

understand their explanation of what happened and why they have committed themselves to that and I am satisfied that it was a decision not taken lightly and has led to a great deal of self-examination on their part as well. The response to me and to others who were present when we had this debate was that although they could understand why those of us who were there did not support violence or the armed struggle the onus was on us then if we were committed to a non-racial democracy to show other ways of achieving. That was more or less the position that we had. This was made clear in a (10) subsequent communique which was available.

Yes. Now Dr Slabbert two things arising out of that. Other ways, what, can you advance ... -- Well the question that arose at, and I am thinking specifically of the meeting we had at Dakar and subsequently in Frankfurt and now recently in Leeukusen(?), the white young Afrikaner academics who were there made it quite clear that they found the idea of taking up arms against their kith and kin abhorrent but then the question was put to them well we can understand that but what are you prepared to do, what can you do. And then the argu-(20) ment was that well for them as white Afrikaners there were different avenues of political expression that could be used to promote the idea of a non-racial democracy which were not open to the vast majority of members in the ANC. I think that was the context.

We have heard evidence in this case from people who have said that they understand why the ANC has turned to violence and why young people have turned to violence by joining the ANC. Now I do not want to ask you for your view as to the correctness or incorrectness of that decision. What I do (30)

want/....

want to ask you is whether you feel that people who hold such a belief whether there are any reasonable grounds for them to hold that belief? -- Yes I believe that there are reasonable grounds. Not only as far as blacks are concerned. In the history of our society there were whites who turned to violence because they could not, I think of the Afrikaners in 1914 in the Boer War there was a feeling that they could not achieve their objectives in terms of the available channels. I personally am not committed to violence as an instrument for achieving political objectives but I think there is over- (10)whelming evidence on a comparative nature of people in a society who feel that this is the only way they can go about it.

Now, Dr Slabbert the United Democratic Front, you have been given extracts from his lordship's judgment dealing with the findings made about the United Democratic Front. I want to ask you whether or not you perceived or whether or not you regard the United Democratic Front as having any importance within the South African situation? -- Well certainly I regard the United Democratic Front in a sense as the child of the (20) Tricameral parliament. I mean it came into being after that and in a short space of time managed to capture the imagination of a great number of people in this country, managed to articulate some of the ideals and views of those people. So certainly I would say from its inception right up until the state of emergency was announced there was no question about the popularity of the United Democratic Front and its affiliates.

As far as the leaders of the United Democratic Front are concerned are you able to say anything about their standing (30)

within/....

within the black community? -- Yes certainly. Those that I have met enjoy very high standing and it varies from region to region. I think it is true to say that the United Democratic Front has almost total support in the Eastern Cape for example, certainly here in the Vaal triangle, they have significant support in the Western Cape. I am not, I cannot say right across the country, I have not been all over the country in that sense but certainly in the major metropolitan areas there is no doubt that they enjoy great support.

People like Mr Molefe, Mr Chikane and Mr Lekota who (10) are accused persons in this trial, are they, did you know them before this trial? -- I knew of them but I had not met them.

As far as their reputation is concerned do you know anything of their standing in the black political community? -- Well they and others certainly are highly regarded by members and supporters of the United Democratic Front and I have been to rallies, to meetings where there was clear evidence of their popularity.

Apart, at present Dr Slabbert you are I think teaching at the University of the Witwatersrand Business School and (20) that you are also a director of an institute known as the Institute for Democratic Alternatives for South Africa? -- That is right. I do that in a voluntary capacity in IDASA as director of planning and research but I am at the moment a visiting professor at the graduate school of business.

Yes. Could you tell us what you hope to achieve through IDASA? -- Well the terms of reference of IDASA as laid out to me in its programme, it is an attempt to promote the idea of a non-racial democracy, particularly amongst whites and to do so by engaging extra-parliamentary organisations, movements (30)

and/....

and individuals across a wide spectrum through workshops and seminars and conferences, to talk about what a non-racial democracy means.

Why have you chosen to engage persons in extra-parliamentary activities? -- Because I felt that there was a widening gap between parliamentary and extra-parliamentary politics and that increasingly if we are going to move towards a peaceful resolution of our situation or towards what I would hope to be a non-racial democracy it seemed to me inconceivable that this would come about without the active participation of the (10) people in the extra-parliamentary area.

Would that include people such as the UDF and other mass movements? -- Well as far as I am concerned the UDF, the ANC, the PAC, all the organisations would have to be involved.

Yes. Now I would like to ask you about your views of the future. Do you think it possible that reconciliation will come about within this country? -- I think it is possible and, but it seems improbable at the moment because the conditions for reconciliation are absent.

What would you regard as the conditions necessary for (20) reconciliation? -- Well I suppose if one take one's leaf from say industrial reconciliation or industrial bargaining what you have there are two parties negotiating with one another and they are able to freely mobilise support from their respective constituents, they can organise, they can choose a committee, they can choose leadership, they can give a mandate to the leadership, they can enable the leadership to enter into compromises, they can come back and enforce the compromises. Now those are all things that are more or less present in the industrial sphere but totally absent in the political (30) sphere./....

sphere.

In relation to that the issue such as the unbanning of the African National Congress, the release of Mandela and other leaders and the return of exiles, do they have any importance? -- I think it is absolutely crucial, I think that the general view held by not only foreign governments but the vast majority of organisations in the extra-parliamentary field is that until such time as there is that kind of freedom of association and for example an organisation such as the ANC or others can test their support on a constituency basis we will (10) always be trapped in the situation of not knowing what the grass roots support is of a particular movement or organisation that claims support and the only way one can find out is actually to allow them to participate peacefully and legally in the political process in the country.

If that were to happen are you able to express whether or not there is any reason to believe that violence might cease? -- Well if one takes the statement of the ANC which was issued in October last year concerning negotiations they made the point that should those conditions obtain and they can (20) participate legally then violence from their point of view and from their initiative would cease. But I have to stress that we live in a society that is ripe for all kinds of violence. I mean one cannot expect the ANC to curb right wing violence for example, or violence on any part of other organisations. So one can only really say test them in terms of their own commitment and see to what extent they hold to it.

And you told us of the importance of the United Democratic Front and the importance within the black community of its leaders. Insofar as the process of reconciliation is (30)

concerned/....

concerned do you consider that the attitude of this court to the sentence in this case has any relevance? -- You mean the impact of the ...

The impact of sentencing and the approach to sentencing of these persons? -- Certainly. I think it would have very, it would be very important.

In what way Dr Slabbert? -- Well I suppose the, I suppose in the sense of the severity of the sentence would be something that would certainly have a profound impact on the views of the supporters and the sympathisers of the United Democratic Front. I think this seems to me a fairly logical conclusion that one can draw. I think in addition to that it is an extremely difficult position that the legal system has in a deeply divided society and that in that sense the nature of the sentence would certainly influence the attitude of people towards the situation. (10)

Yes. These people Dr Slabbert, are they mavericks or are they people, the accused persons whom I have mentioned who are leaders of the United Democratic Front are they mavericks or are they people with, representing views held by a substantial body of persons in this country? -- I certainly think that they represent views held by a substantial number of people in the country, certainly. (20)

COURT: To which views do you refer? -- The idea of a non-racial democracy, the idea of a more just economic system, the idea of the abolition of all laws based on race or ethnicity, the idea of a more equitable educational system. I think that enjoys the support of a number of people.

MR CHASKALSON: And the fact that his lordship has held that a component of the activities of the UDF involved violence, (30)

would/....

would that in any way have, contradict what you have said?  
-- Not necessarily. I must confess that I am not in command of any facts to the effect that they were, except to the extent that I ...

Please just accept the finding of his lordship. -- Yes well that is what I mean. That is all that I have to go on.

Yes but on that finding would it contradict what you have said about their importance within the community, the respect with which they are held and the importance of sentencing in the circumstances? -- Not necessarily, no. (10)

CROSS-EXAMINATION BY MR JACOBS: Dr Slabbert you told the court that you have seen part or extracts from the judgment. Which parts did you see? -- If I remember correctly the parts which refer to his lordship's view on the formation of the UDF, the subsequent activities of the UDF and his view on the accused.

Is that all? Not on the policies and aims of the UDF itself? -- I must say I did not have the full judgment at my disposal.

Are you thoroughly conversant with all the aims and (20) objects of the UDF? -- In terms of some of the published documents, statements of belief, the founding statement, yes.

But will you classify yourself as thoroughly conversant with it? -- More conversant than the average person, certainly.

Are you also conversant with the fact that the UDF, with all the victories the UDF claimed as a result of its organisation and mobilisation of the people, the masses? -- Well I cannot comment on the substance of those victories. I mean it is not uncommon for political organisations and movements to claim victories for which they are not responsible so one (30)

would/....

would have to go into what particular victory you are talking about.

Let us take for instance in their endeavour to destroy the Black Local Authorities. Did they claim any victories there to your knowledge? -- Yes I think that they, well I do not know whether they claimed victories but they certainly had a very strong view on Black Local Authorities but I think it is also important to point out that the rejection of Black Local Authorities is not an invention of the UDF. This has been the case for a long time. (10)

No that is not my question Dr Slabbert. I asked you whether they claimed any victories in the destruction of Black Local Authorities. Do you know how many members of the councils were killed as a result of the mobilisation and organisation by UDF and its affiliates? -- No I do not. But I was not quite sure what you meant with victories. I think if you have a low poll that would be considered as a victory as well.

Yes but also the destruction of the, I specifically referred to the destruction, after the Black Local Authorities came into operation. So do you know whether any councillors (20) were killed as a result of the organisation and mobilisation of UDF? -- I certainly am not competent to express a view on that. I know that councillors were killed.

Do you know the value of property destroyed over the country, right over the country as a result of the organisation and mobilisation? By the UDF? -- Not as a result but I can imagine that a lot of property was destroyed, yes.

Do you condone the destruction caused by the UDF and its affiliates? -- I do not condone any destruction by anybody.

Do you agree Dr Slabbert that there is a duty on the (30)

state/....



state and its tribunals to protect all the inhabitants and subjects of the state, of the country? -- Well that is the responsibility of the state, certainly.

So it is also the duty of the state's courts to mete out sentences for people destroying the country and destroying the people? -- Well that is the responsibility and task of the court.

Thank you sir.

RE-EXAMINATION BY MR CHASKALSON: No questions.

NO FURTHER QUESTIONS

(10)

MR CHASKALSON: I think I should tell your lordship that the doctors were able to see ...

COURT: Accused no. 17.

MR CHASKALSON: Accused no. 17. They actually conducted tests on him last night at 21h00. We have been informed orally of the results of the tests. It appears as if they are relevant and that the information should be placed before your lordship. I am reluctant without either my learned friend Mr Bizos or myself having spoken directly to the doctors to indicate what they are but certainly the information that has been commu- (20)  
nicated to our attorneys is that the tests will be of relevance. The arrangements have been made for the doctors to put their conclusions into writing. The writing is being brought across to Pretoria and we have been told that we could expect it here between 11h15 and 11h30. At that stage we would certainly be in a position or would hope to be in a position to tell your lordship more.

COURT: Will the doctors accompany their writing?

MR CHASKALSON: I understand that they may not accompany the writing now but we will have more information (a) as to the (30)

contents/....

contents of the writing and (b) as to whether the doctors can be made available today or tomorrow and generally in relation to that in a short while and I think that my learned friend Mr Bizos, who will be dealing with that part of the case, should indicate to your lordship how he would, what he has ...

COURT: Apart from accused no. 17 and his medical problems do you have any further evidence in mitigation?

MR CHASKALSON: We, perhaps my learned friend Mr Bizos can, he has had consultations and he will be leading. (10)

MR BIZOS: There are three others my lord who are not available today but judging by the pace at which we have been going we will probably be able to finish with all four witnesses tomorrow, if your lordship were to allow the matter to stand down until tomorrow. I have also had a discussion with Mr Fick in relation to the doctors. We will make the reports available to the state and if they are sufficiently explicit and we do not require to lead the doctors it is possible that that matter may be dealt with by consent. So it is with some reluctance that, there would be in my submission no useful (20) purpose to ask your lordship to wait for the reports. Firstly we do not know how quickly they will get them down on paper in Johannesburg early this morning and how quickly they will get over here and we would move for an adjournment of the trial until tomorrow.

COURT: Yes. May I now take it that the doctors will not keep us waiting beyond tomorrow but that they will, if they are required they will give their evidence tomorrow so that we can complete your part of the evidence tomorrow?

MR BIZOS: Yes I think that that can be taken for granted. (30)

We/....

We may have to ask possibly another doctor if one particular one cannot come to take the findings as read because there were examinations of a different kind. But we will certainly try not to burden your lordship beyond tomorrow.

COURT: I take it that these findings will not be very much in dispute. You probably will be able to agree with the state on the contents of the report.

MR BIZOS: Well your lordship has had accused no. 17 before your lordship for a long time and I think personal observation sometimes may be as important as doctors examinations (10). so I do not think that there will be great dispute in relation to that.

COURT: What is your attitude Mr Jacobs?

MNR JACOBS: Edele ek kan, dit is die situasie waarin die verdediging hulle bevind. Ek kan daarop niks verder sê nie as dit dan uitstel tot môre wil gee is dit reg.

COURT ADJOURNS UNTIL 7 DECEMBER 1988.

**Collection Number: AK2117**

**Collection Name: Delmas Treason Trial, 1985-1989**

***PUBLISHER:***

*Publisher:* Historical Papers Research Archive, University of the Witwatersrand

*Location:* Johannesburg

©2016

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of a collection, held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.