhoogte. Ons het nie gebruik gemaak van die Supreme Court nie. Wat my betref is dit 'n nuwe bewoording wat ek hier binne-in die land gekry het.

HOF : Julle het wel gesing van Ewuthu Mlilo? -- Ja. (10)

MNR. FICK : Ek wil u dan verwys na bladsy 16(a). Dit is 'n slagspreuk waar een skreeu Hella Mandela dan skreeu die gehoor Hayi. Dan word dit herhaal. Dan word daar geskreeu Mandela Wethu. Dan word daar geskreeu Hayi. Dan skreeu die leier Archie Gumede, dan skreeu hulle Hayi. Ken u die slagspreuk? -- Ja, ek ken die slagspreuk, behalwe dat ons gebruik gemaak het van Mandela en Oliver Tambo en nie Archie Gumede nie.

En sien dan word daar later ook geskreeu Hayi u UDF. Ken u hom op daardie wyse, die slagspreuk? -- Ja, daar was sekere kere waar 'n persoon dit geroep het en dan gebruik (20) die persoon, die leier die UDF.

ASSESSOR (MNR. JOUBERT) : Wat beteken Hayi? Is dit 'n kreet? -- Dit is 'n slogan. You say UDF Hayi, Hayi, something like that.

MNR. FICK : Bladsy 30 van die transkripsie. Daar staan Igama Lika. Die hele lied gaan oor Helen Joseph. Ken u hierdie bewoording van hierdie lied? -- Herhaal dit vir my. Ek het dit nie verstaan nie.

HOF : Die lied gaan Igama Lika Helen Joseph Malibongwe en so gaan dit aan. -- Ja, ek ken die lied. Dit was baie (30)

gesing/...

gesing buite die land veral deur die vrouens, byvoorbeeld op 9 Augustus wat bekend staan as Women's Day. Dan was dit gesing.

MNR. FICK : Terwyl ons op die onderwerp is van Women's Day, is dit 'n dag wat deur die ANC gevier word as a "women's day"?
-- Ja.

Dan bladsy 31. Dit is Usafundi a Majoni hey u Thambo Usehlatini Ma ma. Ken u die lied? -- Ja, ek ken die lied. Ek het daardie lied oorspronklik geleer by die ANC.

Dan 31(b) Isibame Angola ensovoorts. -- Ek ken die (10)
lied. Ek het dit leer ken voordat ek die land Suid-Afrika verlaat het.

U sê u het hom in die land leer ken. Waar? -- Gedurende die demonstrasies van June 16 en toe ook toe ek by die kampe van die ANC kom het ek verder hiermee te doene gehad.

Bladsy 31(e) Sobabamba ensovoorts. Ken u hom? -- Ja, ek ken die lied. Ek het dit leer ken by die kampe van die ANC.
HOF : En Peshia Konfula? -- Ja, dit is 'n ANC lied wat ek oorspronklik by die ANC geleer het. Eintlik het ek deel geneem toe dit gekomponeer was. (20)

Dit staan op bladsy 31(f). Wat beteken dit Peshia Konfula Sobabamba? -- It means across the river we will get the White people with their children and kill them.

MNR. FICK : Ek wil dan oorgaan na V(2). Net ter inligting van die Hof, die lied wat so pas gegee is, die Peshia Konfula kom op bladsy 8 ook voor van V(2). Ek verwys die Hof dan na bladsy 12 lied 4. Izwe Lami Izwe Lami Elami. Ken u so 'n lied? -- Kan u dit herhaal?

Izwe Lami Izwe Lami Izwe Lami elami ensovoorts. -- Ja, ek ken die lied. Ek het dit geleer by die kampe van die (30)

ANC buite die land.

Bladsy 15 We are going, we are going, there is Sasol II on fire. We are going. There is Ciskei on fire. The young men lighted the fire. We are going. There the Supreme Court is on fire. We are going. Ken u hom? --

HOF : Laat ons net duidelikheid kry, mnr. Fick. Is u nie besig om die vertaling vir die getuie te lees nie, want dit is die Engels vir die boonste lied Siyaya.

MNR. FICK : Ek is jammer, ek het dit so pas agtergekem. -- Dit is 'n vertaling daardie. Ek ken dit in Zoeloe. Ook (10) uitgesluit die bewoording van Supreme Court.

Ek gaan u dan verwys na V(3) bladsy 4 U Mandela Hayi Hayi Ugaga Wethu Oliver Thambo Hayi Hayi Amasotha Hayi Hayi Oliver Thambo Hayi Hayi. Ken u die lied? -- Ja, ek ken dit oorspronklik van die ANC af.

V(4). Dit kan wees dat ons hom al gehad het. Ek kan nie onthou nie. Dit is lied nr. 1 Singamasosha ka Mandela Sosha Sosha. Ken u die lied? -- Ja, ek ken die lied. Ek het dit geleer buite die land by die ANC. Ons het dit gesing terwyl ons gemarsjeer en gedril het. (20)

HOF : Is dit eintlik 'n marslied? -- Ja.

Julle het nie met musiek gedril nie, maar met 'n lied gedril? -- Daar was musiek gewees, maar vir die marsjeer en dril het ons hierdie een gesing.

MNR. FICK : Ek wil u dan verwys na V(8). Maguerrilla Hayi Hayi Maguerrilla u Hendrikse Impimpi Hayi Hayi ensovoorts. Ken u die lied? -- Ja, ek het dit by die ANC kampe geleer buite die land, behalwe die bewoording van Hendrikse. Hendrikse en die ander woorde het ons nie gebruik nie.

Het u ander name in die plek gebruik van dié van (30)

Hendrikse/...

Hendrikse? -- Ja Governmental Leadership Bantu stands Mangope Sebe and the others.

Dan die volgende bladsy nr.18. Dit is nie vir my duidelik of dit 'n ander lied is of dieselfde een nie. Ufekile Umkhonto Hayi Hayi e Roodepoort Umkhonto Hey Hea. Hayi Hayi ensovoorts. Is dit dieselfde lied of 'n ander lied? -- Ja, dit is dieselfde lied verneem al die bewoording oor Roodepoort. Dit was baie gebruik gewees buite die land in die kampe van die ANC. Dit is na die aanval op Roodepoort dat dit baie gebruik was. (10)

HOF : Watter aanval was dit? 'n Terroristiese aanval? -- Dit was 'n terroristiese aanval gewees. Ek aanvaar dit was 'n terroristiese aanval.

En hierdie Joe Modise, wie is hy? -- He was the commander in chief of Umkhonto we Sizwe. Nou het hy sy pos verander. Hy is nou 'n army commander van Umkhonto we Sizwe.

ASSESSOR (MNR. JOUBERT) : Tabo Mbeki? -- Nee, ek vergeet wat se pos hy bekleed.

HOF : Was hy in Umkhonto of in die ANC of elders? -- Hy was Umkhonto we Sizwe gewees. (20)

MNR. FICK : Ek wil dan met u gaan na V(10) bladsy 2 lied 1 Ajagena Ajafuma Ajadidizela Ajasaba Magwala. Ken u so 'n lied? -- Ja, ek ken die lied. Ek het dit geleer daar buite die land by die ANC.

Ek wil u dan ook verwys na V(11). Die eerste lied Sikokele Thambo. Ken u so 'n lied wat met hierdie woorde begin? -- Ja, ek het dit geleer by die kampe van die ANC met my aankoms daar.

Lied nr. 2 op dieselfde bladsy Sangena Epitoli Thina Sangena Thina Sangena Thina Sangena ensovoorts. -- Daardie (30)

een/...

een ken ek baie goed, want ek was by toe dit gekomponeer was. Ek is een van die persone wat dit gekomponeer het en dit is ook ANC se liedere.

HOF : Wat beteken dit? -- It means that we are going to Pretoria.

To do what? Visit the zoo? -- No. We are going to kill the wives of the Boers.

MNR. FICK : Dan lied nr. 5 Upu Thambo .. ek dink hy was al gestel. Laat ons liefers na die volgende een toe gaan.

Lied nr. 6. (10)

HOF : Ek wonder. Stel 5. Ek dink nie dit is al gestel nie.

MNR. FICK : Upu Thambo U Thambo Usehlatini Bafana ensovoorts. -- Ja, ek ken die lied. Dit is ook gekomponeer by die kampe van die ANC buite die land waar ek dit ook geleer het met my aankoms daar.

Dan lied nr. 7 op bladsy 3 Ambisandla ensovoorts. Ken u so 'n lied? -- Ja, ek ken dit ook. Ek het dit geleer by die kampe van die ANC buite die land.

HOF : Wat is die "Sam" of Sam? -- It means Thambo holds my hands. (20)

Oh, it is sami, not sam? -- Sami, mine.

MNR. FICK : Dan lied nr. 9 Jiwolele Jiwolele ensovoorts. -- Dit ken ek ook. Ek het dit oorspronklik geleer by die kampe van die ANC.

Ek verwys dan na V(15) bladsy 3. Hierdie spreuk Amandla Ngawethu, ken u dit? -- Amandla Ngawethu?

Ja? -- Ek ken dit baie goed, want ons het dit gebruik by die afsluiting van vergaderings by die kampe. Ook net voor die vergadering begin het, het ons dit gebruik. Dus ken ek dit baie goed. (30)

HOF/...

HOF : Het u dit geken in Suid-Afrika voor u weg is? -- Ja, voor ek Suid-Afrika verlaat het, het ek dit geken.

By watter vergaderings is dit toe gebruik? -- By die vergaderings van die SRC gedurende die demonstrasies van die jaar 1976.

Die SRC is dit nou die Studenteraad, Student Representative Council? -- Yes.

MNR. FICK : Dan op dieselfde bladsy is daar n ander slag-spreuk Shaia e Bazooka ensovoorts. Ken u dit? -- Nee, hierdie een ken ek nie. (10)

HOF : Het u dit nog nooit gehoor nie? -- Ek hoor dit vir die eerste keer. Ek ken dit nie.

MNR. FICK : Dan op dieselfde bladsy Epitoli Siyaya ensovoorts. Ken u so n spreuk? -- Ja, ek ken so n spreuk. Ek het dit geleer toe ek buite die land gekom het.

Is dit nou by die ANC wat u van praat? -- Ja, by die kampe van die ANC buite die land.

Nango u Mandela Siyaya Siyaya ensovoorts. Is dit dieselfde spreuk?

HOF : Dit is dieselfde lied van die vorige een is Epitoli (20) Siyaya ensovoorts.

MNR. FICK : Dan bladsy 4. Ken u die lied Napi, Napi ensovoorts? -- Ja, ek ken dit. Ek het dit geleer met my aankoms buite die land, dit wil sê by die kampe van die ANC.

Dan op bladsy 6. Daar is ongeveer in die middel van die bladsy Ujela ensovoorts Hayi Hayi. Ken u dit? -- Ja, ek ken dit. Ek het by die kampe van die ANC geleer.

HOF : En het jy ook daar geleer Esocialism yonasebuya nayo? -- Yes, I have learnt that also.

MNR. FICK : Ek kan net meld vir die Hof se inligting in (30)

V(18)(a) en V(19)(a) is die liedere almal reeds gemeld.

Die volgende wat ek aan u wil stel is V(25) op bladsy 2.

Die spreuk Mayibuye e Afrika Oliver Thambo Amandla Ngawethu Mayibuye Izwelethu. Ken u dit? -- Ja, ek ken die spreuk.

Van waar en hoe? -- Ek het dit by die kampe van die ANC buite die land geleer.

HOF : Wat beteken dit? -- Ken ek dit in Engels stel?

Ja, seker.-- It means that Africa belongs to us and therefore power belongs to us, then Africa must come back to us. (10)

Who is us? -- It means the Black people, the African National Congress.

MNR. FICK : Dan wil ek verwys na bladsy 47. Daar is geskreeu Inkolo Leku, dan antwoord die gehoor. Dan Viva en dan ANC. Ken u die spreuk? -- Ja, ek ken iets daarvan.

Wat weet u daarvan? -- Dit beteken we need freedom.

Die spreuk wat daar geskreeu word Viva ANC, ken u dit? -- Ja, ek ken die woorde.

HOF : Waar kom dit vandaan? -- Ons het dit geleer by die kampe te Angola. Die mense het in Portugees die Viva gebruik (20) en ANC en Alutha Continua Victoria et cetera.

Dit is nie in enige Suid-Afrikaanse taal wat u ken die woorde Viva en Alutha nie? -- In Engels kan ek dit vir u oordra wat dit beteken.

Ja? -- When they say Alutha Viva ANC it means that Viva ANC it is something popularising ANC and Alutha continua is the struggle continues. Victoria et cetera it is victory is certain.

What I wanted to ask you, the word Alutha and the word Viva is not a Sotho or a Zulu or a Tswana or whatever it (30)

is/...

is word. It is a foreign word? -- Yes, it is a foreign word.

Language? -- It is Portuguese language.

MNR. FICK : Dan bladsy 76(a). Daar is Ambani Kobanyane Kobanyane ensovoorts. Ken u dit? -- Herhaal daardie een?

(Lied word herhaal) -- Nee, daardie een ken ek nie.

Ek wil dan oorgaan na h ander aspek. Die reeks AAE. Dit is die Sechabas. Dit is (1) tot (30). Kan dit net aan die getuie getoon word? Ek sal dit probeer kort sny.

HOF : Wat is u vraag voordat die getuie kyk? (10)

MNR. FICK : Ken u daardie boeke in daardie vorm wat u daar voor u het? --Ja, ek ken hierdie boeke in hierdie vorm. Eintlik ken ek dit aan hulle voorkoms. Dit is die tipe boeke wat ek gelees het terwyl ek by die kampe was van die ANC buite die land.

Sal u net kyk na AAE(27) en 30. Daardie twee, ken u hulle? Kan u hulle identifiseer dat u hulle al gesien het vantevore? -- Nee, ek ken nie hierdie twee nie. Met verwysing na AAE(30). Dit is h uitgawe van April 1986. Ek was alreeds in die tronk gewees na my arrestasie. Dus het ek (20) nie hierdie een gelees nie.

En AAE(27)?-- Dieselfde geld vir hierdie een. Dit is November 1984. Hierdie uitgawe sien ek vir die eerste keer hier. Dit kan wees dat ek besig was om iets anders te lees of ander boeke te lees, dat ek nie hierdie betrokke Sechaba gelees het gedurende hierdie tydperk nie, maar ek het dit nog nie vantevore gesien nie. Wat die rede was, kan ek nie sê nie.

Die ander boeke was aan u getoon en kan u hulle identifiseer as dat u hulle gesien het vantevore? -- Ja, dit (30)

is/...

is korrek. Die res van die boeke is ek van seker dat ek hulle deurgelees het vantevore.

Sal u dan net kyk na AAE(13) dit is die Sechaba van Maart 1983. Ek wil u verwys na bladsy 2. Het u die bladsy waar staan "O.R. Thambo, we must organise ourselves into a conquering force?"-- Ja, ek het die bladsy.

Dit wat daarna volg onder hierdie hoof, herken u dit? -- Ja, ek ken die geskrewe gedeelte onder daardie hoof. Dit is soortgelyk aan dit wat ek gister gesien het op die pamflet wat gister aan my gegee was om te kyk. Dit is eintlik die (10) boodskap wat daar vervat word wat op hierdie dokument verskyn.

HOF : Die pamflet wat gister aan u gegee is is AAH(2).

MNR. FICK : Dan die reeks AAF, dit is die Mayibuyes, (1) tot (16). Herken u daardie dokumente voor u? -- Ja, ek herken die dokumente voor my.

Is dit die Mayibuyes wat u gister van gepraat het wat u by die ANC gesien het? -- Ja, dit is soortgelyk aan die Mayibuyes wat ek buite die land gekry het.

Kan u vir die Hof aandui daardie wat u voor u het, het u daardie spesifieke uitgawes van die Mayibuye vantevore al (20) gelees? -- Ek het hulle al gelees, dit wat ek nou al eenkant gesit het.

HOF : Sit hulle net almal eenkant, dan kan ons die nommers op rekord plaas. -- Hulle het ek alreeds gelees. Die nommers is BEWYSSTUKKE AAF(1) tot (5). Daar is een wat nie 'n nommer het nie. Dit is net BEWYSSTUK AAF - 0, dit is (7), (8), (9), (10)(i) en (12).

Daar is nie 'n (10)(ii) daarby nie? -- Nee, dit is net (10)(i).

MNR. FICK : Dan verwys ek u na AAG, dit is die Dawn, (30)

(1), (2) en (3). Die dokumente wat nou aan u getoon word, ken u hierdie tipe boek? -- Ja, ek ken hierdie tipe boek.

As wat ken u dit? -- Dit is boeke wat in die meeste gevalle vir die soldate, dit wil sê die mense onder opleiding gegee word by die kampe, want wat in hierdie boeke bevat word, het betrekking op die soldate, hoe hulle hulleself moet gedra. Eintlik alle inligting wat belangrik is vir die soldate word in hierdie boeke vervat.

Daardie drie wat voor u is, het u hulle vantevore al gesien, daardie uitgawes? -- Weens die feit dat ons h (10) maandelikse uitgawe kry van hierdie boek, is dit vir my moeilik om vir die Hof te kan sê hier nou terwyl ek hier staan dat ek hierdie spesifieke boeke gesien het, behalwe om vir die Hof te kan sê dat ek verskeie uitgawes van die Dawn gelees het. Behalwe een natuurlik, BEWYSSTUK AAG(2). Dit lyk bekend dat ek dit al vantevore gesien het.

Dan wil ek AAH(3) aan u toon. Ken u daardie dokument? Het u hom al vantevore gesien? -- Ek ken hierdie tipe dokument. Ek het al h dokument soortgelyk aan hierdie een gesien vantevore. Wat gebeur is dat op 8 Januarie stuur die president (20) hierdie verklaring in hierdie vorm na verskillende kampe toe. ASSESSOR (MNR. KRÜGEL) : Watter president is dit nou? -- President O.R. Thambo, die president van die African National Congress.

HOF : Wat staan bo aan daardie een? Van watter jaar is dit nou? -- This is the message of the national executive committee of the African National Congress on the occasion of 8 January 1985 delivered by comrade president O.R. Thambo.

MNR. FICK : Dit is die opskrif wat u nou gelees het? -- Dit is reg.

(30)

Het/...

Het u hierdie spesifieke boodskap gekry terwyl u by die ANC was? -- As ek dit so vlugtig deurkyk die boonste blaaie en die gedeelte wat ek gesien het, herken ek dat ek hierdie boodskap gesien het, maar om presies te onthou wat die inhoud van hierdie boodskap was, sal ek nie in staat wees om dit te kan doen nie.

Dan wil ek u verwys na AAJ. Herken u hierdie tipe dokument? -- Ja, ek ken 'n dokument soortgelyk aan hierdie een.

As wat ken u dit? -- Dit het te doene meeste van die (10) tyd oor die vroumense wat in die ANC is en wat hulle rol is wat hulle speel in die "struggle".

Laat ek u so vra, is dit die dokument wat u gister oor van getuig het wat vir die vroue uitgegee word in die ANC? -- Ja, dit is die dokument.

HOF : Wat is AAJ? VOW?

MNR. FICK : VOW, dit is reg.

HOF : Is dit VOW of WOV?

MNR. FICK : VOW, Voice of Women. Ek wil aan u dan 'n dokument toon AAM. Ken u hierdie dokument? -- Ja, ek ken hierdie (20) een baie goed.

As wat ken u dit? -- You are introduced to the strategy and tactics and program of the African National Congress. So each and every cadre which join the ANC, must be introduced to the strategy and tactics of the African National Congress. So, everybody who have passed through the ANC must know this book and the tactics and the strategy which are used by the ANC.

COURT : Do you get the book when you get there? -- Yes.

MNR. FICK : Dan verwys ek na ABA(11). Ken u daardie dokument?(30)

Ja/...

-- Ja, ek ken die dokument.

As wat ken u dit? -- To acquaint the soldiers in the camp with the present of the struggle and the pace of the struggle.

Waar het u hom vantevore gesien? -- Te Angola.

U EDele, kan ek u net na 'n ander aspek verwys in verband met hierdie dokument. In die lys wat aan u verskaf is in die dele waarop die Staat steun, die gedeeltes, ten aansien van hierdie dokumente is daar 'n dokument AAL(1). Dit is 'n identiese dokument as ABA(11). Dan wil ek met u gaan na 'n(10) ander aspek. Het u by die ANC bekend geraak met enige teken wat aan hulle toegeskryf word as hulle teken wat hulle gee? -- Ja, ons was geleer wat die teken is.

Wat is die teken? -- (Getuie demonstreer oorspronklike teken wat hulle gekry het volgens die opleiding van die ANC)
HOF : Die geslote vuis met die duim regop gesteek.

MNR. FICK : U sê dit was die oorspronklike teken soos wat u geleer is? -- Ja.

HOF : En dit is die regtervuis.-- Nou is dit verander na hierdie teken soos wat ek nou aandui. (20)

Die teken is nou weer die regtervuis, maar die duim is hierdie keer vasgeklem teen die vier vingers. Waarom is dit verander? -- Dit sal ek nie weet nie. Dit word deur die National Executive Committee bespreek. Ek weet nie.

Is dit verander in u tyd of voor u tyd? -- Ditis voor my tyd wat ek daar aangekom het.

MNR. FICK : Dan 'n ander aspek. Terwyl u daar by die ANC was, het u enige inligting tot u kennis gekom of amptelike inligting dat die mense moet pasop daar is dalk moontlik vervalste, nie-egte Sechabas, Mayibuyes of Dawns of VOWs (30)

in omloop wat nie deur die ANC aan u gegee is nie? -- Nie wat ek van geweet het nie. Nie terwyl ek by die kampe was nie. Ek ken nie onthou dat daar so iets gesê was nie. As dit so is, is dit 'n nuwe ding.

HOF : Wat u in die hof vir die eerste keer hoor? -- Ja.

MNR. FICK : Het u terwyl u die vryheidsliedere gesing het of bekend geraak het met die goed, bekend geraak met enige vryheidsliedere wat daar gesing is by die ANC oor die UDF? -- Ja, daar was liedere gewees wat gesing was by die kampe wat gehandel het oor die UDF. (10)

Kan u vir die Hof sê wat is die liedere? -- Die een wat ek onthou is die bewoording dat UDF het voorbereidings van toestande vir ons gedoen binne-in hierdie land van Suid-Afrika, vir ons dat ons nou kan terugkom in hierdie land met vuurwapens om te kom baklei.

Is daar nog? -- Daar is een wat so gaan - 'n mens kan dit eintlik so stel dat UDF "Is a mass democratic organisation" wat as lede het die skoolkinders, werkers ensovoorts. Eintlik gaan dit verder as dit. Die lied sê verder dat die UDF alreeds plekke vir ons gereël het of gereed gehou (20) het of gereed het dat ons die land kan binnekom met vuurwapens om te kom baklei.

Kan u sê hierdie liedere wat praat van die UDF, is hulle daar in die kampe gekomponeer of is hulle ingebring in die kampe deur ander mense en daar gesing? -- Dit is by die kampe gekomponeer.

CROSS-EXAMINATION BY MR BIZOS : Perhaps we could start where you finished off. Give us the precise words of the songs of the UDF please.

COURT : Do you want it in the language it was composed (30)

in/...

in?

MR BIZOS : The precise words. Precisely how you sung it, please. The first line of the first song.

COURT : If it is easier for you, you can sing it. -- (Witness sings song)

"I UDF iyasivumela

I UDF iyasivumela

Sizongena, Sizongena Thina, Sizongena

I UDF iyasivumela Futhi isilungisele

Sizongena, Sizongena Thina, Sizongena, Sizongena (10)

Sizongena Nge AK

Sizongena Nge Mortar

I UDF iyasivumela

Futhi isilungisele Indawo."

I think I can finish there.

MR BIZOS : Could you tell us about the tune. Is it a new tune? -- I do not understand. What type of a new tune?

This tune - you have mentioned the UDF once. I want to know whether the tune is a new tune ... (Court intervenes)

COURT : He mentioned the UDF quite a number of times in the (20) song, not once only. Right through the song it was mentioned.

MR BIZOS : We can count them.

COURT : Do not say once, because it is more than once.

MR BIZOS : You mentioned the UDF, but will you please tell us about the tune. What tune is that? -- Oh, I think it is a new tune.

Is it a new tune? -- Exactly.

When do you say it was composed? -- It was composed in the 80's. It was composed I think immediately after 1983, after the formation of the UDF. (30)

Did/...

Did you have a part in composing it? -- I never had part, but I heard people singing it.

And you say you have never heard this tune before? -- I have never heard the tune before. It is a new tune.

And none of the words you heard before? -- No, none.

Would you like to give us a translation of more or less the precise translation of the words, please? -- I think I have mentioned the translation before.

You told us what its effect was. Could you please give us ... (Court intervenes) (10)

COURT : Is it his function to translate it? He has given you the whole song in exactly the words in which it was composed. We can translate it ourselves. He has already given you the gist of the meaning of the song. Just before you continue. You are at liberty to answer questions in English. You are at liberty to use the interpreter. You must choose what you are going to do. -- Yes.

MR BIZOS : You understand the questions perfectly? -- Yes, I understand the questions.

COURT : That depends on the question which is coming. I do (20) not want any misunderstandings in future.

MR BIZOS : If you do not understand any question, please say so and I am sure that the interpreter will help you.

COURT : Has he chosen yet that he wants to speak English?

MR BIZOS : He nodded.

COURT : Do you want to speak English or do you want to speak through the interpreter? -- No, I think where it is necessary for me to express myself in English, I can speak English, but where it is difficult, I will need the interpreter to interpret for me. (30)

How will we know when you find it difficult? -- It depends on the type of the question which is coming.

MR BIZOS : How old are you now? - Presently? I think I am 28.

You think you are 28? -- Yes.

And what standard were you at school in 1976? -- I was in Form II.

And precisely when did you leave South Africa? -- Precisely I left South Africa in 1977.

What month? -- Early 1977. (10)

Were you a member of the SRC or any organisation before you left? -- I was never a member of any organisation.

Even after 16 June 1976? -- No, I was never.

And when you say never a member of any organisation, that includes the African National Congress? -- I do not get your question.

COURT : Use the interpreter, please. -- That is so, I was not a member even of the ANC.

MR BIZOS : And before you went to Swaziland in 1977 did you know anything about the ANC? -- No, I never knew anything (20) about the ANC.

Did you take part in any demonstrations in 1976? -- Yes, precisely.

At meetings? -- Yes.

And at marches? -- Yes.

And you sang songs? -- Yes.

And you uttered slogans? -- Yes.

And you put up your clenched fist? -- Yes.

And so did all your fellow scholars? -- Yes.

Would you mind telling us how you put your fist up (30) during/...

during the demonstrations in 1976? -- No, I would not mind.

Please do it? -- (Witness demonstrates)

COURT : He puts up his closed fist, right-hand.

MR BIZOS : Did you and your colleagues in 1976 shout out Mayibuye e Afrika? -- Yes, we did shout.

COURT : Did you shout Mayibuye e Afrika? -- Yes, I did shout Mayibuye e Afrika.

MR BIZOS : And did you and your colleagues in 1976 say Amandla?-- Yes, we did that.

And did you say Ngawethu? -- Yes. (10)

Did you regard yourself as a member of the ANC whilst you were saying Amandla Ngawethu and Mayibuye e Afrika and you lifted up your right-hand with the clenched fist? -- By then I never regarded myself as a member of the ANC.

So, when you told His Lordship that these are the signs of the ANC or slogans of the ANC your evidence was incorrect, because you were doing it at a time when you knew nothing about the ANC and you were participating in activities with your colleagues which you knew nothing or had anything to do with the ANC. Do you agree with that proposition? -- I (20) think I would like to differ with you there.

Why? -- Because what I am told and what I have learnt from the history book of the African National Congress the salute which is given and which is shown in the court is written in the books of the African National Congress.

So, what you are saying to me is this, let us see if we understand each other correctly. When you were doing the salute and when you were shouting Amandla and Mayibuye e Afrika you did not know this was the ANC slogan or the ANC sign? -- Exactly. (30)

Even/...

K454 Even though, if we understand your evidence correctly, you were very active during the demonstrations from June the 16th onwards? -- I was not active, but I took part on some demonstrations.

Let me just come to terms with your qualification, that you were actively engaged in demonstrations and mass meetings from June 1976 to early 1977 when you left?

COURT : Did he say that? -- I never said I was active.

MR EIZOS : Did you participate? -- There were about two meetings, a march and a demonstration, where I participated, (10) not actively.

You participated in a march and two meetings? -- Exactly.

At which you said Amandla and Mayibuye e Afrika and you threw your fist up in the air? -- Exactly.

And you sang songs? -- Yes.

And you did not associate anything that you were doing with the African National Congress at the time? -- Exactly.

It is only when you went to the camp that you were taught that these things are ANC things. Is that what you are saying? -- Exactly. (20)

And are you saying that you and the many thousands of your colleagues that participated as you did, did not tell you or did not indicate to you that these were the ANC signs? That is before you left South Africa? -- No, I was never told that.

Was it your experience when you got to the camp that things which were commonly known here in South Africa the ANC at the camps or the instructors at the camps or the teachers at the camps made it their own?

COURT : What does that mean? We must remember that we are/... (30)

are not using the interpreter. I am going to interrupt you often, because I want absolute clarity on these questions. If you use the interpreter I have no difficulty with your questions at all.

MR BIZOS : Did you get the impression that your lecturers, your teachers, your commanders, wanted what you considered to be on general application as their own, as peculiar to the ANC?

COURT : What does that exactly mean? Will you please give him a specific instance? (10)

MR BIZOS : You knew this to be a general sign used by the youngsters in Soweto. I am indicating a clenched fist. Correct? -- Yes.

At the camp were you told by your teachers or your lecturers or your commanders that this was an ANC sign? -- In fact when we arrived in the camps of the African National Congress we were told by the leadership and also by the historical books which are written there that this slogan is an ANC field and also the flags and other things. We were told by the leadership of the ANC which is the national executive committee of the African National Congress, that the clenched fist belongs to the African National Congress. (20)

But it claimed, the ANC, the national executive claimed the clenched fist as its slogan. Did they not say to you that it is also used by lots of others like yourself for instance? -- No, I do not think so, because in the historical books of the African National Congress since from 1949 they were using the very same slogan. It did not start in 1976. Possibly in 1976 it was adopted by the youth from the ex-members of the African National Congress. (30)

Is that what you were taught by the ANC? -- It is not what I was taught. It was a possibility.

Do you ever see or did you know whilst you attended these meetings in 1976, early 1977, did you become aware of the Black Consciousness Movement in Soweto?-- Yes, I was aware.

COURT : In 1977?

MR BIZOS : 1976 and 1977. Did you know that the SSRC Soweto Students Representative Council was Black consciousness orientated? It leaned towards Black consciousness? -- No, I was not aware. (10)

And did you know that the salute of the Students Representative Council was the clenched fist? -- No, I did not know that.

Was there any other sign that was given at any of the marches or the meetings? -- No, I only knew one.

And it was used by every youngster in Soweto that took part in the marches and in the meetings? -- Yes.

And every youngster at these marches and at these meetings would reply Ngawethu if anyone said Mayibuye? -- Exactly.

COURT : Is that correct? Is it not Amandla Ngawethu? (20)

MR BIZOS : Yes, I am sorry. We were both wrong. Thank you, My Lord. Every time anybody said Amandla, the other would reply Ngawethu? -- When it is Amandla, the response is Ngawethu.

Everybody in Soweto said that? -- I cannot say everybody.

Well, everybody that was at the meetings and the marches that you attended? -- I am sorry to say that not everybody did that. Those who were in the schools took the slogans, but not everybody in Soweto. (30)

Everybody/...

Everybody that was taking part in the meetings and the marches? The leader said Amandla and everybody at the march or the meeting would say Ngawethu? -- Yes.

And if anybody said Mayibuye, what would everybody at the meeting and at the march say? If the leader shouted Mayibuye? -- Sometimes we would respond Morris Isaacs in school. We can respond in many ways. Sometimes we respond Mayibuye in Afrika.

I understand that the usual response was e Afrika? --
Not in all the cases. (10)

Mayibuye really means, does it not, come back? -- Exactly.

And if anybody said Morris Isaacs, it would suggest that Morris Isaacs was taken away? -- Exactly.

In what sort of historical context would you respond to Morris Isaacs? Incidentally I am sure that His Lordship knows that Morris Isaacs is a well-known High School in Soweto. -- Exactly. It is well-known.

COURT : In what way can Africa come back? It is the same sort of thing. It is right here. So, I do not think you are getting anywhere. (20)

MR BIZOS : Who took Morris Isaacs? Did anybody take it away? -- The same applies to Mayibuye e Afrika. Who took Africa. The same applies to Morris - who took Morris Isaacs?

You have taken a queue from His Lordship.-- Exactly.

COURT : I put it to you we are leading no where and you continue. Get on to something else.

MR BIZOS : You see, what I am going to put to you is that these slogans are universally used. I do not know what your lecturers told you at your camps, but what I am putting to you is that in South Africa these slogans are universally(30)
used/...

used. What do you say to that? -- No, I would like to differ with you.

You would like to differ from me? -- Yes. From the books which were written as far as 1959 of the African National Congress, it is written that these slogans are the slogans which are used by the African National Congress and since the African National Congress was formed as far as 1912, they have been using the very same slogans.

Let us just deal with the songs.

COURT : Just a moment. When you speak of a slogan, do (10)
you mean the salute with a clenched fist? -- Yes.

MR BIZOS : Is that the slogan or Amandla Ngawethu as well?

COURT : At a stage he was referring to a slogan as only the fist, but I am not certain. Therefore I asked clarification,.

MR BIZOS : Let us call the fist a sign and Amandla Ngawethu and Mayibuye e Afrika a slogan. Let us take the songs. Does the ANC claim the songs to be its songs or the songs as ANC songs?

COURT : Which songs? (20)

MR BIZOS : Well, any songs. Does it claim any songs as its own songs? -- ANC does not claim any song. What I said about the origination of some songs which were pointed out to me, is that those songs were composed within the camps of the African National Congress. They composed by the cadres of the ANC. Therefore I am saying those songs are the songs of the ANC. I am not claiming that.

Let us take as an example Nkosi Sikilele e Afrika. Does the ANC claim that as its song? -- It does not claim it, but Nkosi Sikilele belongs to the African National Congress. (30)

Why/...

Why does it belong to the African National Congress?

-- Even if you check the historical book of the African National Congress, it was formed by the African National Congress. Since from its formation in 1912 Nkosi Sikilele has been sung by the African National Congress. Only the people inside the country did just find the song existing and they sing Nkosi Sikilele as a national anthem, but it originated from the ANC.

Who told you that? -- I learnt from the history of the African National Congress and I have been told by the leadership of the African National Congress. (10)

That Nkosi Sikilele e Afrika was composed originally for the ANC in 1912 and that it is since their national anthem. Is that what you were told? -- What I was told was that Nkosi Sikilele, the national anthem, belongs to the African National Congress.

And to no one else? -- Of course it belongs to the nation of South Africa as people are singing it.

Does the ANC equate itself with the nation of South Africa? Makes itself equal? Does the ANC say that the ANC and the nation of South Africa are the same thing? -- No, it says it represents the people of South Africa. (20)

I want you to please tell us precisely what you read and precisely what you were told about Nkosi Sikilele e Afrika as belonging to the ANC? -- Precisely what I know is that it is a national anthem which is sung by the ANC. It represents the whole nation of South Africa.- It is a national anthem of the ANC which is being popularised within the nation of South Africa that each and everybody should know it as the ANC claims that it represents the whole people/... (30)

people of South Africa.

And you say that - were you told that you must popularise the Nkosi Sikilele e Afrika as a member of the ANC? -- Not necessarily to popularise it. Already it is popular within the country.

When were you told that? Only after you joined the ANC? -- Exactly.

How did you regard Nkosi Sikilele e Afrika before you joined the ANC? -- Excuse me?

What did you think Nkosi Sikilele e Afrika was (10)
before you joined the ANC? -- I regarded it as a national anthem before I joined the ANC.

National anthem of? -- Of the whole people of South Africa.

But when you got to the ANC you got a different version? -- I was taught how it did come. I never got a different version.

How were you told it did come? -- That it was formed generally when I was inside the country. I only knew that it was sung by the national inside the country. Then I (20)
was taught how did it come, what does it represent, that it represents the whole people of South Africa. I was made to understand that that this was the song of the African National Congress.

A song of the African National Congress? -- Which represents the whole nation in South Africa.

It made it its own and were you told how it came about? How it started being sang by the people in South Africa or by the ANC? -- Yes, we were told.

What were you told? -- I cannot remember really. (30)

Were/...

Were you told that it was an ANC creation? That you know it was created for the ANC? That it was written or sang or composed specially for the ANC? -- Not necessarily. You are repeating the same question you have asked me before. It is just a repetition of words. I do not know where you are trying to get to, because I told you before that this song they sang represented the nation, the whole people in South Africa. That is what we were told by the ANC and you are still repeating the same thing. I told you that long ago. (10)

I will repeat the question until I get an answer.

COURT : I think you have got your answer.

MNR. FICK : Hy het n antwoord gekry die eerste keer.

MR BIZOS : Whether it was composed specially for the ANC.

COURT : He has not said it is composed specially for the ANC.

MR BIZOS : No, but the question was asked and no answer has been given.

COURT : Was it composed specially for the ANC? -- I said the song was composed by the ANC for the whole nation of (20) South Africa.

MR BIZOS: So, it was specially composed for the whole nation of South Africa ? -- Yes.

Is that what you were taught? -- Yes.

And did you believe that to be the truth? -- That is what I believed, before I believed in the policy of the African National Congress.

And you were told that it was specially composed for the ANC and that it adopted it as its national anthem and it represents all the people of South Africa. -- Yes. (30)

Can/...

Can you recall who it was that told you of this special composition of Nkosi Sikilele e Afrika for the ANC?-- I am sorry, that will be impossible. My mind is not a computer.

Do you remember at which camp you were when you were told this? -- The exact camp I cannot remember. It was in 1977. It is 1986 now. It is nine years ago.

And you still believe what you were told then to be true in relation to Nkosi Sikilele e Afrika? -- I still believe that because that is what I was told.

Was it your experience that not only in relation to (10)
... (Court intervenes)

COURT : Are you going on to a different aspect? Have we dealt with Nkosi Sikilele now?

MR BIZOS : Yes.

COURT : Then I will take the tea adjournment.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

IN CAMERA WITNESS NO. 24, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : In relation to Nkosi Sikilele e Afrika did any of the people that spoke (20) to you about it, mention the name of the Enoch Sontonga about it? Did they mention his name to you when they spoke about Nkosi Sikilele e Afrika? -- No, they never mentioned it.

Did they ever mention to you in relation to Nkosi Siki-lele e Afrika that it was composed by a Methodist Mission School teacher, Mr Enoch Sontonga, at Klipspruit? -- No, it was never mentioned.

Was it mentioned to you that the song or hymn was first sung at the ordination of a Black Methodist Minister, the Reverend M. Boweni in 1899? -- No, it was never mentioned (30)

to/...

to me.

Was it mentioned to you at any stage that it is a hymn or a song which is really regarded as an all embracing hymn or prayer or song for all the people of Africa? Was that mentioned to you? -- No, it was never mentioned.

Was it mentioned to you that it was adopted as the national anthem by the Transkei? -- No, it was never mentioned to me.

Was it mentioned to you in your lessons that it is the national anthem of Zambia? -- Yes. (10)

COURT : Could I just get clarity on this now. In the same words as sung here, not in a different language? -- No, in a different language.

The same tune, but different words? -- Different words.

MR BIZOS : Because you were taught that this was a song which was initially composed for the ANC as you are a composer of songs, I want to read to you something about this, what its effect was at least to the author of this ... (Court intervenes)

COURT : Are you reading it because he is a composer of (20) songs or are you reading it because it is relevant to this Court?

MR BIZOS : It is relevant to this Court as to what inference is to be drawn from the singing of Nkosi Sikilele e Afrika and it has been expressed by a person whose identity I will in due course make known in poetic form which accords to a very large extent to what the defence case is and this is why I want to read it into the record. "From lips of thousands swells the music. Oh, I close my eyes and like a seraph choir I hear these voices that my soul inspire. Nkosi (30)

Sikilele/...

Sikilele e AFrika. For Africa we crave thy Blessing Lord. I look and loath the Zulu thousands stand Xhosa, Shangaan and Sotho hand in hand and I, a White man bound in one great cord, we many races seek the one reward blessing on one dear home, one fatherland, routed and grounded here at thy command by one and all thy blessing be implored, we may raise one song, one gloria, Nkosi Sikilele e AFrika." Was that the meaning and spirit of Nkosi Sikilele e Afrika that you were taught?

COURT : Could you follow it? -- No, I did not follow it. (10)

MR BIZOS : Would you like to read it for yourself?

COURT : I think you can do it through the interpreter. If you start using words like thy and thou, then it becomes rather difficult for this witness.

MR BIZOS : Were you a churchgoer? -- No.

Never? -- No.

Even not while you were a youngster in Soweto? -- No, while I will still a youngster I used to go.

Having such a fine voice, were you not in the choir? -- No. (20)

COURT : What are you attempting to establish now? I told you that it is difficult for this witness to understand. Do you take that as a ruling or not? Do it through the interpreter.

MR BIZOS : "From lips of thousands swells the music. Oh, I close my eyes and like a seraph choir I hear these voices that my soul inspire. Nkosi Sikilele e Afrika. For Africa we crave they Blessing Lord. I look and loath the Zulu thousands stand Xhosa, Shangaan and Sotho hand in hand and I, a White man bound in one great cord, we many races (30)

seek/...

seek the one reward Blessing on one dear home, one fatherland, routed and grounded here at they command by one and all they blessing by implored, We may raise one song, one gloria. Nkosi Sikilele e Afrika."

COURT : What is the question?

MR BIZOS : The question is, is that the meaning and spirit of this song that you were taught in the ANC? -- I understand the question, yes.

Is that the meaning and spirit of the song that you were taught by the ANC? -- No, that is not so. (10)

I may indicate, My Lord, that it was originally written in Afrikaans, by His Lordship FAGAN, H.A. in the English translation that I have read was translated by Mr Edgar H. Brooks.

COURT : Should you not have put the Afrikaans to the witness then?

MR BIZOS : If I had it available, I would have. Will you accept that there are thousands if not millions of people in South Africa that regard Nkosi Sikilele in the same spirit as the person who wrote this poem? -- No, I do not (20) agree with that.

Is that because you were taught differently by the ANC? -- Yes, that is true, because of the education or the manner in which I was taught in the ANC.

COURT : Tell me, I understood Nkosi Sikilele to be a prayer. Is that correct? -- Yes.

Why is it sung with a raised fist? -- My understanding of that is that while singing Nkosi Sikilele e AFrika with a clenched fist, that means God will also help us in the fighting in which we are involved and give hand. (30)

MR BIZOS/...

MR BIZOS : And you put up your hand whilst you were singing Nkosi Sikilele e Afrika with the clenched fist before you went off to Swaziland and before you joined the ANC? --- Not always. There are times when I did that, yes. That is singing Nkosi Sikilele e Afrika with a clenched fist and there are times when I did not have a clenched fist while singing Nkosi Sikilele e Afrika.

Generally the people that you attended meetings with at which Nkosi Sikilele e Afrika was sung, they too clenched their fists when they sang it? That is before you left (10) South Africa? -- That is true. I have already earlier said that there were occasions when we sung it with our clenched fists and there are times when we sung it without the clenched fist.

COURT : When did you sing it with the clenched fist and when without? -- For the first time, what I remember is, on June the 16th while we were at the assembly at school, it was decided that there must be a hymn to be sung and then somebody started Nkosi Sikilele as a hymn then. We sang Nkosi Sikilele there at that time without a clenched fist. (20)

And when did you sing it with a clenched fist? -- We sang this Nkosi Sikilele again at Morris Isaacson School where a meeting was held in a classroom which meeting was addressed by Tsitse Mashinini. We were told to stand up with our clenched fists raised and then sing Nkosi Sikilele.

Who told you that? -- Tsitse Mashinini told us.

And who is he? -- He was the leader in the SRC.

MR BIZOS : Just by the way. He was a person who not only did not join the ANC when he went out of the country, but he actually had fundamental differences with the ANC? -- (30)

I think we will differ on the very same aspect, because I want to believe myself, I have been outside. What you have got is only the information. What I know about Tsitse Mashinini is that Tsitse Mashinini outside he wanted to unite PAC and ANC outside. He strived to make unity between the two organisations. Actually he failed. Then he went away from the ANC. Not fundamentally he was against the ANC.

Well, I am going to suggest to you that Tsitse Mashinini was a Black Consciousness orientated person who was never a member of the ANC and who actually had fundamental differences with the ANC. Are you able to admit or deny it? -- (10)
Like I said from the onset, that Tsitse Mashinini came out and in fact actually I met him. His main purpose was to unite PAC and ANC.

Are you able to tell us whether he became a member of the ANC ever? -- He never became a member of the ANC.

Thank you, that is enough. Tell me, this song that you sang this morning, I want to put to you something about that, which is, I am told, very well known, so that we who are not so familiar with what happens in the townships may (20) understand properly. Do you know what calypso type of music is? -- No.

Let me try and ... (Court intervenes)

COURT : Will you sing it to him?

MR BIZOS : I do not have such a voice. What I am going to put to you is, that there are various popular tunes and that people in South Africa used calypso type tunes, popular tunes and they add their own words as they go along. What do you say to that? -- I think I would not differ with you. (30)

You/...

You could agree, you know. -- In fact I agree with you.

You see, the tune that you sang is a tune sang, I am told, by Miriam Makheba with the words Yiza Nezembe Malayisha. Do you know that? -- I think I do not know that. It is something new. I know the song, but the tune is far different from the song that I was singing.

COURT : Are you saying that the song that Miriam Makheba sang these words do not have the same tune? -- No.

MR BIZOS : And a similar tune was used at weddings where all sorts of people added in words and the most popular words (19) in relation to that is Kana Ka Ruta Tshwene Ho Jaifa. Have you ever heard this tune that you sang being used at weddings with various words to describe what is happening there on the floor? Do you know that song? -- No, I think it is something new to me.

My Lord, I am instructed that this is a tune to which words are added and the words that I gave mean "once I taught a monkey how to dance ..." You see, because what I am going to put to you is that this particular tune in fact became the bread and butter of a group called ... (Court intervenes) (20)

COURT : Just a moment now. The tune of the wedding or the tune which he used in court?

MR BIZOS : We say that it is the same tune.

COURT : Well, we do not know that yet.

MR BIZOS : This is what I put to him. The tune that you sang became a very popular tune on the streets of Soweto and the bread and butter so to speak of a little group called the Bogard Brothers. What do you say to that? -- No, I have said, the tune that I know is totally to what you are saying, it is totally different. (30)

Have/...

Have you ever heard of this group, the Bogard Brothers? Were you around when they were in Soweto? --No, I never heard about them.

And what I am going to put to you is that this is a well-known tune, this is what we mean by a calypso type of tune, that you make up words as you go along or you change the words from time to time.

COURT : Then it is not necessarily a calypso tune. It is a calypso song.

MR BIZOS : What I am really referring to is my shorthand (10) of the calypso type of the ad-libbing ... (Court intervenes)

COURT : The difficulty is, the witness does not know the word calypso.

MR BIZOS : What I am putting to you is that it is a tune which is a well-known tune and that people are accustomed to putting their own words to this tune to describe what is happening around. They would put in different words at a wedding, different words when there is a street singing, different words when they are sitting and drinking. They will play around with it. What do you say to that? -- No, (20) honestly there are songs which I know which have been changed - some were wedding songs and some were just for festival celebrations. There are some songs which I know which have been changed into revolutionary songs, but the present song which I sang in the morning, it is far different from what - from wedding songs or other things.

Let me ask you this. You yourself have not heard the tune before? -- No, I have never heard it.

And you do not know whether it was originally composed or whether it might have been a wedding or popular song (30) which/...

which some composer in the camp used by adding his own words?
-- What I know is it was composed right in the camp immediately after the formation of the UDF. Then the song was composed by the comrades inside the camp.

Let me just ask you this. You do not know who composed the tune? Do you? -- The exact person I cannot say.

And you do not know where he got his inspiration for the tune. Is that correct? -- The inspiration he got from after the existence of the UDF.

We will come to the words. Where did he get the in- (10)
spiration of the tune? -- The inspiration? No, I cannot say where does the inspiration come from.

We will leave it at that. Let us just come to the words. When you were there in the camps, did you get newspapers from South Africa? -- Yes, we got newspapers.

Did you listen to Freedom Radio? -- Many times.

Do you get lectures from your instructors? -- Yes, we do get lectures.

Does the information that you are given, is it really directed, because you yourself were a platoon commander, (20)
to lift the spirits of the recruits in the camp? Do you want me to explain it? -- Yes, You can explain it. I do not understand.

Is the information that you are given, the sort of information that will make you - that will lift your spirits? That will make you happier? Boost your moral? Is that right? -- I think the information given will boost the moral of other people very high.

COURT : The newspapers you got, are they censored or did you get all the news from South Africa, good and bad? -- (30)

The/...

The newspapers we got were censored.

So, parts were taken out? -- Yes, some parts are taken out.

MR BIZOS : Was the information that you were given, by newspaper or by magazine or by books or by lectures, that you must be optimistic, that you must expect to return back to the country of your birth soon because the armed struggle of the ANC will succeed? Was that the effect of the information that you were given? -- Exactly that is what I have been given that the armed struggle of the ANC will succeed in (10) the country.

And it will succeed or it would succeed in the near future? -- Well in a few years to come it will succeed.

Two to three years and freedom will be there? -- Exactly.

So, a lot of moral boosting information were given? -- Yes, it was given.

And does the ANC tell you that it is the sole representative of the South African people? -- Yes, it is what we are told.

And does the ANC tell you that all the good things that (20) happened in order to advance the struggle which will bring you back triumphantly happen as a result of the ANC efforts? -- No, it is not true. Only the ANC efforts, but it through other organisations.

Other organisations under the leadership of the ANC? -- Exactly.

And that the ANC is really the organisation that is going to lead the people to victory? -- Yes.

COURT : Over which organisations did the ANC claim leadership? -- There are a lot of organisations which the ANC (30)

claims/...

claims leadership over, especially one of the birth(?) organisations, the United Democratic Front and also other trade unions inside the country.

MR BIZOS : Tell His Lordship from 1977 to 1983 which organisations did the ANC claim leadership of? -- I think since 1976 until 1983 most what I know is it was from the trade union organisation inside the country.

We know - we who were inside the country know that there were at least forty to fifty unions and three or four competing federations, which of those organisations did it (10) claim leadership of or did it claim leadership of all the trade union organisations? -- No, I cannot be specifically there. I do not know of which exact organisation they claim leadership.

You told His Lordship that the ANC actually claimed leadership of the UDF? -- Exactly.

Is that what you were expressly told in the camps? -- From the information and the books and what you read and from some addresses from the leadership, that is what I know, that they claimed the leadership of the UDF. (20)

You were told that the ANC was really the leader of the UDF? Is that right? -- Not necessarily that it was the leader.

Exactly what were you told? -- I said the information - the formation of the UDF was the inspiration of the ANC that it should be formed.

Who told you that? -- From books that I have read. If we can take the statement of 1983 you can see that the ANC was behind the formation of the UDF.

You see, because I am going to suggest to you that that is the sort of evidence that you are giving as a result of (30)

your/...

your detention and arrest here and not because you were told that. What would you say to that? -- Excuse me?

You say that you have read in books that the UDF was the inspiration of the ANC. You read that? -- I mean, that is what we have been addressed on by Radio Freedom of the ANC.

And in the camp? -- And from the leadership of the ANC.

By the people in authority? -- Exactly.

And you refer His Lordship no doubt to the address of Mr Thambo of 8 January 1983 in support of this suggestion (10) that you are making? -- Exactly.

You see, I am going to suggest to you and inform His Lordship that that evidence and that that suggestion is false. What do you say about that?-- I think also even yourself on the other hand will be giving false evidence that the very same evidence I am giving is false information, because that is what we have been told by the president of the African National Congress.

That the UDF was the inspiration of the ANC? -- Exactly, because I was there and you were not there. (20)

Are you referring to the document or to a verbal statement made by Mr Thambo? -- I am referring to a verbal statement.

Mr Thambo said that the UDF is a creation of the ANC? -- He never put it in the exact words that the UDF - but they call it a mass democratic organisation.

Did he ever mention the UDF? -- No, I have never said he mentioned the UDF.

Did you ever hear Mr Thambo mentioning the UDF? -- The only talk about a mass democratic organisation which must (30)

be/...

be ... (Mr Bizos intervenes)

Did you ever hear Mr Thambo mentioning the UDF? Verbally or orally? -- Yes, I have heard him.

Where? -- I heard him when he addressed us about the active role played by the UDF inside the country.

When was that? -- I cannot remember the specific year or specific day.

Or month? -- No.

Or whether it was before or after this address on 8 January 1983? -- It was after 1983. (10)

Do you know who Mac Magarashe is? -- I only know the name, but I do not know the person.

You know that he is on the national executive of the ANC? -- Yes.

And also Umkhonto we Sizwe? -- Yes.

You identified a number of Sechabas. I want to show you the Sechaba of March 1984 with Mr Thambo's picture on it.

COURT : Is it already before Court?

MR BIZOS : No. Please have a look at it. We will not suggest, My Lord, that it was deliberately left out by the State. (20)

Do you remember that? -- This Sechaba is documented and it is not the way I have seen the other Sechabas, the way they are. So, it is something new to me. I do not remember it.

COURT : Where is the original?

MR BIZOS : I am sure that the State has it. We had to make a copy from the library of Jan Smuts House. Have a look at it. Do not be afraid of it. You identified other photostatic copies. The document was referred to in the Pietermaritzburg trial. It has information in it which is contrary to the allegations made in the indictment and we fortunately traced (30)

it/...

it in that way. It is the only one for 1984 which is missing and it is a reprint from Mayibuye of 1983 which is also a Mayibuye which was not handed in by the State. I appeal to My Learned Friend if the originals are available that they should make them available to us, so that we can show the originals to the witness which are going to be of assistance. Are the originals available, Mr Fick?

MNR. FICK : Die Staat het hulle nie. Ek weet nie of dit êrens is by n polisiestatie of wat nie. Ek het dit nie.

COURT : Any way, you see a photocopy what is alleged to (10) be a Sechaba. Do you recognise it as something that you have seen before? -- Yes.

It will become AAE(31). You see, I am going to read this to you and I am going to ask you whether you remember reading it. I am going to read the whole article. It is on page 15 of this exhibit. Your Lordship will see that it is in March 1984 and it is headed "Interview UDF and historical development." "This interview with comrade Mac Magarashe, a senior member of the ANC, was first published in the ANC journal Mayibuye no. 10 1983. (Mr Bizos reads (20) from page 15 of AAE(31)) Today already, since its launching, I think of the rally in Cape Town it has been claimed that more than 400 organisations were present. I think one can legitimately say that the UDF already commands the loyalty of, the support of a million to a million and a half people of our country." Have I read enough to ask you whether you remember reading this article by Mr Magarashe? -- Yes, I think you have read enough. I do not remember reading the article.

Let us just carry on. "Talking about the UDF I am (30)

reminded/...

reminded that one point in the development of our struggle the congress alliance was formed. (Mr Bizos reads from page 16 of AAE(31)) ... at the legal level, the structure of domination of the Black community." Do you recall whether you read this article or not? -- Like I have said before, I have never read this article.

Has what I have read to you been in agreement with what you were taught about the UDF in the camps that you were?

COURT : Can you remember everything that was read to you?

-- Yes, presently I remember. (10)

Very well.

MR BIZOS : Does it accord with what you were taught in the camps? -- To some extent it accords with what we were taught in the camps because the ANC has never come openly that its relation with the UDF - it has never done that openly. In no book it was ever done.

Let us just ask you this. Were you told anything which is different to what is in this book? -- No.

You were never told anything different in the camps?

COURT : That is why I asked the witness does he remember (20) everything that is in this article or three pages which you have read to him? Put to him specific questions and he can give specific answers. Put to him the paragraph on the second page of the article, but do not do it in this way.

MR BIZOS : Let us just take some of the major aspects as His Lordship has suggested. Were you ever told that Dr Boesak was the father of the idea of the UDF? -- No.

Were you ever told who was the father of the idea of the formation of the UDF? -- No.

Did you have any discussions in your lectures as to (30)

who/...

who was the father of the UDF? -- No.

Did you have any discussions among your friends, colleagues and comrades as to who was the father of the UDF? -- No.

Were you ever told by anyone that the UDF had not adopted the Freedom Charter? -- No.

Were you told by anyone that the organisations with the UDF could disagree about 99% of the issues? -- No.

Were you told whether or not the Freedom Charter was the basic document of the ANC? -- No. (10)

Is there anything which you had heard me read which was fundamentally different to anything that you heard in the camp?

COURT : What I wanted you to read to the witness is the following paragraph. Firstly, it is true the UDF has not adopted the Freedom Charter as its basic policy program. The UDF is not a creation of the African National Congress. What do you say to that statement? I read on page 17 left-hand column second last paragraph. -- Yes, like I have said, the African National Congress will never come openly admitting the UDF is a creation of the African National Congress, but whatever in every publication they will never come openly admitting that. The same applies to the statement which was written by Mac Magarashe. (20)

MR BIZOS : Let us try and get clarity on this. What are you saying? Are you saying that you were told that the UDF was a creation of the African National Congress? -- I do not get your question.

COURT : The question is, were you told by the ANC that the ANC had created the UDF? -- The question of UDF and the African/... (30)

African National Congress is only on the basis of the national executive committee. Even when we were addressed in the camps, they will never come openly that the UDF is a creation of the African National Congress, but it is only among the national executive committee where the question can be discussed.

MR BIZOS : We are not asking you what the discussions of the national executive committee of the African National Congress were. What we are asking you is, were you told ever in the camps that the UDF was the creation of the (10) ANC? -- There was never a situation where it came openly the question that the UDF was the creation of the ANC. When we were addressed there was a situation when we were told like that. We were addressed by mouth.

Who told you that the UDF was the creation of the ANC?
-- The leadership of the ANC.

Who in the leadership? -- I cannot specify who said that, because there is a lot of leadership in the ANC.

Which leader did you hear say that the ANC is the creator of the UDF? That the UDF is the creation of the (20) ANC? Which leader did you hear say that? -- One I remember, although I am not quite certain, is Alfred Nzo.

Mr Alfred Nzo is a very high official, like Mr Magarashe, not so? -- Yes.

COURT : What is his function? -- I think he is a general secretary if I am not mistaken.

MR BIZOS : Are you saying that you heard with your own ears Mr Alfred Nzo in the camp publicly saying that the ANC created the UDF? Is that what you are saying? -- Yes, it is what I am saying.

(30)

To/...

To how many people did he say this? -- It was a camp.
I do not know how many people were there.

Hundreds, thousands? How many? -- I say it was a camp.
I do not know the specific number of people who were there.

Yes, but please give us some idea of the number of
people to which Mr Nzo said this? -- [I think a million will
satisfy you.]

No, you must not be facetious, please.

COURT : Counsel wants to know whether it was a gathering
of a lot of people or whether it was in a small committee (10)
or where was it? -- No, it was a gathering of people in the
camp as a whole.

MR BIZOS : How many people in this camp as a whole? I do
not think that even the ANC would claim that it has a camp
in which there are one million people? -- I said it was a big
community. I do not know a specific number of those people.

You say that Mr Nzo said that the UDF is the creation
of the ANC to hundreds or thousands of people? -- I said it
was a big community or it was a camp, where he was addressing
the camp. (20)

To hundreds or thousands? -- I do not know the specific
number of the people.

But surely you must be able to distinguish between
hundreds and thousands? A platoon commander like you? Give
us an idea, please. We want to know. -- I do not know the
specific number. I said it was a big community of people.

Mr Nzo publicly said to a large community that the UDF
is the creation of the ANC? Is that correct? -- Yes, that
is correct.

Would you say that he was speaking on behalf of the (30)
national/...

national executive committee? -- Yes.

A moment ago when I asked whether anybody told you that the ANC had created the UDF you said no, the national executive would never say a thing like that, it would only be a matter within the national executive. Which of the two answers do you ask His Lordship to believe? -- Between the two questions, I want to say I cannot recall everything that happened in the past nine years, but like now I am telling you that I still remember when we were addressed by Alfred Nzo about the creation of the UDF. (10)

Why did you give the opposite answer and give a reason for the opposite answer a short while ago?

ASSESSOR (MR KRÜGEL) : I beg to differ. The answer that was given a short while ago was that it was never openly told that the UDF was a creation of the ANC, except when they were addressed by the leaders.

MR BIZOS : That was later.

COURT : It was not very much later. My record is as follows. The ANC will never admit openly that the UDF is a creation of it. This question is only discussed on the NEC. It (20) never came out openly that the UDF was its creation, but when we were addressed by mouth the leadership of the ANC told us it was. Then you asked which leader and we went on to Mr Nzo.

MR BIZOS : Your Lordship has combined the two answers with respect. Originally there was a categorical no, but the record will speak for itself. I will proceed without expecting an answer to the last question. Let me ask this question of you. What did you mean when you said that the national executive will not discuss this openly? -- Well, (30)

what/...

what I meant it was in connection with the very same publication which you got from Sechaba which was written by Mac Magarashe, whereby he admitted internationally where everybody can get the very same pamphlet that the UDF is not the creation of the African National Congress.

Now you see, I wanted that answer from you, because I am going to put a few questions. Tell me this, assume for one moment that this was a Sechaba and it was widely circulated in the camp and in the community as a whole. Can you remember when you say Alfred Nzo said this? -- What I know (10) is, it was after 1983, but the exact month, date, time and seconds I do not know.

Would it be before or after March 1984? -- 1984?

Yes? -- No, I am not certain.

But if what you told us is correct, if that is what Mr Nzo said, he must have been contradicting Mr Magarashe who said this in writing in March 1984, if he said it after March 1984?

COURT : Well, actually this seems to have been said in October 1983. It was number 10 of 1983. If that informa- (20) tion is correct and one can take that at face value for the moment.

MR BIZOS : Are you going to say to His Lordship that Mr Mac Magarashe, a senior member of the ANC said precisely the opposite thing that Mr Nzo said? -- I would not say he said precisely the opposite, but when you look in different statements of the national executive leadership, they differ sometimes. They do not say one and the same thing.

There may be shades of difference, I am sure, but can you say to His Lordship that when you heard Mr Nzo say (30) that/...

that the UDF was the creation of the ANC, did nobody raise the question but how is - why is Mr Mac Magarashe lying to us and the world? -- I do not know really.

Did anyone raise this? -- If I was may be in the National executive committee of the African National Congress may be I could have reasoned.

At the camp? -- Nobody raised it.

In the camps do you consider yourselves as victims of lies or do you expect to be told the truth? -- There are a lot of lies which I can tell you. (10)

Are you going to tell us that there are a lot of lies in their publications? -- Not necessarily.

Are there no lies in their publications? -- Like I have said before, the national executive committee of the African National Congress do not write one and the same thing. If Alfred Nzo has said this, then Mac Magarashe would follow on the same steps and O.R. Thambo would also follow on the same steps. It is a different thing.

Yes, I know. But what I am asking you is, whether you found any lies in the publications of the ANC whilst (20) you were in the camp? -- The lies I have just discovered from what you have told me about the statement of Mac Magarashe which I shown here in this court for the first time, which I was shown by you, that these are lies that Mac Magarashe denied the formation of the UDF.

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But now, tell me this. How did poor you now have to decide if you got Mayibuye in October and/or Sechaba in March 1984 and you read that one member of the national executive said that it is not a creation of the ANC and Mr Nzo said that it was a creation of the ANC, who were (30)

you/...

you to believe? Who would be lying? -- Between Mac Magarashe and Alfred Nzo whom I will believe?

Yes? -- I believed while I was still in the African National congress my president O.R. Thambo by then.

But you see on this issue Mr Thambo, as far as we know at this stage, has not made a crisp statement one way or the other. We have two crisp statements of members of the national executive. How did you and your comrades in the camp decide who was telling the truth? -- There I will say we would believe in Alfred Nzo. (10)

With you Mr Nzo has got a high credibility? -- Not necessarily. Like I have told you, this statement which was given to me just now of Mac Magarashe, it is a new thing to me. I have never read it in the camp whereby I could know that this was a lie, like you have told me that this is lies.

No, no, no. What I am putting to you is this. How would you decide which of the two was telling the truth when they made two completely contradictory statements? -- Could you listen to my statement what I am saying, please? I am saying that the statement of Mac Magarashe I have never read (20) it in the camp and what we were told by Alfred Nzo is what I believed. This is something new which appears now in court.

You see, I am going to ask you whether you told the prosecutor before you came into this witness-box that Alfred Nzo had made a statement that the UDF is the creation of the ANC. Did you tell the prosecutor that? -- To be honest I have never told the prosecutor something which we discuss now which I recall which has happened in the camp.

When were you approached for the first time ever to give evidence in this case? -- I think it is almost two (30)

weeks/...

weeks. Because you cannot recall each and everything when you have stayed nine years outside, but now when the facts appeared, I recall that some day we were addressed by Alfred Nzo about the UDF.

And I am going to suggest to you that the reason why you said that about Alfred Nzo, which was contrary to your previous evidence and you did not mention anything about it in your evidence-in-chief is that you realised you know what you have been brought into this court for, do you not? Do you know why you have been brought into this court? -- (10) I know why.

To give evidence? -- Exactly.

Are you know that among the accused are the leaders of the UDF? -- Yes.

You do? -- Yes.

How do you know that? -- Their case is a very public case which is known by everybody.

And you were free to read newspapers and that sort of thing? -- Exactly.

And you know that the State contention is that the (20) UDF was the creation or under the direction of the ANC? You knew that this was the State allegation- Correct? -- Not necessarily that I knew that this was the State allegation. There was never anybody who told me about the UDF and the ANC relationship. Myself I was in the bush. I have never been in the bush and it is what I have heard and what we have been addressed on ... (Mr Bizos intervenes)

Well, how do you know that I do not go hunting?

COURT : Just a moment, Mr Bizos, let us get the answer first. The witness was busy answering you. Do you not want to (30) hear/...

hear the answer? If you do not want to hear the answer, I want to hear the answer.

MR BIZOS : I do want to hear the answer. I was referring to the personal comment that he made.

COURT : You can refer to the personal comment after he has completed his answer. -- What I am saying is that I have been outside for nine years and I cannot recall exactly each and everything, but on the specific part of Alfred Nzo when addressing us in the camp about the UDF, it is what I have heard. (19)

MR BIZOS : What I want to ask you is this. Did you read about the Delmas trial in the newspapers? -- Yes, I have read about the Delmas trial in the newspapers.

Did you not know from your readings that one of the allegations of the State was that the UDF was the creation of the ANC? -- No, I did not know about that.

In your consultations with the police and the State were you not asked as to what the relationship between the UDF and the ANC was? -- I was asked.

You were asked? -- Yes. (20)

Was that not a wonderful opportunity to tell them what Mr Nzo has said? -- No, I cannot lie. If I do not know, I cannot force myself to come into court and come and tell lies, but what I recall, when you are asking me questions is that very address by Alfred Nzo.

In which camp was it? -- It was in Quibaxe camp.

Where? -- In Angola.

I am going to ask you to try and give us some idea so that we can possibly check this allegation. Do you know anyone in South Africa who was there and heard it with you/... (30)

you? -- No, I cannot quite remember who is in South Africa.

You cannot give us the month and you cannot give us the year? -- Like I have said, it was after 1983, after the formation of the IUDF, but as to the exact month and the date, I cannot recall that.

Are the occupants of the camps expected to keep quiet about the untruths or the contradictory statements that are made by members of the national executive committee? -- I cannot understand your question.

COURT : Could you be more specific, Mr Bizos. (10)

MR BIZOS : Are you free to discuss amongst yourselves contradictory statements by members of the national executive?
-- Yes, we are free to do that.

Would you agree that whilst you are there in the camp any discovered untruth would be very bad for the moral? -- Exactly I agree with you that it would be very bad for the moral.

And that it would have been most irresponsible of either the one or both these leaders of the ANC to make contradictory statements about such an important matter? -- Yes, I agree (20) with you.

Do you recall at any stage from 1983 onwards ever hearing a whisper by anyone why are two of our leaders speaking with different voices on this issue? -- I have never heard that.

You told us that you heard other lies given by the ANC. Would you please tell us what lies you heard? -- Other lies for your own information?

For His Lordship's information. -- Exactly. There is one camp which I know which was formed within the ANC whereby deserters and people who are anti-ANC were locked. We were (30) never/...

never told about that camp until it was discovered that there was such a camp. Those are the lies I am talking about.

Would you please tell us more about the untruths that you say that the ANC told you? -- I think it is enough what I know about the lies.

No, let us be the judge of what is enough and what is not enough. Please tell us of some of the other lies that you spoke about? -- I think it is what I know about the lies. That is all. (10)

That is the only lie that you know? -- Yes.

And of course either Mr Nzo or Mr Magarashe's untruth. Those were the only two? -- The lies of Mr Magarashe - it seems as if you are trying to pour it into my mouth. From the onset I have told you that the statement is new to me and I do not know about that lies, but you are busy driving the point that I know about the lies between Alfred Nzo and Mac Magarashe and I have told you from the onset that I do not know anything about that.

You see, I have asked you to accept that Mr Magarashe (20) said this in a document purporting to be an ANC document. Accept that. -- You should not force me to accept what I do not know.

Oh, I see. -- Like I have told you from the onset that the very Sechaba is new to me. I was able to identify those Sechabas. I cannot tell you what is written inside. It is really impossible, because there are lots of books that I have read outside. So, you shall not force me that I must know what was written by Mac Magarashe, because I am telling you this is a new statement, although even I can recognise (30)

the/...

the book outside, but I cannot recognise the contents inside the book, because there are lots of books I have read outside. The contents I cannot remember. It is quite impossible. But some of them I can remember, but the story of this Mac Magarashe, it is what you are telling me that they are lies and I do not know about that.

You said it was lies. I did not say so. -- What I said is, I do not know about what is in it, because I never read it.

Let me ask you this. Now that I brought this to your(10) attention, please accept from me that we got it from the library, the Jan Smuts Library which keeps copies of these things purportedly issued by the African National Congress and please accept that this apparently appeared publicly that this statement was made, how do you know that what Mr Nzo was telling you was the truth and that he was not merely, if he did say that thing, trying to boost your moral? -- To answer your question, I do not think that he was merely trying to boost our moral. I were to think he was stating facts, because he is a member of the national executive committee(20) and that is where they discuss this and that is what he knows.

But do you not have any doubt because of the contrary statement of Mr Magarashe? -- No, I do not have doubts.

COURT : Is Mr Magarashe also on the executive committee?

-- Yes.

Are they both on the executive committee? -- I am not certain about him. It is what I am told by Mr Bizos.

MR BIZOS : He said yes earlier on and we are informed that that is so. We have had evidence of it previously. When were you in the Quibaxe camp? -- From 1978 to 1979. Then(30)

I left and went to East Germany. I came back, I went to Fazenda ... (Mr Bizos intervenes)

Stay with Quibaxe. I do not want the whole story of Germany again.

COURT : But he was twice in Quibaxe camp.

MR BIZOS : When were you in Quibaxe camp? For what period?

-- I see the point you are driving at, because you have heard that I have been once in Quibaxe. While I was in camp Chitera we were travelling from camp to camp and I have been in Quibaxe for many times. Even after 1983 I was still in (10) Quibaxe. We were working.

Do you agree that in your evidence-in-chief you did not mention any stay in Quibaxe camp after 1980? -- To be honest if I am talking about camp no. 4, Camp Chitera, Quadro that is what I have mentioned that I was there as far as 1980 until 1984. It is a camp where people are locked, deserters and everything. We move from camp to camp, each and every camp of the ANC. I was there, you were not there. You were here in South Africa.

Do you agree that you made no mention of any stay in (20) the Quibaxe camp after 1980? -- I do not know how to answer your question because I am telling you from 1980 to 1985 I was in camp Chitera and we were travelling to each camp of the ANC. We were moving around them. I was there even after 1983 in Quibaxe. We were working.

I will not repeat my question. -- Yes, I think you are quite clear about my answer.

COURT : Well I want some clarity now. I have forgotten all the various names for camp number 4. Is Chitera one of the names for camp number 4? -- Yes. (30)

How/...

How far is camp no. 4 from Quibaxe? -- I think it is about 3 to 2 kilometres.

2 to 3 kilometres? -- Exactly.

So, did you go to Quibaxe often? -- Yes, we just moved on foot when we were going there. Even the security is meant for the two camps.

MR BIZOS : Where is the camp where you were locked up? -- Myself locked up?

No, where deserters were locked up? -- I said camp Chitera, camp number 4, camp Quadro, Odebe. It is one and(10) the same.

It is all the same? -- Yes.

What was the occasion on which Mr Nzo made this momentous statement?

COURT : Why do you call it a momentous statement? Was it a momentous statement to you at the time? -- (No reply)

Will you clarify the question, Mr Bizos. The witness does not understand it.

MR BIZOS : What was the occasion on which Mr Nzo made this statement about the ANC creating the UDF? -- I think I have(20) repeated many a time. I have told you I cannot remember the month. I cannot remember the date. If I cannot remember the month and the date, I cannot exactly remember the occasion.

On how many occasions have you heard Mr Nzo speak? -- I think last I heard him was when I was in Russia in 1985.

On how many occasions have you heard Mr Nzo speak in Quibaxe? -- I am not certain on how many occasions.

More or less?--More or less four to three.

But you know that when the secretary comes there there(30)

must/...

must be some occasion. Can you not give us some idea what the occasion was? -- No, I do not know the occasion.

What were his precise words about this? -- I cannot remember his precise words, but what we know is that the ANC played a major role in the formation of the UDF. That is what I know. I cannot tell the precise words which he has said. It is impossible for me really.

Did he mention Dr Boesak's name at all? -- Myself?

No, did he, Mr Nzo, mention Dr Boesak's name at all?

-- No.

(10)

Or any other of the detail about its formation that Mr Magarashe mentioned in his article? -- No.

Can you remember when this statement was made, anything else that Mr Nzo said during that address? -- What I remember is, he talked about the internal situation inside the country and from there he talked about the external situation internationally, what is happening around. Also about the specific happenings inside the country. That is what I can tell about.

We have had evidence in this case that you have (20) information given to you about South Africa because you are hungry for information ... (Court intervenes)

COURT : Do you mean in general people in the camps have information given to them?

MR BIZOS : About what happens in the country because they are homesick and they yearn to find out what is happening? Would you agree with that? -- Yes, that is true.

I may be mistaken, but I think that everyone of the witnesses up to now have told His Lordship that the newspapers were uncensored. Do you disagree with that? (30)

COURT/...

COURT : I do not think it arose.

MNR. FICK : Dit is nooit gevra nie.

COURT : It did not arise. I am not sure.

MR BIZOS : I remember hearing the answer, but it may have been in another case.

COURT : I really am not sure. I just asked it because I wanted to test the witness to see whether it was propaganda or whether it was not propaganda. Then I got that answer.

MR BIZOS : I have a recollection that it was asked, but I will leave it at that. (10)

COURT : I am not sure. We will have to look it up.

MR BIZOS : We will have to look it up, because I do remember an answer being given, but I may be confusing it with another case. Tell me this, did you get daily newspapers in the camp? -- I said yes from the onset.

Daily newspapers? -- Yes.

Magazines in South Africa? -- Sometimes. In some camps it is not allowed and we do not get the papers regularly. So, at times we would get a newspaper may be of last month this month. (20)

And if you see that there is a strike or a demonstration or whether there is some unrest in the country, do you generally speaking ascribe that to the efforts of the ANC? -- Some times we ascribe them as the efforts of the ANC.

Because like all organisations the ANC has got to make its own propaganda? -- Yes, of course, that is true.

And it claims, like other organisations, to have captured the hearts and minds of the population?

COURT : Well, why compare it to other organisations? Let us limit it to the witness's knowledge. Does it claim to (30) have/...

have captured the hearts and minds of the people? -- To some extent I would say they managed to have won the hearts and minds of the people.

MR BIZOS : And generally speaking, the more activity it can say that it has inspired, the more activity it can say that it is responsible for, the more effective its propaganda would be.

COURT : Unless they are caught out?

MR BIZOS : Unless they are caught out, or that they have a very gullible public, not so? -- Can you repeat your- (10) self?

You know what it is to blow your own horn? To praise yourself? -- Yes.

Does the ANC praise itself for practically everything that happens which is against government policy in South Africa? -- Not necessarily.

Does it not claim to be the vanguard of the struggle? -- I would not say it does claim, but there are circumstances where they say they are the vanguard of the struggle.

It is an expression which you have heard often? -- (20) Exactly.

And that it is the organisation that will lead people to freedom? -- Yes.,

And it believes that there is no other organisation which can compete with it for the hearts and minds of the people of South Africa? -- Well, that is what you are telling me. I do not know about that.

I am telling you that that is what the ANC says. -- Thanks.

And I am asking you whether you agree? -- I do not (30) agree/...

agree with youi specifically.

You do not? -- Because you are telling me and I do not agree with you.

Does the ANC not say what I suggested to you? -- It is what you are telling me. I have never heard them saying that.

You never heard that? -- Yes.

Have you not heard of its attempt to recognise or to be recognised as the sole representative of the South African people overseas? -- No, it is new to me. (10)

Have you not heard of one of the reasons why it is not so recognised is because of its differences with the PAC? -- No.

You did not hear that? -- No.

Do you know whether or not the information that you were given in these books was true or false? -- By then I still believed in the ANC. I believed that the information I was given was true information.

So, that if we read the passage to you which calls the State President of South Africa a lot of names, you will say(20) that that is correct? Because you read it in an ANC document? -- Yes, whilst I was still in the propoganda aggitation of the ANC, I believed in that.

Do you still believe in it? -- Presently no, I do not believe in it.

You do not believe what is in those publications any more? -- I believed when I was still a member of the African National Congress.

But you do not believe it any more? -- No, I do not believe it any more. (30)

Why/...

Why do you not believe it any more? -- Because I believe that presently, as far as I am concerned, it is practically impossible for the ANC to take over South Africa. It is only a dream. It will never happen in the struggle.

Is that because you believe that they do not have the support of the majority of the people in South Africa? -- Not necessarily about the support of the people. What I believe is that it is only a dream that they can take over South Africa. They can never.

Do you still believe everything that Mr Nzo says? -- (10)

(Witness laughs)

That is difficult? -- Sorry?

Do you still believe everything that Nzo says?

COURT : Said or says? What he says he does not know or what he said he might know.

MR BIZOS : Do you still believe everything that Mr Nzo said? -- Yes, I believe in what Alfred Nzo said about the UDF and the ANC.

Oh, I see. Is there anything else that you believe him about? -- Well, there are some, that they carry out operations inside the country, to put limpets and kill innocent people. It is them who would come and put limpets and kill innocent people. It is them who propagated that they should come and ban other people. It is what I believe which we are being told by the ANC. This is happening practically. About the activities of the UDF which I see practically. That is what I believe.

Could I have suggested to you that your answer may have been a little bit more convincing if you had included yourself in the group if you said we were coming to commit(30)

acts/...

acts of sabotage and to kill people? -- [Oh to make you that
favour, we were to come and fight inside the country with]
[AK's and to put limpets and to kill innocent people.] Exactly.

Is that the language that you spoke before you were arrested? -- Yes, I say we.

Did you speak about killing innocent people before you were arrested? -- Before while I was still in the ANC I never realised that there were innocent people which are killed without knowing nothing, but presently I am quite aware that many innocent people are killed by the ANC people inside (10) the country.

Is that another untruth that Mr Nzo told you? -- About what?

Did he tell you that they did not kill innocent people? Did Mr Nzo in his address about the activities inside tell you that innocent people were being killed? -- No, he never told us about that .

But did he tell you on the other hand that they had a big and innocent heroic operation within the country? -- We were told about the heroic operation inside the country. (20)

You now know that that part which was said to you by Mr Nzo was not true? -- Which part?

That it was a heroic struggle which was being waged in South Africa, a moral and heroic struggle? -- What I believed when he told us that was that it was a heroic struggle which was carried out within the country.

That is what Mr Nzo told you? -- Exactly.

Did you believe him? -- I believed him then.

You now found out that in that regard he was telling you lies? -- According to yourself, not according to myself. (30)

Well/...

Well, have you not found out that it was not just a heroic struggle, but to kill innocents? -- (No reply)

Have you any answer or comment on that?

COURT : Will you just repeat your question exactly, because it seems to me to be more like an argument at the moment. running long into the luncheon adjournment.

MR BIZOS : I will try and round it off. Tell me, do you now agree that when Mr Nzo told you that you and your comrades were involved in a moral and heroic struggle against the enemies of the people in South Africa, that you believed (10) him? -- Yes, I did believe him.

And did you now find out that he was not telling you the truth? -- To some extent I found out in other cases that he was not telling the truth.

In that regard Mr Nzo was lying to you? -- Excuse me. What I understand is that you are trying to drive me into a point to say that the statement which I have heard was lies, because you are driving to tell me everything which I was told by Alfred Nzo was totally lies.

INSTRUCTIONS ARE GIVEN TO THE INTERPRETER TO WRITE DOWN THE (20) SONG WHICH THE WITNESS SANG AS WELL AS TO TRANSLATE IT DURING THE LUNCHEON ADJOURNMENT.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K456

HOF : Mnr. Skosana, het u miskien geleentheid gehad om die lied se woorde neer te skryf?

TOLK : Ja, ek het.

HOF : Sal u vir my n vertaling gee van die woorde.

TOLK : Die vertaling is "UDF laat ons toe." Dit word twee keer gesing. "Ons sal inkom" drie keer. "UDF laat (30) ons/...

ons toe. Hulle het vir ons reggemaak. Ons sal ingaan." Dit word vier keer gesing. "Ons sal met die AK inkom. Ons sal met die Mortar inkom. UDF laat ons toe. En het vir ons ook plek reggemaak."

IN CAMERA WITNESS NO. 24, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : I want to return to the beginning of your evidence-in-chief.. That is when you started speaking. You will recall that you told His Lordship what you were taught about the ANC's policy at the Matola camp in Mocambique? -- Yes, I still recall that. (10)

I just want to see whether I have got it right. Did you say that the Freedom Charter was not the final aim of the ANC? -- Yes, I did say that.

And did you say that the final aim of the ANC was to implement the program of the Communist Party? -- I think you are misquoting me.

Please clarify what you meant by that if you did say something like that, precisely what you meant? -- What I said is that the aim of the African National Congress is to take over South Africa and implement the Freedom Charter and (20) from there there is going to be a transitional period in which the Communist Party is going to take over, to implement socialism in South Africa. That is what I said.

And is that the policy of the ANC? -- Exactly.

Are you saying that the final policy of the ANC is to implement the program of the Communist Party? -- Exactly.

And is that what you were taught in the ANC camp in Matola? -- Exactly.

And is that what you were taught throughout the various political refresher courses that you had throughout your (30) training/...

training? -- Yes.

And did nobody either in writing or verbally contradict what you were taught about the final policy of the ANC? -- No.

Never was anything said to you orally or never did you read anything in any document purporting to come from the ANC that the implementation of the Freedom Charter was the final goal of the ANC? -- No, it is not the final goal.

And that the ANC's policy was to implement the program of the Communist Party , was openly written about and (10) spoken about in the camps that you were in?

COURT : Was it written about or spoken about or both? -- It was spoken about. Not written.

MR BIZOS : You told us, do you remember that when I told you about the conflict, apparent conflict between Mr Magarashe and what you say a person that you thought originally was Mr Nzo, you thereafter told us that it was Mr Nzo, that you said that you believed Mr Thambo. Do you recall that? That was your answer.

COURT : In what connection? (20)

MR BIZOS : When I put one of the three, he would prefer to believe.

COURT : Oh, whether he would believe the one or the other.

MR BIZOS : He said I believe the president.

COURT : Very well.

MR BIZOS : Do you recall that? -- I recall that.

Does that mean that you have confidence that whatever Mr Thambo said was the truth? -- Yes, I had confidence.

And do you still have that confidence that whatever Mr Thambo says is the truth? -- Yes. (30)

And/...

And has nothing ever been drawn to your attention that Mr Thambo spoke anything but the truth? -- Yes.

You believe implicitly in everything that Mr Thambo said? -- Yes.

And you do not believe that Mr Thambo would hide the true intentions of the ANC? -- No.

Is that because of the high regard you always had and still have for Mr Thambo? -- Yes.

Well, let us just test your faith in Mr Thambo by a couple of examples, please. You referred to document AAH(2). (10) Do you recall that? Would you please have a look at page 3 the second last paragraph. This is a document which you have identified as having received a copy of in the camp in 1984 and listen to what Mr Thambo says "Of course, accompanying all this .. (et cetera) continue unabated"-- Did you believe that when you read it? -- Yes, I did believe that.

Do you still believe it? -- No, now I do not believe it.

What changed your mind? -- That is what I have seen practically, because by then it was a propaganda which I learnt. Practically I have seen the situation is not like that, (20) from my experience.

I thought that you agreed with me that nothing had happened up to now to shake your faith in the accuracy or truthfulness of Mr Thambo. Do you want to change that answer? -- Not necessarily do I want to change my answer, but concerning the paragraph which you have just read now, it is what I have been told that the South African government is doing to political people, but practically what I found is contrary to that.

So, you no longer believe that? -- I still believe, (30)

but/...

but concerning the very same paragraph which you have read to me, I do not believe.

Yes, you no longer believe that paragraph? -- Exactly.

So, was your answer that nothing has happened to shake your faith in Mr Thambo's veracity, has that answer now to be changed? -- Exactly.

You see, I would not argue with you. I just want to give you some more examples.

COURT : Is the purpose of giving the witness the examples to shake his faith, because otherwise I cannot see it being(10) very relevant.

MR BIZOS : No, we will argue the relevance of this, having regard to the manner in which the State has chosen to present its case.

COURT : Yes, very well.

MR BIZOS : Do you recall that you told us that the ANC sends in people to kill innocent men, women and children? Do you recall that? -- Yes, I do recall that.

Well, what do you say about Mr Thambo's statement on page 8 the middle paragraph from the same exhibit AAH(2) (20) "We would like to take this opportunity to pay special tribute to those combatants, members of our people's army who have fallen heroically in battle." Do you still believe in the correctness of that? -- Yes, I still believe.

You still believe? -- Yes.

Do you think that Mr Thambo was correct in describing the fall of the people heroically in battle? -- Yes.

You do believe that? -- Yes.

But perhaps in relation to the Freedom Charter and the policy, please to page 3 the second paragraph. "In sharp (30)

contrast/...

contrast to the enemy strategy of racial and ethnic segmentation, the ANC and its allies continue to uphold and fight for the ideal of a unitary non-racial and democratic society for all our people Black and White. Our policy document, the Freedom Charter, adopted in 1955 has not only stood the test of time, but is winning the hearts and minds of the growing members of our people including honest patriots and democrats in the White community as well." Did you accept that as a correct view of what the ANC has to say in relation to the Freedom Charter? -- Yes, according to the written (10) statement I accept.

Oh, I see according to the written statement. You make that qualification? -- Yes.

There is an even clearer written statement on page 2 of EXHIBIT AAM(1). It is the '85 message.

COURT : Strategy and Tactics?

MR BIZOS : No, AAM(1).

MNR. FICK : AAH(3). Dit was gemerk AAM(1), maar die Hof het toe gesê ons moet al hierdie dokumente by dieselfde plek sit en dit is toe verander na AAH(3). (20)

COURT : What is shown to the witness is AAH(3). That is the January '85 message by Comrade President O.R. Tambo.

MR BIZOS : We will read the first paragraph of page 2 of this exhibit. "It is five years since we rallied our people around the demands of the Freedom Charter during 1980, the year of the charter. This year, as we mark the 30th anniversary of that historic document, we can with confidence say that in struggle millions of us have reaffirmed that the freedom charter constitutes the embodiment of our deepest aspirations and the blue print for a new South Africa." You identified (30)

AAH/...

AAH(3) as a document that you got. Do you recall reading amongst other things the paragraph that I have just read to you? -- Yes, I do recall it.

But now, if I understood your evidence correctly, Mr Thambo is not telling the truth?

COURT : Why is that?

MR BIZOS : Well ... (Court intervenes)

COURT : If it is a blue print it can still fit in with the evidence.

MR BIZOS : No, with respect. "Millions of us have reaffirmed (10) med that the freedom charter constitutes the embodiment of our deepest aspirations and the blue print for a new South Africa." Let me put it to you this way. You say that the policy of the ANC as you were taught it and as you understood it in the camps was to implement the program on the Communist Party. Correct? -- Correct.

And Mr Oliver Thambo did not say that. He says that his deepest aspirations and the blue print for a future South Africa is the freedom charter. Do you agree? -- Yes, I think we are moving on the same parallel line. Like I (20) have told you that the aim of the ANC was to implement the freedom charter after the national liberation movement and from there there is going to be a transitional period, whereby the communist party is going to take over to implement socialism in South Africa. He was correct by saying that the deepest aspiration and the blue print is the freedom charter. We are moving on the same parallel line. You are correct by saying that, but after that there is going to be a transitional period whereby there is going to be the implementation of socialism. (30)

Let/...

Let me put it on this minimum basis, that Mr Thambo is not telling the whole truth in relation to the policy of the ANC, because according to you the policy of the ANC is to implement the program on the Communist Party. -- No, I think he is telling the truth. He is correct in what he has said here. I am still repeating it again, that the aim of the African National Congress is to implement the freedom charter in South Africa and after that there is going to be a transitional period which then the Communist Party is going to take over, to implement socialism in South Africa. By (10) giving this statement that he is going to implement the freedom charter he is quite correct. I do not differ with you. You get the logic of the point.

Did you or did you not tell His Lordship that the aim of the ANC finally is to implement the program of the Communist Party. -- You are still repeating what I have said. I have said that the aim of the ANC is to implement the freedom charter. From that there is going to be a transitional period whereby the Communist Party is going to take over and implement socialism. (20)

Just listen to me, please. Did you or did you not say to His Lordship that the policy of the ANC was to implement the program of the Communist Party? -- It is what I have said. But do understand the logic, the way I have put the whole thing, that there is going to be a transitional period after the implementation of the freedom charter.

Did you ever see in any document whatsoever that it was the policy of the ANC to implement the program of the Communist Party? Did you ever see that in any document of the ANC? -- I will still repeat again what I have said before that in (30)

the/...

the document of the African National Congress is to implement the Freedom Charter in South Africa after the national liberation movement and after that like some members of the ANC within the leadership are members of the Communist Party which is not a secret, whose intention is to implement socialism in South Africa but in their documents is to implement the Freedom Charter. After that there is going to be a transitional period whereby they are going to implement socialism in South Africa. That is what I have said from the onset. (10)

Is the answer a simple no the question? You have not seen in any document that it is the policy of the ANC to implement the program of the Communist Party? Is the answer a simple no? -- No, there are such books there there is written that after the implementation of the Freedom Charter, there is going to be a transitional period. It is in the books of the ANC.

So, you say that there are documents which say that the final aim of the ANC is to implement the program of the Communist Party? -- Exactly. (20)

Which documents are they? Can you enlighten this? --]
Thousands of documents. There are not specific documents]
which I can mention.

But you have a very distinct recollection reading in a document purporting to have been issued by the African National Congress saying that it was the ANC's final aim to implement the program of the Communist Party? -- Sorry, I do not get you. (Question is interpreted to the witness) -- I have come across such a book where there is such a writing. I just cannot remember the title of the book. (30)

Is it a book or document purporting to have been issued by the ANC and to be representing the policy of the ANC? -- It was read from a document that that was going to be the procedure to be followed by the ANC at the time of our training. That is how I came to know about the existence of that document.

Did you see such a document purporting to be an ANC document or to be representing the policy of the ANC? -- I saw the document.

What is it called? -- I have already said elsewhere (10) that I cannot recall what this document was called, but the defence keeps on asking me the same question.

Was it a pamphlet, was it a book, was it a magazine? What was it? -- I will say it again, it was a pamphlet.

Issued by who? Purporting to have been issued by who? -- It was written that it was from the ANC.

And do you have a copy in your possession of this document? -- I did not have a copy of this document, as I have already said earlier in my evidence that I proceeded to Mocambique, that is in Matola, where this was mentioned (20) in the training that this was the procedure to be followed after the implementation of the Freedom Charter. Then there is going to be transitional period to the Communist Party.

COURT : Could I just get clarity. Did you have this document in your hands or did somebody have the document and read from the document to you as trainees? -- Somebody else was reading from this document to us because we were still new there. We had just arrived. In our training this document was read to us.

(30)

MR BIZOS/...

MR BIZOS : But I thought you told us that this was said to you throughout your refresher courses, throughout the period that you were being trained?

COURT : Do you mean also in East Germany and Russia?

MR BIZOS : It was put in general terms and he agreed, throughout your training. -- I am going to ask you not to put words in my mouth pertaining to that, because I initially said that this was said to us under training in Matola - that is in Angola under training. I am sorry, the only place where we got this kind of training was in Angola and not in (10) Matola. I am sorry, there was a misunderstanding. I thought you were talking about Angola. That is the second place. In fact Matola is the first place under training where I was told about this and the second place was in Angola where I was told during my training for the second time.

COURT : So, is it a misunderstanding between the interpreter and the witness?

INTERPRETER : My Lord, in fact that is what the witness alleges but it was not misunderstood by me. Initially I had said Matola and Angola. Then the witness corrected (20) me by saying no, Angola.

COURT : What is the answer? -- The answer is, the first place where I was taught about this was in Matola during my training. The second place at which I was taught about this was in Angola.

MR BIZOS : And do you agree that you earlier told me that this was your belief as a result of your training throughout? -- Yes, I do.

And if my memory serves me correctly and I preface this because I have this recollection that you also said that (30)

you/...

you had seen it in documents and when asked about documents you said but there are thousands of documents? -- That is true, that was the answer to the question by me. In fact I said there are a lot of documents involved in this training. There were thousands and thousands of documents in Angola during my training and therefore I am not in a position to tell exactly on which document was this written.

But if your last answer is correct you should not have had any of that difficulty, because you told His Lordship that you never saw a document with this thing in, but a (10) person merely read it from a particular document? -- That is true, only with reference to the training in Matola that happened, that someone had a document, but at Angola it was a different kind of a situation altogether.

Are you saying that in Angola you - there were thousands of documents in which it was stated that the final aim of the ANC is ... (Court intervenes)

COURT : He never said there were thousands of documents in which this was stated. He has said there were thousands of documents. He cannot remember in which document it was (20) stated. He did not say there were thousands of documents in which it was stated.

MR BIZOS : Are you now saying that there were documents - we will leave out the thousands, that there were documents in Angola in which you saw that the final aim of the ANC was to implement the program of the Communist Party? -- Yes, that is true.

Please give us some form of description which will enable us to identify one or two of the documents in which you say the ANC policy was set out in those terms? -- I am (30)

also/...

also going to ask this to be taken into consideration that after such a long time that this happened I would not be in a position to remember a document to the extent of describing it.

Let me remind you you had no difficulty in pointing out to the prosecutor when he showed you one document, I think it was the 1984 message AAH(2). You were able to tell the prosecutor when you were shown AAH(2) to go to the specific Sechaba where you will find it printed?

MNR. FICK : Ek maak beswaar. Ek het na die Sechaba toe (10) gegaan en vir hom gevra ken hy die dokument. My Geleerde Vriend swaai die ding om.

MR BIZOS : My Learned Friend's memory is not serving him well. The witness specifically said that if you will go to the Sechaba of January 1984, you will find it there. That is precisely what the witness said.

MNR. FICK : Miskien kan ons dit kortknip. Die Staat sal toegee dat hy aanvanklik gesê het Januarie 1983. Ek het daarna Maart 1983 se Sechaba aan hom getoon en toe het hy dit geïdentifiseer. (20)

MR BIZOS : Do you recall that you had no difficulty in identifying AAH(2) and directing the prosecutor's attention to a Sechaba in which he could find the printed version before he made any mention of it?

COURT : My note is the following. "Jaarliks word verklaringe gemaak deur die ANC bestuur. Op 8 Januarie van elke jaar. Toespraak van die NEC van die ANC. Die verklaring word die eerste keer gemaak oor Radio Freedom van die ANC. Daarna word dit versprei deur dit na die kampe te stuur waar dit gelees moet word in pamfletvorm. By die kampe word die (30)

pamflette/...

pamflette analiseer. Lesings word daarvoor gegee wat nie alle ANC lede kan lees nie. Dit word ook in Sechaba gedruk. In 1983 se Sechaba sal u dit kry. By kamp 32 het ek die toespraak gehoor 8 Januarie 1983 oor Radio Freedom. Dit ook in pamfletvorm gekry en ook in h Sechaba gekry. In Januarie 1983 uitgehaal van Sechaba." Toe is AAH(2) aan hom gewys. Hy sê "Ek ken dit, dit is die statement of the NEC national executive of the ANC 1983. The year of united action." Dit is wat ons het.

MR BIZOS : You directed the prosecutor's attention to the (10) fact that he could find in printed form what had been shown to you in cyclostyle form, before the Sechaba was shown to you? -- To tell the honest truth here is that before I came in to court as a witness, the documents were shown to me, that is the documents referred to by me here in court as a witness. As a result of which then when this document was put in front of me, I knew already in which of the documents which were shown to me was this message to be found and therefore was able to tell on which to look for the message.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 12 SEPTEMBER 1986.

DELMAS TREASON TRIAL 1985-1989

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