

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1987-08-05

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN  
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. W. HANEKOM

250

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

ISMAIL AYOB & ASSOCIATES

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FOR YOUR INFORMATION

VOLUME 250

(Bladsye 13 308 - 13 383)

COURT RESUMES ON 5 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, is EXHIBIT H1 before you? -- It is.

I would just like to go into a little more detail about the circumstances in which this discussion took place to which you were referring to yesterday at the time of the adjournment. First of all, the dates given, is 21 and 22 July 1984? -- That is correct.

Paragraph 3 - I think you told us yesterday that (10) these minutes were actually prepared not by you personally? -- That is so.

Paragraph 3 under the heading the "Workshop" says "It was decided that the workshop be transformed into an emergency NEC meeting. It was further noted that the nature of some of the issues under discussion was such that mandates of regions were needed. It was therefore decided that the NEC decision forwarded to regions as guidelines for discussion that firm decisions be taken on the basis of symphathised views of reasons. Could you explain that to His Lordship?(20) -- I do not know if I should discuss the whole paragraph.

Please. -- Initially it was intended that that come together that get together was going to be a workshop which was going to discuss the whole question of how the election campaign was to be conducted and to develop alternatives to the elections and the new constitution.

When you say alternatives to the elections and the new constitution, what do you mean by that? -- I mean - when the elections are taking place and the UDF says that it was opposed to the elections that were taking place, boycotting the (30) elections/...

elections, it would have had to work out what then it offers as a better alternative to the elections taking place in terms of the tri-cameral constitution - the constitution based on the tri-cameral formation.

Can I ask you something else at this time. The UDF had been brought into existence initially to oppose the Koornhof bills and the constitution? -- That is correct.

Had there been any discussion as to the future of the UDF if the constitution was passed and the Koornhof bills were passed? -- I think that is one point I left out, one (11) of the points I left out when I spoke about the business of the workshop. Prior to this meeting there had been a lot of questions and debate within the affiliates and within regions of the UDF as to the direction of the future of the UDF after the elections that were due in August 1984. A whole lot of views were expressed. Some people were thinking that the UDF should now transform into a political party committed to a single ideological position. There had even been, you know, names were thrown around. I remember one of the names that was mentioned in some regions at that stage was the (20) possibility of the UDF transforming into a united democratic movement, rather than a united democratic front. There was really that whole sort of ... (Court intervenes)

COURT : Just a moment. Could you explain the difference to me, a united democratic movement and a united democratic front? -- A united democratic front would mean a front that is broad, a loose alliance of these organisations, with organisations retaining their autonomy within that broad umbrella. But if it was to transform into what was suggested at that time, it would have meant that it should say "Now we are (31) committed/...

committed to a wide range in political program, that contains things such as a specific nature of economic system that should be developed for South Africa and a kind of a system that would be acceptable to all the organisations, to all members of the UDF." It would also have meant that more control, strict control was going to be exercised on the members of the UDM. This would have been of course in conflict with this element of autonomy and democratic processes that were taking place within the affiliates. It was a fairly complexed proposal. It might have well meant (19) that those affiliates that had existed would have had probably to disband and to become local branches of the UDF with a single constitution which each one of them would be committed to.

MR CHASKALSON : Would individuals then be able to join the United Democratic Movement as individuals? -- In a sense it would mean really that it would become a movement to be joined by individuals, no longer organisations.

So, that was one of the matters which was - you said that the workshop was going to discuss the future of the (20) UDF and the matters relating to alternatives to the new constitution which was then to be voted upon? -- That is so.

If you would look under paragraph 4, you will see that there is a heading "Future of the UDF."

COURT : . Why was it then, the workshop transformed into an emergency NEC meeting? -- I cannot remember the specific reasons, but I think if I recall, I am not quite sure of this, but I think it was felt that it would have had to deal with very crucial policy matters and if you have a workshop, a workshop is not a policy making body. It (30)

cannot/...

cannot make decisions for an organisation. Now, if it is a NEC, if it is a constituted body that is operating in terms of the working principles or the constitution of an organisation, so that it is in a position to formulate policy for the UDF, it was I think in that context that it was suggested that it be transformed into a NEC, because it had to take policy decisions on certain matters.

MR CHASKALSON : If you would look at paragraph 3. It is recorded that the NEC decisions would be forwarded to the regions as guidelines for discussion and that firm decisions (10) be taken on the basis of sympathised views of the region. Was that agreed upon on that occasion? -- That is so.

So, what is recorded here as decisions, are really guidelines?

COURT : Are you telling the witness?

MR CHASKALSON : As Your Lordship pleases.

COURT : What is set out is set out.

MR CHASKALSON : It is as it is set out. -- May I turn to deal with that question. I think there may be a bit of misunderstanding on that issue. When we say that the (20) decisions of the NEC were forwarded to the regions as recommendations, it may imply that everything that is in here was simply a recommendation to the regions. I think there are specific aspects of these meetings which were long standing policy of the UDF. The example of that is the issue for instance of the national convention. That principle of the national convention was standing policy. It was like that. The question of a call on the unbanning of the banned organisations, that was a standing policy. The call on the return of the exiles and the release of political prisoners. (30)

Those/...

Those issued were matters that had been discussed previously and a clear policy had emerged on those matters. Those issues which were to be regarded as recommendations were really issues like, the one we debated yesterday, the question of whether the call for the disbandment of the police force and the army is a practical one. The nature of the kind of commitment that the government has got to make in terms of the new constitution. Those were amongst the other things that were seen as recommendations as I recall.

Would you look at paragraph 4.1.1 on page 2. "Discussing the future direction of the UDF." Would you just look at that paragraph.

COURT : The conference resolutions refers to the conference at the launch. Is that correct? -- That is correct.

MR CHASKALSON : Was there any discussion about the future of the UDF? -- There was.

I do not want to move away from the national convention at the moment, because that is the issue I want to talk about, but was there any firm decision taken about the future direction of the UDF? What I want to know is (20) whether the question of the future of the UDF was a matter upon which a discussion was to take place or whether firm decisions had taken place or whether you do not remember? -- My recollection is that no firm decisions were taken. It was one of the recommendations sent to regions for further discussions.

As far as the structure was concerned? -- As far as the structure was concerned, the view of the NEC was that it must retain the structure that existed.

Would that also be referred to the regions for (30) discussion ...

discussion or not? -- It was to be referred to regions for discussions.

If we could then go to what we were discussing yesterday in paragraph 10 about the national convention. The minute begins "It was noted that calling on people to boycott elections is not enough. The UDF has to offer alternatives." Do you wish to add anything to that which you have said first thing this morning when you told His Lordship of one of the matters which was under discussion at the meeting? -- I do not know it if is necessary. (10)

10.1 says "Minimum demands." Could you tell us what those are under that heading? -- They have set out here a non-racial democracy arising out of participation by all the people.

I do not think we understand each other. I am not asking for the details of each one of the demands. What is understood or what did you understand the discussions concerning minimum demands to be? To what did they relate? -- The minimum demands really related to what was considered as a way of creating a constitution that would be acceptable to all the people. A way that will enable us to end the conflict that was existing in the country. (20)

Then the next heading is "Methods". What are the methods recorded? -- The methods really here refer to how the UDF was going to go about to persuade the government to finally call the people of South Africa to a negotiating term.

You told us that there had been - you told us previously about mass mobilisation and mass action and building organisations of the people. Was it contemplated that the methods would use violence or anything involving violence? -- The (30) policy/...

policy of the UDF of non-violence had never changed. This did not imply any violence.

If any individual who was a member of a UDF affiliate engaged in violence, would that be in accordance with or contrary to UDF's policy? -- That would be contrary to UDF policy.

If any affiliate of the UDF engaged in or committed violence, would that be in accordance with our contrary to UDF policy? -- It would not be in carrying out of the UDF policy, thus it would be contrary of the UDF's policy. (10)

If any individual put out a document promoting violence, would that be in accordance with or contrary to UDF policy? -- That would be contrary to UDF policy.

And if any affiliate put out documents which promoted violence, would that be in accordance with or contrary to UDF policy? -- That would be against UDF policy.

Now we come to 10.2 which is a heading "Conditions for a national convention." I think you discussed most of these conditions yesterday, but there are one or two which I still want to bring to your attention. First of all if you could(20) go over to - I think you were asked yesterday a question in regard to who might participate in the convention. I would like to ask you specifically whether you would contemplate whether or not the government as government would participate in the convention? -- The government is in power in this country. It is in control in this country. It would thus have to be part of that process. In fact, the government would have to call that convention. When we made all these calls - when we made this call from time to time, we were really directing that call to the government. It is (30)

unimaginable/...



unimaginable for any national convention to take place if the government is not party to that. It would be meaningless.

We discussed yesterday the conditions - there is one condition there that I think was not referred to yesterday which I think I should bring to your attention. I think we have discussed all the others, but there is a condition, the second last condition in paragraph 10.2 "Suspension of racist constitution." Can you tell His Lordship what this refers to and what you understood by that discussion? -- I understood by this - I understood this to refer to really (10) appeal to the government to make a commitment that that new constitution would be suspended and that it was committed to changing that new constitution for a better constitution for the future.

When you say that new constitution - to what are you referring? -- I am referring to the tri-cameral formation new constitution.

You mentioned to His Lordship that the national convention, the idea of a national convention had been the policy of the UDF prior to this meeting? -- That is so. (20)

I would like to show you a document dated October 1983 which is a letter from the United Democratic Front to the then Prime Minister of South Africa. Does that letter bear your signature? -- That is so.

I would like this to become an exhibit. I think it is DA21.

COURT : It is not already before Court, somewhere in the papers?

MR CRASKALSON : I am told that there is a draft before court. This is an actual signed copy of the letter. (30)

COURT/...

COURT : Would you give me the reference to the draft as well?

MR CHASKALSON : I will try and find it. -- I think it is AL46.

COURT : How did you get the original of this document?

Was it not sent off?

MR CHASKALSON : I will lead the witness on it. Perhaps you could tell us about ... (Mnr. Jacobs kom tussenbei)

MNR. JACOBS : Die getuie is korrek. AL46 is die dokument.

HOF : Is dit 'n konsep?

MNR. JACOBS : Dit lyk so, ja.

MR CHASKALSON : First of all, do you know whether or not (10) this letter was delivered to the Prime Minister's office?

-- It was delivered.

Who delivered it? -- I personally delivered it.

And is this a true copy of the letter that you delivered?

-- That is correct.

I see the letter is signed by you on behalf - there is space for two signatures. One Mr Gumede. Are you able to tell us whether or not that is his signature? Look on page 3?

-- That is his signature.

And the second one was Mr Mpetha and there is your (20) signature on his behalf? -- That is correct.

Can you explain why this letter was written to the Prime Minister? -- At that stage there was a situation that had developed in the country, especially in government circles that had given us the impression that there was no proper understanding of what the UDF was and what it was all about from the side of the government. So, we wanted to clarify that position. At the second level we wanted to make clear our position on the question of negotiations and how we think the problem of the country could be (30)

resolved/...

resolved and this letter was really written in line with our principle of, commitment to the principle of the national convention. The misunderstanding that I referred to earlier on of course was manifesting itself in the kind of actions that the government was taken towards the UDF. At that stage there were a number of meetings of the UDF which were being banned and we wanted to talk to the government about that.

Will you look at the first paragraph of that letter. Does it refer to the bannings of public meetings? -- That(10) is correct.

Is that correct, is that what was happening? -- That is so.

In the second paragraph there is a description of what the front is. "The front is an alliance of community, church, political, worker, professional, student, women and youth organisations of democratic and non-racial outlines. A little more than 400 organisations launched this front on 20 August 1983 at Mitchell's Plain Cape Town. Today there are over 530 organisations affiliated to it." I pause there(20) for a moment. Had the number of affiliates grown since the launch? -- That is so.

Are you able to say how this figure of 530 organisations was established? -- It was a figure that we got from various regions of the UDF when we attempted to establish how many affiliates were in existence.

The letter continues "And the number of its affiliates continued to grow by the week." Can you tell us, did the number get beyond 530? -- Yes, it has been pretty difficult really to keep track of these numbers. We ended up in (30) some/...

some instances really dealing with estimates, ourselves.

"Importance may be gauged from the fact that on August, 20 independent observers estimated the number of people represented by the front at 1,5 million."

ASSESSOR (MR KRUGEL) : The number of affiliates, how do you count them? For instance, if we take the VCA about which this Court has heard evidence, would you count the VCA as one affiliate or would you count the VCA Vaal, Boipatong, or the Boipatong committee or the Zone 7 committee? Would you count each of them as an affiliate? -- That differed (10) from region to region. I personally would regard that as one affiliate, but what happened when we launched the UDF, there was a situation where some affiliates which had become umbrella organisations, when they went to the national launch, did not affiliate as the umbrella like that or may be they did that and then the affiliates of that umbrella organisation also affiliated individually. So, that there was that problem really of sorting out how to deal with this problem. Some of the affiliates were clear that they were affiliating as an umbrella organisation. For instance the (20) Council of Unions of South Africa. It was the council that had affiliated, but when we count affiliates, we would then look at how many of the organisations fall under that umbrella body and count them as individual affiliates, because they have endorsed their affiliation of the umbrella.

Each region of an umbrella organisation and each zone or section is counted as an individual organisation? -- When I refer to region, I actually am referring to provinces, because the UDF was referring to provinces as regions.

If we take now the trade unions, as you say, they (30)  
affiliate/...

affiliate under one umbrella, that every individual organisation that is a member of this umbrella organisation is counted as an affiliate? -- Is counted as an affiliate. This was really a fairly complexed problem, because if you have for instance CUSA as a - Council of Unions of South Africa - federation, you might have it affiliating to the UDF and it has got under it national unions, a region of that national union in the Transvaal affiliates to Transvaal UDF. Another region of that same national union is affiliating to the Western Cape region of the UDF. So, that sometimes you (10) have a situation really where what should have been one organisation is about four or so organisations, because they are affiliating as regions in various regions.

MR CRASKALSON : If we could take it further. If you take a body like you gave the example of CUSA and it had a number of individual unions, you told us that you regarded CUSA as representing each one of those unions. Would each one of those unions be recorded - what I would like to know is, the status of each one of those unions as far as the UDF is concerned, whether each one of those unions would (20) officially have to itself confirm and adopt the declaration and become an affiliate or whether it would relate to the UDF if it related at all through CUSA? Do you understand what I am asking you? -- Yes, I do.

Can you just explain how that would work? In other words whether any individual union in the umbrella could claim a seat on a regional council or whether the CUSA which are affiliated could claim a seat on the council unless there was a formal affiliation and acceptance of the individual union? -- CUSA had actually affiliated to (30)

the/...

the region of the Transvaal UDF and as I understand it, that happened after a discussion had taken place within CUSA on the declaration of the United Democratic Front and they agreed that the council could affiliate, but they were represented by the council. They would actually get a feed back from the council. They were not sitting as individual unions in the regional council of the Transvaal as I recall it, but it was a flexible position. I could not say that that position held for may be a region like the border or Natal. The situation might have been slightly different(10) in that region, that an affiliate of CUSA in Natal might have decided that it wants to sit in the general council of the UDF, it does not want to be represented through the council or even if the council represents it there, it also wants to be part of that.

What I want to know is, would it have to apply for affiliation if it wanted individual representation or could it claim it without applying for affiliation? -- I think if it wanted individual affiliation it would apply for that.

COURT : It would have to pay its dues? -- Yes, it would (20) have to pay its dues as an individual affiliate.

MR CEASKALSON : And if we are coming to the Vaal as an example, I do not know whether you are able to say, but do you know whether the VCA - it is common cause that the VCA affiliated but do you know whether any one of the zones affiliated independently of the VCA or whether it was only the VCA that affiliated or do you not know? -- I think it was only the VCA that was affiliated, but I am not sure. The UDF is a very big organisation and it is divided into regions. I was responsible for the national office. I would not (30)

really/...

really deal directly with the affiliates as a rule.

If we could come back to the letter which we were looking at, the letter to the Prime Minister where it is said that "Independent observers estimated that the number of people represented by the UDF at 1,5 million." To what would that refer, that 1,5 million? -- That would refer to the membership of affiliated organisations and those who supported the UDF.

Does that mean that this would be a reflection of the individual membership of the individual affiliates?-- That(10) is so. I understood it in that context.

"We can safely assert that there are close to 2 million people now represented in it." What would that refer to? Would that refer to 25 October 1983? -- Yes, taking into account the growth of the UDF and its popularity after it was launched, because once it was launched, more and more people got to know about the UDF and be supported. Once more I need to state here that it is a very difficult thing to really establish what the number of the support of the organisation is. It was just an arbitrary estimation really(20) based on the estimates made by other observers who seemed to be fairly knowledgeable of these things.

Then it says "This is a significant section of our country's population." Then it continues "The UDF was launched for the purpose of mobilising and expression opposition to the implementation of the recently enacted constitution act as well as the Black Local Authorities Act, the orderly movement and settlement of Black persons bill and the Black community development bill. The so-called new deal is being imposed without any consultation with the people (30)

most/...

most intimately involved in its implementation and is imposed also because it entrenches apartheid. Under it the unity of our people would be undermined, the workers of our country will continue to be divided along racial lines, students will continue to suffer under unequal education opportunities, the religious and cultural life of our people will remain cripple, the oppression and exploitation of women will continue and family life will further deteriorate. In addition recreation and non-racial support will suffer." I think you dealt with all these yesterday when you were going (10) through the declaration? -- That is so.

Then at the top of page 2 "At the time when important debates on the future of our country are being conducted both at home and around the world, we believe that it is a great error on the part of your government to refuse to heed the voice of all these people who comprise the United Democratic Front. Since the national launch of the UDF in August, your government has practically banned every meeting of the front as well as those of its affiliates or other organisa-(20) tions of the people who are opposed to your apartheid policies." I think you have dealt with that already? -- Yes.

Why does the letter say "We believe that it is a great error on the part of your government to refuse to heed the voice of these people who comprise the United Democratic Front"? -- Democracy is based on the consent of the majority of the government and when the majority of the governed people have a particular view about a matter that relates to government policy, it is crucial that the government should heed that majority. In this instance we believed that the UDF was articulating the popular aspirations and interests of (30) the/....



the majority of the people in the country and we believed that it was necessary for the government to heed that voice of the UDF.

The second and third paragraphs on page 2, there you deal with the banning of the meeting of the secretariate of the UDF. Had that in fact taken place? Had there been a banning of the meeting of the secretariate? -- That is so.

And then in the fourth paragraph it is recorded "We condemn this undemocratic style of government and must remind you that the escalating racial and violent conflict in our (10) country and on its borders with our neighbours, is as a result of the deeds and misdeeds of successive White government since the Union Act of 1910. Indeed this new set of proposals, if implemented, will only exacerbate rather than immediate human and race relations in this country." Why was that put into the letter to the Prime Minister? -- I think the matter was put on the letter because it really forms a very crucial dimension of the problem that the people of this country are facing. What we really have in this country is a form of a racial conflict and as I have stated in the (20) past, the last few days, it is very crucial that any constitution that is formulated must be a kind of a constitution that addresses itself to the causes of the racial conflict that is in the country, that is taking place in the country. It must be a constitution that aims at reconciling the people of South Africa to live together. I think it was in that context that this was put in and we thought to indicate to the government that the UDF believed that the people of South Africa can live together in harmony.

COURT : Is this letter not more a public statement than (30)

a letter to the Prime Minister? -- No, it is not. That is not how the UDF views it.

MR CHASKALSON : Did you expect the Prime Minister to take this letter seriously? -- It was a very serious matter as far as the UDF was concerned. We wanted to go ahead to negotiate, to talk to our people, consulting with our people in respect of the new constitutional proposals. We also wanted to indicate to the government that the UDF was prepared to talk to the government if the necessary conditions for those discussions exist. If the government was open to (10) that kind of discussion. The UDF was serious about it and we see this really falling in line with our question or the commitment to the question of our national convention. It was a very serious matter. I think one other aspect that indicates that it was a serious matter, it is because after this letter was written and it was not replied, a follow up was made on that letter and I must also indicate that before this letter was delivered to the Prime Minister, I had actually made an appointment with the secretary of the Prime Minister at the Union Buildings, asking him to make (20) an appointment for me with the Prime Minister, for us with the Prime Minister. At that stage we had intended to go together with the national publicity secretary, accused no. 20 in this matter and we had hoped that any issues that arose which would have required any clarification, we should be there and be able to talk to the Prime Minister about it. We were really serious about this matter.

You mentioned attempting to make an appointment. Did you yourself deal with those arrangements? -- Yes, I did.

To whom did you speak? -- I cannot remember his name (30)

now/...

now, but he is the personal secretary of the Prime Minister.  
He was the personal secretary of the Prime Minister.

Was any time fixed? Were you able to fix any time to come to the Union Buildings? -- I had fixed time on the basis - I remember very well that we had sent a copy of this letter to be signed by the two presidents of the UDF and I had suggested a time at which I thought I would be ready to deliver the letter and this letter did not reach the office in time. In fact it delayed and we ended up not even getting the signature of the other president and because the matter (10) was urgent, I had to sign for him, but he knew about the letter, the contents of the letter. Now because of inability to make up for the time that was set for the appointment, a new arrangement had to be made and when I got there, I found that the Prime Minister was having a meeting with other cabinet members and there were a lot of other people, I think ambassadors who were there.

Was the letter delivered to the - what happened to the letter? -- Then the letter was delivered to the personal secretary of the Prime Minister. (20)

ASSESSOR (MR KRUGEL) : But was this appointment made really? -- I had phoned the personal secretary of the Prime Minister to make that appointment.

And did he give you a time? -- He had given me the time.

But then you were not there? -- I was unable to go that time. I phoned to say that I was unable to be there on that time, because this letter had not reached us, reached the national office. The signed copy of the letter.

MR CHASKALSON : What happened after that when you phoned the personal secretary to say that you are going to bring (30)

the/...

the letter and that you would like to see the Prime Minister and you could not make that time? Was it left open or was any other arrangement made? -- He indicated to me that the Prime Minister was having this crucial meeting and he did not know, he would try to see if he could see me when I got there, but when I got there he said it was not possible.

Did you see the personal secretary yourself? -- Yes, I did.

And did you hand the letter to him? -- I did. I actually had a delivery - a book for delivery made which I asked (10) him to sign to indicate that he had received this letter. Unfortunately we have been looking for it in the documents that are in possession of the State, but we cannot locate it. But he had signed that book.

The letter continues "We appeal to you and your government to desist from what is clearly a dangerous pass of confrontation and conflict upon which you are presently intent. The authoritarian methods deciding the future of our country such as the Whites only referendum, the banning of public meetings held for discussing it and the suppression of any (20) meaningful opposition to your apartheid grand designs, can only land our country and its people in disaster." Can you say why that was put into the letter? -- We considered it important to indicate to the Prime Minister that we were not committed to a program of creating chaos in the country, but we wanted a situation to develop where our people would be convinced that the methods that the UDF was employing of negotiations were the best methods of resolving the problem without violence and it was included because this letter really - the UDF was formed in the context in which there (30)

was/...

was violence taking place in the country already and a repeated banning of meetings denial by the government to organisations to make public expression of the views of their constituencies will inevitably convince the ordinary people, some people, that these methods are not viable methods, they cannot be employed. It would really create a situation of hopelessness and we wanted to impress upon the Prime Minister that the government can play a role in building the confidence of the people, convincing them that it is intend in resolving the current problems. (10)

The last paragraph on that page "We sincerely believe that a speedy and harmonious solution to the country's problems can be found. To this end we call upon your government not to implement the constitution act and not to enact the Koornhof bills. We urge you to release all political prisoners unconditionally, to lift the bands on those who are silenced and restricted and to recall those who have been forced into exile by the inhuman and racist policies of success of White minority governments. The chosen leaders of all our country's people can then sit together in an atmosphere free of fear (20) and suspicion to work out a constitution based on the will of the people, a constitution acceptable to all." The suggestion that a constitution could be based on the will of the people, if all the chosen leaders of the country's people sit together in an atmosphere free of suspicion, can you comment on that? -- Firstly the constitution, the present constitution, the one that was existing at that time, was a constitution that was based on the will of the White people only and the will of the White represents the will of a minority of the entire people of South Africa. We saw it (30)

to/...

to impress upon the government the need for a broader system of democracy that would - a real system of democracy that would include all the people of South Africa. But we also saw that as very crucial, because it had to end violence. It had to create conditions that will bring an end to the violence that is taking place in the country. We believed that to be able to end that. The government would have to accept that it has to talk to those people that it has locked up in jail. It will have to talk to those people who are already in exile, who our experience indicates that they (10) seem to have the capacity of mounding the kind of an armed struggle that do not show us that if that issue is not addressed, the violence would come to an end. That indicates to us that unless they are denied reasons to go on with what they are doing, violence could end. We wanted to be sure that the kind of a constitution that was formulated was a constitution that would guarantee that all the people of South Africa are represented fully.

The conditions stated - the provisions stated in this letter "We urge you to release all political prisoners, to (20) lift the bands, to recall into exile and people to get together and discuss", there are no pre-conditions relating to suspensions of armed forces or the like stated in this letter. -- That is correct.

Could you tell us when the suggestion relating to the suspension of the armed forces was first raised? -- My recollection is that it was really first raised at the NEC meeting of 21 and 22 July 1984.

It has been suggested that because of that condition that the call for a national convention cannot be considered (30)

as a serious and genuine call, what do you say about that? --

I differ categorically with that kind of approach, that kind of a suggestion. Firstly, we were seriously committed to

the call for a national convention and when we made that call

we were under no illusions that every single condition that was put in our call for the national convention would be met.

We called this national convention on the understanding that

in any given process of negotiations, the parties that come together in that negotiations formulate certain conditions

that they present and a flexible attitude of mind is adopted. (10)

In the course of the ensuing debates around the conditions

that are presented there, certain compromises are arrived at.

Some of those conditions might be cut out altogether, others

might actually be modified in such a manner that they become

acceptable to the parties involved. I do not believe that

if a single or two or so of those conditions set out for the

national convention were not met that would have invalidated

the whole question of the national convention. That was not

the position and it is for that reason that I differ funda-

mentally with the suggestion that this would make the (20)

national invention impossible. In any event, I believe and

I only do so that in the final analysis in this country, that

national convention is going to have to be called. May be

we might decide to call something else, but in any event

a situation is going to arise in the future in this country

where the people of our country, Black and White, are going

to have to sit down to try and resolve the crisis that

this country has been going through over the years. The

government is going to call that national convention in the

future. I am pretty certain of that. It is going to (30)

happen/...

happen and once that happened, there will be peace for ever in this country and I am not alone in this suggestion. Many people have said it before, that there is no use equivocated now and prevaricated when we know that in the end we are going to have to call a national convention and talk about the real future of the people of our country. That is going to come. It is just that possibly the process towards that is a bit slow, there are still doubts there and there, there is a whole question of having to allay the fears of the White community who over the years have known themselves to be (10) the guardians of the African people and other racial groups in this country. We have to convince them that they also have a future in this country, that we are not working towards a situation of the so-called Black majority government. We are not talking about that. We are talking about a majority government on the understanding that the people of this country come from all sorts of racial groups who under apartheid have been divided and under that new government shall have become a symphysis that would project a non-racial country under a single government. We have made the point (20) before in the past that we are not calling for a Black Prime Minister in this country or a Black President. We are simply saying we want a government that is properly elected by all the people of South Africa and that guarantees the future of all the people of this country on an individual basis. Even if Mr P.W. Botha would become the Prime Minister, the President of that government, we have no qualms about it. All we are saying is, that let us be treated decently as citizens of this country. Let us enjoy the rights that everyone else enjoys in this country. Let us share in the (30) wealth/...



wealth of this country. All of us have sacrificed a great deal in building this country to what it is. Why should it today be claimed one racial group. We believe that we have a chance to claim as citizens in that regard. I am sorry to be seeming to say so many things, but I am trying to impress upon Your Lordship ... (Court intervenes)

COURT : You can put your point across as long as you stick to the question. -- Thank you.

MR CHASKALSON : If you would look at page 3 of the letter. "As a first step in this democratic direction we suggest (10)

that you refrain from banning public meetings convened by the UDF, its affiliates and other organisations opposed to apartheid. As mature and responsible citizens we have an obligation to participate in the process of shaping the future of our country. It would be irresponsible for us to sit back unplacedly and entrust such a grave responsibility to one racial group, whether that group be Black or White."

I think you have already explained that to His Lordship in what you said before. -- If I may make just one comment.

I think in respect of the - as the first step in this (20) democratic direction we suggest that you refrain from banning public meetings convened by the UDF and its affiliates and other organisations opposed to apartheid. I think the point we wanted to make there was that even that little gesture just of allowing people to debate issues that were intimately affecting them, would go a long way in building the confidence of the building, reviving their confidence and their hopes that it is possible to bring about change in a reasonably peaceful way and that the organisations that they belong to that are lawful organisations, what they were saying, the (30) methods/...

methods that they were adopting were the correct methods.

Before the letter was delivered to the Prime Minister's secretary, was it released to the press? -- It was not.

Was it subsequently released to the press? -- Yes, it was.

When was it subsequently released to the press? -- My recollection is that it was released to the press about three days after it had been delivered.

Do you recollect whether there was any response to the letter from the public? -- There was a response from different people and organisations. (10)

Was it favourable or unfavourable response? -- I remember one particular response that was very unfavourable, quite stinging. It was attacking this is as another attempt of calling the national convention a thing of the past that was already dead and so on. I was particularly attacked for going to Pretoria to deliver this letter publicly.

Do you mean you personally? -- Yes.

COURT : The attack was on the basis there should not be a national convention? Was the attack from the Black or from the White side? -- The attack was from the Black side. (20)

That the national convention has no hope and you should not do anything about it? -- Yes.

MR CHASKALSON : Perhaps you might say where it came from? Do you remember where it came from, the person who launched that attack on you? Was it an individual or an organisational criticism? -- It was an organisational criticism. It came from the Azanians People Organisation. Amongst others. That is the one I remember.

You say, was there a reply from the Prime Minister? -- (30)

There/...

There was no reply.

Was the letter ever acknowledged? -- It was never acknowledged.

On 6 December 1983 was another letter written? -- That is so.

COURT : Is that letter before Court? I do not want to duplicate documents?

MR CHASKALSON : It is not before Court I am told. That would be EXHIBIT DA22. This letter bears the signature. Can you tell us who signed this letter dated 6 December 1983? -- It(10) is the signature of accused no. 20.

Of your own knowledge, do you know whether or not this letter was sent to the Prime Minister? -- I know that he went to deliver the letter to the Prime Minister and he came back and reported that he had delivered ... (Mr Chaskalson intervenes)

Were you with him? -- I was not with him.

There will be evidence, My Lord, that it was in fact sent to the Prime Minister. Can you just tell us what this - let me just read the letter into the record. "I am instructed by the national executive committee of the United Democratic(20) Front to remind you that on 25 October 1983 the UDF delivered a letter addressed to you in your office in the Union Buildings Pretoria. The issues raised in the letter were of a very important and urgent nature, especially in the prevailing circumstances in which the constitutional direction of this country has been discussed and decided against the background of escalating racial and violent conflict. It goes without saying that Your Honour is particularly inundated with demands for attention by various groups and organisations, thus making it difficult to attend to everyone timeously. (30)

However/...

However, in the period since our letter was delivered to your office, we feel that by now we should be honoured with an acknowledgement of receipt of our letter. We have therefore presumed to remind Your Honour of our letter and ask for a reply to it." Was this letter of 6 December 1983 ever acknowledged? -- It was never acknowledged.

Did you ever get a reply to it? -- No.

ASSESSOR (MR KRUGEL) : Did you expect one? -- Indeed. We certainly did. I think this second letter indicates very clearly the seriousness with which we viewed the issues (10) raised in the previous letter and it was really trying to persuade ... (Mr Krugel intervenes)

I understand that those were very serious matters, but could you perhaps say why it was decided to go to the press with the letter that you delivered to the Prime Minister three days after it was delivered? Can you say why the same letter was published in the press before the Prime Minister had a chance to react to your letter? -- We did not consider the reply of the Prime Minister to our letter to be an issue that could bar us from making the letter public, but we (20) wanted to make sure that at least before it goes public, he must have read the contents of that letter. It was also crucial that in a situation in which meetings were being banned and efforts being frustrated and the simmering anger building up in the township, that those of our supporters in our organisations should know that the UDF was doing something about that, doing something to try and reach out to the government on the issues of the time. It was also crucial that the public should know that the UDF is prepared to talk to the government. It was just to place on record really (30)

the/...

the policy of the UDF.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K811

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I would like to ask you about some of the methods of the United Democratic Front. First of all there has been some evidence about the million signatures campaign. I would like you to tell us how signatures were gathered, what practice was followed? -- There were a number of ways in which the signatures(10) were gathered. They were collected at public meetings organised by the UDF and at public meetings organised by the affiliates of the UDF and public meetings of organisations that had nothing to do with the UDF. The signature collectors would go to such meetings, ask for permission to collect signatures and proceed to do so once permission has been granted. Another method that was used was of standing at places where - public places where people gather like the taxi-rank, big shopping centres, supermarkets and ask people to sign the declaration. There was also another method of standing in(20) town right in the city on the corners of main streets and asking people to sign. There was yet another method which was considered by the UDF to be the most important. This was the method of going door to door, going into the houses, homes of people and talking to them in the quiet in a home situation and tell them about the UDF and ask them what they felt about the million signature, new constitution and Koornhof bills. We felt that that was the most important method because it allowed for the exchange of views between the collectors and the people approached to sign. (30)

Was/...

Was a volunteers' handbook prepared for use in connection with the million signature campaign? -- It was.

I would like you to look at EXHIBIT W52. Are you able to identify this as a volunteers' handbook to which you referred? -- Yes, this is the volunteers' handbook but I have not referred to it. I cannot recall referring to it.

Oh, I thought I asked you whether a volunteers' handbook was prepared and you said yes? -- Yes, in that context.

Can you tell us how it was used? To whom was it distributed? -- The volunteers' handbook was issued for purposes (19) of use by people who were regarded as volunteers and those people who were volunteering to collect signatures for the UDF and these would have been people who might not necessarily be members of the affiliates of the UDF.

The volunteers' handbook - the pages unfortunately do not have a number, but if you could look at the page where there is a letter from Albertina Sisulu. Can you find that?  
COURT : Should we not just number the pages quickly up to the page where you want to deal with something. The outside one "Make your mark against apartheid" will be number 1, (20) then the one which starts with "Errata" number 2, then the one that says "You and the UDF's one million signature campaign" will be number 3. Is that the one you are referring to?

MR CHASKALSON : Yes.

COURT : "Transvaal Affiliates" number 5, "Apartheid in law-making" is number 6, Koornhof bills is number 7, "Why the million signature campaign" will be number 8, "Who can sign" is number 9, "Once you have made contact" is number 10, "Should we recruit people" is number 11, "I work for the (30)

State/...

State" is number 12, "Personal planner" number 13, "Personal campaign planner" number 14. You refer to page 3, Mr Chaskalson.

MR CHASKALSON : If you would look at page 3. There is a - you will see that there is a message signed by Albertino Sisulu saying "Welcome to the UDF's million signature campaign" and then it sets out what the volunteers by collecting signatures, there are four propositions which are made in relation to what the volunteers would be doing. It is alleged by the State that the million signatures campaign was part, was (10) launched in order to promote violence. What do you say about that? -- That is devoid of truth.

This message from Albertino Sisulu, does that set out what the UDF saw the purpose as far as the volunteers were concerned of collecting the signatures? -- That is so.

If you would look at page 4 you will see statements as to what the UDF is? Were people seeking information in regard to the UDF - let me put it to you this way. You know the allegation in this case is that it is that the UDF was really established by the ANC and that it was to promote (20) violence. If anybody asked the UDF what it was about or anybody wanted to make enquiries, would they be told that it was part of the ANC? -- No.

Would there be any proof in that statement? -- There would be no proof in that statement.

The statement here "What is the UDF?" is that the way the UDF always represented itself to be? -- That is so.

Is it correctly represented in paragraph 3? -- It is correctly represented.

Have a look at page 4. You will see a brief history (30)

of/...

of the UDF. It starts "22 January 1983. Allan Boesak calls for a united front against the government plans of the Transvaal Anti-SAIC conference." Is that the way UDF always represented its origin? -- That is so.

And is it correctly representing it? -- That is so.

COURT : Was it on the 22nd or the 23rd? -- I do not know precisely on which of the days, but the conference really started on the 21st and it went on to the 23rd. So, it was during that period. In some documents it is represented as the 23rd. (10)

On this point I had something which was not clear the other day. One of the documents which we had during your evidence was a report by a commission I think of the Anti-SAIC group about the feasibility of a UDF, a united front. Was that report presented to the Anti-SAIC meeting or did it come later? -- It was presented to that meeting, as I understood it.

So, before that meeting there was a commission that thought about the matter and then the report was presented to the meeting? -- No, not before the meeting. As I (20) understood it, it happened this way. A call was made in that meeting by Dr Allan Boesak. It was a conference that stretched over two days and started I think on Friday night. After he had made that call, a decision was taken in that same conference that we need to set up a committee to formulate some proposals for adoption to this conference. As I understood it, that commission was really dealing with the main call by Dr Allan Boesak and the other statements made by other speakers. It was combining all those things into that kind of report. (30)

Was/...



Was that report completed before the meeting ended? --  
That is so.

And presented to that meeting? -- As I understand it.

Was it also typed? Or was it typed later on? -- I personally was not at this conference as I have indicated. What normally happens at big conferences, you have a typist ready there, typewriters, you have got photocopiers. Sometimes these things happen, because when you have delegates, you want to ensure that each one of them go back with something, but there are instances where of course that this does not (10) happen. I cannot really give the details as to precisely what transpired, but as I understood it, a commission was set up in that same meeting after the call was made and it worked up to these proposals as a symphysis of what Dr Allan Boesak said and a number of other speakers like Professor Kuwadi and so on.

MR CHASKALSON : I do not want to take you right through the - every passage in this booklet, but was this an official UDF booklet issued to volunteers? -- That is so.

Would it correctly reflect the UDF's position at that (20) time in relation to the matters dealt with in the document? -- That is so.

Could I ask you to look at page 9. There is a section there dealing with a guide to collecting signatures. "The challenges to collect signatures, educate the person who is signing and help build our organisation at the same time. We must remember that we are dealing with another person and not merely another signature to add to our number. The interaction between activists and ordinary people needs skills on the part of the activists. These skills are (30)

best/...

best developed by actively collecting signatures and reviewing the process of regular intervals afterwards. This is based on with a group of people who had been collecting from the same area or constituency. So, how do we educate and organise? By speaking and interacting with people. Points to remember. Be polite. Before asking for a signature, greet correctly and introduce yourself. Say where you are from. Once you have made contact with someone you want to sign, find out his or her interest especially as regards day to day problems like rent, transport, refuse collection, wages, working (10) conditions, passes, food prices, et cetera. What does that person feel about these problems and what does he or she think has caused them. Explain the link between these problems and why we are asking people to sign." Was there to be any violence associated with the collection of signatures? -- Not at all.

Would you look at the bottom of page 10 "Be patient and learn. The person from whom you are collecting is a potential supporter and not enemy." -- I think counsel is moving rather too fast for me. Some of these documents I read (20) really long ago and I need time to have a look at them.

I am sorry. At the bottom of page 10 where it says "Be patient and learn." Do you have it? -- I found it.

I am going to read it into the record. "The person from whom you are collecting is a potential supporter and not an enemy. This is the case even if they do not understand the issues involved and even if their point of view differs from yours. Remember that there are many different points of view in the UDF." Is that a correct statement? -- That is correct.

(30)

"Be/...

"Be patient and do not rush. If a person does not understand, explain slowly. If a person has different understanding, do not push your ideas down their throats, try to find a common ground in opposing apartheid, rather than points of difference. UDF unites even though our views are not exactly the same." Does this set out the way people were to gather signatures and to approach recipients? -- That is so.

Would you look at the next page. There is a heading "What if the police confront us as we collect?" Do you (10) know why it would be necessary to contain a section dealing with police confrontation while signatures are being collected? -- There are two reasons to this. The first one is that it has been the experience in the townships that where everytime people go around doing something, there is always an interference on the side of the police and the tendency is that this kind of interference leads to confrontation of some kind. The UDF wanted to make sure that people who go and collect signatures understand precisely how to deal with the police if that kind of a situation arose. We wanted to avoid any (20) confrontation with the police. The second reason was that it was really in line with the attitude of the non-violent policy of the UDF. The UDF had really throughout in its work when it was necessary, made sure that lawyers were consulted to advise how a thing should be done on the legality of a matter. I had personally been party to legal proceedings which related to matters affecting the UDF. In the overall really it was meant that no confrontation arises out of the collection of signatures between those collecting signatures and the police.

(30)

ou/...

You are talking now about UDF attitudes generally. When the UDF - you say the UDF would take advice from lawyers if legal problems arose? -- Yes.

And if meetings were banned, what would the UDF do if a particular meeting was banned the UDF would sought the intervention of the court. I want to add also that even when had suspected that a meeting might be banned, we did not hesitate to write a letter in advance to the Magistrate and ask if it is intended to do so and placing before him the purpose of the meeting. If my memory serves me well, this(20) kind of thing happened some time in 1984.

COURT : Did you inform the magistrate or did you not inform the magistrate? I was not clear on your answer? -- There was an instance where we had to write a letter to the magistrate informing him that the UDF was intending to call a meeting and we wanted to know, we gave the details what the purpose of the meeting was and assuring him that there would be no problem and wanted to know if he had any intention to ban that kind of a meeting.

Just fill me in. Was that at a time when there was not(20) a blanked ban on meetings? When meetings could only be banned after they had been advertised? -- Meetings were getting banned after they had been advertised. Sometimes that was causing problems. They were getting banned may be on the morning on which that meeting is taking place and very often those attending the meeting would only realise that when they attend it and arrive at the venue of the meeting that the meeting is banned and the police would be chasing people around and this was giving rise to a lot of problems.

MR CHASKALSON : We know that in, a large number of UDF (30) meetings/...

meetings were in fact held or meetings at which UDF participated, that they were held. Do you know whether there was ever any violence associated with any meeting called by the UDF? -- I know of no single violent incident at any of the meetings of the UDF and my recollection is that that much was put in the affidavit which sought to oppose a ban on the meeting of the United Democratic Front during 1984 and in the affidavits that were filed by the police who had motivated for the banning of the meeting, there was no single suggestion that there was ever any violence at any meeting of (10) the UDF.

If we could go back to the section "What if police confront us as we collect." It is recorded "It is not illegal to collect signatures but do not coerce people into signing." Was that the attitude of the UDF? -- That is correct.

"If you are harrassed as a collector, report it immediately to your committee or organiser and to the UDF office." Why was that - why would that be included in the instructions? -- So that legal proceedings could be proceeded with as soon as possible. (20)

"Know your legal rights regarding collection before you start to collect. If you are confronted, state your rights with confidence. These are your rights. If you are confronted by the police, this is what to do. (a) The police may ask you questions, but it is your right not to answer except to give your name and address, say that you would rather answer questions through your lawyer. (b) There is no law against collecting the signatures for the campaign provided there are no threats of force. So, there should be no legal basis to arrest you for collecting and you (30) would/...

would win a court case. If you are arrested, demand to know the reasons for your arrest. Also ask to see a lawyer.

(c) You do not have to make a written statement to the police. If asked to make one, say that you will make one after seeing your lawyer. (d) If any article or signature form was taken away from you by the police, insist on a receipt and keep this. Also try to get the name and number of the person involved. You have a right to do this." Was that the instructions given to volunteers? -- That is so.

There is another handbook which I would you to refer (10) to. It is the organisers handbook of the UDF million signature campaign. It is EXHIBIT W53. I do not want to take you in any detail through this, but I would just like you to explain whether this is an official UDF book or not? -- It is.

For what purpose was it prepared? To whom did it intend to go? -- It was also prepared for the purpose of informing the organisers, that is people who were really members of the affiliates of the UDF who had already been active. Whose understanding is of a slightly higher nature than the understanding of an ordinary person who was a volunteer from the (20) street, who knows nothing about the UDF. I do not know if I have answered the question.

Yes, I do not want to take you through the book in detail, but can we accept that it is an official publication of the UDF representing its - the information that it communicated to organisers of the million signature campaign? -- That is so.

Do you know whether any problems were - I do not want any details, but do you know whether any problems were encountered by the volunteers in collecting signatures? (30)

Were/...

Were any reports received of problems? -- There were problems.

As far as the UDF was concerned, I think you have been asked questions as to whether it took any interest, if I may put it that way, in the attitude of the White electorate. I wonder whether you could comment on that at all? -- The United Democratic Front regarded the White people of this country as a very, very important sector of our society. The reason being that they have power. They have a vote and if things have got to be changed, they must be persuaded to exercise the vote that they have in the direction which(10) would facilitate the processes of change. The UDF believed that nothing would take place unless the White people are convinced that there is reason for that change. For that reason in its methods, these wide ranging methods that it had employed, all of them in some way or other could be directed to reaching out to the White constituency.

The million signature campaign, would that have been directed only to the Black community or would it have involved the White community as well? -- The million signature campaign involved the South African society in all its racial groups.(20) They participated together and were collecting signatures from all of them.

Would tables be set up in White, so-called White areas as well as other areas? -- That is so and signatures would be collected at meetings attended by White people at universities. Even at places like, where we have mass meetings in White areas.

I was going to ask you about mass meetings in White areas. When venues were chosen for mass meetings, were mass meetings ever held in White areas? -- That is so. (30)

When/...

When people were invited to attend UDF meetings, were the invitations issued on any racial basis or could anybody who wished attend? -- No, no, the UDF was inviting all the people of South Africa at all times, Black and White, to all its meetings. To its major meetings.

When it comes to the media, would it give its press conferences only to the Black media or would it address the press as a whole within South Africa? -- It would address the press as a whole.. If I may just comment on this point. The UDF even went to the extent of going to the newspapers (10) that it believed were read extensively by the White community, newspapers and publications. Even Afrikaans newspapers. Discussions took place from time to time between the national publicity secretary and editors of newspapers, Afrikaans newspapers. Sometimes I was present myself at those meetings where arrangements were made with the newspapers that the UDF must be given the opportunity where it could write a feature article that would present the position of the UDF and give the White constituency, the White community an insight as to what the UDF is all about and what are the UDF's objections (20) to the new constitution and how it thought, as a method, a change would come about. I recall some meetings taking place in that connection.

We know that you gave an interview to the Financial Mail. Can you tell His Lordship what the Financial Mail is? -- The Financial Mail is a magazine, a publication that is read, that is directed mainly to the business community in South Africa, especially White business people. It does, however, get read by other people.

Apart from yourself, do you know of any other officials (30)

or/...



or officers in the UDF who gave interviews to the Financial Mail? -- I know the President of the UDF did also give interviews to the Financial Mail. So did the national publicity secretary, accused no. 20.

Do you know whether anything was written in a magazine of the South African Foundation? -- I do.

Who did that? -- There was a lengthy article written by accused no. 20 presenting the position, setting out the position of the United Democratic Front in relation to the constitutional arrangement in the country. Setting out (10) his objections and how we thought change would come about.

COURT : In which paper was it? -- It was written for a publication called "The South African Foundation News" if my recollection is correct.

MR CHASKALSON : Do you know of any plans to address the Afrikaner Studente Bond? -- Just before my arrest, I do. Just before our arrest, accused no. 20 had been invited to address the national congress or national conference of the Afrikaner Studente Bond and of course, prior to that, one may mention that he had been addressing a number of meetings (20) on a number of campuses including the Rand Afrikaanse Universiteit.

Why was this directed at what one might call the White establishment? Or why was the UDF directing it to the White establishment? What was the reason for that? -- I had earlier on indicated that the White community in this country is a very, very important sector. It is a section of the society that is in power and if an organisation is committed to peaceful means of bringing about a change and it wants genuine change and it wants a change that would include the White (30) community/...

community, there is no way in which it can go about it without addressing this important section. The idea was to influence the White community to change their attitude towards the policies of apartheid and towards the Black people. To influence them as I have said in the direction in which they would be keen to influence those leaders that they elect to bring about meaningful change in the country. In a sense it was aimed at educating the White community. I think one need to mention here that we live in a situation, I made this point earlier on in my evidence, that we are in a world, we live (10) in a country with two worlds, but I think one need to add therefore that because of that, there has been a polarisation between races in this country, Black on one side and White on the other side. Also because of the excessive control of the government on the media increasingly, or at least the best part of the time, the ideas which reached out to the White community, are those ideas which are held by the government and which tend to support the policies of apartheid. Opponents of the government are very often not given the opportunity to present their case. Say for instance (20) if the government accuses the UDF of being a front for the African National Congress, whenever given the opportunity to get enough time on the South African TV to present to the White public, South African public as to what the UDF is and what it stands for, the White public is left with the impression that the UDF is a creation of the ANC, the UDF is a violent organisation. That is the kind of impression that is created in the White community. The radio, the TV and part of the newspaper are papers, instruments which support the government. It means therefore that the (30)

White/...

White community perpetually lives in ignorance as to what is happening in the Black areas. Very often when a little, when an unfortunate violent situation arises, it is reported extensively in the SATV as the work of agitators to the White community. We saw our duty as having to remove the cobwebs that the spade-controlled media was continuously putting before the eyes of the White community. We wanted them to gain a proper understanding of the kind of people they are dealing with, the kind of people they are living side by side with in this country and the way to do it was (10) to take advantage of those publications which would allow us to present our views. Organise public meetings in White areas and talk to the White community about these things. It was very, very crucial for us to move the two communities closer together because finally we must converge in a single South Africa that is non-racial. I think that was really the basis upon which that approach was adopted.

Did you also direct attention to government representatives of other countries, countries outside of South Africa? -- We did that. We sought to explain our policies and our objec-(20) tions to the government constitution to a whole range of representatives from various countries who are based in South Africa.

What was the purpose of doing that? -- The purpose of doing that was to get them to influence their own government, to persuade the South African government to change and it was also intended that as and when they meet with government officials, they should be able to tell the government officials as to what the officials of the UDF say about their own organisation, because there had been a situation - there has(30) been/...

been a very abnormal situation here. We were not able to talk to the officials who rule us in this country, but we are able to talk to foreigners simply because those who govern in this country do not respect our organisations, but these foreigners respect our organisations. So, the only way of influencing them was to get these people with whom they are relating to present the position of the United Democratic Front to them from time to time. They could also be in a position to give their own observations as to what they think what they are getting from the UDF. This was done because (10) we believed that the government was particularly sensitive to the pressure coming from the western government. It was likely to listen to what its friends in the western countries were saying.

In your contacts with representatives of foreign governments, was it of any importance to be able to demonstrate to those representatives the mass support which could be demanded by the UDF at meetings and the like? -- That was part of the business.

Did any representatives of the UDF manage to go abroad? (20) -- On a number of occasions they did.

When they were abroad, can you tell us whether they were able to do - did you yourself ever go abroad personally? Overseas? -- I have never been abroad, overseas.

But did you receive reports of officials or representatives of the UDF who had gone abroad and sought to influence affairs abroad? -- Yes, I did.

Some of them are referred to in the minutes and we can deal with them later. The international youth year I think is being referred to. Can you tell us about that? -- (30)

The/...

The UDF saw the international youth year as an ordinary opportunity for it once more to present its views to the international community and to gain support at that level and to get them to understand why the UDF was opposed to the new constitution.

Was there any possibility of an invitation to attend official functions connected with the international youth year? -- Yes, before my arrest in 1984 there had been an indication that the national secretariate, the international secretariate of the international youth year committee (10) which was then based in Geneva, was intending to invite the UDF to send a youth to their international conference organised under the auspices of the United Nations Organisation.

I am not sure, you said your arrest in 1984. You were arrested and detained in 1984 and you were arrested in connection with this trial in 1985. Which is the occasion that you are referring to? -- I am referring to the occasion in 1984.

That would be the time that you were held in detention?  
-- That is so. (20)

COURT : The international youth year was to be which year? 1984 or 1985? -- It was to be in 1985.

MR CEASKALSON : As far as ... -- May I just indicate that the major event was to be in 1985. It seems that it had been going in phases, different phases, but the 1985 seem to be the major event to which they wanted to invite various people.

I think that we have seen documents connected with the sports boycott. Perhaps you could indicate the position of the UDF in relation to the sports boycott. -- The UDF sees the question of sports boycott as a very important matter, (30)

as/...

as one of the key non-violent methods that could be used to put pressure on the government to bring about change and it sought to promote that kind of boycott as a means to get the government to talk to representative leaders.

How would that be achieved by means of sports boycott? -- We had realised that the majority of the White people in this country have as their pre-occupation the question of sport. Most of them are sport fanatics. They play rugby, they play cricket, they play all sorts of things and they are very good sportsmen, most of them, of international (19) standing. It was crucial for us to get those people who are regarded as heroes in the White community to be part of the process of debate to influence change. If there was this sport isolation taking place, this would have meant that it was going to affect these important individuals who are regarded as heroes in the White community and it would get them to begin to debate the policies of this country in relation to the issue of sport and in relation to the vote to the Black people. Once that happened, we believe that the fans and other people who regard these (20) sportsmen as heroes would be influenced also to put pressure on the government to speed up the process of change. It was in that context that we saw it being helpful.

Apart from the methods that you have talked about, we know that there were also mass meetings ... (Court intervenes)

COURT : Could I just ask a question here on boycotts. Did you take up any position here on cultural boycotts or on economic boycotts or was that not discussed? -- I am not sure of there was any position taken on cultural (30) boycotts/...

boycotts but I know for a fact that the UDF had not called for an economic boycott, although that did not preclude the fact that in future it could have been considered. The issue had been raised from time to time in meetings of the UDF but in response to arguments that people were making as to how that was benefitting the UDF, the Black people in this country.

MR CHASKALSON : We know that there were mass meetings and we know about your attempts to reach the community by publications, were there any other sorts of methods which you (10) know of that were debated? -- The other sorts of methods which were really mentioned, not debated, were things such as, for instance encouraging, considering the possibility of encouraging demonstrations and tickets may be at South African diplomatic missions in various countries to persuade them to push the government to bring about changes.

I have seen mentioned in some of the minutes, I do not have it before me, something about a chain. I cannot remember the exact - unity chain. Do you know what that was? -- Oh, yes , I do. At the time of the - just before the elections (20) of August 1984 there had also been discussions on how to manifest opposition to those elections. How to attend - to draw attention of the public to the UDF. All sorts of things then were suggested. The unity chain was one of them. Another one suggested was the freedom run.

What would the freedom run be? -- The freedom run was intended to be a race starting from Pietersburg in which different groups of people were to participate. That race would stretch from Pietersburg to Cape Town. It was something a bit ambitious, but that is the idea that came about. (30)

COURT : Would the unity chain also stretch from Pietersburg to Cape Town? -- No, the unity chain would be in smaller places. It would involve say the African people of Soweto, the Coloured - Indian people in Lenasia, the Coloured people in Eldorado Park and White people from the town.

Is a unity chain something where people hold hands? Is that the idea? -- They hold hands to make a public demonstration of some kind.

MR CHASKALSON : With the purpose to direct attention to the organisation and what it is standing for? -- That is (10) so.

Was there any talk at any time about the possibility of defiance campaign?

COURT : Just a moment. Was apart from the discussion on these aspects - were these methods employed? Was the unity chain organised, was the freedom run organised? -- They were not organised. They proved to be quite demanding.

MR CHASKALSON : Perhaps I could also ask you about some events. In August 1984, I think we had it yesterday or the day before, were leaders of the UDF arrested? -- That is (20) correct.

What effect did that have on the organisation at that time? Did it have any repercussions as far as the organisation was concerned? -- It did. The effect it had was that we saw the likelihood of everybody, every identifiable activist to the police getting detained and in a sense it affected the plans of the UDF. Whilst we had the important elections coming on 22 and 28 August, the UDF could not risk getting people arrested. The learned counsel was raising a question on the defiance campaign earlier on, but then he decided (30)

to/...



to leave it hanging. That question ... (Mr Chaskalson intervenes)

Before you do that, I will come back to that, but I want to draw your attention to the fact that the reference to the unity chain appears in the minutes of the meeting of 21 and 22 July 1984. It is EXHIBIT H1. It is in paragraph 7 and it also so happens that it deals with this defiance campaign as well. I think you yourself told us that you were arrested not long after - you yourself, I think, mentioned - you mentioned yesterday that you yourself did not attend the following national executive committee meetings? -- That is (10) correct.

And the unity chain linking up different townships as mentioned in paragraph 7.2 in the July meeting of the national executive committee. -- I have got it.

Was that a serious suggestion? -- It was a serious suggestion coming from the Transvaal region.

And it was debated at the national executive committee? -- Yes, it was.

The notes of that says "It was noted that the UDF had to offer some kind of alternative to the election. The (20) following were recommended. 7.1 A demonstration by national figures to coincide with the elections. 7.2 Unity chain linking up different townships. 7.3 Ringing of bells by various churches at an hourly interval in demonstration of rejection of the constitution." Were those all discussed? -- They were all discussed.

And it was recommended, was that a recommendation by the national executive to the regions? -- That is so.

7.4 begins "No agreement was reached as to whether the UDF could call for a defiance campaign." Can you tell us (30) what/...

what would have - what the defiance - what a defiance campaign is and what the discussion - what the issue was concerning the defiance campaign? -- There had been a suggestion by some affiliates of the UDF to the effect that the UDF should begin to engage in a defiance campaign of selected laws or selected issues. The example given at that stage amongst others was that of refusing to carry passes for instance. That is one example I recall now. I cannot recall the other examples. It was a suggestion that was put forward at that NEC meeting. (10)

Would that have been a violent or a non-violent campaign, defiance campaign? -- It would have been a non-violent campaign.

Would it involve people as it were going to jail for breaking laws publicly and then going to jail as a consequence? -- It was understood in that context, but I must state here that the issue was not discussed extensively, because the majority feeling in the NEC was immediately that at that stage that kind of a campaign was not a practical suggestion. It was not a favourable suggestion, because it had certain implications, which implications might (20) have the effect of affecting the important work of the UDF in relation to the election boycott. This suggestion was made just a month before the elections were coming for the Coloured and Indian chambers. A kind of campaign like that one would have had the likelihood of people getting arrested and may be getting involved in cases that might take a period that extend beyond the time for the election. So, it would really drain the UDF in terms of the human resources required to mount an effective boycott campaign. It could have caused a lot of disorganisation in the UDF. It was in that (30) context/...

context that the NEC felt that the matter should rather go back to the regions for further discussions. If my recollection is correct, it had also been indicated that we need to be careful when we mounded a campaign as to the implications of that campaign for the UDF.

If I could ask you just one last question. You mentioned a variety of methods which were used by the UDF. All of them that you have mentioned have been non-violent methods. Was there ever any occasion upon which violence was put forward as a method to be followed by the UDF? --(10)

The question of violence has never arisen in the meetings of the UDF. The policy of the UDF was clearly understood by the members of the UDF, to be one of non-violence. It was in that context that all the discussions within the UDF took place.

I would like to turn to - raise with you the question whether these methods which you had put forward, which the UDF had put forward and was using, whether they were viable methods. I think you referred us yesterday to the article or it might have been the day before in the Financial Mail(20) which I am told is EXHIBIT DA15. There was this passage - let me read it to you. It does not need to be put before you. "In opposing the bills, we are motivated by the assumption that we are dealing with a rational government that is capable of assessing the feelings of the people and responding correctly. If the government was able to reverse the pensions preservation bill in 1981 because of strikes and community protests, it should equally heed to the voice of the UDF today." I want to ask you whether there was any reason to believe that the government would be responsive (30)

to/...

to such protests? Let me not call them protests, to the actions which you have described? -- There certainly was. There had been a number of indications which showed us that there was a move in a particular direction from the side of the government. In a number of instances of course it would have been regarded as not enough, but there was that willingness to move in that direction.

Let me deal with some specific cases with you. I would like to deal first of all with the issue of removals. Can you say anything, do you know anything about Huhudi? -- Yes, (10) I know that after community protests and exchanges of letters between the organisation of the people in Huhudi, the government was persuaded after some time, Dr Koornhof declared that people would no longer be forcibly removed from Huhudi to Fudumo.

What about Daggakraal? -- Similarly with Daggakraal that was the position.

COURT : Where is Daggakraal? -- Daggakraal is in the Eastern Transvaal. That is a place near Driefontein.

MR CEASKALSON : What about Driefontein? Do you know any- (20) thing about it? -- Driefontein was also part of - one of those areas where people were not going to be moved, although now I read in the papers that there is a threat again to move them.

COURT : How old is that newspaper? -- This year. I think last month.

MR CEASKALSON : Do you know anything about Kwangema? -- Similarly with Kwangema. Driefontein, Daggakraal and Kwangema are areas which are near one another. They had been struggling for some time against opposing the removal for some time. (30)

Daggakraal/...

Daggakraal is a place where Mr Mkize was shot by the police ... (Mr Chaskalson intervenes)

I think that was Driefontein. -- Driefontein, where he was shot by the police in 1983, in the first half of 1983, but those protests finally led to the government taking a position that it was no longer going to forcibly remove people. It was going to remove those who volunteered to go.

Did you know anything about an organisation in Johannesburg called ACTSTOP? -- I know about that organisation.

What was its particular concern? -- It was concerned (19) with helping families which were forced out of White areas in terms of the Group Areas Act. In particular people were being moved from Mayfair and Hillbrow in Johannesburg. A few families had already been kicked out and then that organisation was set up to mount a protest against the forcible removal of those people, because they did not have accommodation in Indian areas. It was mainly the Indian people who were affected at that stage and I know that subsequent to those protests, the government then decided to declare a certain section of Mayfair as a grey area where other (20) racial could stay. Similarly with Hillbrow. This led to a relaxation of the enforcement of influx control. So, really these were the factors that were showing clearly that even organised protest is organised. If protest is organised, these methods would yield results.

Do you know anything about Alexandra? -- I know about that.

What can you tell us about Alexandra in relation to this issue? -- There was a time when the government was intending to move the people of Alexandra altogether to (30)

move/...

move them away and there was a resistance to the attempt to remove them and my recollection is that a committee, a Save Alexandra Committee was formed which organised these protests and finally the government had to accept that the popular feeling of the people there was that of not - that which was not favourable to move in from Alex ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : This was not a UDF committee. -- It was not a UDF committee.

It was a different organisation? -- Yes. All I am (10) trying to say is this, the UDF comes into existence in a context in which certain things are taking place, certain activities are taking place and yielding certain forms of results. Similarly with the statement that I made with regard to the pension preservation bill. That had nothing to do with the UDF, but all we were saying was that these methods are effective, these methods can yield results.

MR CHASKALSON : What about the field of labour and trade unionism? Is there anything you can tell us about that? -- Yes. Before the Wiehahn commission was appointed to deal (20) with the question of the Black workers, the Black people, the Trade Unions for Black people were not recognised in this country and as a result there had always been problems in respect of negotiations between the workers and management. There had been a series of labour strikes and in those strikes workers were demanding recognition, they were demanding that they have a right of - to be afforded the opportunity also to bargain for their rights and better conditions of work and so on. I believe that when that commission finally recommended that Black Trade Unions (30)

must be recognised, it did so, taking into account the activities of the workers demanding recognition for their own trade unions.

Since the UDF has been in existence, do you know what happened to the orderly movement and settlement of Black persons bill? -- That is so.

What happened to it? -- Subsequent to protests that took place it was shelved, it was never implemented.

And as far as influx control itself is concerned, is that also something that postdates the UDF? -- At the (10) time of my arrest there had been a lot of protests around the issue of influx control and at the time of my arrest I recall that big businesses, especially organisations, businesses like Anglo American, organisations like FCI and so on were putting pressure on the government to end the influx control policies and at the time of my arrest the government was beginning to talk of orderly urbanisation which would remove certain discriminatory aspects of influx control. What I have since read whilst I have in detention was that the government has now scrapped the pass laws. (20)

Did you personally feel that the adoption of non-violent methods such as those described by you could have an influence on events within South Africa? -- I do.

Do you know whether or not that view were shared by your colleagues on the UDF? -- From the discussions with my colleagues in the UDF and from the decisions taken collectively in terms of the methods that the UDF employed, I am convinced that my colleagues also view the situation the way I do.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(30)

Verd:

U.K. Investigating by W. D. S.

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MOLEFE

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I want to turn now to deal with some of the allegations made in regard to what was said to be campaigns. The State in its indictment mentions a number of campaigns and it alleges in each instance that those campaigns were undertaken in implementation and furtherance of the aims of the ANC and the SACP. What do you say to that? -- The allegation is false.

I would like to ask you to deal with your own personal attitude to the ANC. Were you old enough to remember the (10) ANC being banned? -- At that stage I was a very young child. I did not quite understand. I was very young when it was banned and I grew up in a family that was not politically involved.

Did you hear at all about the ANC as you were growing up? -- I did hear about the ANC. I have heard adults talking about the ANC in their conversations. When I went to school, as I grew up, I heard quite a lot of people talking about it in the township. At school as a child we talked about the ANC.

How did you as school children see the ANC? -- We generally regarded the ANC as an organisation (cassette defective) (20)

K813

COURT : We will start again. -- We saw the ANC fighting for us.

MR CHASKALSON : You were going to explain to His Lordship what you meant by us? -- By us I mean the Black people of South Africa.

As you grew older did you hear talk about the ANC as you were growing up through school and possibly even leaving school? -- Yes, as I grew older I heard more - we spoke about it. I read in newspapers about the ANC from time to time. I also read about not only the popularity of the ANC as an organisation, but also the popularity of its leaders. In particular (30)

Mr Nelson/...



Mr Nelson Mandela. There had been surveys that I had read in the newspapers, conducted by the newspapers and the results of those surveys indicated unquestionably that Mr Nelson Mandela was singularly the most popular leader in this country amongst the Black people.

This view which you are expressing which you have heard, from your own perception of it, was it a view held by a particular section or was it a widely held view? Can you comment on that?-- It was a widely held view. Many people regard Mr Mandela as their leader - as a leader. In my evidence (10) yesterday I alluded to the statement that had earlier been made by Mr Norman Middleton of the Labour Party.

COURT : Do we have to have the same thing twice?

MR CHASKALSON : I do not think so.

COURT : We had Chief Buthelezi and Mr Norman Middleton and a number of others.

MR CHASKALSON: As far as perception is concerned, do you think there is any difference in perception on this issue within the Black community and within the White community? -- The perceptions are fundamentally different between the two communities, (20) of the two races in respect of the position of Mr Nelson Mandela as well as the ANC or members of the ANC. In the Black community generally the ANC is regarded as a movement that is fighting to free the oppressed people, the Black people. In the White community it is regarded as a terrorist organisation.

Do you read newspapers? -- I do.

Do you see any difference between the reporting in relation to the ANC between newspapers directed to the Black community and newspapers directed to the White community? -- I have observed that on several occasions. (30)

Do you know the newspaper City Press? -- I do.

Do you know the newspaper Beeld? -- I do.

Do you know that they have the same proprietor? -- Yes, I do.

Do you yourself ever read the Beeld or not? -- I do read it.

Do you know whether the comment in City Press on these issues is any different to the comment in Beeld on these issues? -- Will counsel repeat the question?

Have you noted any difference between the way City (10) Press report issues concerning the ANC and Beeld report issues concerning the ANC? -- I have not yet. The City Press did normally talk about the ANC as a terrorist movement. It referred to members of the ANC as guerrillas, but on the ... (cassette defective) The Beeld talks of the terrorist organisation when it refers to the ANC and it talks about ANC members as terrorists.

I show you a recent cutting from City Press, dated 12 July 1987. This would be DA23. In that leader you will see a statement "Many South Africans, millions for that matter, (20) do not agree with the fact that the ANC is an illegal organisation. They view the clamps on the organisation as being the work of the government which has never subscribed to the democratic principles of freedom of speech and association. They believe that it is the violence of the State that led the organisation to abandon its traditional policy of a non-violent confrontation and to commit itself to the armed struggle." Can you comment on that statement in regard to your own perceptions of views held within the Black community? -- This report is reflecting the perception of the Black (30) community/...

community. The Black community generally regarded the ANC as appointed out as an organisation that seeks to free them from the apartheid policy of the government. They do not accept that it is a terrorist organisation. They regard the cause of the ANC to take up violence as a strategy to have been the government policies of apartheid and the brittle methods of repression of silencing those who speak out against the policies of apartheid. I think really this is really fundamental to the perception of the Black people in the country. (10)

Does it have any importance in understanding the UDF's or people within the UDF, their perceptions to the UDF? -- That is so.

Your own personal view now, I ask you, how do you personally see the cause of the conflict in the country? Where would you put the blame? -- I see the fundamental cause of the conflict in this country as the government of South Africa by pursuing the policies of apartheid which deny the vast majority of the people in this country a right to have a vote and a right to share in the resources of the country and I (20) honestly believe that if the government was to address that problem, we would have peace in this country.

If in fact equal political rights were to be given to all the people in the country, you personally, what would your attitude be to a organisation which pursues violence in such circumstances? -- As at present I would find it very difficult to condemn the organisation that is using a matter of violence to bring about a change in this country, for the simple reason that I believe to do that, would not be addressing the fundamental cause of the problem. It amounts (30) really/...

really to be addressing oneself to the symptoms of the problem and I think therefore that the real cause of the problem is the apartheid policies as I have said. Once that is gone, nobody would have reason to do what he is doing and I believe that if everybody was given a vote and everybody was exercising this vote in this country, in a government that allows the resources that are produced by the people of South Africa through a combined labour effort, everybody would be satisfied and there would be no reason why anybody should go to take up arms and should that kind of a situation arise, I would(10) be amongst the first people to condemn anybody who engages in violent activities against the government based on the will of the majority.

ASSESSOR (MR KRUGEL) : What do you mean about the resources divided by the labour forces? I am not quite with you there. -- What I was saying was that once there is a vote, that vote would have shown that the wealth of the country is shared equitably by the people of the country and once that happened, everybody would be satisfied.

MR CHASKALSON : What is your own personal response when (20) you read about bombings inside of South Africa? -- It saddens me to read about such incidents. They are not something that one derives pleasure from. It worries me. It pains my heart. I feel so, because I know that I myself could have been one of the people killed. My wife could have been involved in that tragic incident. It could have been my little daughter who is only 2 years old. I would under no circumstances derive any pleasure from such a tragic incident. I feel once more that the blame should be placed where it belongs and at the doorstep of the government, because it is through its (30) policies/...

policies of apartheid by denying people rights in their country which are fundamental and are allowed in any other civilised country. That through this it has forced a section of the South African population to go and take up arms as a desperate method of achieving the goal of freedom of ending apartheid and I believe that once this problem of apartheid is addressed by the government, no doubt there would be no violence. I think it is for that reason that I believe it is the government that must be blamed and it is the government that must be persistently called upon to (10) begin a process that would create a climate where nobody would have reason to take up arms. The majority of the people must be given a vote in this country.

Has there ever been any link between the United Democratic Front and the African National Congress? — There has never been a link between the UDF and the African National Congress. That allegation was made several times by the government and it was mentioned by supporters of the government and repeatedly from time to time that allegation was made. The UDF never had occasion to place on record its position vis-a-vis (20) the ANC. We always denied that we were a front for the ANC.

I would like to speak more specifically now that you have stated your own position in regard to the ANC, in regard to the campaigns and why they became issued.

COURT : Which campaigns?

MR CHASKALSON : There is an allegation in the indictment, paragraph 50 to 67. These are alleged to have been seventeen campaigns and it is to that ... (Court intervenes)

COURT : Why they became issued? Why were there campaigns?

Is that the question?

(30)

MR CHASKALSON/...

MR CHASKALSON : Can you say something - the State alleges that seventeen campaigns were undertaken through the United Democratic Front. Can you tell us whether it is in fact seventeen - I can give you the names, but I do not want to deal with it now. You know the indictment. Can you just tell us whether the United Democratic Front took up each one of those matters as a formal campaign or what the position was in relation to those matters? -- Among the matters that are referred to in the indictment as the campaigns that the UDF undertook, there are those which were in fact (10) campaigns, but there are also others, many, very many of them which were not campaigns but issues which were debated at various levels, either in meetings of the UDF, at national level, conferences or NEC meetings or discussed at the regional council level meeting or discussed in meetings of the Regional Executive Committee or discussed at meetings of the national secretariate of the United Democratic Front. Those were simply issues which arose and which the UDF believed and the affiliates of the UDF believed that warranted some kind of attention. They were commented upon in speeches and in (20) documents as I have said. There are of course other instances where some of them the UDF also referred to as campaigns, they used the word campaigns in the documents or in its speeches.

We will go through these campaigns and you would be able to explain to us how intense the UDF's involvement was in each of these matters.

COURT : What do you understand by campaign? -- AS I understand it, a campaign is the activity that an organisation takes up with a defined goal in a time period within which it hopes (30)

to carry out that campaign and in the context of the UDF such a campaign would be co-ordinated nationally.

MR CHASKALSON : The first campaign, the first of the allegations made by the State with regard to a UDF campaign concerns the removals. As far as removals - perhaps before I deal with this, could you just briefly tell His Lordship what the main activities of the United Democratic Front were during the period following its launch in August 1983 through to the elections in August 1984. In that period, if I may ask about that specifically, what were the main activities of (10) the UDF? -- The main activities of the UDF were the campaign against the new constitution, mounting a campaign for the boycott of the new constitution. The other one was the campaign against the Black Local Authorities elections. The third one was the campaign against the elections for the Coloured Management Committee. The fourth one was the million signature campaign. Although the million signature campaign was intended to be part of the campaign against the constitutional proposals, its very nature was such that the practical implementation thereof ended up defining it as a separate campaign although it embodied the argument and criticisms that related to the new constitution and the Koornhof bills. I think the way I have handled this thing I think I pulled the cart before the horse. I should have started with the first campaign and went on according to the order in which the campaigns took place. The very first campaign that the UDF took up was against the Coloured Management elections and then that one was followed by the campaign against the Black Local Authorities. Then followed the million signature campaign which has taken place in the (20) (30) context/...

context in which there was also unfolding this campaign against the new constitution, the elections that were going to take place in terms of the new constitution. Those then were the principal campaigns that the UDF concerned itself with in the period referred to.

I would like now to discuss the question of removals with you and I would like to have placed before you EXHIBIT B1. If you could turn to - first of all, could you identify EXHIBIT B1 as the minutes of the UDF's National Executive Committee held on 10 and 11 September 1983? -- May I be (10) given a chance to go through this and check the pages.

What is this a minute of? If you would just look at the front and then you would be able to tell us? -- This is the minute of the UDF'S National Executive Committee.

Did you prepare these minutes? Are you responsible for that preparation? -- That is so.

Would you look at item 18 on page 6 under the heading "Removals." It begins with the first paragraph "Removals and resettlement were identified by the NEC as areas that the UDF must address itself to. It was felt that the (20) possibility of creating a commission in that respect needed consideration. However, no definite decision was taken on the matter." Could you explain to His Lordship what is meant by creating a commission in respect of removals? -- What we had in mind here was sending a person or persons who would go and investigate areas affected by the issue of removals, getting the whole background relating to that problem, identifying organisations and groups that had already been involved - organisations and institutions that had already been involved on the issue of removals and then present (30) recommendations/...



recommendations as to how he thinks the UDF should address itself to the issue.

The next paragraph says "It is decided that a news letter on removals produced by the Surplus People's Project be acquired for study as the NEC did not have experience on removals and resettlement." What is this or who are the Surplus People's Project? -- The Surplus People's Project are a group that has been following the problems relating to the removals and relocation. They have done research on that and produced material indicating figures of people (10) who have been victims of removals and the places affected by this. I think they were based in Cape Town.

It goes on to say "Other decisions were request the Surplus People's Project to distribute UDF News in rural areas, request the Surplus People's Project to provide literature on removals and resettlement." Why would that request be made for literature from the Surplus People's Project? -- We needed that to acquaint ourselves with the full facts and to give us an understanding of what was happening.

Then it says "Regions of the UDF should identify and (20) work with resistance groups in areas affected by removals." To what does that refer? -- That refers to committees that were set up by the communities affected by the removals which were opposed to the people being removed from their land. It refers to - yes, I think that is that.

Why was it that the UDF was concerned with the issue of removals? -- The issue of removals was a burning question - was a very serious question in the constituencies that the UDF was organising, especially the African community. During the period 1983 there were already a lot of communities (30) that/...

that were threatened with these removals. Huhudi was one of them facing this problem. There had already been the cold-blooded murder of Mr Mkhize who was resisting removals in Driefontein. It was therefore crucial that for the UDF and many affiliates who had been affected by the issue of removals itself had again and again raised this issue and called on the UDF to address itself to the issue of removals. This issue I recall was specifically raised - it was raised at the conference, UDF conference in Port Elizabeth. So that the UDF was simply trying to address itself to the problems that were affecting (10) its affiliates, its members and the constituencies that it was organising.

Do you know whether there had been protest against removals and organising against removals before the UDF came into existence or was this something which only started after the UDF came into existence? -- The issue of removals dates far back, many, many years back. There had been resistance to removals in the fifties, in the forties and in the latter years before the formation of the UDF there had been reports regularly of resistance to removals. One I have already (20) referred to was that of Driefontein. There was the one of the community of Kwangema. There was the one of the community of Daggakraal. There were the people of Makgopa who were also facing removals.

Was there an area called Mgwali? -- There was an area called Mgwali in the border region. Other areas which were threatened with removals in the Eastern Transvaal like Leandra and so on, this whole question of removals has been going on, the organisation resistant removals - opposition and protest removals had been taking place long before the UDF came into (30) existence/...

existence. The thirties I know the South African Council of Churches had also been concerned with these removals for many years and they had actually produced a publication in this regard. The Black Sash had been working on the issue of removals for several years. The UDF was giving expression to grievances that were taking place - that had been taken place and building up over many, many years.

The next statement in paragraph 18 is that "Each region look into the possibility of creating a portfolio on removals and resettlement." Do you know whether that was ever done? (10) -- I do not know. I did not get a specific report as to whether anybody has been appointed to a portfolio of removals. I know that there were some efforts in certain regions to address the issue of the removals to a limited extent in the border region ... (cassette defective)

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I want to turn now to deal with some of the allegations made in regard to what was said to be campaigns. The State in its indictment mentions a number of campaigns and it alleges in each instance that those campaigns were undertaken in implementation and furtherance of the aims of the ANC and the SACP. What do you say to that? -- The allegation is false.

I would like to ask you to deal with your own personal (10) attitude to the ANC. Were you old enough to remember the ANC being banned? -- At that stage I was a very young child. I did not quite understand. I was very young when it was banned and I grew up in a family that was not politically involved.

Did you hear at all about the ANC as you were growing up? -- I did hear about the ANC. I have heard adults talking about the ANC in their conversations. When I went to school, as I grew up, I heard quite a lot of people talking about it in the township. At school as a child we talked (20) about the ANC.

How did you as school children see the ANC? -- We generally regarded the ANC as an organisation ...

K813 (Cassette defective. 25 Minutes not audibly recorded)

K814 COURT : The last note I have is that the UDF expressed grievances which existed over many years and that the witness does not know whether the portfolio on removals was ever filled.. I think we should continue from there.)

MR CHASKALSON : The next note in item 18 of the minutes is that "The regions of the UDF should organise seminars on (30) removals/...

removals and resettlement." Do you know whether any such seminars were organised? -- I have not been party to organisation of such seminars. There might well have been in regions.

The next meeting of the national executive is in - recorded in EXHIBIT E which I would like to have placed before you, please. E1. Are those the minutes of the UDF National Executive Committee meeting held on 5 and 6 November at the Giswa Centre in Lenasia, Johannesburg? -- That is so.

Were you responsible for the preparation of those (10) minutes? -- That is correct.

Would you look at paragraph 5.1.4.3. There is a reference to a representative of the Surplus People's Project addressed the NEC on removals and relocations." Can you explain what that was about? -- It was in line with the NEC pursuit of increasing its understanding informing the NEC members on the issue of removals. This is the person from the project referred to earlier on in the NEC in EXHIBIT D1.

Then there follows under a next heading "some important points." Can you tell us what that refers to? -- This (20) refers to the points which emerged in the course of the input that was delivered by the representative of Surplus People's Project.

Then the next heading is "Involvement of outsiders and removals of the community." That is under 5.1.4.4. Can you tell us what that relates to? -- It is also part of the input of the speaker.

The last item on that list "It was reported that a workshop on removals and relocations has been planned by the SPP for December 1983." Is SPP Surplus People's (30)

Project/...

Project? -- That is correct.

Do you know whether the Surplus People's Project ever became an affiliate of the UDF? -- It was not an affiliate of the UDF to my knowledge.

I would like you to turn to the next meeting of the National Executive Committee. It is EXHIBIT F. Are those the minutes of the National Executive Committee of the UDF held on 21 and 22 January 1984 at Kanya House in Pretoria? -- That is so. It is in Pretoria. That is the place where the Southern Africa Bishop's Conference has got its (10) offices. I cannot remember the name, I think the street is Visagie Street.

You were shown as being present at that meeting. Is that correct? -- That is correct.

If you would turn to page 5 under the item 11 of removals. Does that item record that the issue of removals and relocations was deferred to the following NEC meeting? -- That is correct.

What would that mean? -- That meant that the issue would be discussed - was not discussed in this meeting (20) and was to be discussed at the following NEC meeting.

I would like you to look at EXHIBIT G1. Would you look at paragraph 23. First I should ask you, these are shown as the minutes of the National Executive Committee of the UDF held on 1 and 2 June 1984 at the Rondebosch Congregational Church in Cape Town. You are shown as being present. Would you have been responsible for the production of these minutes? -- That is correct.

Under item 23 there is a heading "Removals." 23.1 says "It was noted that the Western Cape region was assisting (30)

to/...

to co-ordinate an ecumenical service organised by the WPC for June, 24 1984 at 2.30 pm." What is the WPC? -- In fact it should be WPCC. That is the Western Province Council of Churches.

What would the ecumenical service be? -- It would be a service organised by church groupings.

COURT : A church service? A religious service? -- It is a religious service, but it would be focusing on the issue of removals.

MR CHASKALSON : 23.2 "The NEC was asked to send a message (10) of support to the service. The focus of the service is to be Kayalitsha. Slogan 'No to removals and yes to unity'. Speakers are to include Dr Boesak. Speakers from Kayalitsha Mgwali, CAHAC et cetera." Dr Boesak we know already, you have referred to him previously as a patron of the United Democratic Front and what his own position is. Kayalitsha, why would there be speakers from Kayalitsha? -- First I must indicate that the decision as to who would speak there was not taken by the UDF. This was reported to the NEC that in terms of the arrangements that have been made by the (20) Western Province Council of Churches assisted by the Western Cape region of the UDF, these were people who were asked to speak. Kayalitsha is a place where people - some people who had been at Crossroads were removed to. It was a new place for people who were living in Crossroads and other squatter areas around there. I think it would have been Crossroads and - I cannot recall the other place, but this is another place not very far from Crossroads. These people had been people who had been affected by the removals also. Mgwali is a place in the border region which had also been (30) resisting/...

resisting removals for some time.

What is CAHAC? -- CAHAC is the Cape Housing Action Committee. It is a body that - an umbrella body of housing action committees in the Western Cape. It is an affiliate of the UDF.

23.3 "The national offices must develop guidelines for discussion at the next NEC meeting." 23.4 "The national secretariate was requested to put removals on the agenda for its next meeting." 23.5 "It was agreed in principle employ a fulltime person to address the question of removals." Do you whether such a person was ever employed? -- He was not employed.

23.6 "Regions must consider the possibility of sending small volunteer groups to work in the areas affected by removals." Do you know whether that was ever done? -- I do not know if it was ever done. The NEC never received a report that this has ever happened.

23.7 "The national secretariate must take the task of organising a national and international day of focus on removals." Do you know whether that was ever done? -- It was not done.

The next meeting of the National Executive Committee is showing in EXHIBIT H1. That was the "Workshop that was converted into an NEC on 21 and 22 July 1984." There seems to be nothing in the minutes referring to removals. If in fact it was not minuted what would that mean? -- It would mean it was not discussed. However, I just want to have a look through this. It might have been referred to just in passing somewhere as one of the issues that the UDF might have to address itself in the post-election period, but



I am not sure if it ever arose. I just want to look through these paragraphs quickly. (Witness goes through paragraphs) It means it was not discussed.

I would like you now to look at EXHIBIT T1. It might be T2. I think it is T2. The secretarial report of the NEC - to the NEC of the UDF of 21 January 1984. Would you look at the heading "Secretarial report to the NEC of the UDF 21 January 1984". Would that have been a report from the secretariate for the purposes of the NEC meeting in (10) January to which we have already referred? -- That is correct.

Would you look at paragraph 4.2 "Removals and relocations." -- May I just clarify one point. When I say it was a report from the secretariate, I do not mean the national secretariate of the UDF, that would include all the regions. I mean from the national office, from myself.

ASSESSOR (MR KRUGEL) : That is a report by yourself to the NEC? -- That is correct.

MR CEASKALSON : If you would look at paragraph 4.2 on removals and relocations. "One of the immediate challenges facing the UDF today is the violence of removals and re- (20) settlement system of the government. The government has intensified its offensive in this front. In recent months only over seven communities have either been resettled or threatened with removals. These include Leandra, Magopa, Badplaas, Lamontville and KTC. People in these areas are looking up to the UDF for support. The Black Sash has on many occasions indicated that they had tried all the methods but failed and that they were looking up to the UDF amongst other organisations to begin to play a meaningful role in respect of removals and relocations." May I pause for a (30) moment/...

moment. Do you know whether the Black Sash ever affiliated to the UDF? -- I think in the Natal region they were affiliated but in other regions they were not. In the Transvaal they sat as observers in the regional general council.

Then it continues "Although in some regions like the Transvaal and the Western Cape the UDF has some presence in these affected communities. Our work is far from being enough." What would that refer to? -- In the Western Cape there would from time to time be an attempt to address, a way in which to address the problem of Crossroads and Kayalitsha. In (10) the Transvaal for instance when the people of Magopa were threatened with removals, certain officials of the UDF went there to attend a night vigil that was organised there as a gesture of support. Similarly there had been some visits to some places, I think Badplaas is one of them. Let me not commit myself by Badplaas, but there are some places which the Transvaal region attended to in the Eastern Transvaal. It was in that sense really that these regions were trying to do something about the removals, but they had no - Transvaal in particular had no systematic and co-ordinated campaign (20) on the issue of removals.

And it continues "The UDF must begin to view the question of removals and resettlements as forming an integral part of its program. We must develop a strategy to challenge the State and the areas affected by the removal system." Was this ever done? Did it reach the stage of being, forming an integral part of the program with a strategy defined? -- It had not yet reached that stage.

To your knowledge did that on a national level ever take place? -- It did not take place. (30)

Apart/...

Apart from the matters to which you have referred, do you know of any other activities on the part of the UDF which would have amounted to participation in an campaign against removals? -- I cannot recall any. As far as I am concerned there has never been an instance where UDF national was involved in an campaign round the issue of removals. I do not preclude the possibility that certain of - one or so of the regions of the UDF might have involved itself in a much more serious way than the UDF national was doing. That could have happened. The UDF is a broad front really(10) with regional autonomy. The conditions in one region might have necessitated a proper attention to the issue of removals, but I do not know of any report that states clearly a campaign of the UDF in that respect.

This activity that you have described from the part of view of the national office of the UDF, would you regard it as a campaign or how would you describe it? -- That I would not describe as a campaign. I would simply view it as an activity or activities which warranted attention that the UDF had declared an intention to do something about.(20) That intention had not been realised. I may also indicate that prior to my arrest I had actually written a letter to a member of - one person who was connected with the issue of removals in the border region requesting him to consider compiling a report relating to problems in the areas threatened with removals and suggest to the UDF how it can develop a political program in that regard.

The methods ... (Court intervenes)

COURT : To whom was the letter addressed? -- It was addressed to Mr Jackson Vusile.

(30)

Is/...

Is that amongst the papers before Court? -- I believe it is amongst the papers before the Court.

MR CHASKALSON : The methods to which you refer - to which are referred to in these minutes, the vigils, the protest, the provision of support and the like, were those the methods which were being discussed by the UDF in relation to removals? -- Which minutes are referred to?

The ones that we have just been through together? The minutes of the National Executive Committee? -- Yes.

Was there ever any question of using violent means (10) to achieve the goals here? -- Not at all.

The next matter to which I would like to turn is housing. That is referred to in paragraph 51 of the indictment. As far as housing is concerned, you told us something about housing I think when you were discussing the declaration, but I would like to know whether housing is perceived as a matter of importance within the Black community? -- It was a very serious matter within the Black community. It was regarded as a very, very important matter. I indicated that large numbers of people do not have houses and even when I (20) am in jail here, I have been reading about how shacks had been demolished during the cold winter month ... (Court intervenes)

COURT : Are you going to lead a lot of hearsay which the witness read about in 1987?

MR CHASKALSON : No. The issue of housing, has it been an issue within the Black community? Is it a recent issue or is it an issue of long standing? -- It is an issue of long standing.

Is it an issue which existed before the United Democratic  
(30)

Front/...

Front came into existence or is it something which was raised for the first time when the United Democratic Front came into existence? -- Long before the UDF was formed it was an issue but was debated in the community.

As far as people living in houses is concerned, is there adequate accommodation within single houses or are those houses heavily occupied? -- The houses are heavily over-crowded. I have my own experience in that regard. If I am called upon to deal with that I can do so.

Was this an issue which was discussed on occasions (10) at the United Democratic Front, at the meetings of the National Executive of the UDF? -- That is so.

Perhaps I could bring to your attention some of the minutes. I would like you to have a look at EXHIBIT F.

COURT : Paragraph 5.4.

MR CHASKALSON : There is a reference under "Housing policy. The National secretariate was mandated to look into the possibility of co-ordinating residents community organisations for taking up the housing issue." Would that have been decided at that meeting? -- That is so. (20)

Could we look at EXHIBIT G1. That is on page 5 under item 13 "National Housing conference. Report on preparation. 13.1 The diaconea is willing to sponsor the conference, i.e. the conference must be under their auspices. 13.1.2 The 23rd of 30th June are suggested dates for the first consulted meeting on the conference. 13.1.3 A maximum of five people per region was suggested. 13.1.4 It was agreed that the matter be taken back to the regions and that the feed back were to be given to comrade Eunice Mohammed within 10 days of the NEC meeting." What is that a reference to? -- (30)

It/...

It was in reference to efforts to pay attention - to give attention to the issue of housing. After the NEC took the decision that the secretariate must consult organisations with a view to taking up the issue of housing, the secretariate met and decided that it was going to recommend that civic organisations must take the initiative - should take the initiative in that regard rather than the UDF itself taking that initiative. It emerged in the course of the discussions in different regions that an organisation called Diaconea in Natal which is also an ecumenical organisation was (10) also considering the matter quite independently of the UDF and it suggested that it could host that kind of a conference that would include affiliates of the UDF, provided that that conference was to be conducted under its own auspices. It had then suggested that those dates there as the possible dates for the meeting of people from various regions to discuss the details of the conference.

Do you know whether the conference was ever held? -- At the time of my arrest it was not held. It had never been held. (20)

Apart from the attempts to arrange the conference and the matters, the resolutions to which - of which we know were passed, do you know of any activity on national level which was undertaken by the UDF in relation to houses? -- I do not know of any.

Would you regard these activities as a national campaign by the UDF? Did it ever reach that proportion? -- I do not regard them as such.

Next to the items is concerned with labour. It is in paragraph 52 of the indictment. As far as trade unions (30)

and/...

and labour issues are concerned, I think you have already given some evidence about this, but are workers right seen as of importance to the UDF? -- That is so.

As far as the UDF itself is concerned, did the workers constitute a constituency in which it is interested? -- That is so.

When it comes to the question of labour, would the UDF itself take a lead in these issues? -- The UDF has always operated on the basis that on matters pertaining to trade unions, a lead would be taken by those trade unions, because the issues at that level immediately affect them as trade unions and they have a better understanding of those issues and of course it was in line with the principle of not usurping the rights of affiliates. Any attempt to take up an issue that affected the trade unions, without allowing the trade unions to take the lead or working jointly with them on that issue, we believed would inevitably lead to some conflict because it would have undermined the - it would have been seen as an attempt to undermine the influence of the trade unions in its fear of operation. (20)

Was a national campaign concerned with workers rights or trade union issues ever launched or undertaken by the UDF? -- My memory does not tell me of any such campaign.

The next item is "General sales tax and cost of living." It is in paragraph 53 of the indictment. I have a typing error, I am told it is 54. I am now being told that I was right, that my correction was incorrect and I am told that 53 is the correct paragraph. You were asked about GST previously in regard to your attitude to GST. Do you know whether the question of GST was an issue which existed prior/... (30)

prior to the formation of the UDF or is it an issue which arose after the formation of the UDF? -- It is an issue that had been there before the formation of the UDF.

Do you know of any bodies which it had taken up? -- I think it was either in 1982, I am not sure, 1982 or the beginning of 1983, I am not quite sure, but in the early 80's, but when the UDF was formed it was already there.

Do you know of groups within the Black community which had taken up the GST and the cost of living prior to the formation - apart from the UDF, can you mention other groups(10) which had taken an interest in this issue? -- There had been organisations that had expressed an interest in that. My recollection is that an organisation that was called Black Consumer Council had spoken out against the GST. The women's organisations were particularly concerned with the GST such as the United Women's Organisation, but I do not know of a clear campaign by any of those organisations against the GST.

Do you know what the trade unions attitude to this - whether they had any position in regard to this issue? -- (20) My recollection is that the federation of South African Trade Unions together with other unions, if I am correct, African Food and Canning Union, had debated the issue of GST and they had recommended, in particular FOSAU had recommended to the government that GST not be imposed on certain basic foodstuffs.

I would like to bring your attention to EXHIBIT D1. These are minutes of the National Executive Committee of September 1983. Would you look under item 16 under the heading "Unions." 16.1 "FOSATU. Popo Molefe reported that he had(30)



set up a meeting with Joe Foster, the general secretary of FOSATU. The meeting was planned to coincide with the FOSATU NEC meeting which was going to take place on Saturday, 17 September 1983 at Wilgerspruit, Roodepoort." Had you set up such a meeting? -- That is so.

"It was pointed out that whereas the UDF had to ensure that it did not become an obstacle on the way of the union's movement towards unity, it needed, however, to prepare itself for possible gravitation of FOSATU into its ranks." Would the UDF have liked to have FOSATU as an affiliate? (10) -- Yes.

"16.1.2 Level of co-operation. It was noted that although FOSATU and other unions had not yet affiliated to the UDF that did not preclude co-operation at specific levels. The following were identified as areas wherein the UDF and FOSATU could operate." There are four "Fight against sales tax on food, fight for extension of workers rights to domestic and farm workers, campaign for a national minimum wage, fight against forced subscription for management imposed unions, fight against unemployment." These areas which (20) were identified as areas of possible co-operation with FOSATU, did they ever develop into actual activities? -- They did not develop into actual activities from the point of view of the UDF, UDF National.

Could you have a look at EXHIBIT G1. Mine is mislaid but I do not need it for the moment. If you would look at paragraph 25 on page 8. Do you find a note there concerning a national day of focus on high food prices? -- That is how I see it.

Would you mind reading it? I do not have it in (30) front/...

front of me. -- "It was recommended that July, 1 1984 be a national day of focus on high food prices and GST."

Do you know whether anything was ever done about that?  
-- I do not know - no, it was not done.

Was that decision ever communicated to the regions? --  
It was communicated to the regions.

And as far as you know nothing - there was no national day of focus on high food prices ever organised? -- That is correct.

During your time, prior to your arrest, was there (11) ever anything which you would regard as amounting to a national campaign against GST organised by the UDF? -- There was none.

The next of the campaigns dealt with by the State concerns education. It is paragraph 54 of the indictment. Education, I think you have told us already that education is an issue within the Black community? -- That is so.

For how long had it been an issue? -- For many, many years. From historical records when the Bantu Education was introduced, Bantu Education bill was introduced around the period 1953, the Black community protested heavily against, (20) strongly against the introduction of that legislation and ever since that time there has just been protest around the education of the Black people.

What was the UDF's attitude to education? -- The UDF regarded education as a very, very important matter. It placed a high premium on education.

How did it attempt to deal with the issues which were arising from time to time in relation to education? Did itself take any action in that regard? -- The UDF did not have a national campaign around the issue of education. (31)

It/...

It had issued a lot of statements around that issue, but insofar as specific problems arose at various times, the UDF was involved in trying to normalise the situation.

How did it seek to do that? -- We sought to do that by getting the students back to school and by calling on the government to address the problems that were being faced by the students. Where meetings took place in areas where students were affected, officials of the UDF attended those meetings and played a role in terms of trying to normalise the situation. (18)

Did the UDF see the parents as having a role to play in education matters? -- That is so.

What was its attitude there? -- The UDF encouraged communities to form parents committees which would include the teachers, ordinary parents and the students to ensure that there is a working relationship between those people and that those committees could serve as negotiating bodies from time to time between the community and the education authorities. They would actually serve as liaison bodies.

Did the UDF have affiliates who came from schools (20) and universities? -- That is so.

Those affiliates, did they insofar as they may have undertaken any action, did they do so on UDF constructions? -- May the question be repeated, please?

Where the affiliates undertook particular action in relation to the education crisis, what I want to know is whether they were - whether the UDF gave instructions to the affiliates to take particular actions or whether the affiliates took those decisions for themselves or exactly how that happened? -- Those initiatives were coming from (30) them/...

them and the UDF did not give instructions in that connection.

You have told us as far - you have told us about the autonomy of the affiliates. Would the affiliates in any particular field have the right to decide for themselves as to how to conduct themselves in any particular - in relation to any particular issue? -- That is so.

As far as UDF policy is concerned you told us that we must find it in the resolutions of the National Executive Committee and in the National General Council. Is that (10) correct? -- That is correct.

Can I bring to your attention EXHIBIT T15. Is that the minutes of a meeting of the National Secretariate of the UDF held on 12 and 13 January 1985? -- That is correct.

What is the National Secretariate? -- The National Secretariate is an administrative body of the United Democratic Front. It comprises the National General Secretary, the National publicity secretary and two regional secretaries, two regional secretaries from each region. I may state, however, that that was the position up until the last NGC (20) of the UDF that I attended. At the NGC of 1985 the position was altered.

I do not think we need to deal with that now, because it is really only a week or two after that that you were arrested. Is that right? -- That is correct.

Would you look at page 5 of those minutes under the heading "Education". Do you see a statement there "Matters arising out of the Transvaal Report. Education. The UDF must seek to get involved in resolving the education crisis."

COURT : There are two headings "Education". The one is (30

at 6.2.4.9 and the other is an open heading "Education."

MR CHASKALSON : Perhaps we should look at both. 6.2.4.9 "Education. Parents committees have been set up in Soweto and other parts of the region to deal with the education crisis. A national parents committee consulted meeting was held on 29 January 1985. A draft constitution has been prepared." Are you able to tell us about that? -- I was not present at that meeting, this national parents meeting. I had heard that that meeting was taking place in Johannesburg. (18)

If you were not present it was reported was it at this national secretariate? -- That is correct.

If you would look at the next item "Matters arising out of the Transvaal report under Education. The UDF must seek to get involved in the education crisis. The national offices and the Transvaal secretaries must set up a meeting with the national executive committee members of COSAS to seek clarity on positions of COSAS on boycotts. A meeting of UDF and COSAS and parents committees must be called. The national office must compile information on education, (20) especially the COSAS congress resolutions." Can you explain what that is about? -- Until that time the UDF was getting involved in education in a matter that was not - in a way that was not systematic. As and when the problem arose officials would go there to try and solve the situation. The secretariate was now saying at this stage that it was important for the UDF as a front to now address itself to the issue of education because at that time there were problems of school boycotts and so on and it was felt that in order to do that, it would be important, it would be necessary (30) that/...

that the UDF meet with organisations that had been operating in the area of education, especially COSAS and the parents committees which were springing up in the country.

It talks about the UDF becoming involved in attempting to resolve the crisis. What did the UDF have in mind as far as that was concerned? -- What the UDF had in mind is that - we know there were school boycotts that time. It was difficult for the parents or the teachers to resolve the situation. The UDF saw that as a crisis situation and it sought to end that boycott because UDF believed that (10) a continuous disruption of classes was not the best way of addressing the issue of education. It really sought to find a way of normalising that kind of a situation. It was going to look at means and ways of addressing that kind of a problem.

I would like to bring to your attention EXHIBIT D1. Could you look at page 7 paragraph 21. These are minutes of the United Democratic Front at the national executive committee, we have been told by you already, which were held on 10 and 11 September 1983. There is a reference there (20) under paragraph 21 to education. "Following increasing crises in schools, the NEC decided to ask regions to create a commission on education." First of all, what was contemplated by that? -- The UDF intended to set up - to appoint certain people or committees in regions which would pay full attention to the issue of education. I think there is an error there. It should actually have been commissions.

Then it continues "It was further agreed that the publicity secretary must issue a statement in consultation with the Transvaal region on education." Do you know (30) whether/...

whether or not such a statement was issued? -- Several statements were issued but I am not certain if this one was issued. It happened a long time ago. I am not particularly sure.

"It was suggested that Curtis Nkondo be approached to head the education commission." What was Mr Nkondo's background? -- Mr Nkondo was a renowned educationist. He was a former principal of a school in Soweto. He had also been the chairman of the Soweto Teachers Action Committee. He is a well-known educationist.

Was Mr Nkondo approached to set up such a commission?(17)  
-- He was approached.

Do you know whether such a commission was in fact set up? -- It was not set up.

COURT : Was he a retired principal? -- No, he did not retire. During 1977, after the events of 1976 teachers in Soweto by way of protest resigned from schools. He was one of those teachers who resigned at that stage.

MR CHASKALSON : Could I ask you to look at EXHIBIT F. Is EXHIBIT F the minutes of the meeting of the National Executive Committee of the UDF held on 21 and 22 January 1984? --(20)  
That is correct.

Would you look at page 6 under paragraph 14 under the heading "Education. 14.1 Teachers transfer. Eastern Cape reported that a petition campaign was unfolding. Eastern Cape reported that a petition campaign was unfolding for the reinstatement of the teachers who were transferred. The Eastern Cape further called upon the national publicity secretary to give the matter publicity." Can you tell us what that refers to? -- It was reported by the Eastern Cape that certain teachers had been transferred, much against (30)  
the/...

the wishes of those teachers and the students and the school. I am not quite sure, possibly this was referring to the situation in Cradock at the time. It was referring to the transference of amongst others Mr Guniwe. It might have included other areas. I am not certain now.

Are you able to recollect whether or not such a statement was issued by the national publicity secretary? -- I cannot recall specifically, but I believe it was issued.

14.2 "Matric results. The Transvaal region of the UDF reported that a meeting had been called to discuss (10) the JC and matric results. The meeting was reported to have been attended by NUSAS, AZASO, COSAS, TAC." I think we have had everybody identified so far other than TAC. Who are TAC? -- That is the Teachers Action Committee from Soweto.

"Transvaal UDF intended to form a parents committee." What was the reasons for discussing the JC and matric results? -- That year a lot of students had failed, matric students had failed. Results were extremely bad that year. Preceding those results there had been the leak out of examination papers and as I recall it the department then (20) applied particular criteria to deal with the problem and arising out of that a lot of people failed and they believed that they had failed because they were victimised for the problems that were caused by the department itself and other individuals who had stolen exam papers. What I am trying to say is that it was the general belief that innocent students had been failed because of the failure of the department to handling its affairs properly.

On a national level, was there anything - would you regard the activities of the national secretariate as (30) constituting/...



constituting a campaign against education? -- I do not understand it as such.

The methods which are referred to in the minutes, the forming of parents committees, the issuing of statements and the like, were those the methods that were used and discussed by the national executive committee? -- The methods which were discussed by the national executive committee were used and recommended.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 6 AUGUST 1987.

(10)

## **DELMAS TREASON TRIAL 1985-1989**

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