

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1987-10-27

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

304

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

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MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 27 OCTOBER 1987.

MOSES MABOKELA CHIKANE: d.s.s.

MR TIP: My Lord may I approach you briefly in respect of accused no. 1 and his examination commitments. He has to write another paper tomorrow I am advised. Would Your Lordship grant him leave of absence for that day.

COURT: It is granted.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Chikane you yesterday indicated that T.25 that you want to point out certain mistakes in that document? -- That is correct. But maybe (10) before we get to that I have just discovered that in fact T.22, which is J.2 was presented on the meetings of 12/13, Secretariat meeting, National Secretariat Meeting.

COURT: Of what year? -- Of 1985.

And of what month? -- January. Because it corresponds with what is written in T.15 which is the minutes of that meeting, on page 4.

So this report, the Secretarial report from the Transvaal that is T.22 was presented on 12 January 1985 at the National Secretariat? -- National Secretariat Meeting. For instance (20) if one looks at page 4 under "Transvaal" which is ...

We should refer to which document? -- T.15.

T.15? -- That is correct, T one five.

ASSESSOR (MR KRUGEL): Under "Transvaal"? -- Yes under "Transvaal", which is point 6.2.4.

6.2.4? -- Yes 6.2.4.

Where do you get that Mr Chikane? I am not quite with you there. Yes I have got the 6.2.4 -- You see if one looks at what is the sub-headings in T.22 and J.2 it starts with "Black Christmas" and then if you look at point 6.2.4.1 is "Black (30) Christmas"/....

Christmas".

I see, you have got to compare the two documents? -- Yes you have got to compare the two documents. That is what I did in order to arrive at that conclusion.

COURT: Yes thank you. Now we revert to T.25, the question was which mistakes are there in T.25. -- That is correct. Yesterday I had alright highlighted that in fact the introduction refers to the fact that it was difficult to compile this report, which is the first paragraph. Now the second mistake ... (10)

MR JACOBS: So is that a mistake then, that it was difficult? -- No I am just referring to it because I did yesterday. So that there should be chronology in what I am saying.

But we are asking you for the mistakes Mr Chikane. The first mistake that I can identify is that this report states as a fact that the Million Signature Campaign was launched...

COURT: Just give us first the page and then the paragraph, then the sentence and then you tell us what should be amended. -- Okay. Let me just try to get it because I was citing this because I looked at it yesterday. (20)

ASSESSOR (MR KRUGEL): Are you looking for the Million Signature Campaign? -- That is correct.

That is page 3, third paragraph. -- Yes, the date there is, it is stated as February but in fact the date of the launch of the Million Signature Campaign was January 22 and I was present when the Million Signature Campaign was launched.

COURT: Thank you. -- I agree with this compiler of this report on the point of conscription which is the second paragraph.

NO do not tell us what you agree with, just tell us where the mistakes are. -- Alright. If you go back to page 2, (30)  
second/.....

second paragraph, it states that the Transvaal Executive was elected, it says in July 1983 the First Transvaal Regional Executive Committee was elected and I am saying that is incorrect because the Executive was elected on 6 August 1983.

Just a moment ...

ASSESSOR (MR KRUGEL): Second paragraph?

COURT: Second paragraph on page 2? -- The third paragraph on page 2. It is almost the third line starting from the bottom of that paragraph.

July 1983. -- In July 1983.

(10)

You say that should be? -- That should be August 6, 1983.

Yes? -- From there the fifth paragraph says that on returning from Cape Town the Region plunged into the first major campaign of the UDF, the Anti-Black Local Authorities campaign. The programme of action of the campaign, of this campaign included the formation and strengthening of local organisations like the SCA and VCA etecetera. Now I am saying if you check the programme of action of the Transvaal, which is K.2 and K.4 it does not make any mention of formation of organisations. So that is incorrect. The other point that (20) I would like to ...

ASSESSOR (MR KRUGEL): Mr Chikane it is not quite clear what you are saying now. Are you saying that it was not the programme of the UDF to form civic organisations? -- I am saying because he really says the programme of action was drawn including the formation of organisations. I am saying that is not reflected by the programme of action as written in K.2 and in K.4.

K.2 and K.4? -- That is correct. That is the programme of action of the Transvaal.

(30)

COURT: / . . . .

COURT: The emphasis is on the words "as written"? -- That is correct.

You are not saying it was not the programme of the UDF? -- In fact to my knowledge in the Transvaal UDF has never formed a single organisation but I am referring to the programme because, simply because the paragraph referred to the programme of action. Now I wanted just to mention one point in passing yesterday that we had.

Yes? -- I was cross-examined about yesterday, is that ...

Just a moment. Have we finished now the mistakes, let (10) us first finish the mistakes in T.25. -- Okay, thank you. On page 4, the first paragraph refers to the first large scale detention of the leading UDF activists was on the eve of August elections. Despite the repression suffering by the UDF Vaal Civic Association embarked upon a boycott which is historically unrepresented, I mean unprecedented. Neither the occupation of the township by the SADF or the detention of the politically active person nor many dead in the streets could quell the militancy of the people. Now if the report speaks about the events after what happened in the Vaal, especially (20) during the times when the SADF was in the Vaal, as far as I know there were no more deaths at that particular time in the Vaal in the streets.

ASSESSOR (MR KRUGEL): After the SADF occupation? -- That is in as far as my memory goes. The fourth paragraph on page 4, it reads thus:

"Because of the repression against the UDF the slogan 'Long Live UDF - Ban Apartheid' was adopted by NEC. It was decided that the pro-UDF campaign around this slogan be conducted."

(30)

As/....

C.982

As far as I know although this was the decision that was taken but in fact this campaign never took place. And paragraph 7 which said:

"On the 19th February 1985 scores of homes and offices were raided by the Security Police and further eight people were detained for high treason. The State is continuing in its attempts to disorganise the UDF and at the same time to marginalise it by alienating the Front and its leadership from the masses.

Unfortunately ...

(10)

COURT: No, no, fortunately. -- "Fortunately we were much better prepared this time than we were in August last year. Our operations have continued smoothly."

I disagree with that because immediately after that in fact there were serious problems in the Transvaal. The Executive was in, members of the Executive were very few and it was very difficult to take decisions. Because of those detentions. And the last, the fifth paragraph on page 5 "The Way Forward", it is a sub-heading:

"The programme of action for the UDF has begun to take shape in the following issues and campaigns: The Anti-Repression, the Release Our Leaders campaign, the Cost of Living issue, the Conscription campaign, Anti-Force Removal campaign, the Development of organisations in rural areas and the campaign to bring the Black Local Authorities, the Tri-Cameral Parliament and the Bantustan government to a halt."

Now in as far as I know because of the detentions UDF had not arrived at any position where it can formulate definite programmes for a way forward in this particular stage. So I

disagree/.... (30)

disagree with this report on those Bills. That is all the points, the mistakes that I have noticed in this report.

Are you saying there were not, there was not the beginning or the shaping of a programme of action in the issues set out there? -- I am saying at this particular stage, after the detention of August UDF could not function properly and therefore we could not have worked out programme on what are we going to do from there on. Up to this time on 9 March 1985 there was still a lot of disorganisation within the UDF, Transvaal. (10)

Yes, thank you. -- There was one point that I wanted to make.

That is not on T.25? -- It is related to T.25. Yesterday I was questioned on the question of the use of the word "conference" and AGM, how do I differentiate that. In as far as this report goes it does make that difference as well. For instance the author refers to, if he talks about plea(?) he says conference and then the last, the very last paragraph, the last sentence he says:

"We go forward confidently with the knowledge that not(20) many more of our AGM's will be held under the apartheid rule."

So it means that there is a difference between the conference and the AGM and I must point out that on this very day it is when the Transvaal elected its executive.

On 9th of the third 1985? -- That is correct. That was the Transval AGM. So that is the difference that I was trying to draw to His Lordship's attention.

Thank you.

MR JACOBS: On this last point of yours on page 5, paragraph(30)

5 Mr Chikane do you say that nothing was happening in regard to Anti-Repression and Release of your leaders campaign in the UDF? -- I am saying up to this time when this report was read UDF had not formulated a position on these particular campaigns.

Oh it is only after that? -- As far as, I do not know if it was because I went out of office on this particular day.

So in actual fact you cannot say? -- No I am talking up to this date.

Yes. -- Yes. I can say up to this date UDF had not formulated this particular campaigns that are suggested by the (10) author here.

Mr Chikane.... -- For 1985.

If I understand this paragraph correct it was stating the facts before this date? -- Yes but this is "Way Forward", that is the sub-heading.

Yes the way forward, but it already started a programme of action for the UDF has begun to take shape, it has started when this person wrote this report? -- That is what the author says. Now I am saying at that particular stage what he calls the programme of action and the issues that he mentions it (20) was not what UDF has said and decided upon in as far as my memory goes up to this date. Some of the issues I must say they were issues that included initially in 1983.

COURT: Who is the author of this document? -- It is the secretary, the full time secretary Mr Mohammed Valli Moosa.

MR JACOBS: Mr Chikane was he not in a better position than yourself to state what was going on in the UDF at that stage? -- The first paragraph makes it quite clear that he did not have report, he did not have the information at hand when he compiled this report. (30)

That/....



That is not an answer to my question. My question is plain, was he not in a better position than you yourself in compiling this report? -- Not at this particular time because he did not have the records.

Was he arrested? -- No he was not.

Did he attend any meetings of the UDF General Council in the Transvaal and of the REC of the Transvaal? -- That is correct some, not all.

Was it his duty to receive reports from the affiliates?  
-- That is correct. (10)

And is it correct that he compiled his report from the, what took place on the different meetings of the General Council of UDF, Transvaal, the different meetings of the REC of UDF and of the reports received from the different affiliates? -- That is correct but I have already pointed out mistakes like for instance he says the Million Signature Campaign was launched in February and I am saying it was launched in January. He is already wrong on that basis.

And is he more conversant with what happened in the meetings and what happened in the affiliate reports, according (20) to the affiliate reports than you were? -- That is correct.

So I put it to you Mr Chikane you cannot come to this court and state here categorically that this is wrong, this paragraph 5? -- If this was discussed in any meeting of the UDF structure, like REC or the Regional General Council, this as a programme for 1985 onward I would have known about it. And it is on those basis that I say it is incorrect.

And I put it to you that the UDF did go on and did conduct certain actions in regard to the Anti-Repression and Release Our Leaders Campaign? -- The question is when? (30)

Before/....

Before the 9th of March 1985. -- That is correct attempts were made but I am saying at this particular stage there was no programme that was drawn by the UDF as to include these things as a way forward in as far as I can remember. Some other things may have been conducted. If you would have said the UDF for instance addressed the question of cost of living I would have immediately agreed but it is under the sub-heading, under the sub-heading "Way Forward" you know. Now I am saying at that particular stage if that, before that AGM UDF has never said and discussed the programme way forward (10) and discussed these particular topics as stated by Mohammed Valli here in this report.

COURT: How long had Mr Valli been the Secretary of the UDF, Transvaal? -- He had been the secretary as from 6 August 1983, and up to the time of my arrest he was still the secretary.

And do we have the minutes of this meeting, the AGM of 9 March 1985? -- No I did not see them.

Thank you.

MR JACOBS: Mr Chikane was this report adopted at that meeting of 9 March 1985? -- No, when I got there from Northern Trans- (20) vaal in fact this report was being discussed. I, and together with other people of course, people were discussing it. They were raising serious factual mistakes that were entrenched in this report and as a result it was not adopted.

Was it not corrected there and then adopted? -- No. It was not. This report was not adopted.

The Anti-Force Removal Campaign referred to here, was that part of a campaign of the UDF? At that stage? -- The issue had been raised but it was never a campaign. I think it is raised even in the resolutions of the National Launch (30)

but/....

but there was no campaign around that issue.

Was that part of the UDF programme of action before that date? -- That was the intention but the programme never worked.

COURT: Did you keep a Minute Book in the UDF, Transvaal? Did you have a Minute Book? -- Well we write Minutes.

Yes but what did you do with the Minutes after they were written? Were they pasted in a book, put into a file? -- No they were filed.

Filed? -- Yes, but as I say our filing system was not good. Some of them were just kept in boxes. (10)

Yes, thank you.

MR JACOBS: The development of organisations in rural areas, was that getting attention from the UDF at that stage Mr Chikane? -- Before that that was the intention.

No did it receive the attention, were any actions taken in this regard in organising? -- That is correct.

So that was taking place then? -- That is correct, it had taken place before that.

And the campaign against Black Local Authorities? -- That is correct. (20)

Was that an ongoing campaign at that stage? -- As I have already said that the campaign on the Black Local Authorities ended after the election, the campaign for a boycott, and then after that we were still trying to get the civic organisations together to formulate a programme. At this particular date on 9 March 1985 that organisation had not met at that particular time.

Now Mr Chikane is it correct that after the elections in November 1983 the affiliated organisations in the Transvaal, like the Vaal Civic Association and the Soweto Civic (30)

Association/....

Association and other civic associations affiliated to the Transvaal attended General Council Meetings? -- Some of them.

And on that meetings did they report back to the UDF on their activities in regard to Black Local Authorities? -- From time to time, yes.

And that was after 30 November 1983? -- That is correct.

So why were they reporting back to the UDF General Council on their activities in regard to the Black Local Authorities? -- Well we expected organisations to tell us what they were doing. (10)

In regard to Black Local Authorities? -- In regard to everything that had been agreed upon in the UDF sitting, UDF meetings.

And was that for the purpose of co-ordination? -- So that, yes so that we must have co-ordinated information.

Yes, and that you can co-ordinate the activities of these organisations, these affiliated organisations? -- No, we do not, we co-ordinate the programmes that UDF had agreed upon that are carried by these organisations. We were not co-ordinating these organisations. (20)

Is it correct that at some stage the UDF, Transvaal General Council discussed the matter of written reports being supplied to the UDF General Council by the affiliates? -- That is correct.

If the Court will bear with me just a minute, I just want to find ...

ASSESSOR (MR KRUGEL): While Mr Jacobs is looking up what he is looking for Mr Chikane this report by Mr Valli appears to be a report on what has happened in the year preceding the report? -- That is correct, up to point 4 but point 5 says (30)

"Way/....

"Way Forward".

Yes that is quite so. -- That is correct.

But then he also talks of a programme of action that has begun to take shape by that time? -- That is correct.

In these programmes. So these programmes were to some extent at least under way by that time? -- That is what the report suggests.

Is that correct? -- No as far as I am concerned, because no decision had been arrived at, although some of the issues were taken up earlier but under "Way Forward" my understanding would mean that UDF structures sat and discussed and took a decision that now this is going to be a programme and now he is saying that is already beginning to take shape, the decision has been taken, that is already beginning to take shape from 1985, from 9 March 1985, and I am saying that is incorrect.

MR JACOBS: But Mr Chikane I cannot find any place where it is stated here that a decision has been taken. -- It says the programme of action for the UDF has begun to take shape in the following issues and campaigns.

But there is nothing said that a decision was taken (20) by the UDF? -- No that, what I am saying is that the impression I get is that he is not talking about the decisions that were taken by the conference of 6 August 1983 for instance. It seems like he is speaking about the programme of action that has just been decided, either a few days before this conference. Now I am saying that did not take place.

I just want to refer you to EXHIBIT P.1 on this reports by the affiliates. Edele dit mag wees dat dit nie op my lys was nie omdat dit nou net op gekom het toe die getuie dit gemeld het.

(30)

COURT:/...

COURT: Very well.

MR JACOBS: And I would like to refer you there to that ...

COURT: Just tell us first what is P.1, for record purposes.

MR JACOBS: EXHIBIT P.1 is the Minutes of a General Council Meeting held on 14 April 1984. And this, did you attend this meeting Mr Chikane? -- I will have to check. That is correct, I think I attended this meeting.

Will you have a look at page 2 under "Reports", under the heading "Reports from Affiliates". It is stated here:

"Only three (3) reports were received. These reports (10) were from NUSAS, DESCOM and JODAC. It was noted that non-receiving of reports made it difficult for the office to keep in contact with affiliates. Affiliates in their report should focus on the organisation's work in taking out the UDF campaigns. Format for the reports should be developed by the Executive."

So I put it to you Mr Chikane according to this what was required from the affiliated organisations was to report on UDF campaigns taken up by them? -- I agree with it in as far as is stated here and I have agreed with it when counsel (20) suggested that.

And I put it to you further that what the affiliates reported after 30 November 1983 was reporting on the UDF campaigns taken up by them and that means also the Black Local Authorities campaign? -- At that particular stage, this is April, the campaign for Black Local Authorities boycott had ended on the, in November 1983 and there were other campaigns. For instance if you just look under "Secretarial Report" it states that it was mentioned that the secretarial report that Comrade Martin Marolo(?) is appointed as MSC co-ordinator. (30)

Now/....

Now it means that there was a Million Signature Campaign and we know that there was still an Anti-CC, that is, I mean there was still an anti-Tricameral Campaign at this particular time. So when they talk about campaigns at this particular stage they talk about these that I have just mentioned. Those were the campaigns of the UDF because those were the campaigns that were agreed upon by these affiliated organisations sitting together in one meeting under the banner of the UDF.

Were there only two UDF campaigns? -- In as far as ...

The Million Signature Campaign and the one against (10)  
the constitution? -- In as far as campaigns that were organised by the UDF at that particular stage these were the only two campaigns.

And ... -- But I know that from time to time affiliates took up different issues. But that was not an organised, maybe under BLA, that was not an organised campaign so to say because UDF at that particular stage it did not have an organised campaign on that particular topic under Black Local Authorities.

It never had a campaign on Black Local Authorities? (20)  
-- It had before November 1983, before the election. A UDF campaign to boycott, to call for boycott and a campaign for a boycott of the Black Local Authorities election.

And I put it to you further that the reason for the affiliates to submit reports were to enable the UDF in the General Council in the Transvaal to direct them and to co-ordinate them in order to lead them to freedom? -- I know that there is a sentence to that effect somewhere in this report but I think what is meant by that sentence is that we come together as UDF affiliates, we take a decision. For instance we say (30)

we/....

we are going to collect signatures for example and then people use different methods. Others will not even report back whether they have collected signatures or not. Now this person was saying we cannot be able to know, to measure exactly what you have done and as a result the UDF would not be able to lead you to freedom. That is what was meant.

And this is stated in EXHIBIT N.3, that is the Secretarial Report to the General Council Meeting held on 10 December 1983.

-- That should be so.

And I will read it, under paragraph 8, "Reports from (10) Affiliates", the last paragraph:

"Most affiliates have once again failed to submit their reports on time. This makes it impossible for UDF to have an understanding of what is happening in different areas. Without this knowledge this Council would fail in its duty of steering the UDF on the path leading to freedom."

-- I cannot find it, page what?

N.3, have you got N.3? -- That I have got.

That is the Secretarial Report, paragraph 8, have you (20) got it, the last paragraph of paragraph 8, the last subparagraph? -- That is correct. I see it, it is an underlined paragraph.

So I put it to you Mr Chikane that this is not a mistake referred to you in paragraph 5 of EXHIBIT T.25 but that is what actually was taking place in the UDF at the time of this report? -- No but here they do not mention any campaign. That is mentioned under, on T.25. This person is saying we must submit reports, you know, and he says with those reports, without those reports, in fact he said without the knowledge, (30)

without/....



without this knowledge this council would fail in its duty of steering the UDF on the path leading to freedom. It does not speak about if you do not give us reports on the campaigns.

Mr Chikane is it then correct that the rest of this report, EXHIBIT T.25 portrays a correct factual position and also on the other aims of the UDF, the rest of the report? You have gone through it? -- I have gone through it. Obviously people use different words to express different things and maybe the words that are used by this particular person I may use, I might have used different words but otherwise I think it is (10) correct.

And just one other point to clear up, is this, you refer to page 4, paragraph 5 and you refer to, you said this campaign never took place?

ASSESSOR (MR KRUGEL): Paragraph 4?

MR JACOBS: Page 4 paragraph 4. Yes, because of the repression against UDF ...

COURT: Yes well now the witness has said that. So what?

MR JACOBS: So I just want to put it to you that otherwise this paragraph is correct? What was stated here is correct, it (20) is only the fact that what you are saying is that afterwards no such campaign ... -- That is correct. In fact the decision was taken that we would embark on this campaign, in fact stickers were produced you know, but the campaign failed to take place. I am talking about "Long Live UDF - Ban Apartheid".

Edele ek het gister, kon ek nie my dinge reg gekry het omtrent hierdie BEWYSSTUK T.18 nie en wat daar moet saamgaan nie. Ek het dit nou net behoorlik gaan deur gaan. If the Court will look at the second document of T.18. T.18 is (30)

then.....

then the report. The second document is the report of the Secretariat to the UDF NGC, and my submission is that this Secretarial report is three pages and it ends on the third page with the words:

"For these reasons the decisions which we take will be crucial to the future of our work. These decisions must above all build both the unity of our people and our Front."

That is the end of it and then this last, the third document that I referred to is the one that next starts: (10)

"We meet at the time when the history of the country passes through one of its most important moments."

You will see where it starts there the next column is page 2, that is a new organise ....

COURT: Well I think we should number all these documents for proper reference. Are we ad idem Mr Tip that this is a different document?

MR TIP: Precisely as My Learned Friend has put it.

COURT: It is correct?

MR TIP: Yes. (20)

COURT: Yes well then that will be the third document. So we will have T.18, the first one will be 1(a), 1(b) etc. The second page will be 1(b). Then we have the next document, Report of the Secretariat, that will be 2(a). A bit fast for you? The first two pages will be 1(a) and 1(b). Then the second document, that is Report of the Secretariat to the UDF will be 2(a), 2(b) and 2(c). And then the next document which starts with "We meet at a time when the history of the country passes through one of its most important moments" will be 3. Then there is a loose page 3 beyond that. Do you have that (30)

Mr Jacobs?/...

Mr Jacobs?

MR JACOBS: Yes sir, page 3, it continues from on the bottom here.

COURT: Oh that continues onwards to page 3, so that will be 3(a), the first page will be 3(a) which consists of 1 and 2 and then page which has page 3 on top will be 3(b). So in fact we have three documents. Are you now referring to the second document or to the third document?

MR JACOBS: To the third document.

COURT: To the third document. (10)

MR JACOBS: Yes.

COURT: To which page are you referring?

MR JACOBS: To the document first as a whole. I put it to you Mr Chikane that this document 3, document 3, was a paper on the referendum by E. Molobi? -- I know that Mr Molobi read that paper in that conference. And it is possible it could be his.

COURT: Could you have a look at it. -- That is correct.

So this is Molobi's paper? -- That is correct.

ASSESSOR (MR KRUGEL): Was this read at the Port Elizabeth conference? - That is in as far as I can remember. (20)

Were you there? -- Yes I was. But I must say yesterday counsel was saying the paper starts from "The future".

COURT: Yes there was, yesterday we had a bit of a mix up. Now counsel is attempting to straighten this out. -- Okay.

MR JACOBS: And this was also a topic at this conference according to EXHIBIT T.18, document 1, paragraph 4.2? -- It was read there.

ASSESSOR (MR KRUGEL): What was the question Mr Jacobs?

COURT: Mr Jacobs you are mumbling something. We cannot hear you. (30)

MR JACOBS:/.....

MR JACOBS: I am sorry sir. I said that this document, document 3, this document of Molobi was adopted at the Regional General, at the conference in Port Elizabeth, that the Minutes of the conference in Port Elizabeth according to paragraph 4.2 of the minutes.

COURT: What is the reference to the minutes?

MR JACOBS: That is EXHIBIT T.18 document 1.

MR TIP: My Lord just for the sake of record the document T.18 1 does not purport to be the official minutes kept at this conference but a report to the Natal Region drawn perhaps by one of the Natal representatives. (10)

COURT: Yes well that I can see myself Mr Tip. So you need not place that on record.

MR TIP: It is merely that My Learned Friend was referring to this as the minutes of the conference and I think that that may create the wrong impression.

COURT: Yes. -- In as far as I remember the paper was discussed there, was read and there was discussion. I take it that it was adopted.

MR JACOBS: Mr Chikane the National Education Union of South Africa, NEUSA, was it affiliated to the UDF? -- That is correct. (20)

And ...

COURT: Just for record purposes N-E-U-S-A. -- That is correct.

MR JACOBS: N-E-U-S-A. And Mr Curtis Nkondo was he one of the executive members of this organisation? -- That is correct.

What was he, do you know? -- I think he was a Chairperson, a Chairman.

And this organisation was it regarded as a non-racial teachers organisation? -- That is correct. It means that it organised, its policies were non-racial and it organises teachers/.... (30)

teachers from, Black and White teachers. Black including Coloured and Indian, Africans.

And do you know that this organisation, NEUSA, was set up as an alternative to the existing governmental organisations in regard to Black education in South Africa? -- That is ...

COURT: Just a moment, what is the question?

MR JACOBS: Do you agree ...

COURT: Do you mean voluntary teachers organisations, an alternative to them, or do you mean an alterantive to the Department of Education? (10)

MR JACOBS: To governmental organisations maintaining and executing Black education.

COURT: That means the education department?

MR JACOBS: It seems to be like that.

COURT: No well I am not interested in what seems to be the position to you. What are you putting to the witness?

MR JACOBS: That it was set up as an alternative to the Department of Education. -- I deny that. In as far as I am concerned it was a union of teachers.

COURT: A union? -- Some kind of a union. (20)

MR JACOBS: And I put it to you that one of its aims was to promote and achieve teacher and parent control and design over education in consultation with students? -- That is incorrect.

Now would you have a look at EXHIBIT W.18 please.

ASSESSOR (MR KRUGEL): Volume?

MR JACOBS: Sorry sir, Volume 3. On page 6, have you got it?

COURT: Of what?

MR JACOBS: Of EXHIBIT W.18.

COURT: Of what? What is EXHIBIT W.18? When one reads this record one wants to know what you are reading about. (30)

MR JACOBS: /...

MR JACOBS: Yes, SASPU Focus. -- I have got page 6 of SASPU Focus.

And in the second column it started:

"NEUSA is a non-racial teachers organisation set up in the wake of the 1980 school boycotts as an alternative to existing organisations which were seen as inadequate to the on-going education crisis in South Africa."

-- I cannot find that.

COURT: Can you see the photograph of a gentleman behind a rostrum? -- That is correct. (10)

Now right under his tie, right at the bottom you will find NEUSA. -- Oh that is correct.

And then it runs up to the next column.

MR JACOBS: And then it says:

"Its broad aims are to work towards a single unified education system where places of learning are open to all South Africans."

And the next one:

"To promote teacher and parent responsibility for the design and control of education in consultation with students and the wider community." (20)

And the next one:

"Free and equal education for all in a democratic and just society."

So it is stated here that the aim of, one of the aims are to promote teacher and parent responsibility for the design and control of education in consultation with students and the wider community? -- That is correct. If you read it under its broad aims the first aim is that NEUSA wants to work towards a single unified education system where places of learning are/.... (30)

are open to all South Africans. Now I think if this second aim that is being read by counsel is taken in conjunction with the first aim this explains that in fact this is just, it is a broad programme as NEUSA put it, a broad aim of this organisation.

Yes, but it is an aim of the organisation to control, in conjunction with the students to control education? -- That is correct, under the broad aims of NEUSA. In a, I think when education is unified that would be the second aim that NEUSA would work towards. (10)

And in order to control the education in consultation with the students then it must take over the functions of the Department of Education? -- No that is incorrect. That is completely incorrect because this organisation makes it quite clear that the first aim is to try to unify education. When education is unified for all South Africans, that is the first point you know. The next thing it would be to promote teacher-parent responsibility to design the control of education in consultation with students and wide community. Now NEUSA does not say it is going to take over the Department of Educa- (20)  
tion today. All it says we have got broad aims. Our aim is that we are going to try to get this education department unified, education unified. When it is unified we will try to improve relationship between parents and teachers, and teachers and students and in consultation with them we design a system that would be able to suit everybody else. I do not see anything wrong with that.

Is that your answer? I would like to refer you to the next exhibit now....

MR TIP: My Lord since My Learned Friend is leaving this (30)  
document/....

document now I think it is appropriate just to point out that the way in which it was formulated before reference was made to the document was that NEUSA had been set up as an alternative to governmental organisations. It was put as a department and the document itself merely makes reference to existing organisations.

MNR JACOBS: Edele ek het dit gestel op die basis, soos die tweede aim "to promote teacher and parent responsibility for the design and control of education" en om dit te kan doen het ek gestel op die basis dat dit moet die funksie van die departement oorneem. Dit is as 'n stelling aan hom ... (10)

COURT: Well we have both views and versions on record. Next question.

MR JACOBS: Mr Chikane is it correct that the Secretarial report to the NGC that was held in 1985, on 9 April 1985, is that the correct date? I am not so sure of my date. -- I know that there was an NGC that was held in, a UDF NGC in April 1985. I am not sure of the date but I was not present.

Now the Secretarial report was that regarded as of very much, regarded as of importance to the UDF in that NGC? (20)  
-- No I was not there in that NGC. I do not know how people regarded it.

Did you receive the booklet EXHIBIT C.102 afterwards? Did you read through it? -- I do not have it here. But I ceased to be active in UDF activities and I did not receive any documents but I will just see this document that counsel is referring to. It is what, C?

C.102. -- I have got it. I did not receive it.

Have you seen it after the meeting of the NGC? -- No, I, after? (30)

After/....



After the meeting of the NGC when it was compiled did you see it? -- No I did not see it, I was not there.

(Why did you not attend this meeting Mr Chikane?) -- There were several reasons. First of all I was no longer in the executive of a UDF structure. So going was just an optional issue. The second thing is that at that particular stage I had just lost an uncle who died in Modderfontein dynamite factory. It was just immediately after the funeral and the family was disturbed by that so I, sort of those days I was just around home trying to console my mother because it is (10) her brother who died.

Mr Chikane I am going to put it to you in short that at this National General Council meeting of UDF it was formally adopted UDF policy to set up alternative structures in South Africa and especially in regard to Black Local Authorities. -- I was not there at the meeting. I do not know what discussions took place. I did not even see this document except I saw it as part of the exhibits in this court. I cannot attempt to try to interpret documents that were drawn in my absence and I was not an official of that organisation at (20) that particular time.

I just want to put it to you in this regard because this started long before this meeting of the National General Council, the idea and to set up alternative organisations or structures for governmental structures in the black townships? -- I deny that because yesterday we debated this point and in as far as I am concerned that was never done.

And I am just going to refer you to one document out of EXHIBIT C.102 and that is a resolution on Black Local Authorities on page 35, my marked page 35. I think we marked it in the (30) court./....

court.

COURT: Well we have not marked the pages. Just refer us to the resolution.

MR JACOBS: The resolution on Black Local Authorities. -- I have got it.

Have you got it? I will read it:

"Black Local Authorities. Noting

1. The State introduced a Black Local Authorities Act to control African people in the townships.
2. The government attempted to co-opt sectors of our (10) people through this strategy.
3. The Local Authorities Act have ..."

Myne is nie deurgedruk nie ...

COURT: Well I think you can guesstimate that it says "been totally"

MR JACOBS: "The Local Authorities Act have been totally rejected because of their illegitimacy and ineffectiveness in solving the problems of our people. And noting further the collapse of the Black Local Authorities system in parts of the country and believing (20) that it is the democratic right of all people to

1. Create any organisations to present their interests.
2. Have direct control over all matters affecting their lives, including such matters as housing, health, transport.
3. That community councillors are responsible for the violence in the townships.

Do hereby resolve to expose the inadequacy of the Local Authorities system by taking up problems affecting our people. To strive for the collapse of the Local (30) Authorities/....

Authorities system throughout the country and

3. To isolate those who collaborate in puppet structures and warn them that they will have to answer for their violence against the people.

4. To direct all regions to consolidate, establish and encourage the formation of community organisations which must become the alternative to the local Authority system and declare that such organisations established by the people are the representatives of the people."

And I put it to you that this is, resolution is a resolution (10) on the policy of the UDF on Black Local Authorities, and confirm in the move from protest to challenge, the setting up of people's organisations in place of Black Local Authorities? -- I was saying before I got out of office this resolution was not adopted and counsel was saying in fact that has been the policy of the UDF. I disagree with him on that because if it was the policy of the UDF I am sure this conference would not have adopted the same resolution twice, there would be no need to do so. The second thing is that I say I was not present in this meeting, I was not an official of the UDF. (20) I have never seen this document until it was presented in this court as part of the exhibits.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MOSES MABOKELA CHIKANE: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Chikane the second phase of the freedom struggle, that of moving from protest to challenge, I put it to you it was brought into the open by the NEC at the meeting of the NEC on 10 and 11 November 1984. -- First I do not know about these phases. The second point that I made is that on November, on 10 and 11 November 1984 that (30) was/....

was regarded, especially by the Transvaal, as a workshop and I was referred to, first maybe I should refer to S.14 where the Transvaal REC refused to give delegates that were going to that meeting mandates to represent the Region. The second document that I will refer to is S.15.

COURT: Just a moment, do we have them? It does not mean sending them without a mandate that they do not represent you. It means that you do not give them specific instructions. -- No they were saying because of the last detention of members of the Executive the meeting should only be a workshop and (10) not an NEC meeting, it should not take decisions. At that particular time the Acting General Secretary was arguing that this meeting should, everybody should be given a mandate to come take decisions that are binding for the Regions.

Yes, what is there in S.15? -- In S.15 is when those people from the Transvaal who went to this meeting reported back. They said in fact it was a workshop, it was the form of a workshop and to support that I refer to J.1. If you look at the agenda there is no adoption of minutes of the meetings, of the previous meetings, although there is only one issue where (20) a decision was taken was in regard to AGM that was planned for 1985.

MR JACOBS: Which paragraph in S.15 are you referring to Mr Chikane, just ... -- I will get it now. It will be paragraph (p) on page 2. The sub-heading is "NEC Report" and it reads this:

"This report was informal as the NEC will prepare a formal report. It was also made clear that the meeting of 10/11 November 1984 was not a meeting as such but it was a workshop. However this focussed on adminis- (30)  
tration, /...

tration, restructuring and accountability of the National office."

So this is what we reported when we came back.

I would like to refer you to J.1 then, EXHIBIT J.1. -- That is correct, I have got it.

And the heading of that is "Minutes of the National Executive Committee Meeting held in Johannesburg on the 10th and 11th November 1984". -- That is correct, that is how it appears.

And it seems as if a lot of the Executive members of (10) the UDF attended that meeting? Including you? -- I am saying a lot of them were, Executive members were in detention. If you compare it for instance with D.1 one would be able to see the difference. You find that a lot of names that appear here are names of people who were not members of the NEC.

Who were not members of the NEC in J.1 Mr Chikane? -- For instance Frank Chikane, F. Chikane, was not. I. Mahomed was not. Z. Yacoob was not. C. Ndlovu was not. J. Jabu was not. J and Jabu in brackets. K. Gordham was not. J. De Vries ... (20)

COURT: Just spell Gordham for record purposes. -- It is G-o-r-d-h-a-m.

The next one was De Vries? -- De Vries was not. M. Miranda was not. I am not sure about this B. Hermanus but as I said we can verify it by checking D.1 which I do not have before me.

MR JACOBS: Mr Chikane is it not correct that Frank Chikane and Professor Mahomed, they were specially appointed by the Transvaal UDF Region to be members of the Executive of, since a period covering this period? -- Yes if you check S.11 these (30)

two are seconded to be part of the delegation of the Transvaal in the NEC. But that does not make them elected members of the NEC.

Now at this ...

COURT: How does one become an elected member of the NEC? -- That has to be, you know to be elected by the AGM. If not then you had to be seconded by the Region for....

Well is this not what happened here? -- After being seconded by the Region, let us say maybe you are a secretary, then second anybody else. Secretaries become automatic (10) member of NEC but ordinary members of the NEC have got to be elected by the AGM.

MR JACOBS: I put it to you Mr Chikane that Reverend Frank Chikane was a member of the National Executive of the UDF? -- That is incorrect.

Will you have a look at EXHIBIT A.1, the National Executive. That is on page 6. -- I have got it.

Under Vice-Presidents do you see Mr Frank Chikane's name there? -- That is correct.

Was he a member of the Executive? -- He was a member of (20) the Executive of the Transvaal. He was the Vice-President in the Transvaal.

Mr Chikane is it correct, do you say then that this document is wrong in this when it is stated here Frank Chikane, a member of the National Executive as a Vice-President? -- That is incorrect, yes. The document is incorrect on that.

It is strange it only came up now that it is incorrect. -- That is correct, we have never been asked about this document.

Mr Borraine was he a member of the Executive? A. (30)

Borraine/....

Borraine? -- That is correct.

COURT: The Executive being the NEC, the National Executive?

MR JACOBS: The NEC, National Executive.

COURT: Is that correct? -- That is correct.

MR JACOBS: Now is it correct ...

COURT: Well were these people who were present at the NEC meeting on 10 November 1984 delegates of their respective regions? -- That is correct.

Duly authorised I take it, to attend the meeting? -- Perhaps in some regions had authorised them, some, because (10) the Transvaal refused to authorise us, you know.

Well they authorised you to attend? -- Yes to attend but...

They just did not give you a mandate? -- That is correct, and they said we can attend because it was going to, it was supposed to be a, the Transvaal was arguing that it should be an NEC workshop, not an NEC meeting.

MR JACOBS: After this meeting or workshop, well let me get it first were Minutes held at this meeting or workshop? -- That is correct although I do not remember receiving this copy of the Minutes. In fact I agree that J.1 seem to be a copy of (20) the minutes that were kept there.

Who did, who was the person responsible for keeping the minutes during the meeting or during the workshop? -- It was the acting National Secretary.

Who was it? -- Mr Trevor Mann(?).

And you yourself did you assist him? -- No I did not but I did scribble some notes so that I should be able to report back to my Region.

And did you see the Minutes of this National Executive Committee Meeting held in Johannesburg on 10 and 11 November (30)

1984, did you see these minutes later? -- No I did not see them.

Did you not receive them? -- No I did not receive them.

At the next General Council Meeting did you attend that meeting, the next National Executive Committee Meeting? -- I cannot remember as I stand here.

Do you know whether the Minutes were adopted or approved at that meeting? -- As I say I cannot remember whether I attended, unless if counsel can refer me to an exhibit.

I have not got it at the moment but I will try and accommodate you later Mr. Chikane. (Now at this meeting or (10) at this workshop, the Transvaal Secretarial Report was handed in, is that correct? -- That is correct.

And that is the report in J.2. -- That is incorrect. I have said this morning that J.2 seems to be a report that was read on the meeting of 12/13 January 1985 of the National Secretariat. That is J.2 and T.22 are the same report.

COURT: Just a minute, that was 12 January 1985? -- 12/13 January 1985. I think the meeting is T.15.

J.2 is the same as T.22? -- That is correct.

MR JACOBS: And you say that because there is a reference to (20) Black Christmas on this? -- That is correct, although not only that. If you follow the sequence of the report and you check, I think it should be page 4 under the sub-heading "Transvaal", the sequence of the sub-headings there are the same of T.22.

And that is the only reason why you can say because you only compare it with this other one and then you draw an inference that that must be handed ... -- That is correct, amongst other things it is because it discusses about already the campaign as if it has, the Black Christmas campaign had taken place. And it speaks about Christmas, how many Christmas (30) cards/....



cards were sold and the impression that I get reading through all this J.2 and T.22 is that it speaks about those issues as if they have already taken place. And of course because they do not have any date, that is now only reference.

Now on this meeting did you discuss, or on this workshop then or on this meeting did you discuss in the future to go over to the challenge of the government? -- I do not, I cannot see where counsel is reading?

No I am asking you, at this so-called workshop or meeting? -- There were several papers that were read there. I (10) do not remember specifically, I cannot isolate words and remember them now. And the reports are contained in these exhibits.

One paper that was discussed at this gathering was an input paper on political aspects of the UDF. That is referred to on page 3 of J.1, paragraph 4. -- That is correct.

Who delivered this paper? -- It was delivered by someone else from the Natal Region.

And is it correct Mr Chikane that arrangements were made beforehand for different papers to be delivered on this (20) specific gathering? -- As far as I know the National Secretary, before he was detained, made an arrangement that a paper should be delivered and the Acting National Secretary informed us that in fact because of the detention it would be good if we can handle several aspects that were connected with the UDF in this particular workshop.

Who was the person from Natal delivering this paper? -- If my memory serves me well it was Mr Curnick Ndlovu.

COURT: For record purposes is it C-u-r-n-i-c, correct?

C-u-r-n-i-c Ndlovu? -- Yes Curnick Ndlovu, all we have (30)

got/....

got Ndlovu, that is right.

Well is the Curnic correct? -- That is correct, C-u-r-n-i-c-k.

MR JACOBS: And I put it to you Mr Chikane that this paper was drawn up and it was arranged for it to be delivered at this meeting beforehand because in order to discuss the plan of the UDF to move to the second phase of the freedom struggle, that is from protest to challenge? -- Yes but you tell a person to prepare political input, you do not tell him what words to use. All you do you say you know you are a member of the UDF, (10) prepare a paper on political input that would be delivered in such a workshop and the person uses whatever words he wants.

I put it to you that the word political input is so wide that it was mentioned to him, he was referred to the fact that this paper will have to deal with the future of the UDF on political issues and to move to the next phase of the struggle, that is to ... -- That is incorrect.

... bring out the concept of moving from protest to challenge? -- No, I do not remember, it might have been but I really do not know about that. (20)

And it was also delivered in order to develop a programme which will address the growing need to build organisations to challenge the State and forge forward to so-called democracy? - I do not understand counsel now. Is counsel saying that the author of the paper was told to write so?

Yes, and this paper was also delivered and written because of, to develop a programme ...

COURT: Just a moment, are you talking about the same paper or a different paper?

MR JACOBS: The same input on political aspects. (30)

COURT: /.....

COURT: You are putting to the witness what?

MR JACOBS: That this paper was written and Mr Ndlovu was requested to write this paper in order that UDF can plan a programme for the future in regard to this moving from protest to challenge? -- By who?

By the people in the UDF, in the leadership of the UDF.  
-- Well I do not know about that. I know that the General Secretary before he was detained he had originally requested Mr Steve Tshwete to prepare a paper and the paper was rejected by the Acting National Secretary. That is what he told me, (10) it was informally, it was not really a formal discussion because our offices were adjacent to each other. Where he said the reason why he was rejecting it was that Tshwete's paper was pro-Charter. He did not show me the paper, he just told me that it was pro-Charter and he is rejecting it. And then from there, I do not know, he did not tell me whether he had requested Natal to prepare a paper and what the content of the paper was going to be. That he did not tell me.

If you will have a look at EXHIBIT J.3 Mr Chikane. -- I have got J.3. (20)

Have you got it? -- I have got it.

The second paragraph from the top, the purpose of this paper is made clear here:

"We need to take the opportunity and create initiatives to build unity with the UDF and progressive forces as a whole. Together we need to develop a clear programme which will address the growing need to build organisations to challenge the State and forge forward to democracy."

Do you agree to that, that that was the purpose of this paper, and why it was written? -- Well ... (30)

To/....

To develop a clear programme? -- That is what the author of the paper is saying and this paper was read in this workshop where I was present.

And what is important in this paper is the planning which is to be done and that the planning is to be done so that the people can become highly organised. -- Where are we reading now?

Have a look at page 6 of J.3:

"We must still continue until we reach our goal."

That is on top, the first paragraph on top. -- I see that.

"We must still continue until we reach our goal of (10) a highly organised people capable of swinging the overall balance of forces in our favour so that when we finish our reflection we must plan to move to the next stage of the road, to become highly organised."

-- I see nothing wrong with that paragraph.

No I did not say it is wrong Mr Chikane. What I am saying is that this paper was also part of the concept to plan for the people to become highly organised and to move to the next stage of the road, the next phase of the struggle? -- I do not agree that these papers were programmes. These papers were sugges-(20) tions that were put in a workshop. Some aspects of these papers were adopted by those present in that particular workshop.

And they were written on a request from the National Secretary as you said? -- Acting National Secretary. But he did not give them, I do not know whether he told them about the content of each and every paper but I doubt that he, you can tell a person to write a paper and then from there you give him the content. It is as good as writing that paper and using that person to read your own paper. It does not work (30) that/....

that way. As far as I am concerned you just ask a person to write a paper and then from there he will put his own ideas. You give him guidelines. Now I disagree, that is what normally happens but I do not know how the Acting National Secretary got these people to write this paper, whether he gave them the details of what he wants to be included in these papers.

Was a programme of action drawn up or suggested at this meeting Mr Chikane? -- I do not remember each and every detail, unless if I am referred to a suggestion.

You see because on page 7, paragraph 11 there is a (10) programme of action:

"Our decision to draw up a programme of action brings to the fore important considerations."

Now, and it is in the last line restate "to challenge the State much more vigorously!" So it is again a reference to the challenge of the State. -- No I disagree because in as far as I am concerned this person says we have to try to, let me just read it here:

"Our decision to draw a programme of action, bring to the fore the important considerations to pool our energy (20) both mentally and physically and direct our skills and resources towards the realisation of our programme."

You know, to promote, now he is speaking to promote objectives, to organise our people, to expand the front, to train personnel, to challenge the State much more vigorously. Now he is saying these are the points that have got to be taken in consideration when we draw a programme of action. That is as far as I understand this.

Mr Chikane he is referring to, in this meeting which was supposed to be a National Executive meeting and which (30)

you/...

you say is a workshop, he is referring to that there was a decision taken to draw up a programme of action. Do you know anything about that? -- I know from time to time that UDF took this decision, especially on the programme. As things change you know, for instance after the Coloured and Indian elections there was a need to come up with a new programme of action because the election had passed at that particular stage.

But my question is Mr Chikane do you know ... -- I do not remember specifically if that was done but I think the in- (10) tention was always there in the UDF. I cannot remember unless if I am referred to a document.

C.983 No, was there a programme, was there a decision to draw up a programme in regard to the political future of the UDF at this stage and to go over to the next phase of the struggle, of that from opposing the State to challenging the State? -- No I do not remember it in these words that are used by counsel. But I remember in H.1 which is the National Executive Committee Meeting which was held in Bloemfontein there is a suggestion that we have to start thinking about what UDF (20) is going to do after the election of Coloure and Indian communities.

So I put it to you that this person is referring to a fact that the decision was taken to draw up a programme of action, and that the decision was taken in the leadership of the UDF to that effect? -- Where does this person say the decision was taken in the leadership?

"Our decision to draw up a programme of action". -- But this person was not even in the Executive. I have already said so. So if he says "our" maybe he is not necessarily (30) referring/....

referring to the Executive of the UDF. Curnick Ndlovu was not a member of the National Executive.

And was he in the Executive of Natal? -- I do not know. I am not sure. I do not know everybody else who was a member of the, Executive Member of the Natal Region.

But he was an important person in the UDF, is it correct? -- I do not know what counsel means by important.

He was an important leader in the UDF? -- In, I do not know if he was really a member of the REC of Natal possibly he was a leader. But whether he was important that I cannot (10) say because I do not know what counsel means by important.

Was he not so important Mr Chikane that before, and while you were still in the UDF that it was decided that he must deliver the keynote address at the National General Council Meeting? -- Can I be referred to an exhibit? Maybe to the document, maybe they could have just said anybody else should have done it.

No Mr Chikane it is not so easy that maybe they said anybody could have done it. -- No I say ...

He was elected to deliver ... -- ... it could have (20) been anybody else.

... the keynote address. -- I say it could have been anybody else like Eric Mdlovo(?) read a paper in the P.E. conference and if counsel means that everybody else who reads a paper in the meeting of the UDF is important as far as I am concerned I will say it is important for that particular event but now the word "important" is so general I do not know how counsel is using that word.

Was it decided who was to deliver the keynote address at the National General Council meeting? -- I do not remember. (30)

Unless/....

Unless if I can be referred to a document.

No can you remember? -- I cannot remember.

Or do you not know anything that was going on in UDF?

-- I know that is about, it is almost three years that I have been in prison. I cannot remember every detail of what took place then. But at times when I look at the minutes then they will refresh my mind again and I remember.

Is it important that a keynote address must be referred back to the Secretariat of the UDF before it is delivered at a meeting? -- Can I get that question again? (10)

Is it important that the keynote address, the draft, had to be referred back to the Secretariat before the date when it was to be delivered at the meeting? -- I do not remember anything of that sort and I do not know exactly what counsel means that it is important that it has to be done that way.

And ...

COURT: Were keynote addresses before delivery thereof generally placed before the Secretariat for approval? -- No. I remember for instance the keynote address of Eric Mdlomo that was presented at the National conference in P.E. was (20) not referred to the Executive, to the Secretariat. Now before the NGC of 1983, that is the National General Council Meeting of the UDF I was not a member of the Executive so I do not know. And I got out of office in March 1985. So I do not know what happened thereafter, before April AGM.

MR JACOBS:

And I also put it to you that Mr Curnick Ndlovu was regarded with such esteem that he was also elected as the Executive Chairperson to the National Executive Committee on the National General Council? -- I think I came to know that he was elected but as I say I do not really understand what (30)

counsel/....



counsel means by important.

COURT: Just a minute now. He was elected as a what?

Chairperson of what?

MR JACOBS: As an Executive Chairperson of the National Executive Committee, an NEC.

COURT: So he was the Chairman of the NEC at some stage? -- He became after I was already out of office but I got to know that he was elected an Executive Chairperson of the National ...

MR JACOBS: Just for reference purposes it is in AAA.10, that is exhibit the Minutes of the First National General Council(10) of the United Democratic Front held on 6 and 7 April and on page 11. -- Okay. I do not know what counsel means by important, you know. Because maybe the man had campaigned before this AGM and then he won the election or maybe some people nominated him and the conference felt that he was a capable person, they elected him. Now what exactly counsel means by important?

He was in such high esteem in the UDF that he was asked to write this paper, the exhibit we are referring to, EXHIBIT(20) this input paper on the political aspects of the UDF, that is EXHIBIT J.3, that he was asked by the UDF to deliver the keynote address at the National General Council and was also regarded with such high esteem that he was even elected to the Chairperson of the NEC. -- I do not know. I know that all those things that counsel has mentioned happened in that particular way but I do not know whether it is because he was held at high esteem as counsel put it. Maybe if he was not there it could have been someone else.

COURT: Where is the reference to the keynote address at the (30)

NGC?/....

NGC? What is the date?

MR JACOBS: Will the Court bear with me a minute, it is the same ...

COURT: Is that the April one?

C.984

MR JACOBS: Yes sir, AAA.10. And on page 2, page 2 the keynote address is paragraph 1.3 on page 2. On this meeting or workshop of 10 and 11 November 1984 there was also an input paper on organisational aspects of the UDF? -- That is correct.

Who delivered this paper at the meeting? -- As far as, if my memory serves me well it was somebody from the Western (10) Cape Region. I cannot remember precisely but I think it was somebody ...

You cannot remember a name? -- I think it was Andrew Borraine, Mr Andrew Borraine.

COURT: Was that the keynote address?

MR JACOBS: No sir, the other political, the other paper delivered in the meeting of the 10th and 11th, that is EXHIBIT ...

COURT: The 10th of what?

MR JACOBS: 10 November 1984. At this meeting either an (20) NEC meeting or a workshop as the witness said. That is a paper EXHIBIT J.4, "Input on Organisational Aspects of UDF", that was a paper delivered by Mr Borraine? -- That is correct, I think it is Mr Borraine. I cannot remember precisely now.

Can you tell the Court who asked him to deliver this paper? -- I do not know but I, it is either the Acting National Secretary or maybe the National Secretary before he was detained. I do not know.

COURT: Is that now that referred to at page 4 paragraph 5 of J.1?

(30)

MR JACOBS:/....

MR JACOBS: That is so sir. Were copies of these two papers distributed between the people attending this gathering Mr Chikane? -- The agreement was that the Regions would get these papers thereafter. Now I do not know whether the Transvaal got them because I was not working in the offices.

Must I understand you then Mr Chikane that you in actual fact do not know what was going on in the UDF because you were never in the office? -- No I am saying I was not working in the office. Maybe these papers, you know this thing was in November and most probably papers came in the office and I did (10) not see them. Like other papers, I was not working in the office, that I did not see them.

And when he delivered the papers did he read them out in the meeting, or both of them did they read out the papers in the meeting? -- That is correct but they did not deliver them at that particular stage. That is the reason why on EXHIBIT S.15 we are saying the report is going to be prepared.

And I put it to you ...

COURT: But were these papers not circulated beforehand so that those present could study them before the talk was (20) given? -- No.

MR JACOBS: And I put it to you Mr Chikane that both these input papers adhere to the policy and the programme of action of the UDF? -- Well some aspects of the papers may reflect the UDF policy.

It is not a question of may, they did reflect the UDF policy and the plan? Do you agree? -- I say some aspects may reflect the policy. I have not really read them. I am trying to look at those, whether every paragraph, every sentence reflects the policy of the UDF or not. (30)

But/....

But Mr Chikane you were present when they were read, you heard when they were read? It was discussed after they were read and it was in accordance with UDF policy? -- Generally, yes. But counsel was asking me if every sentence contained in this document, you know, reflects UDF policy.

And they were also adopted at this meeting? -- No they were not adopted. It was a workshop. Certain aspects of these papers were adopted. I think those aspects are reflected in J.1.

And certain aspects of the existing policy was, certain(10) aspects of the existing UDF policy and programme of action were restated in both the documents? -- Might I have the question again.

Certain aspects of the UDF policy and certain aspects of the UDF programme of action were restated in both the documents? -- That is possible.

Now EXHIBIT C.100. Have you seen this document Mr Chikane? -- No I have not seen this document before. I only saw it as part of the exhibits before this Court.

Is it not correct that you were the liaison person (20) between the Education and Training Committee of the UDF and the Executive of the Transvaal Region of the UDF? -- I was in 1984, at some stage. And then it ceased.

What do you mean it ceased? -- To be like that. After that report, AB.2 was presented. Committee members suggested that they be allowed to report to, to liaise or to report to any of the Secretaries.

Was it not so decided that you will be the liaison, decided in AB.2 that you will be the liaison person between the Education and Training Committee and the Executive of UDF (30)

Transvaal?/.....

Transvaal? -- That was one of the suggestions but ultimately the report says executives should give them power to report to any of the Secretaries and I explained that the problem is that in most cases I was out of, I was not working in that office so I would be in a different office so they should be able to report to, they were asking the Executive to allow them to report to any of the secretaries that they can find in the office.

I put it to you, if I remember correctly, that in this paper it was suggested that you, and it was proposed that (10) you must be the liaison person between this committee and UDF Executive, Regional Executive?

COURT: What is the reference now?

MR JACOBS: I am just trying to find it.

COURT: In what paper was what suggested?

MR JACOBS: That is in EXHIBIT AB.2. To get it clear in the early part of 1984 you were part of this Education Committee? -- Can I have the question again?

In the early part of 1984? -- That is correct.

And then you later on became the co-ordinator of this (20) committee? Is it correct? On page 2 of that report, the report, the heading of the report "Report from UDF Transvaal Education Committee to UDF Transvaal Executive". -- No I think ...

This is the report you referred to? -- Yes that is the report I am referring to.

I think counsel has got it the other way around. I was the co-ordinator of this committee first. I went around to speak to different people to be members of this committee, you know, and then later the committee asked me to be a liaison (30) person/....

person so that I can liaise with them and the executive, you know.

Mr Chikane let us get it clear now. On page 1 of this report, the third last paragraph it started:

"At a later stage only in 1984 the remains of the committee along with one extra recruit (Mike Roussos) got together to try and plan some educational events. The people on the committee at that stage were Moss Chikane, Amos Masondo, Mohamed Bham and Mike Roussos."

Is that correct then? In the early stages in 1984? -- I (10)  
was a member of this committee, that is correct. Now I do not know what counsel is saying.

And then later on on page 2 in the middle there, I will read from that paragraph:

"The actual committee will thus consist of a smaller working group of people who would each take responsibility for one of the areas."

-- I do not know where must I read.

On page 2 of the document, of EXHIBIT,... -- What paragraph? (20)

In the middle, the second paragraph:

"The actual committee would thus consist of a smaller working group of people who would each take responsibility for one of the areas. They would then recruit other comrades to assist them in working on these areas. The committee was then as follows:

Information: Mohamed Bham.

Organisation: Amos Masondo.

Handouts: Mike Roussos.

Rural Areas: Pete Harris. (30)

Skills .....

Skills: Benita Pavlicevic"

COURT: Spell that please?

MR JACOBS: Yes Benita, and the surname is P-a-v-l-i-c-e-v-i-c. And the Co-ordinator Mr Moss Chikane. Is that correct? -- That is correct. There is no contradiction and I am saying I was a co-ordinator first because I got those people together and the co-ordinator becomes a member of that committee. You cannot co-ordinate being an outsider. So I do not see any contradiction between this paragraph and the paragraph that counsel had read in page 1. (10)

So you were the, so, and where do you find the place that you said the secretaries were to be the liaison between this committee and Regional Executive? -- I will look for that.

MR TIP: My Lord if I can be of assistance on this particular point at the foot of page 3 over to page 4 might be the one that My Learned Friend is concerned with. -- That is it.

MR JACOBS: (Now do you know that EXHIBIT C.100 was, it was / compiled by the Transvaal Education Committee? -- No I do not know. I am seeing this document for the first time as part of the exhibits in this court. (20)

And this document EXHIBIT C.100 refers in the first paragraph, it refers there:

"What does the NEC mean when it talks about UDF moving from protest to challenge."

Now ...

COURT: N E C?

MR JACOBS: Yes NEC means and when was this, is it correct / that this is a reference to the NEC, and when it talks about moving from protest to challenge was in this meeting, or this workshop I referred you to? -- No I do not know. As I say (30)

I/...

I have never seen this document. But the NEC, there are different NECs you know, it is not the only one that was held in November. We held several NEC meetings. Do you want NEC, I think E.1 too is an NEC, F.1 is NEC, H.1 is NEC, G.1 is NEC.

Yes but what I am trying to find out from you if it is possible for you to assist the Court and tell the court. I put it to you that it was in the one, the meeting referred to in EXHIBIT J.1.

COURT: What was happening in that meeting? (10)

MR JACOBS: That was the meeting where it was decided on a new political direction of the UDF and where it was decided that the UDF talks about moving from protest to challenge.

-- Where are we reading?

That is what I am putting to you. -- Is it, counsel referred me to J.1. I want to see where counsel is reading.

[Out of the whole contents of this document my inference is, and I put that to you that it was at this meeting that it was decided to move, to take, to move to the next phase of the struggle, that of moving from protest to challenge? -- I said (20) this was a workshop.

On this workshop then. -- Well workshops do not take binding decisions on the UDF.

COURT: Well that workshop did take some decisions at least if you look at the minutes. But let us not fence about it. Did they or did they not!... -- Not as far as I can remember.

... decide on this. Not? -- Not as far as I can remember.

MR JACOBS: Can you then tell the Court when it was decided by the NEC, or when it was by the NEC to move from protest to challenge before the National General Council meeting? -- I (30)

thought/....



thought when I read through the exhibits that that was a thing in the AGM of April 1985.

I put it to you Mr Chikane that this document, EXHIBIT C.100, that is identical to EXHIBIT AAD.5, was written by the Education Committee before the date of the meeting of the National General Council?

COURT: Just a minute. Which National General Council?

MR JACOBS: Of, the one in April.

COURT: April 1985?

MR JACOBS: 1985. (10)

COURT: Yes, you put that to the witness. What is your answer? Counsel says that C.100 was written by the Education Committee before the NGC of April 1985? -- I ceased to be an Executive Member on 9 March 1985. I cannot argue about what happened immediately thereafter but before that time, as far as I know, the committee had not compiled this kind of a document. Or at least it did not come to my attention.

ASSESSOR (MR KRUGEL): On what date in March did you say? On what day? -- On 3 March, on 9 March 1985 I ceased to be a member of the Regional Executive, I ceased to be a member of (20) the National Executive and of course I was no longer a member of the Education and Training Committee as well.

MR JACOBS: Before 9 March 1985 when was the last NEC meeting held? -- I cannot remember but I seem to think that there was an NEC that was held somewhere in the beginning of 1985, either January or so.

Was that the last meeting held before the National General Council meeting in ... -- That is correct.

In April 1985? -- That is correct.

So, and before that when was the last one? It was (30)

January/....

January 1985 and then? -- I cannot remember. Before this workshop I think the meeting that was held was H.1, July, the Bloemfontein meeting.

COURT: Just a moment, this workshop being November 1984? -- Yes the workshop of November 1984.

Well if we call that an NEC it was November 1984, if we call it a workshop we skip that November 1984. -- Yes we skip what I call the workshop. Then we go to, if my memory serves me well to H.1 which is July 1984.

MR JACOBS: So I put it to you then in the first paragraph, (10) if I read it to you:

"What does the NEC mean when it talks about UDF moving from protest to challenge."

Then it must have been either on the January 1985 meeting or on this workshop that is also that some refer to as an NEC meeting or it must have been on the July 1984 meeting? -- No but we have the report of the workshop that was held on 10 November. It does not seem to be the case, counsel did not refer me to any paragraph. So if in terms of that report this is not reflected it means that it was not discussed there. (20)

COURT: Well can it then be, if this statement is correct, that it was discussed in January 1985? -- That is if this statement is correct, it is possible, it could be.

MR JACOBS: Were you present at the meeting of January 1985? -- As I stand here I cannot remember. It was early 1985. I am not sure if it was January or February, I said early 1985.

Mr Chikane it is, it must have been something surprising, this movement from protest to challenge and I suppose it would have stuck in your mind if it was discussed at the NEC meeting? -- No. (30)

You/....

You see because in this paper they say, in the next line they say:

"Some comrades have expressed surprise at the idea that UDF has ever been a protest movement."

It was surprising to some members of the NEC at the meeting where it was broached the first time. -- No ...

COURT: Are you not putting it the wrong way around? The surprise is expressed upon hearing that the UDF was ever a protest movement, meaning that the comrades thought always it was a challenge movement. (10)

MR JACOBS: Yes sir, that is ...

COURT: Now what do you want to put to the witness?

MR JACOBS: I will just read to him what is stated here sir.

COURT: Well having read what is stated what are you putting to the witness?

MR JACOBS: That surprise was broached at the meeting at the idea that UDF has ever been a protest movement, that it must, contrary to a challenge movement? -- I do not understand what counsel is putting to me. But the impression I am getting is that this does not refer to at the meeting. It says (20) some comrades were surprised. It may mean that the author has gone around and said people we have been a protest organisation, now let us challenge. Let us challenge and then people were surprised that now we are talking about challenge, we have been a protest meeting all along. It does not necessarily mean that at the meeting as counsel is putting it.

Mr Chikane I put it to you that this new movement from protest to challenge is in actual fact according to the UDF policy of going over from the first phase of the freedom struggle to the next phase in challenging the government? / (30)

-- If/....

-- If I interpret this document my understanding is that because the conditions had changed at that particular time, the Tricameral Parliament election had already taken place. Now people were going to challenge that those who have opted to work within the Tricameral Parliament to deliver the goods or something of that sort. So it was not, I do not understand it to be a second phase but I think that because of the material conditions UDF had to adjust its programme as well.

COURT: Are you saying then that you never heard this phrase from protest to challenge apart from in connection with the (10) court proceedings? -- I think I have seen a book that is titled "From Protest to Challenge", I cannot remember but I think it is the title of a book.

Yes but that has nothing to do with the UDF? -- No that had nothing to do with the UDF.

But in UDF circles you say that up to the time when this case started against you you had not heard the phrase protest to challenge? -- Phrases are used very easily by different people. It is possible that I could have heard it before but I cannot remember as I stand here. It is possible that I (20) could have but I got to know that, I think the theme of the conference was from protest to challenge. But I did not attend the conference.

Of which conference? -- April 1985, AGM.

MR JACOBS: Mr Chikane I put it to you that according to this paper, paragraph 1, it is stated here that the challenge is a conscious and co-ordinated challenge. When we say that the challenge will have to be conscious process this implies a far more higher level of political understanding in the front, the ability to assess limits and possibilities, to develop (30) and/....

and apply appropriate strategies and tactics, the need to develop a co-ordinated challenge raises a number of questions about the Front and its future development. Does the Front have the dynamic potential to meet the organisational task implied here. It is appropriate ... -- Is that the first paragraph?

... at this point of development other than organisation forms. Paragraph 1, the numbered one, conscious.

COURT: Halfway through the page we have a heading "Conscious and Co-Ordinated Challenge". -- I see.

MR JACOBS: I put it to you that this was, this document (10) was drawn up by the Education Committee of UDF depicting what was actually the policy of the UDF and what it was planning to do in regard to this, as stated in this paragraph? -- I do not know if it was first drawn by the Education Committee, I have never seen it before. And what is the second question?

That it must be a co-ordinated challenge and that was part of the planning of the UDF for the future. -- Well I do not know if this paper was ever adopted by the UDF.

And I put it to you that the same principle was adopted by the UDF in the sense that it was part of the keynote (20) address at the National General Council meeting in April 1985? -- Is counsel saying this paper was part of the keynote address?

No, the same principle was adopted and part of the, conveyed to the audience, conveyed to the delegates at the National General Council as part of the UDF, as part of the keynote address? -- In April 1985?

Yes. -- I was already out of office and I was not present at the AGM in April 1985. I cannot testify about that.

And I will also put it to you that it was part of the (30)

same/....

same principle was also adopted and part of the Secretariat report given at the National General Council meeting and which was regarded of such importance that it was made part of the booklet for distribution? -- What is counsel saying now, I cannot understand?

The same principle ...

COURT: You say it was part of the Secretarial report at which National General Council meeting?

MR JACOBS: April 1985.

COURT: And was part of which booklet? (10)

MR JACOBS: And the booklet EXHIBIT C.102 which was distributed after the National General Council. -- I did not see the booklet. I was not present in the April 1985 AGM. I do not what Secretariat report was presented in that meeting.

Now the second point, principle taken up in EXHIBIT C.100 on page 1 is "2. The Fundamental Challenge":

"We are talking about a challenge to the whole system of oppression and exploitation, not a piecemeal challenge. We are not attempting to reform unreformable structures but for fighting for complete social transformation." (20)

COURT: Just a moment Mr Jacobs. This witness says he does not know about this document. Why are you asking him on it?

MR JACOBS: I am putting it to him sir that it was part of the UDF up till that time and then it was reaffirmed in the National General Council.

COURT: Do you want to take a sentence or two out and say that has always been UDF policy, you can do that, yes?

MR JACOBS: I will start again Mr Chikane:

"We are talking about a challenge to the whole system of oppression and exploitation, not a piecemeal challenge.(30)

We/...

We are not attempting to reform unreformable structures but are fighting for complete social transformation. The people of South African have never gone the country. We are fighting to realise this most basic right, the right of self determination. Therefore ours is not a civil rights struggle, it is a struggle for national liberation."

I put it to you Mr Chikane that this was, what was read to you now was part of the standing and ongoing policy of the UDF since its launch in 1983 August? -- Certain aspects of this(10) statement does reflect this. UDF did not want to fight for, for instance just to give an example to share toilets. UDF wanted the country to abandon apartheid completely and UDF wanted the South African community to have the same right, to be represented in the highest decision making structures of the country. They were not fighting, UDF was not organising only to sit next to Whites in the parks and so on. But it wanted to change the whole policy of apartheid.

And I put it to you further that it was part of this policy to take over the power of government in South Africa?(20) That is what UDF was fighting for? -- That is incorrect. If counsel means to take , to have everybody participating in the election of the government of the country and he interprets that to mean taking power from those who are not elected by the majority of the people I would agree. UDF strives that everybody else must have a vote, must be able to elect people who would be able to represent him or her in the higher decision making structures of the country.

And I put it to you that this policy of the UDF of taking over the power was restated and reaffirmed at the National (30)

General/....

General Council Meeting of 9 April 1985 and in the keynote address by Mr Ndlovu.

COURT: Well it is not necessary to put this to this witness. He says he was not there. Unless you convince him that he was there the only answer you will get is "I was not there".

MR JACOBS: As the Court pleases.

COURT: I can read that keynote address for myself it is available.

MR JACOBS: A third element of the policy of the UDF in regard to the challenge of the State: (10)

"Challenging the State means far more than responding to the measures of the State in a sporadic way. It means engaging the State on as many fronts as possible, fragmenting and dispersing its forces at the same time as strengthening and broadening its forces. It means frustrating the State's efforts, preventing its advances, forcing it to retreat and if possible cutting off all its lines of retreat."

I put it to you that this is also part of the existing UDF policy in the struggle, in the freedom struggle against (20) the government and to achieve these short term aims? -- Existing when?

At the time up till the holding of the National General Council meeting, up till the time when you left the UDF as well? -- I do not know, I do not, I have never seen this paragraph before I got out of office.

No but what I am putting to you .... -- No counsel is putting to me a paragraph with a particular word "formation" and he says that was the policy of the, the existing policy of the UDF. I do not really understand what counsel means (30)

here./...



here.

I put it to you it was the policy of the UDF of engaging the State on as many fronts as possible, on fragmenting and dispersing the forces of the State, at the same time strengthening and broadening the forces of UDF, it means also it was policy of the UDF frustrating the State's efforts, preventing its advances, forcing it to retreat and if possible cutting off its lines of retreat. All these were part of the UDF policy? -- I do not remember these words appearing in any policy document of the UDF. And as far as that I cannot (10) remember as they stand, I think I cannot say it is UDF policy.

Was it the policy of the UDF to take on the State on as many fronts as possible? -- Some people may have expressed that but that is true, we wanted to challenge apartheid in as far as it segregates our people in Group Areas Act, by using the law Group Areas Act, we wanted to challenge apartheid in as far as it was dividing African and Coloured, from Coloured people and Indian people from White people in the Tricameral Parliament, we wanted to challenge them, apartheid, in as far as it was segregating African people to urban and rural. (20)

So it was. ... -- So there were a lot of fronts that UDF wanted to challenge apartheid on.

COURT: This document Mr Jacobs was found in the UDF offices. When was it found in the UDF offices? Do we not know that?

MNR JACOBS: Edele ek sal net seker maak wanneer is hierdie gekry dan sal ek ook CA.5, AAD.5 is 'n identiese dokument wat nou net die volledige dokument is Edele maar ek het hierdie ene gebruik omdat ek al die C's reeds bymekaar het en hierna oor en weer wil verwys wat ek bymekaar het.

COURT: Where was AAD.5 found?

(30)

MNR JACOBS: /...

MR JACOBS: Dit was in Kaapstad. Ek sal net moet seker maak, hulle is net besig om vir my op te soek Edele. Kan ek vir die Hof altwee die besonderhede gee net na die ete verdaging?

COURT ADJOURNS UNTIL 14h00.

C.985 COURT RESUMES AT 14h00.

MOSES MABOKELA CHIKANE: d.s.s.

MNR JACOBS: Edele net voordat ek aangaan BEWYSSTUK AAD.5 die erkenning verskyn waar dit gevind was op AAS.8

HOF: Praat u nou van AAD vir Danie?

MNR JACOBS: D vir Danie, 5. Dit verskyn, die erkenning (10) verskyn op BEWYSSTUK AAS.8 dat dit gevind was in die UDF kantore Pretoria en die datum wat dit gevind was, ek het met my Geleerde Vriend mnr Bizos gepraat hieroor en hulle is bereid om te erken die datum wat dit gevind was was 24/9/1985. C.100 was gevind in die UDF kantore, Johannesburg, volgens erkenning nr AAS.5 en die datum toe dit gevind was is die verdediging ook bereid om te erken is 23/7/1985.

MR BIZOS: May I just indicate that Your Lordship will have realised from the dates that none of the accused have any personal knowledge of this but from the information given to (20) us and guided by the contents we are satisfied that those are the correct dates. I do not want to stand by in relation to the matter of the naming of the Pretoria office as the UDF office which is something which we still have to sort out. But the dates are admitted.

COURT: Yes, thank you.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Now Mr Chikane is it correct that it was also all along UDF policy to fragment and disperse the forces of the State? It was an aim of the UDF?

-- No I do not know about that.

(30)

And/...

And I put it to you it was part of the policy and that is why the State had to be engaged at the national basis, to fragment the forces of the State, to go to different townships? -- I do not know about that and I do not know what counsel is putting about when he says different townships.

And was it also UDF policy to strengthen and broaden the forces of UDF, the organisations? -- That is correct, UDF like any other organisation wanted to strengthen its affiliates so that, because the UDF is nothing without its affiliates. The strength of UDF depends on the strength of each and every (10) affiliate of the UDF.

Is it also correct Mr Chikane that it was UDF policy to frustrate the State's efforts? -- In what?

Well it is stated here in this paragraph the State's efforts, preventing its advances, forcing it to retreat and possible, if possible cutting off its lines of retreat? -- I have already said that I do not know about this document. I have never seen it before. I am seeing it now as part of the exhibits in this court. So what is stated here cannot necessarily be a UDF policy. (20)

That is what I asked you, of your knowledge of the UDF policy was it part of the UDF policy? Frustrating the State's efforts, preventing its advances? Was it part of the policy to prevent and frustrate the Black Local Authorities to function properly? -- I do not know about that.

And was it then part of the UDF policy to prevent the government of implementing the new constitution? -- I know that UDF like any other organisation that was opposed to the new constitution organised and mobilised people to, not to participate in the elections of the Tricameral Parliament because (30)

UDF was opposed to the new constitution. I know that organisations like AWB, for different reasons, they were opposed to the new constitution.

Was it part of the UDF policy also to oppose the education, Black education and to force the government to achieve, to accept a new policy on education? -- I do not know any decision by the UDF that it would oppose the education but I know that UDF and myself particularly was involved in trying to solve the crisis that existed in school around Pretoria. So I do not know what counsel means by opposing the educational policy. (10)

Did UDF accept and adopt a policy on education when it adopted the, at the launch of the UDF when certain resolutions were adopted? -- That is correct, there was a resolution on education and my understanding of the resolution is that it was, it wanted the improvement in education. It does not say it was opposed to education as counsel is putting to me now.

And on Black Local Authorities was a resolution adopted? -- That is correct.

At the launch of UDF and was ... -- I think, sorry.

Yes what do you want to say? -- I think it was part of (20) the declaration. That we will oppose the Koornhof Bills.

I would refer you then to the next paragraph in EXHIBIT C.100 on page 2, the third paragraph:

"In challenging the State we have to combine two objectives

1. Making the State programmes and institutions ..."

ASSESSOR (MR KRUGEL): This is still paragraph 3, "Challenging the State"?

MR JACOBS: Yes, under "Challenging the State". "Making the

State's programmes and institutions unworkable, (30)

isolating/....

isolating the State from all support."

Now I put it to you Mr Chikane that it was part of the programme and aims of the UDF to, in making the State's programmes and institutions, especially Black Local Authorities unworkable? -- First I do not know who, as I said I do not know about this document and I do not know exactly what the author of this document means by that. But I know that the UDF was opposed to the new constitution and Koornhof Bills.

Yes, and it was ... sorry? -- And we obviously wanted a convention of all the concerned South Africans in order (10) that we could come up with a system that would satisfy everybody, every South African.

But the question is was it an aim of the UDF before, from its launch, to make Black Local Authorities unworkable? -- Yes because we rejected them and we did not support them, we thought that if they lose the support of the people they would not be able to function.

And from the start was it, from the launch of the UDF was it part of the aims of the UDF to isolate the State from support, support from the people as well as isolate it (20) internationally. -- I do not remember that being a UDF policy but if my memory serves me well is that isolating the State, support of the State in terms of the new constitution it was not isolating the State just as a State.

And was it not ...

COURT: Just a moment. Do you mean then isolating it from what? -- Isolating it in terms of the programme, the State programme that is, and when we talk about State I am talking the government. These words are used interchangeably. The government had proposed a new constitution that was (30) unacceptable/....

unacceptable to us for reasons that have been given in this court. Now we were saying we should try to get our people, South African, Black and White, not to support this constitution so that by so doing the State should be isolated inas far as it tries to get the support from this particular constitution. If that is what counsel means I agree with it.

MR JACOBS: Yes and isolate the State so that the people must not support the State in the Black Local Authorities and in the new constitution? -- Inasfar as the State wanted support for Black Local Authorities and the new constitution as it stands we were saying people should not support that. (10)

And it was also then the first part of the question, it was also an aim of the UDF to isolate the State from support from abroad? -- That is correct. If the State would have gone abroad to try to get support for the new constitution we will try to show those countries that in fact in this new constitution apartheid is still embodied by this new constitution.

And I would like to read under the next paragraph, the last part of it, it started: (20)

"Struggles of popular organisations must develop to the point where the State can no longer impose its undemocratic structures on oppressed communities in any area. Conversely democratic organs of the people must start to replace these structures as embryos of the future democratic people's South Africa."

Is that also part, was it part of the UDF policy since the launch of the UDF in 1983? -- Let me just read this. I do not know. I cannot say this sentence and these words as arranged in this particular fashion were the policy of the UDF. All (30)

I/....

I can say is that at the time of the National Launch the UDF was opposed to the new constitution, the Black Local Authorities Act and the Coloured Management Committees and in their place UDF wanted a constitution that is based on the will of the people. If that is what counsel means I agree with him but I cannot restrict myself to these arrangements of words.

But was it, do you agree it was the policy of the UDF as an immediate measure while it was before there was a national convention, that it was the policy of the UDF to (10) achieve local people's organisations or structures to replace the structures of the government like the Black Local Authorities and also in the education sphere with people's organisations, in order to govern themselves? -- I have got problems with multiple questions. Counsel started by saying before the national convention and then he said something else. If counsel can break down the question so that I can be able to attend to it much more fully I will be quite happy.

I put it to you that, let us put it then shorter, that the / national convention was an ultimate aim? Is it correct? (20)  
-- No the national convention was not an ultimate aim. The national convention was what was suggested by the UDF in order to work out a programme that would be able to bring the ultimate aim which is a vote for all South Africans regardless of colour.

Yes. And in the interim, in the short term, it was part of the policy of the UDF to set up where Black Local Authorities were not functioning any more, to set up people's organisations to govern the people in the township? -- No I do not know about that. (30)

And/....

And I would like to read to you the next part:

"Isolating the State from all support. At one level this means isolating the State from effective support within the ruling alliance by disorganising and frustrating the enemy and neutralising it. The dividing line between the people and the enemy is not static but changes as the struggle intensifies. Something we see daily in the townships. It is our task to isolate the State from these vacillating allies (collaborators) in the townships and where possible to win (10) them over to our side."

Was that part of the, I put it to you that it was part of the UDF policy from the start after the launch of the UDF?

-- No. I do not know about that and as I say I do not know, this is just an arrangement of words by someone that I do not know who.

Was it the policy of the UDF to get the support of all the people in South Africa, Black people? -- That is correct, like any other organisation, and especially political organisations or organisations that are working in the political (20) fields. Every organisation wants support, maximum support of the people.

Was it part of the UDF policy to get the councillors in the Black Local Authorities to resign and to join the UDF?

-- That is correct, we wanted them to get out of those structures and to join the UDF if they can, but we were not...

Was it the policy of the UDF to get all the unions to join, and try and get them to join the UDF? -- That is correct.

Was it also policy of the UDF to get AZAPO to join the UDF? -- We would try it, we attempted to try to persuade (30)

AZAPO/....



AZAPO to join the UDF but all in futile, it did not work.

Yes but was it the policy of the UDF to get them to join the UDF? -- At times I do not understand exactly how did counsel use the word like "policy", you know. But in general terms the UDF wanted the support of organisations, especially those who were working outside the government structures.

And ... -- Now ...

... was it also part of, sorry? -- Now I do not know if counsel says was it UDF policy after every sentence, what does that mean because if ... (10)

What is your difficulty ... -- If it is someone else, a member of the UDF organisation has said to someone else "I love you" I cannot see how anybody can say someone else from the UDF said to someone "I love you" that is a UDF policy.

COURT: You mean it is not a policy statement, it is a statement of endearment. -- It is a statement, it may contain some sentiments of policy but I do not understand.

MR JACOBS: Was it also, did UDF try to achieve Inkatha to support it and to join the ranks of the UDF? -- We tried to persuade every organisation that was opposed to apartheid (20) to join the UDF and although I do not remember specifically that we went to persuade Inkatha, Inkatha to join the UDF, but I know that we wanted to persuade every organisation that was opposed to apartheid to work within the umbrella of the United Democratic Front.

And against the government? -- No against apartheid. If the government was to abandon apartheid tomorrow the UDF's policy towards the government would have changed.

Yes. But if the government is not prepared to abandon apartheid then it must be against the government? -- We (30)

will/.....

will continue opposing apartheid, not opposing the government necessarily because it is the government. But we will oppose the policies of the government that are based on apartheid.

And the next paragraph I would like to refer you to is on page 3, 4, under "National Challenge". In the first paragraph I will read from the second sentence:

"But the challenge as far as possible has to take on a national character. UDF has already played an important part in this regard."

And then in the next paragraph also the second sentence: (10)

"It also has to be cohesive and therefore co-ordinated at a range of levels with the central national thrust and direction."

Is that according to the UDF policy from the beginning Mr ... -- Sorry I am a bit lost. It is under this "National Challenge", point 4. Now is counsel reading from the beginning of that?

The second sentence in the first paragraph under the heading "National Challenge". Was it UDF policy that the challenge of the UDF must be a national challenge? Opposition to the central government? -- UDF was opposed to the apart- (20) heid policies and it was opposed to the new constitution in as far as it is based on the apartheid policies and it was not alone in that sphere. Many other organisations, the trade unions like FOSATU, the PFP, the AWB, were opposed to those policies and they were organising nationally against the constitution on those bases.

Yes, and was the UDF organising at the national basis to get all the people on a national basis to engage the government in the struggle? -- It was correct inasfar as apartheid goes. UDF was trying to persuade people to join the (30) organisations/....

organisations that are affiliated to it, in order to oppose apartheid.

And ... -- And not the government, necessarily because it is the government.

And is it correct Mr Chikane that that is why the UDF organised on a national basis to get the people mobilised in order to oppose the government and government structures? -- As I said that is correct. Just like any other organisation, I think the Nationalist Party does so, the PFP organised that way, the CP organised that way, even the national unions (10) organise that particular way. It is not alone in that particular ...

I did not ask about the other, I am asking you about UDF specifically. -- My answer it is not unique to the UDF, yes it is not unique to the UDF. When an organisation organises nationally that is what they do.

And to engage the government on a national basis? -- To oppose apartheid policies nationally, not to engage the government just simply because it is the government, that we are opposed to certain policies that emanate from this (20) government. I am saying those policies are based on apartheid and that is where we are opposing, we are opposed to them.

And the next paragraph on page 3, paragraph 5 under the heading "Mass Based":

"To be effective channels need to be rooted in the masses. It has to be taken up by the broad section of the people as possible, by as broad a section of the people as possible. This means both drawing vast numbers of unorganised people into progressive (30)

organisations/.....

organisations and incorporating increasing numbers of these organisations into the central thrust of the struggle, the national democratic struggle."

Do you agree Mr Chikane that this, what I read now to you is in accordance with UDF policy all along from the launch of the UDF? -- Can I just read it. Well in as far as I can remember during the inception of the UDF I have never seen anything like national democratic struggle.

And later on Mr Chikane? -- In fact I do not remember seeing it. (10)

Never? -- I do not remember seeing it, that is why I say at that particular time of the national launch I have never seen this kind of thing and I do not remember seeing it anywhere.

Can you tell the Court the struggle, the freedom struggle is it not generally known as a national democratic struggle? -- That is correct, it is the struggle for national democracy, if that is what is meant I agree with that. But you see as I say I do not know the author of this document. Counsel is referring me to words that are arranged in a particular (20) fashion and then he wants me to confirm them.

And is it also correct Mr Chikane that it is part of the UDF policy and programme of action that it is the masses who are the most important factor in the struggle, in the freedom struggle? -- That is correct. Every organisation gets its, it shapes itself because of the support, because of its supporters.

And is it correct then that it was part of the UDF programme of action to organise and mobilise the masses on as broad a spectrum as possible in this country, in South Africa? -- As I say it is, yes. And every party does so. All the (30) parties/....

parties that I have mentioned organise and mobilise in that particular fashion. They want maximum support.

Well I am speaking about the UDF Mr Chikane. -- Yes. I said yes and I am saying to qualify my answer is that every organisation, every national organisation organised in that particular fashion. So this is not only a unique nature of the UDF.

And is it correct Mr Chikane that in the UDF you in the leadership of the UDF, nationally as well as on a regional basis and in the affiliated organisations, you regarded the masses of people in the country as the makers of history? (10)  
-- If counsel asks me as a person yes I regard people as makers of history because I believe, that is why I believe in the national convention, I believe that if people of this country can come together they will be ready to make history, they can move away from apartheid.

And what do you say about the same, you said as a person you say that but what about the UDF itself? -- UDF is just an organisation of a certain sector of the people in this country. Now I am saying the masses are makers of history. Now (20) masses are, is the term that defines people well beyond the boundaries of the UDF.

And is that also the perception of the leadership in the UDF nationally? I will repeat my question. In the UDF nationally, the leadership in the UDF regions and the leadership in the affiliated organisations? -- I have not conducted research on that point. I cannot say as I stand here.

Did you not attend any meetings or gatherings where this was said by people in the leadership of the UDF? -- Such utterances were very common that people are very important (30)

and/....

and as far as I know somewhere in J.1 something similar to that is mentioned, that masses are makers of history.

And that portion in EXHIBIT J.1, it is actually EXHIBIT J.3, is it not so? -- Yes it could be, anyway it is the meeting of 10/11, that is the workshop.

Yes. And what this person was saying at this meeting of this gathering of people from the UDF was the perception of all the people in the leadership of UDF? -- I cannot say until the paper is put and adopted and especially now that counsel wants to know about that particular phrase. Until the phrase (10) is discussed and accepted I cannot say that particular phrase is the policy of an organisation.

And is it not so that in the UDF the policy of the UDF was that the UDF leadership in the national, nationally, regionally and in the affiliated organisations, they were the people to lead the masses and co-ordinate the masses while the masses must be the active participants in the struggle? -- Well if such sentences are made, first I do not remember those sentences as coined in that particular fashion as used by counsel but if they were made I am sure they were referring to people, (20) supporters, members of the supporters organisations of the UDF and obviously those who were elected in the leadership position by those people they will become the leaders of those people. If that is what counsel is meaning by that I agree with you.

And on page 4, I go back to EXHIBIT C.100 and I read paragraph 6 under the heading "From Challenge to Alternative":

"Having established the illegitimacy of the South African regime it is necessary to project a popular alternative based on both the present and the future and the (30)

present/....

(present in the sense that our organisations have to become living and viable alternative organs of the people's power.)

And then:

"Therefore for example in situation where the apartheid puppets are no longer able to effectively function in the township a stage could be reached where the people's organisation assume responsibility for organising the community to govern itself."

It was already canvassed to a certain extent and I put it (10) again to you that this is UDF policy and this was UDF policy from the start. -- Let us complete the sentence. The sentence, counsel did not complete the sentence. The author of this document talks about variety of, that is the section that counsel has left out, in the variety of ways from setting up health clinics to crime prevention.

Yes. -- And full stop. But I am saying until I ceased to be a member of the Regional Executive and a member of the National Executive the UDF had never discussed anything in the lines in this particular fashion as put by this paragraph. (20)

But the principle set out here, was that discussed by UDF? -- Well you have hope that there will be some kind of negotiations and ultimately there will be some structure that is approved by both the government and the representatives of communities. If that is what counsel referred to as in principle then I will say yes. But if it is something else I definitely do not agree.

And was it not discussed in UDF then to set up alternative structures for the people to govern themselves where the existing Black Local Authorities were non-existent as a (30) result/....

result of the opposition by UDF and affiliates? -- No.

Now this was, this document was drawn up by the Education Committee of UDF? -- I do not know that.

And I put it to you it was set up according to, I will get the document. Okay I will come back to that document later on. They are trying to find it for me. And I put it to you that this was discussed at different occasions in the UDF, in the meetings of the UDF and even you addressed people in C.44 where you spoke about alternative structures? -- I denied that when we dealt with those papers. (10)

So ... -- I said what I proposed at that particular time in the meeting here in Pretoria of organisations that were affiliated in the UDF and those that were not affiliated, I was proposing advice offices that were not present. So they could not have been alternatives because they were not there. And again that had nothing to do with this topic from protest to challenge.

But the topic of setting up alternative structures, that was discussed in the UDF? -- No.

Not even by you? -- Not even by me. (20)

I just want to refer you to EXHIBIT AAB.2. That is a UDF Update, UDF information bulletin, Vol. 1 no. 1 July 1985. And on page 8 there appears, it seems an article with the heading "From Protest to Challenge - From Mobilisation to Organisation". -- I do not have the document.

I will give it to you in a moment Mr Chikane. I will just read it and then I will hand it over. The second paragraph, this is a summary of a discussion paper which was prepared by the Transvaal Education Committee and it was stated earlier to other witnesses that that refers to EXHIBIT C.100 and (30)



AAD.5! -- First of all this Update, this exhibit AAD.2 was compiled I think already when I was, when I had already been formally charged in this matter because it is dated July 1985 and I was charged on June 11, 1985.

Yes. -- So I do not know, I do not know it.

So. ~~But I put it to you~~ that it was stated in that document that C.100, EXHIBIT C.100 or AAD.5 is a document compiled by the Education of UDF, Education Committee? You cannot dispute that? -- I said I do not know that document. I have never seen it. Before I was charged in this matter. (10)

And the Education Committee of the UDF was an official body of the UDF, is that correct? -- There was a structure called Education and Training Committee of the UDF and is counsel speaking about the Education Committee? In as far as it goes it used to be called Education and Training Committee or Training Committee and I do not know if ultimately when I have, by the time I have got out of office maybe Education Committee was formed.

And I put it to you that the Education Committee of UDF, in this document, stated what the policy of the UDF in (20) actual fact was and it is not correct what is stated here that it was only a discussion paper? -- In fact there is a paragraph that is marked here that in fact views expressed here are not the official views of the UDF. It is clearly stated in this document in the, that is, my pages do not have numbers but it is under the heading "From Protest to Challenge". It is the second paragraph on the first column. So it states very clearly.

~~But I am putting to you Mr Chikane that what is stated~~ that it is not the views of the UDF is not a correct statement/.... (30)

statement but it is an eye blind because you admitted so far that all, most of what I put to you was in actual fact UDF policy and views of UDF? -- No. No, all I said from time to time counsel pointed me, I said that arrangement of words I do not know who arranged those words. They may reflect the UDF policy in some sentences and where I said they did I agreed. Where I thought they did not I did not agree. I even went on to show that if someone as a member of the UDF says to someone else "I love you" that can never be interpreted to be a UDF policy. (10)

Is your objection only to the certain use of words in a certain way but not to the principle expressed in the document? -- The principle is very wide. Once you refer me to words those words have got to restrict my understanding and my interpretation of a principle.

And I put it to you further ... -- Now in terms of these documents now it is stated very very clearly here that views expressed here are not official views of the UDF.

And I put it to you I have referred you to the, already to the decisions on the General Council meeting adopted on (20) Black Local Authorities was to employ alternative structures for Black Local Authorities as part of the policy of the UDF? -- And then what does that mean?

What do you say to that? Alternative structures to govern themselves in the townships? -- I reject that.

And I put it to you further Mr Chikane that all along the UDF envisaged this part of the policy in two, on two legs. The one leg is that the ultimate achievement of the government of the people after a national convention and the second leg was in the meantime, that is what is meant here by the present, /.... (30)

present, in the meantime before that is achieved to set up alternative structures where organisations and structures from the State were made unoperative? -- Where is counsel reading?

Out of this first paragraph and also the next paragraph on page 4 of EXHIBIT C.100. -- The first paragraph. Did counsel say the first paragraph?

Under the heading "From Challenge to Alternative". -- No these are now views, we have seen now in EXHIBIT AAD that they are views of the so-called Education Committee that has compiled it, and they are not official views of the UDF. (10)

You cannot say after you left the UDF? -- I am saying in relation to what I have before me I have already told His Lordship that I have not seen this document whilst I was still an official of the UDF but on the basis of what I have seen now in this AAD.2 these views that are expressed in these documents are not views, official views of the UDF.

And do you say it is not an official view and policy to adopt alternative structures in order to replace Black Local Authorities? Do you say that? -- Not until I got out of office, UDF had no alternative structures. I have said so (20) before and I repeat that.

And I will just read the last paragraph on page 4:

"This will help to project and make people fully understand our vision of the future democratic South Africa."

And then I will read from the middle:

"As long as Utopian illusions are not created amongst the people leading to inevitable disillusionment what ~~these embryos of democracy will give birth to~~ is a vision of a total alternative society." (30)

COURT: /....

COURT: Totally alternative society.

MR JACOBS: "Totally alternative society based on the realisation that to be ultimately meaningful popular control of society as a whole will have to be asserted. This vision of a total alternative South Africa needs to be actively discussed and propagated by our organisations."

-- I cannot see where counsel is reading. I am lost.

Have you got page 4 of C.100 in front of you? -- Yes I have got it and I have got the first sentence that counsel (10) has read and then it says something like the last sentence then I cannot find it.

No in the middle I said. After the brackets, "As long as Utopian illusions are not created." -- Alright, I have got it now. I have got that.

And this is expressing the ultimate aim of the UDF in the policy of the UDF? -- No, these views are views of some committee and I do not know what this committee is talking about.

Is it not the aim, ultimate aim of the UDF of creating (20) as South Africa where the people and altogether alternative to the present system of government, a government of the people where the people shall govern? What you usually called the so-called democratic government of the people? -- If by that the author means that a government which would be elected by all the people of South Africa, a government that is based on all the will of the root in South Africa I agree with it. But if it meant something else I obviously disagree with it.

Mr Chikane this UDF Update, I am going to the next exhibit, this UDF Update do you know of any planning of (30)  
bringing/....

bringing out a UDF Update in the UDF while you were a member of the UDF? -- As far as I remember there was a decision that some publication has to be produced but I cannot remember whether that publication was given a particular name. But again this supports my case. If Your Lordship will remember when we argued about the UDF News and then I was saying unless something has been adopted, a statement has been adopted by the UDF, even if it appears on the UDF News it may not necessarily be the policy of the UDF and in this particular publication that is stated very very clearly that this (10) statement, this statement "From Protest to Challenge - From Mobilisation to Organisation" is a statement that is compiled by a committee that is called Education Committee and it does not express the official views of the UDF. Here it is stated very very clearly.

Mr Chikane you were not present at the National General Council meeting in April 1985? -- That is correct.

You do not know what new policy was adopted by the UDF? -- No, but I am sure if there was a radical change to the (20) policy of the UDF most probably I would have known because there were newspaper reports after that AGM of what took place there and I am sure the newspapers would have been very interested if UDF changed its policy.

Now what do you ... -- And I read those.

... what do you regard as a radical change in policy?

-- Radical?

Yes that is what you said. -- No. Alright, radical would mean that changing completely from what one has been pursuing.

And would you regard a change from, over to the (30) establishment/....

establishment of alternative structures to be a radical change then, in policy? -- If that would be done not with, without consultation of the government it would really be radical.

I just want to refer you on your own premise to EXHIBIT C.102 to one or two points. Have a look at the Secretarial Report C.102, page 11. -- Point 11.

Page 11, paragraph 8.4 and 8.6. I will read it to you:  
"In the townships the Black Local Authorities are in-operative. They are no longer able to dictate to the masses and already over 50 of the councillors have (10) resigned countrywide. Some townships like Craddock and Uitenhage have no local government structures. Now our task is to extend our struggle beyond these apartheid structures and to set up our alternative structures which will force the authorities to heed the popular demands of the people. We need to set up a project to meet some of the practical needs of our people without compromising our principles, for example advice offices, mobile clinics, etc could be set up."

And then paragraph 6: (20)

"We pointed out that major gains were made against the Tricameral Parliament and local organs of government. At the end of this conference we must come up with a strategy to implement the second phase of our campaign."

There is also a reference to the second phase.

"in respect of the above. We have the support and it is therefore up to us to direct the masses in disciplined action against apartheid."

And then to read with it the decision which was taken afterwards on Black Local Authorities. To direct all regions, (30)

and/....

and I will read again to you a part that I have read this morning:

"To direct all regions ..."

-- Where is that?

That is in the Resolutions, the resolution on Black Local Authorities:

"To direct all regions to consolidate, establish and encourage the formation of community organisations which must become the alternatives to the local authority system and declare that such organisations established (10) by the people are representatives of the people."

I put it to you that this clearly is a radical change from what, in terms of your definition of radical change? -- If isolated sentences are taken out of the content of the speech and then two different documents, a Secretariat report and a resolution is made together most probably counsel can arrive at that kind of a conclusion. I had prefaced what I said when I responded to counsel to say if any alternative structure was going to be set without negotiations with the government that would be radical indeed. (20)

And I would like to refer you in this regard also to EXHIBIT AAA.10, that is the Minutes of the meeting of, the Minutes of the First National General Council of the United Democratic Front held on 6th and 7th April 1985 at Azardville, Transvaal. On page 3 ... -- Sorry AA.10.

AAA.10. -- I have got it.

On page 3, under the heading in paragraph 1.4 "Secretarial Report" referring back to that report, it was by comrade Popo Molefe, copies were distributed at the NGC. Clarification was sought on the following, the first one... (30)

-- Sorry/....

-- Sorry I have not got 8.4, 8.4?

1.4. -- 1.4.

On page 3. -- Alright I have got it.

"Clarification was sought on the following:

(a) Whether late responses to rapid intensification of mass struggle displayed a weakness within the UDF. This was referred to the commission on the organisational aspects of the Front."

And the second question:

"The alternative structures which the democratic (10)  
movement has to develop.

The Comrade Molefe explained that this referred to democratic organisations operating outside the framework of the government. He stressed the need for these to become the organisations of the people in which they would determine their own lives."

On his own explanation I put it to you Mr Chikane that this was a clear acceptance of establishing alternative structures as organisations of the people, to govern instead of the Black Local Authorities in the townships? -- This statement (20) was made on the 7th of April 1985. I was not there when it was made. I cannot testify about what took place there. I was not there at that conference. Secondly it supports my point. I have told counsel that the period when I was an official of the United Democratic Front UDF had not taken any decision on alternative structures and the point that counsel has just read supports that. That is point (b) under 1.4, it reads thus:

"The alternative structures which the democratic  
movement has to develop."

(30)

Has/.....



Has to, this means that even at that, in April, on 7 April 1985 those alternative structures were not even developed.

Well Mr Chikane was it not decided before that and was it not envisioned, envisaged before you left the UDF that the UDF had to set up, in the future to set up alternative structures? -- I have already said that UDF felt that if the government decides to withdraw the mandate of, to abandon this structure of Black Local Authorities or even the new constitution the UDF felt that together with the government it would be able to sit and draw up a structure that is (10) acceptable to all. If by alternative counsel means that then I would agree but if counsel means something else that is done without consultation with the government I reject that.

I put it to you that the idea was to do it without the consultation with the government? -- I reject that.

But the point is Mr Chikane you stated categorically to the Court, according to what you have read in this EXHIBIT AAD.2 that there was no such drastic change in UDF policy because you would have read it in the papers. Now I put it to you that you are wrong in that and there is proof to (20) to the fact that there was a radical change in the policy of UDF? -- No, no here the suggestion that is made and the suggestion is not a policy, this is a suggestion. Let me just read it once more:

"The alternative structures which the democratic movement has to develop."

It is just a suggestion. There is no format of a structure that is placed before the conference and adopted. There is no such.

And I put it to you that that is further proof by (30)

the/....

the resolution adopted on Black Local Authorities by the UDF to set up alternative structures instead of Black Local Authorities. That was a policy decision -- I was not there. I cannot argue that. I do not know exactly how the resolution was motivated. Maybe I should just read it again so that I should be able to see for myself. I cannot get by the words what was the resolution.

Which resolution have you got in front of you now and perhaps I can help you? -- I thought counsel was referring to the resolution on Black Local Authorities. (10)

Yes it is C., have you got C.102 before you? -- That is correct.

The pages were not numbered but it is very near the end of the document. Can I assist you perhaps Mr Chikane then, getting it for you? -- Now what was counsel's question when he referred to this resolution?

You ...

COURT: You wanted to add something. Now it seems to me counsel has forgotten his last question and you have forgotten what you wanted to add. The next question? (20)

MR JACOBS: My question was finished. He wanted to add something.

COURT: Yes, the next question?

MR JACOBS: Mr Chikane I put it to you, we are going over to the next topic and that is UDF Update, that the NEC of the UDF has decided that the monthly publication, UDF publication later to be known as the UDF Update had to be published. -- I remember something to that effect, that UDF wanted to come up with some publication.

And I put it to you that the purpose of this UDF (30)  
publication/.....

publication was that the UDF must have a regular focus at the national level? -- That could be so because I do not have the document where counsel is reading at the moment.

The first document that I want to refer you to is EXHIBIT D.1.

COURT: What are you attempting to establish?

MR JACOBS: Yes.

COURT: Yes, do you want to show that the UDF Update is some sort of an official UDF document?

MR JACOBS: And was part of the programme of action of the (10)  
UDF.

COURT: Yes. D.1 or E.1?

MR JACOBS: D for Dawie, Daniel. Have you got it, on page 4, paragraph 10.3? -- I have got that.

Paragraph 10 refers to the programme of action of the UDF, is that correct? -- That is correct.

And just to identify this document this is the minutes of the UDF meeting held on 10 and 11 September 1983 at Phoenix Settlement, Durban. Correct?

COURT: Well whether it is correct or not is irrelevant. (20)

Let us go on.

MR JACOBS: And in paragraph 10.3 it is says:

"Some suggestions on programme of action. The UDF must have a regular focussed at the national level. The focussed could be done on a monthly basis depending on the type of issue taken up. A publication common to all regions be produced. The idea of a declaration signature ..."

Yes that is something else. That was the decision taken by the National Executive of the UDF to publish such a (30)  
publication?/....

publication? -- Some sort of a publication.

Yes. And ... -- It could be maybe they were talking about UDF News and maybe they were talking about UDF Focus, maybe they were talking about Update.

Was not the UDF News in existence even before the launch of the UDF? -- That is correct. But here they are saying a publication. Maybe they wanted it to come out every month.

Was not the idea that the UDF Update had to come out every month? -- No but this point does not say so. I am just trying to focus my mind on what is said here. It does not (10) say so. At least where we are reading it does not say so.

COURT: Now UDF Focus and UDF Update, what is the difference? -- I think they are, they would be publications that are published that have got different names. I do not know.

Is there a UDF Focus? -- I think I have read some other part of this exhibit, that I have read something like that. I cannot say specifically as I stand here.

ASSESSOR (MR KRUGEL): Is there a UDF New? -- There is a UDF News. Now if it is, unless if I am confusing this Focus, with Focus or something like that. But I remember seeing this, (20) something like UDF Focus somewhere.

MR JACOBS: And in EXHIBIT T.5.

COURT: E?

MR JACOBS: T for Tommy.

COURT: T.5.

MR JACOBS: Minutes of the National Secretariat meeting held on 10 and 11 March 1984. That was one attended by you, a meeting attended by you? -- That is correct.

According to page 1 of this minute, of the minutes? Now on page 4 under "Publicity": (30)

"Media/...."

"Media workshop suggested that there be a publication called UDF Update. It must come out once a month. Responsibility of National Publicity Secretary and National Secretary. Would be sent to National Secretary after editing. There should be consultation on the national poster ..."

Yes. So you were part of the discussions on this meeting of the Secretariat?

COURT: I am sorry, now where are we on page 4?

MR JACOBS: The top, under the heading "Publicity". -- I (10)  
see that and I accept that I was present.

Yes, and what did you decide on that, and what did you try to suggest or ... -- Well in terms of this paragraph, in fact I remember now.

COURT: Is Gilbert Marcus an expert on posters? -- No I do not know, I cannot remember what the consultation was to be all about. That is correct, in this particular meeting in terms of this particular paragraph the decision was taken and I was present, to produce UDF Update on a monthly basis. But I was saying in terms of that other paragraph that was not (20)  
the case.

MR JACOBS: Will you accept Mr Chikane, to cut it short, that the UDF Update was a monthly paper, it was to be a monthly paper under the control of the National Secretariat of the UDF, being the National Secretary and the Publicity Secretary, to be issued on a monthly basis? -- In terms of this paragraph that is so.

And what was discussed was the purpose of bringing out this monthly paper, can you remember? -- As I stand here I cannot remember but if I can be referred to something that (30)  
speaks/....

speaks about that, if there is any. Most probably I can refresh my mind.

Did you attend the seminar when it was decided to bring out such a document? -- No.

A UDF Update, sorry? -- A seminar held where?

Do you know that a seminar or a workshop suggested that, the media workshop or seminar decided on it? -- No I did not know that. The only workshop, media workshop, that I have attended is the one where the Million Signature booklet was, information that was going to be put in the Million Signature (10) Campaign publication was discussed. I never attended any other workshop of the media committee.

Did you receive a report from the media workshop which suggested that the publication called the UDF Update must be issued? -- In terms of the, this minute I think that is the position.

Have you seen, will you have a look at EXHIBIT U.2(a).  
-- U?

Yes. -- I have got that.

Did you read this report on the publicity campaign in (20) 1984 by UDF National, the first document is that one and ...  
-- U.2(b)?

U.2(a) page 4. And that is, have you got page 4 in front of you? The first page is the one "The Publicity Campaign", and then the next page on top of the second column is 4, that is the page 4 that I referred to.

COURT: Well is that the same sort of document? Is it not a different document from the first one which is numbered 2(a)?

MR JACOBS: Sir there was a mix up in this, the .... (30)

COURT: /.....

COURT: What was the admission Mr Jacobs?

MR JACOBS: The first part of this document is U.2(b)...

COURT: Mr Jacobs what was the admission in respect of this document?

MR JACOBS: It was found in the possession of accused no. 22 in Grahamstown.

COURT: And is it one document or two?

MR JACOBS: The first is an address by accused no. 20 and then the second part, it was, there was unfortunately two (10) pages were attached to the address and then the first page of that report, that is U.2(b), that is the first part of it. So there was a division between, put between and a number given to it, although U.2(b) is the first part of the ...

COURT: So these two pages form part of U.2(b)?

MR JACOBS: Yes, they were placed in the wrong place here, behind the report, Mr Lekota's address.

COURT: Yes go on.

MR JACOBS: But on this page 4 that I have shown to you under paragraph ... -- Page 4 would be the second page? (20)

The second page.

COURT: But now, sorry, what was admitted in respect of U.2(b)?

MR JACOBS: The same, it was found with accused no. 22.

COURT: Also in Grahamstown?

MR JACOBS: Yes, that is correct.

COURT: Yes, very well.

MR JACOBS: I am sorry it is a little bit confusing Mr Chikane but have you got the number, the first, just to get you the first page on U.2(a) is the publicity Secretary's address, (30)

paper./....

paper. The heading is "Our Publicity Campaign in 1984". Have you got that? -- What I have got is "Our Publicity Campaign in 1984".

Yes. Will you turn it over and then on that document, on the left-hand column on top it seems as if it is page 4, do you see? -- On the second column, yes I see.

And then you have a look at paragraph 5 of that second column. It reads:

"A national news briefing with an informative role aimed at affiliates was proposed. Suggested title was (10) UDF Update with sub-title being Nationale News Briefing of the United Democratic Front and the suggested slogan being 'Tell no lies, claim no easy victories.' National content would include a whos who on the National Executive, important national UDF statements and responses to issues. Messages of international support and activity and UDF national activity, for example conferences. Regional content would be forwarded to a central point by the 15th of every month to enable the news briefing to be a monthly. Transvaal Media Committee would try (20) to act as this central point at first with regions rotating responsibility as they became able. Information to be forwarded should not be more than five pages long and should cover where possible the following as they are now and with regard to future changes:

1. Structure of regional UDF ..."

COURT: [Just a minute Mr Jacobs. Are you attempting to establish that a UDF Update existed because I have got one in front of me? Are you attempting to establish that the UDF is behind the UDF Update? I never thought that that was disputed. (30)

What/....



What are you attempting to establish?

MR JACOBS: I want to establish also that that was an official, it brings out official standpoint of the UDF for the purpose of the affiliated organisations, the leadership in the affiliated organisations and in other regional offices of the UDF.

COURT: Well it is an information bulletin.

MR JACOBS: Yes.

COURT: It says so. What more do you want?

MR JACOBS: I will leave it at that then sir, if it is (10)  
accepted.

COURT: I do not know whether it is accepted but I would think that on the face of it it states it is an information bulletin so it is an information bulletin. It looks like one.

MR JACOBS: And it is distributed between the affiliates of the UDF for their purpose and their notice.

COURT: And this was in January 1984. Was nothing done about this Mr Chikane until July 1985? -- Until I got arrested I have never seen a publication, a UDF Update publication.

MR JACOBS: Mr Chikane is it correct that you did play an (20)  
(important part in the planning and setting up of UDF offices in the Northern Transvaal? -- I worked in that area to try to get the region organised. This organisation, some of them were supportive of the UDF, some were already affiliated to try to get them co-ordinated under some kind of a structure which later was known as Area Committee which the people there resented and it was called different names. Sometimes it was called co-ordinating committee of the Northern Transvaal.

And it was of great importance to the UDF to set up offices in the Northern Transvaal? -- I do not know exactly (30)  
what/....

what counsel means by great importance but ...

Was it important for the UDF or not?

COURT: If it was not important would they have attempted to do so?

MR JACOBS: But there was a special reason why UDF offices had to be set up in the Northern Transvaal, is it correct? -- We had affiliates there. The only reason is that where we have affiliates that we think that they can constitute a region then attempts are made to try to get them to form a region. And secondly because Northern Transvaal is far from (10) Johannesburg. It is far from Johannesburg you know. We were trying to set up a region so that people can be able to discuss things there on their own because it was difficult for them to attend ...

COURT: But now I do not understand it. Up to this stage I was under the impression that Northern Transvaal wanted a region but that Transvaal actually did not want to make them a region. Now you are saying that you as a Secretary of Transvaal wanted them to be a region? -- I wanted them to be a region. In fact I do not think it was opposed, the (20) Transvaal was really not opposing the idea. But they wanted to satisfy themselves that they have got enough organisations that constitute a region. What they resented was when they were called area committee of the UDF Transvaal. The people in the Northern Transvaal resented that.

MR JACOBS: And I put it to you the importance of the Northern Transvaal was a part of the UDF policy to organise and mobilise and politicise the people in the urban areas? -- Can I get the question again?

The rural areas? -- What was the question? I heard (30)

the/....

the urban and then I hear rural.

Yes, the importance of setting up offices of the UDF in the Northern Transvaal was so that the people in the rural areas could be organised, mobilised and politicised? -- That is correct. We had organisations that have already affiliated and then we felt that those organisations have got to be strengthened and if that is what counsel means by mobilise, organise, that is correct.

Not only the organise but the people in the rural areas? -- That is correct those organisations were based in those (10) rural areas, some of them and then we wanted to strengthen them in order to support the UDF, or to strengthen the UDF in the rural areas.

C.986 And it was also important to organise, mobilise and politicise the people in the Bantustans and independent states in the Northern Transvaal? -- We do not recognise the Bantustans. We believe that South Africa belongs to all who live in it and we wanted to organise, organise all the people, all South Africans even those who happen to be trapped in the boundaries of the so-called independent states. Because (20) we know they are not independent, they are still dependent. That is why I would not even call them independent states, I think they are still dependent.

Well at the moment ... -- In a lot of ways. Now it was the aim of the UDF to organise people there and we believed that if we could succeed we will be able to persuade the government to come up with a new dispensation where all South Africans can be able to enjoy the same right and to have one Parliament that represents everybody else.

It may be that you do not recognise them Mr Chikane (30)

but/....

but the purpose, one of the main purposes was to establish presences in the homelands and in the independent states, in the Northern Transvaal and to organise and politicise the people in the homelands and in the independent states? -- We regarded them as part of South Africa and we wanted to establish organisations everywhere in South Africa.

Now when did you start, you personally start to organise the people in the Northern Transvaal? -- I told His Lordship that it was around May 1984.

Did you go there on your own or were you instructed to (10) go there and organise the people? And organise ... -- If my memory serves me well it was the decision that was by the REC that I should visit the affiliated organisations in that area.

But, REC? -- REC, that is Regional Executive Committee.

Now when was, was a UDF co-ordinating committee established in the Northern Transvaal? -- That is correct.

When was that Mr Chikane? -- Although I cannot, as I say that committee was called different names. Sometimes it was referred to as Area Committee, sometimes it was referred to (20) as Co-ordinating Committee but there was some committee that was established in that area in the middle of 1984.

And who were the members, do you know? -- I know some of them. I do not know others.

Who are they? -- I remember there was Joyce Mabuda Fasi(?), Nowenguni ...

COURT: Now just a moment. Joyce is the ordinary Joyce and Mabudafasi is easy to spell. The next one is it Louis? -- Yes Louis.

Louis Nguni? -- Mguni.

(30)

M-n-/-.....

M-n- or N-g? -- I think it M-n.

M-n-g-u-n-i? -- That is correct.

Yes? -- And there was some students, members of AZASO, AZASO Turfloop Branch, I cannot remember their names now.

Those are the names I can remember as I stand here now.

MR JACOBS: Did you go down to the Northern Transvaal to help them to bring this co-ordinating committee into being?

-- No when I went there the co-ordinating committee had already existed, of organisations that were there. As I say some of them like AZASO was affiliated at that particular (10) stage. Others were supportive of the UDF but were not necessarily affiliated with the Transvaal. Now they had this co-ordinating structure and I went there I think to try to, to their workshop to try to explain to that committee on what UDF is all about.

When was the workshop held? What workshop are you referring to? -- I think it was a workshop organised by this committee, for members of this committee. It was around May.

I beg your pardon? -- Around May in 1984.

So did they invite you to address them at that workshop(20) or what is the position? Or were you sent by the UDF Transvaal? -- I think the UDF Transvaal was notified about that workshop and it sent me down.

Was it because your knowledge of the policy of the UDF that you were sent down there? -- The UDF Transvaal did not really tell me why but I happened to know that area I think better than anybody else in the Executive. I had already told His Lordship that I grew up in that area. Maybe that could be the reason why they chose me.

Who else from the UDF Regional or national offices (30)

attended/....

attended that workshop? -- No I do not remember anybody.

Were you the only person then? -- I remember there were other people from the Southern Transvaal but I thought they were people who were working for a community newsletter who were down there. I think it was SASPU people.

And were any of the members of the Education Committee, or commission, or Training and Education Commission or Committee from UDF attend, did any of them attend the workshop to assist the people in conducting the workshop? -- Not that one. As far as I can remember not. (10)

What do you mean by not that one? Were more than one workshop.... -- That is correct. There was another one in 1985, February, I think February 3, 1985.

Did you also attend that one? -- That is correct.

1985? -- That is correct.

For what purpose? -- There was a meeting that was organised for different organisations there when that committee wanted to establish a region. So there was that meeting so I attended it in order to explain to those who were participating that is the members of the organisations in that area. (20)

ASSESSOR (MR KRUGEL): Where was that held? -- It was somewhere in the Lutheran Church, I think about three or so east of Turfloop. The area I think it is the Lutheran Centre of some sort. Krans and something.

And that was February? -- February, again it was almost the same venue.

COURT: Kransenstein? -- Ja it is something like that.

MR JACOBS: And was this now a meeting or, this second one in February or a workshop? -- People were trying to workshop, (30)

in/....

in fact I think they were trying to prove to us that in fact they have got enough affiliates to can form a region. So I went down in order to explain the history of the UDF and how UDF came about and how it operates.

Yes but Mr Chikane this is a simple question. Because you said you attended that meeting and then you say there was a workshop I am not sure now what is the position. Was it a workshop or was it a meeting? -- It was a workshop.

That is ...

COURT: Was there a minimum number of affiliates before one (10) could form a region? -- No but we were guarding against the, because we did not have, formally we did not have that but we just wanted to make sure that at least there are organisations, more than a certain number of organisations that really warrant people to can form some kind of a region. One had to use his own I think discretion in as far as that goes. For instance that is the reason why in areas like Lenz and Elcōorado Park, those people could not even form an area committee. We said they would rather be part of Soweto, although in Lenz I think we have about three or four affiliated organisations. Now (20) from time to time we used, there was that discretion that one could use or the REC could use.

MR JACOBS: Now at this second workshop were there then members of the Education and Training Committee attending that one? -- No. I was the only one who was there.

And on the second workshop did anybody else from UDF, Transvaal Region or national offices accompany you or were any of them present at the workshop? -- Not as far as I can remember anybody officially you know. I cannot remember that.

Did you attend any other meetings in the Northern (30)  
Transvaal?/....

Transvaal? -- That is, no, let me see, on 8 March just a day before the AGM I went to the Northern Transvaal.

8 March?

COURT: 1985? -- 1985, I am sorry, 1985. And when I got there the committee organised the meeting because I had to speak to them in terms of the AGM that was taking place the following day and they wanted to know from me what UDF Transvaal was saying about the suggestion that they be an independent region from it, from the Southern Transvaal.

ASSESSOR (MR KRUGEL): Was this again at Kransenstein? -- No (10) this time it was in that area next to Turfloop, I will just remember, Mankweng, the township there.

COURT: And the first workshop was that also at Mankweng or at Kransenstein? -- No it was at the Lutheran centre.

AT? -- At Kransen something.

Kransenstein. The first and the second were at Kransenstein? -- The first and the second. Although but you know it is a centre, so there are different, at times we use the church. There was a church and there was a hall, there were a couple of buildings in that area. (20)

MR JACOBS:

Was an area committee of the UDF established in the Northern Transvaal? -- That is correct. I said this committee that at times we called co-ordinating committee we used to refer to it as area committee at times, area committee, and they used to resent that.

You see Mr ...

COURT: Well since when did this committee exist? -- I think it existed since the beginning of, around, I will say around April, March 1984. I am not quite sure. No it could not have been. It must have been after the Transvaal launch, (30)

immediately/....



immediately after the Transvaal launch.

And that was in May? -- That was in May. It must have been immediately after that because it was a committee that was made up of organisations that were already affiliated to the Transvaal region.

Did they attend the national launch, the people from Northern Transvaal? -- I think there were people from AZASO, I could remember that there were people from AZASO who attended, from that. I cannot remember other representatives of any other organisation. That is AZASO Turfloop. (10)

MR JACOBS: Mr Chikane can you be more specific. I do not understand it when, sometimes it is now, you refer to it as an area committee of the UDF. Was an area committee established, a specific area committee of the UDF? -- The structure which used to operate there we used to call that area committee of the UDF. And I say people used to resent that.

So was there ever a formal area committee established in the Northern Transvaal? -- There was a structure that we in the Transvaal called area committee of the UDF.

How many committees were established in the Northern Transvaal, so that we try and get it clear ... -- That was the only committee. (20)

There was only one committee functionary in the Northern Transvaal? -- That is correct. Later it was called again Rally Committee I remember.

COURT: Later called? -- Rally committee.

Rally committee? -- That is correct.

So it had three names, area committee, co-ordinating committee and rally committee? -- And rally committee, that is correct. (30)

MR JACOBS:/.....

MR JACOBS: And were the same people, just to get clarity on this also, at all times in the Executive of the same committee or body, whatever you would like to call it, the rally committee or the co-ordinating committee or the area committee? -- I think this committee did not have an executive, it was just a committee. Because from time to time when I attended their meetings they used to appoint a secretary and to appoint scribe as chairperson and so on. It does not look like they had a formal structure.

There was nobody that was a chairperson of that committee or a secretary of that committee? -- Not as far as I can remember. The impression I got when I went there was that they would appoint someone else to take minutes, they would have a chairperson. It is only I think after the rally on 5 August 1984 organised by the UDF that one person was often referred to as a secretary of that committee, that was Mrs Mabudafasi. But I do not know whether it was formalised or it was just that because she was a person who used to be in contact with us because she was on the phone. (10)

Did the UDF assist this organisation in the Northern Transvaal with money? -- That is correct. In fact I motivated for that. I, we gave them I think a thousand Rand. The total budget was about R6 000 when they were organising the rally. (20)

And was R6 000 paid over to them by the UDF? -- No in fact we gave them R1 000. I took some of the moneys because it was to pay for transport and food during the time, during the day of the rally itself. Now national office wanted the money to be accounted for so the REC sent me down to make sure that everything else is paid and then whatever money is left I should bring it. Now I cannot remember as I stand here whether/.... (30)

whether, how much was brought back, how much I brought back from that money.

COURT: Now that money was not R6 000 it was R1 000? -- No ...

Or was that R6 000? -- We gave them R1 000 first.

R1 000. -- To book the venue and to ...

Yes. -- And then from there I took R5 000 with me.

So in total R6 000 was made available and some of it was brought back? -- That is correct. Now the reason why I am not sure how much is because people were supposed to pay for the buses and then we were supposed to pay for those (10) who cannot pay.

MR JACOBS: Where was the head of this committee situated, which town or ... -- I do not understand the question.

Where was the head office, where were the offices? -- They did not have any office but they used to meet at Mrs Mabhudafhasi's house.

Is that in Pietersberg or where? -- Mankweng, yes it is area of Pietersberg. Mankweng is just a township next to Turfloop.

Mankweng is a township in the district of Pietersberg? (20) -- That is correct, next to the University of the North.

COURT ADJOURNS UNTIL 28 OCTOBER 1987.

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