

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1987-08-03

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST E

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

24

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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VOLUME 247

(Bladsye 13 110 - 13 167)

COURT RESUMES ON 3 AUGUST 1987.MR CHASKALSON CALLS ACCUSED NO. 19 :POPO SIMON MOLEFE, d.s.s.

EXAMINATION BY MR CHASKALSON : Mr Molefe, you are the nineteenth accused in this case? -- That is correct.

And you were elected as the general secretary of the United Democratic Front on 6 August 1983? -- That is so.

Where did that take place? -- It took place at Rocklands Civic Centre in Mitchells Plain in Cape Town on 20 August 1983.

Did you hold that post thereafter? -- That is correct. (10)

I believe that there was an annual national conference of the United Democratic Front at Azaadville in Krugersdorp in April of 1985? -- That is so.

Did you hold the office right away through to the next annual national conference? -- That is so.

And were you re-elected to that post at the Azaadville conference? -- That is correct.

And later that month on 23 April 1985 were you arrested? -- It is so.

And for the twenty-seven months since then have you (20) been in custody? -- That is correct.

I am going to ask you some questions about the United Democratic Front and I would just like you to explain to His Lordship your involvement in its affairs. You told us you were elected as the general secretary in August 1983. Were you actively involved in the affairs of the United Democratic Front? -- That is so.

And did you remain actively involved until your arrest in April 1985? -- That is so.

Can you give us an idea of the meetings that you would (30) have/...

have attended during that period, the structures, the meetings and the different structures that you would have attended over that period of time?-- During that period I attended a whole range of meetings of different structures of the United Democratic Front. These would be meetings of the National Executive Council of the UDF, meetings of the National Secretariate, meetings of the Transvaal Regional Council, Transvaal Regional Council of the UDF of which I was an ex officio member. I had also on occasion attended meetings of the Transvaal Regional Executive Committee. Those that I have(10) also attended of course would have been the national conferences of the UDF. I do not know if I am required to say specifically ... (Mr Chaskalson intervenes)

No, I do not want details now, but you have told us of the type of meetings that you would have attended and did you also during that period have discussions from time to time with members of the executive of the UDF? -- That is so.

With people, with members of affiliates of the UDF? -- On occasions it happened with affiliates of the UDF.

It is alleged in the indictment that the goal of the(20) United Democratic Front was to overthrow the government by violence or by means which included violence or threats of violence. What do you say to that? -- There is absolutely no substance in that allegation.

Did violence form any part of the program of the United Democratic Front? -- Not at all.

Was violence ever contemplated by the United Democratic Front? -- The UDF has never contemplated any violence. In fact the UDF was conceived as a peaceful organisation which at all times aimed to achieve its objectives by non-violent method.(30)

Right/...

Non  
Violence

Right up to the time of my arrest that had been the position of the United Democratic Front.

It is alleged in the indictment that the United Democratic sought to make South Africa ungovernable. What do you say to that? -- There is no <sup>strain</sup> ~~trent~~ of truth in that allegation.

It is alleged in the indictment that the United Democratic Front was preparing the masses in South Africa for a violent revolution. What do you say to that? -- Violent revolution did not form part of the program of the UDF and that allegation is simply not true. (10)

*ANC*

It is also alleged that you personally were party to a conspiracy involving the African National Congress, the South African Communist Party and members of those organisations and members of the management committees of the affiliates of the United Democratic Front to overthrow the State by violence. What do you say about that? -- There is no truth in that allegation. I have never been a member of the ANC, I have never been a member of the South African Communist Party and I have got no dealings with those organisations or any other organisation that is involved in a violent program. (20) to overthrow the government.

*Publications of ANC*

Did you yourself receive or have access to publications of the African National Congress? -- Not at all.

Did you receive or have access to publications of the South African Communist Party? -- I did not.

A lot of exhibits have been produced in court, publications of the African National Congress and the South African Communist Party. Have you ever seen those exhibits before they were produced in court? -- I had never seen any of those exhibits. (30)

I will deal later - I am going to ask you to tell His Lordship later about the events leading up to the formation of the United Democratic Front and with your own participation in its affairs, but I would like you first to explain your own background to His Lordship and how it is that you yourself became involved in political affairs and what led you to hold the particular position in which you became general secretary of the United Democratic Front. So, I am going to ask you some questions about that. When were you born? -- I was born in 1952 on 26 April. (10)

Where were you born? -- In Johannesburg, Sophiatown.

How many children were there in your family? -- I was the fourth of the eight children in the family.

What was your father's occupation? -- He was an ordinary labourer.

And your mother's occupation? -- A domestic servant.

What was the financial position of your family? -- The family was extremely poor. We could not afford to maintain all those children.

And what happened to you? You said the family could not maintain all the children. What happened to you personally? -- As a result of that I was handed over to my paternal aunt who had to bring me up together with my three other sisters. (20)

Did your uncle die when you were young? -- That is correct, around 1960.

That is when you were about eight? -- That is so.

What happened to your aunt then when your uncle died? -- My aunt who had briefly been out of work, had to go back and look for work as domestic servant in order to be able to maintain the family. (30)

And/...

And where did she live? -- Do you mean when she was working?

Yes? -- Well, as a domestic servant she had to occupy a backyard room in her employer's yard. She was a live-in domestic. She would only come home once per month.

And who cared for you? -- During that period we were cared for by the members of the relatives in the house. That is my aunt's eldest daughter and other members in the home, like the step-daughter of my aunt.

I understand from what you have said that you would (10) have been brought up in conditions of considerable poverty? -- That is so.

I am going to ask you a little bit about schooling and your attitude towards education. What I would like to know while you were young, did you do anything to help and find money yourself? -- I personally grew up under very, very difficult conditions, conditions what one could describe as of extreme poverty, extreme material deprivation and as a result of that I learned to fend for myself at a very, very young age. I had to do various sorts of things to be able (20) to earn a living. Among these things were selling apples and peanuts at the football grounds, selling apples at the railway stations on weekends and late in the afternoons when workers were coming back from work. I also had to look for jobs as a caddy at various golf courses on weekends. At a later stage of course I began to work on Saturdays as a till packer at various supermarkets in order to earn a living.

How old would you have been when you started doing all these things to earn money? -- My recollection is that when I started doing these things I could have been about (30) thirteen/...

thirteen years old.

How old when you when you first started school? When you first went to school. How old were you the first time you went to school? -- When I started school I was ten years old.

What was the reason for that? -- The reason being that as I have already indicated I was brought up under conditions of extreme material deprivation. As a result of that it was impossible for my aunt to send us to school. Nobody could afford to pay for us. That was the reason why I did not (10) go to school at an early age.

You started in 1962. Were you able to see out that year? -- I was unable to see out that year because when compulsory uniforms were required at school, I was unable to buy the uniform and as a result of that I had to leave school.

How old were you when you went back to school? -- At the age of twelve I went back to school.

Where did you start at the age of twelve? What class? -- I started right from the bottom of the ladder. I started at Sub Standard A at that stage. (20)

And who was providing the cost of your education at that stage? -- For the first two years the cost of my education was paid for by my elder brother who had already started working then. He paid for only two years.

I want to ask you about your conditions at school. Tell me, were you ever hungry when you went to school? -- Well, as I have already indicated that I was living in a family where there was really nothing at home. My aunt was coming home once a month and she was earning about R20,00 that time, if my recollection is correct. Very often there was nothing (30)

at/...

at home. One had to go to school very hungry sometimes without even having had breakfast. I remember very specifically one day on my way to school I think at that time I was in the Standard 3 class, I was so hungry that morning that I became dizzy on the way and I had to stop and lean on the fence and finally I ended up having collapsed and fainted because I was very hungry.

Do you remember a day when it snowed in Johannesburg?

-- Yes, in 1964, that is correct.

How did you go to school that morning? -- It was a (10) very terrible morning. I had no pair of shoes and I had only a pair of short pants and a shirt and a jersey. I had to walk to school that morning without shoes on. I remember that day very well, because it was such a terrible day in my life that I think it has left a very, very indelible impression in my mind.

You have described your own condition. Can you tell us about your school friends. Were you peculiar in the sort of circumstances which you have described or were there other people who were going to school in similar conditions than(20) you? -- There were many other young boys and girls of my age, some older than me, some younger, who were as poor as we were, who also had to walk to school without shoes on.

Later on were you able to find some assistance to go to school? Did anybody help you? -- I got assistance really at different times. I do not know specifically what the question wants? Whether I should deal with all those stages.

Let me ask you, did any teachers take an interest in your career? -- That is correct. Whilst I was in Standard 1, I indicated earlier on that my brother was able to pay for me(30)

for/...

for the first two years at school. When I was doing Standard 1 I did not have money to pay the fees. My class teacher paid for my fees and she gave me books to use at school. The same happened when I was at Standard 2. It happened again when I was at Standard 3 and 4.

Did you change to a new school when you went into Standard 3? -- That is correct.

Was there any problem about the fees during that year? -- Earlier in the year, I think it could have been in March or so we were required to pay money which is called school (10) fees. I was unable to pay that money and every time those who did not have money to pay were sent home to go and look for that money. Every morning we got into class we were asked to stand up and asked why we are not paying. How could our parents send us to school without paying for us. I felt so much embarrassed and so much humiliated that I finally decided that I was no longer going to go to school. I was going to leave school.

Did you actually leave school or did you come back again? -- Whilst I was at home the teacher sent some boys to call (20) me back to school. It was after a couple of weeks.

And did your teacher help you after that? -- That is correct.

How did you get exercise books that year? -- That year there was a competition run by Gold Cross. It was some company selling condensed milk, called Gold Cross. School children were required to collect wrappers of the tins of Gold Cross and the one who was able to collect many of these things, was given a price of exercise books. That year I worked very hard to be able to collect those wrappers to be able to get as (30) many/...

many books as possible.

When you were in Standard 5, were you able to apply for a bursary from the Rand Bursary Fund? -- That is so.

Do you remember what year it was? -- I think it was actually when I was at Standard 6.

Did you get a bursary? -- That is so.

What was the bursary that you got? -- I got a bursary from the Rand Bursary Fund based in Soweto, Orlando West.

Was that able to provide the money for your education? -- Yes, they were paying for my education depending on my (10) performance of course at school.

Was your performance sufficient to enable you to get that bursary renewed from year to year? -- That is correct.

Were you still working at weekends? -- Yes, I was working at weekends.

What about the younger members of your family and their schooling? Were you able to do anything to assist them? -- Yes, I was using the money that I was earning on weekends to pay for my younger sister who was also in the same class with me and the other one who was in a class much lower than we (20) were in.

How old were you in fact when you got in your matric year? -- I was 24 at that stage.

Were there any young men in the matric class older than you? -- Yes, there were young men who were much older than me. Some of them were five years older than what I was. Some two years older. Really that kind of a situation typifies the lives of the Black people in the township. You find many, many young people at the age at which they should have already completed their university studies still at high school. (30)

You/...

You talked about your own trouble to secure education. We have heard suggestions about the United Democratic Front's attitude to education in this case. I would like you to tell me what your own personal attitude is to education? -- Needless for me to say that I have struggled very much to secure education for myself. The hardships that I went through made me place a very, very high value, high price on education. I value education and it is my view that every young child, every child must be given a proper education. Conditions must be created which should make it possible for all the (10) children to get education.

What do you feel about the Black education system in this country? I will come back to it in more detail later but I would just like you to explain in the context of what you have said, your attitude to it? -- The Black education system in this country is such that it makes it very, very difficult for Black people to get education. Firstly, people have got to pay for their own education. Secondly, that education itself inferior calculated to keep Black people in positions that make them subservient all the time and I feel very (20) strongly that that education is unacceptable and it has got to be altered in such a manner that it satisfies the people of this country, all the people and it can accommodate all children who today are finding it difficult to get their own education.

*education* { What do you feel about - we have heard evidence about the disruption of schools and the disruption of education of Black children? What do you feel about that? -- It pains my heart to have these disruptions taken place in schools. It is my wish that there should develop a situation that (30) could/...

could make it impossible for these disruptions to take place.

I am going to come back a little bit later in more detail to the question of education, but I want to continue about your own part in political activity. While you were at school, do you remember an occasion - where were you at high school? Sorry, what high school did you go to? -- I went to the Naledi High School which was earlier on known as the Soweto Secondary School. At that stage it went only up to junior certificate. That is when I started there, but later on it became a high school. A senior secondary school. (10)

Do you recollect an incident whilst you were at Naledi High School which involved a protest by students? -- That is correct.

Would you describe to His Lordship what that incident was? -- The incident had to do with the transfer of Zulu speaking students at that school. There had been a school built a year or two previously and at that stage the government was enforcing the policy of a snake differentiation and in pursuit of that policy they sought to take all the Zulu speaking children in that school to that other high school. (20)

How did the school children feel about that? -- The school children were opposed to that. They felt strongly that that should not happen. They had the feeling that they had been working together, attending the school together, they had developed so much good relationship with these children that there was no reason for them to be moved.

What happened? -- Then the school children called - discussed the matter, called a meeting to discuss the issue and a decision was taken then that the views of the students must be presented that we were unhappy with the decision that (30)

these/...

these children must be taken away and in fact it is our view that that should not happen. Secondly, that the principal be informed to go and communicate this view to the inspector responsible for our region. At that stage of course there were other teachers who also supported the views of the students.

What was the outcome of that? -- The outcome was that that those children were not sent away.

Was that the first occasion that you had been involved in some protest at a school? -- That is correct. (10)

And the outcome had been successful? -- That is so.

When you talk of school children, what ages are we talking about now, because there may be some confusion about the use of the word children? -- I refer to the age at that stage up to the age of 26 - up to the age of 26.

How old were you yourself at that time? -- At that stage I think I was 21.

Would that have been in 1973 about then? -- That is correct.

The following year, did you become the assistant head- (20)  
of the school? -- That is so.

And in 1975 and 1976 were you the headboy at the school? -- That is so.

Whilst you were in the senior classes and whilst you were headboy, were you able to do anything in connection with the students and their education? -- Yes, that is so.

What did you do? -- At that stage it was clear that there was a number of school children who had difficulty in completing their work in subjects that they were doing in classes. We had to enrol those senior students who had a better (30)

understanding/...

understanding and in command of those subjects to help teach these others in order that they should improve on the work that the teachers were already doing.

I would like to look at some other influences which lead you into a political activity. Did the church have any influence on you? -- That is so.

Did you grow up in a religious home or not? -- The home in which I grew up was a very religious one. Almost every Sunday everybody went to church and I was confirmed in church and I sang in the church choir myself. (10)

What church did you belong to? -- The Lutheran church.

Did you join any youth groups while you were at school? -- Whilst I was at school, I participated in the Student Christian Movement and I also joined what was called the Teen Talent Club. Teen ? Race Club. Later it was called Teen Talent Club. It was a Christian club of young people.

Do you regard yourself as a professing Christian? -- Yes, I am practising Christian myself.

Have your religious attitudes have any influence on your political involvement? -- That is so. I was influenced (20) wisely by the principle of the love for one's neighbour and the love for one's fellow man. That is the principle that really influenced me and I have always believed that conditions should develop in which that love for one's neighbour and that love for one's fellow man can find a practical manifestation in the day to day interaction in life.

Did you also join any student movements while you were at school? -- That is so.

Can you mention the first of these student movements that you joined? -- The South African Student Movement. (30)

That/...

That is SASM? -- That is so.

Do you recollect approximately when that would have been?

-- I think it must have been round 1973.

Was SASM active at your school at that time? -- It was not active at that time.

What really happened as far as your association with SASM was concerned roundabout 1973? Let us take the period prior to 1976 - 73, 74 and 75? -- There was very little contact between myself and the national structure, national executive of SASM or national officials of SASM. Really (10) my involvement was limited by and large to the activities within the school in which I was learning. These activities would really be things like organising book discussions for the students to discuss the subjects with which they had problems, discussing the best methods of improving relationship between the students, parents and teachers. There was very little, although later on I think roundabout 1975 or 1974 there were some members of SASM who had been in senior position who had come to attend school where I was attending.

Did you also become a member of a youth hostel's association? -- That is correct. (20)

What was the object of that association? -- The objects of that association as I recall were to organise young people to bring them together and allow them to opportunity to be involved in what is called youth hostelling. They would travel around the country and if possible go to other countries. The main purpose of that was to let them know their own country and to know the world in which they lived. That was the main purpose as I understood it at that time.

Did you ever take any trips on that youth hostelling (30)  
yourself/...

yourself? -- That is correct.

Where did you go to? -- My recollection is that the first trip I undertook was to Lesotho, to Maseru and I must have gone there about twice or so. Then I also went on a trip to Botswana under the auspices of that organisation.

Did you take an interest at that time, I am now at schools, prior to 1976 in any political organisation? -- Yes, I began taking interest in the organisation that was called the Black People's Convention, BPC.

Did you actually join the BPC? -- I cannot remember (10) taking up membership of that organisation. I would best describe myself as a supporter of that organisation.

Did you attend meetings? -- Yes, I did.

Where about were you living at that time in Soweto? -- I was living in the part of Soweto that in the local language would be called the wild west. It is deep Soweto in the far west, not very far from Randfontein.

Why do you regard it as the wild west? -- Generally the people in the township believe that that part of Soweto is almost unknown to the people who come from the eastern (20) part of the area and they believe that it is a very rough area. There are a lot of thugs there marking robberies and so on in that area.

Was BPC active in that part of Soweto? -- It was not active at the time.

Perhaps you should tell us a little bit about that area. You said that there were thugs and robbers in that area. Did you yourself have any experience of encounters with such persons? -- Yes. I indicated earlier on that as a young man I had learned to fend for myself at a very young age. (30)

During/...

During those days we had to travel every morning to the golf course and there were a lot of youngsters from various townships of Soweto who were also going to the golf course. For that reason every morning there were very long queues of those who stood there to caddy for golf players at the time. For that reason therefore it became necessary for us, for me and the other youngsters I was travelling with to the golf course on a regular basis to wake up very early to catch the first train so that we could be the first on the queue. This meant waking up at about 03h00 in the morning and I remember (10) on occasions when I went to the course I was chased around by a group of thugs who wanted money from us. On one night I was so terrified that I could not even proceed to the golf course, I had to go back home. But on other occasions I managed to run away and escape them, but there were other occasions on which they actually got me and I have on those occasions to part with the little cent that I had. I think in a sense therefore those description of that area as the wild west might be correct.

Your aunt you told us was working as a domestic (20) servant. Was it in a White area? -- Yes, it was a White area.

Did you ever have occasions to go into White areas to visit your aunt? -- Yes, I did.

When you went to see her, what would happen? Was it permissible really for you to go and visit your aunt at the place where she was working? -- No, where Black domestics were allowed to live with their employers in the backyard room, they were not allowed to bring their children or members of their family to that yard. It was very difficult. Those who were going there had to stay there for a very brief (30)

time/...

time and they were not supposed to be seen by their employers in the yard. So, when I visited my aunt, very often I had to hide in her backyard room so that her employers should not see me. That is what used to happen.

And travelling to your aunt through White areas, did you ever have any - how did you feel about that? -- I remember on one occasion travelling through a White suburb in Johannesburg Westdene. I was going to my aunt. On my way I saw a young child who was playing in the street, a White boy, about my age. When I passed there, he started taunting me, (10) calling me a Kaffir and doing all sorts of things. I ignored him because I was very scared. I was the only Black boy in a sea of White people. So, I wanted to avoid that. I did not want to talk to him because it was clear to me that he was going to start fighting with me. As I ignored him, he went on taunting me, calling me a Kaffir, Swart gat and so on. He ended up slapping me on the face with an open hand. I hit back at him at that time. When I did so, there was an adult White Woman who was coming from the opposite direction. She threatened to assault me for doing what I did to this White (20) boy and I felt very angry, very perturbed and I was terrified too. I could not understand how the White boy - why a White boy should have treated me in the manner that this youngster did and similarly I could not understand why this adult White woman should have treated me the way she did, threatening to assault me, when in fact she should have reprimanded this boy because she was aware that he was the cause of the problem.

Did you notice any difference between White living conditions and Black living conditions when you would move (30) into/...

into White areas to visit your aunt? -- Oh, yes. When you move into White areas - I know of no White area that has got no tarred roads. I know of no White area that has got no electricity. I know of no White area that has got a shack. I know of no White area that has got no properly built, no decent house and all these things you do not see there in the Black area. There is a marked difference. Even before you enter any White house you see these things. There are parks, there are nice hedge trees around some fences. There are lawns in the yards and on the pavements and so on. (10) There are road signs at every important road intersection. These things are not there in the Black townships. Only a few, if any, exist there.

Do you think that these sort of experiences had some influences on your later involvement in politics? -- It certainly did.

I want to ask you about other possible influences. While you were living as a child and as growing-uppers in Soweto, did the police ever come to the house? -- Yes, they did on a number of occasions. (20)

Why would they come? -- During those days there were policemen called the Black Jacks. It seemed to have been a routine job of theirs to go from time to time at the wee hours of the morning, going into houses checking for permits, seeing if there were not any illegals in the houses. Also picking up people who were in rent areas. This happened very often.

When you talk about the wee hours of the morning ...

(Court intervenes)

COURT : Was that an administrative board official or was that a SA police official who was a Black Jack? -- It really (30) initially/...

initially started at the time when Soweto was administered by the City Council of Johannesburg and further intensified during the period when the Administration Boards took over. I think from the period 1973.

So, it was first a Municipal official and later on an Administration Board official? -- Yes, but they are normally called Black Jacks in the township.

MR CHASKALSON : When you talk about the wee hours of the morning, what time would that be? -- That would be about 04h00 in the morning. (10)

What was your experience? What would happen when they came to the house? -- First when they came into the house they would knock on every door or sometimes knock on windows lighting with the torches through the windows and once they got in, they would get everyone out of bed. Sometimes when this happened other people had to get out of beds undressed or dressed in only night dresses and so on. It was very humiliating to see this kind of thing happening in front of children, but that is how it happened very often and they would insult people, "Get up", "Do this", "Who are you?" (20) "Where is your permit?" all those kind of things used to happen.

Was your experience peculiar in this regard or from talking to your friends and your knowledge of what was happening in the neighbourhood, did it go beyond your particular home? -- It was the experience of a number of people in the townships. It was not a peculiar case to my family. It happened to a lot of people. It was simply seen as the way of life of the Black people in the townships.

Were there ever pass raids in Soweto at that time? (30)

Oh/...

-- Oh, yes, there had always been pass raids for many, many years. There were pass raids all over. Sometimes these pass raids took place right inside the townships in the streets and people were arrested in front of their gates sometimes.

Were you yourself ever arrested? -- Yes, I was.

How old were you when you were first arrested? Approximately? -- I could have been about 20, 21. I am not sure.

Where were you when you were arrested? -- When I was arrested I was standing right in front of my home.

Why were you arrested? -- I was arrested for not having (10) my reference book with me at that stage.

Did you say anything about where you lived? -- Yes, I did. I told the policeman that I live in this house. If he would allow me the opportunity I would go and fetch it and show it to him.

And what happened? -- He refused to allow me to do that.

What actually happened to you? -- Instead he handcuffed me and insisted that I must accompany them. So, I accompanied them. We walked for some distance, possibly 5 kilometres or so and after that they decided to release me and they un- (20) cuffed me and told me to go back home.

Did you ever have to spend time in jail? -- Yes. On one occasion - I did. Yes, I did. May be I should not talk too much.

Perhaps you should just tell us about the occasion, how it happened? -- I was on my way to Krugersdorp and I was travelling by train. I alighted the train at the Langlaagte railway station and I was supposed to buy a ticket there so that I could proceed to Krugersdorp. Just when I got out of the subway there were policemen outside. They asked me (30)

for/...

for a reference book. I did not have it with me at that stage and they decided that they were going to arrest me. They took me to the Langlaagte police station. I was locked up there in a cell until a friend of mine who was with me at the time, who had his own reference book, went to my home to fetch mine, and I was later released.

Did you know whether White people had to carry reference books? -- I know of no White person who was required to carry a reference book. I know for a fact that every person has got to have an identity document in South Africa, but (10) White people are not required to carry reference books and produce them at any time when they meet a policeman in the street. I know of no White man who was arrested for not carrying a reference book. This happens to the African people only as far as I remember.

I think since you have been in jail actually the law relating to the carrying of reference books has changed, but I am talking now about whilst you were growing up, did you have to have your reference book at all times? -- Oh, yes, I am talking about the situation as at the time of my (20) arrest.

These events that you described - you told us that they did influence you in your formal political attitudes and I think you told us that your first association was with the Black People's Convention, your first interest was with the Black People's Convention. What was the philosophy behind the Black People's Convention? Could you just very briefly tell His Lordship a little bit about it? I do not want a lot of detail, please, as you understood it at that time? -- Well, as I understood it at that time really, the (30) philosophy/...

philosophy behind the Black People's Convention was that they have to develop the attitude of mind that would enable Black people to overcome the attitude of feeling inferior to White people. They should have strive to demonstrate that they had a dignity as any other human being and they were capable of doing anything that any other human being was able to do, anything that a White person was able to do. Really it was a response to the ideology of apartheid but aimed at keeping Black people down. It was a response to that. This was really embodied in the philosophy of Black Consciousness. (10)  
I do not know if that is what is referred to.

Well, I think you have described how you understood the philosophy of Black Consciousness at that time. At school you say you were attracted to that and started going to meetings in the Black People's Convention? -- That is so.

Without formally enrolling, I think you told us? -- That is correct.

You have taken us up till 1976. Were you in Soweto in 1976? -- That is so.

You were still at school at that stage? -- That is so. (20)

Should you have written your matric that year? -- That is correct.

And you were headboy of your school? -- That is so.

Was that the year of the school protests in Soweto? -- That is correct.

What was the protest? What did they spring up over? -- The fundamental cause of that protest was the attempt by the government to impose the policy of equalisation of English and Afrikaans in Black schools as a media of instruction, as a language through which teaching should take place, should

(30)

be/...

be done.

The events of 1976 are not relevant to this case and I do not want to ask you a lot of detail about 1976, but I would just like you to tell us a few things which may of importance to later events. First of all, did the schools remain open or did they close down? -- They closed down.

Was there violence in the township? -- There was.

Did you yourself witness any violence? -- Yes, I did.

Were people killed in the township? -- There were several people killed and several injured. I know at least one (18) boy who was a very bright boy who I know very well from Diepkloof, Abion Lebelo, who died round that period.

Was there a heavy police presence during that time? -- There was heavy police presence all over. In fact it was even dangerous for students to walk around the streets, because walking around the streets in uniform seemed to have been the shortest way of either getting shot or arrested by the police, yet at the same time it was crucial for students to wear uniforms so as to ensure a clear distinction between the students and the mobs which were roaming the streets (20) at the time and it was also important because at that stage students could only be respected by the mobs if they were seen in uniform. If you were seen as one of them, sometimes you were running the risk of being attacked by the mobs themselves. So, really one was finding himself in a catch twenty-two situation if you put on school uniform. You get arrested or attacked by the police and if you do not, then you have a problem with the thugs in the townships. That was the kind of a situation at the time.

Did you yourself witness any shootings in Soweto at (30)

that/...

that time? -- Yes, I did.

Were you yourself arrested at that time? -- I was arrested sometime in August 1976.

Were you kept in detention? -- Yes, I was kept in detention in terms of Section 6 of the Terrorism Act, in solitary confinement.

Approximately how long were you in detention? -- It was for approximately seven months.

Were you subsequently released? -- I beg your pardon?

Were you released after about seven months? -- Yes, I(10) was released.

Were charges ever brought against you? -- No charges were brought against me.

I do not want any details, it is not relevant to this case, but I would just like to know whether your period in detention had any impact on you? Please do not give me the details about what happened to you in detention. I just want to know whether it had any impact on you? -- Yes, it certainly did have an impact on me. It strengthened my resolve to continue opposing the legislation that is based on a (20) policy of apartheid.

And again without giving me any details at all, how did you find your time in detention? -- I beg your pardon?

How did you find your time in detention? What sort of an experience was it? Can you just describe it? I do not want the details here. I just want to know the sort of impact that it had on you. You told us it strengthened your resolve. What was the experience like from a different point of view? Was it a pleasant kind of experience? Just tell me very briefly what it was like to be in detention without giving(30)

me/...

me any details at all? -- I have a difficulty dealing with that question, but may be one should simply say that I found it a very humiliating experience, a very bitter experience. I do not know how far I can go.

If you were asked for details, you can give them? -- Yes, I am in a position to do so.

When you came out of detention - you said you were in detention for seven months? -- Approximately for that period of time.

I take it you did not write your matric that year? (10) -- That is correct.

What happened when you came out of detention? -- When I came out of detention I took serious interest now in politics. I got more interested in participating actively in politics and I started now attending meetings of the Black People's Convention.

Did you take up employment? -- Yes, I did take up employment. I could not go back to school.

What were you doing about your schooling, your education? Did you take it any further? -- Yes, whilst I was employed (20) I studied on a part time basis and I wrote my exams and I passed my matric. Later on of course I enrolled to the University of South Africa with the hope of studying towards a degree in Bachelor of Commerce.

Did you find yourself able to handle - did you have time to study at night? -- I did not have time to study and I failed, I could not pass and I abandoned my studies. But I had always hoped that once the opportunity availed itself, I would again under better conditions, better circumstances pursue my studies. (30)

Do you remember what happened to the Black People's Convention? -- Yes, it was outlawed I think in October 1977.

Was that after you had come out of detention? -- That is correct.

In the following year, was a decision taken to form a new political organisation? -- That is so.

What was that new political organisation to be? What was the name? -- It was the Azanian People's Organisation, AZAPO.

COURT : Did you participate in that decision? -- I did.

MR CHASKALSON : Perhaps you should - were you actually at (10) the meeting at which such a decision was taken? -- That is correct.

Was that a public meeting? Or a private meeting? -- Well, as I understood it then or as it looked to me then, it was a meeting of various people, invited people. It was not really what one could call a mass meeting where you release a press statement and you say anybody who wants to come can come. It was not that kind of meeting. I was invited as an individual.

You were invited as an individual and were you present (20) when that decision was taken? I think you told us that you were present at the meeting when the decision was taken to form AZAPO? -- That is correct. That is now the meeting - I was invited by a group of people to a meeting, a broad meeting. That meeting debated the question of whether a national political organisation should be formed and it was at that meeting that a decision was taken. That is what I am talking about.

Was a committee set up or what happened after that meeting? -- Yes, at that meeting a committee was set up, (30)

some/...

some kind of a steering committee was set up.

And what was its mandate? What was it to do? -- My recollection is that its mandate was to begin to lay the basis for the actual launching of that organisation. That entailed broad consultations with prominent personalities, existing organisations and the setting up of informal structures of branches in various towns which should then come together in congress to launch that kind of an organisation. In conference to launch that organisation.

Did you know what happened to the people who were on (10) that interim committee? -- A few days after that conference about five or so of the people who were in the steering committee were arrested. I recall that amongst them were ... (Mr Chaskalson intervenes)

I do not think you need to mention the names. If they are asked you can give them? -- Yes.

Was a branch of AZAPO established in the Soweto area at the time? -- It was.

Approximately when? -- During 1979.

Were you present at the meeting at which this branch (20) was constituted in Soweto? -- I was.

Did you hold any office or were you asked to hold any office in that branch? -- Yes.

What? -- I was elected chairman of that branch.

Can you very briefly tell His Lordship, having been elected as chairman of the branch of AZAPO in Soweto, what you then proceeded to do as far as your own political activities were concerned? -- This branch really was formed as the Court will understand in a township that is very big, one of the largest townships, in fact I think the largest in the (30) country/...

country, Soweto. Its immediate task was to ensure that it reaches out to every location in that township. What we did then with the executive of that organisation after the branch was formed, was to start a process of setting up what we called sub-branches or units for purposes of convenience and ensuring that we reach out finally to every township in Soweto.

While you were chairman of the Soweto branch of AZAPO did you ever become associated with the Soweto Civic Association? -- Yes, I did. (10)

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

FURTHER EXAMINATION BY MR CHASKALSON : Mr Molefe, I am going to ask you a little bit about the origins of the Soweto Civic Association and I would like you to make clear to His Lordship on occasions when it is your understanding of what happened and when you were personally involved in what happened, because as I understand it, you cannot speak of personal of everything. Is that correct? -- That is so. (20)

Did you know of a group who became known as the Committee of Ten? -- That is correct.

Were you yourself part of that group? -- I was not part of that group.

Did you hear about that group? -- Yes, I did hear about that group.

Perhaps you were just to give the picture, to tell His Lordship about your understanding of what the Committee of Ten was? -- Before I deal with that aspect, perhaps it is important for me to say that although at the initial stages (30)

I was not part of the Committee of Ten, later on I became part of that.

You became a member later on? -- That is right.

I am talking now about the time 1977 and thereabout? -- Yes, that time I was not.

What was your understanding of how the Committee of Ten came into existence? -- As I understood it it came into existence as a result of the events of 1976 and the loss of popularity by the urban Bantu council that existed at that stage and a meeting of concerned persons was called where (10) the Committee of Ten was elected.

Were you at the meeting at which it was ... -- I was not present.

Did you know who became part of the Committee of Ten? What sort of people were they?-- I think it was really people from different backgrounds and different interests. There were doctors there.

COURT : But were they residents? Residents of Soweto? -- Yes, they were residents of Soweto. They were all residents of Soweto. (20)

MR CHASKALSON : Could you mention some names that you knew to be on the Committee of Ten? -- I knew of Dr Motlana who was the chairman. I knew the name of Mr Kraai, a business man. I knew the name of Reverend Majatula, Mr Thomas Mantata, Mrs Ellen Khuzwayo. I knew of ... (Mr Chaskalson intervenes)

Is Mrs Khuzwayo a social worker? -- She is a social worker. And a principal Mr Matabathe.

Is that a school principal? -- That is correct. I knew of a Mr Ramakgopa. There was Mr Leonard Masala who had been a member of the Urban Bantu Council. There was also (30)

Mr Douglas/...

Mr Douglas Loloane. I am not certain if he had been a member of the Urban Bantu Council, but over a period of time it became clear that he was a strong supporter of the community council system.

Do you know what purpose the Committee of Ten had in coming together? How did it appear publicly what were they doing? -- As I understood it at the time the main concern was how best Soweto could be administered in such a manner that the interests or the needs of the residents could be satisfied and how to provide the kind of leadership that would be (10) acceptable to the people of Soweto.

Was there any discussion of what they had in mind at the time? -- Well, I have never been part of those discussions. My knowledge really is based on my perception from what I read in the papers.

What happened to the Committee of Ten in 1977 or early 1978?

COURT : Just a moment, when were they formed? When was it constituted? In 1976 or 1977? -- Round 1977, I think it could be around 1977. I think it was around June, July, I am not (20) quite sure.

MR CHASKALSON : Was the Committee of Ten able to get ahead with its work or did anything happen to interfere with it that you know of? -- In 1977 when there was a major crack down, all the members of the Committee of Ten were detained by the security police.

In the following year, was it known what - did anything become known about what the intention of the Committee of Ten was? Either 1978 or 1979? Was anything made public about what the goal of the Committee of Ten was? (30)

COURT/...

COURT : While they were in detention?

MR CHASKALSON : After they were out of detention? -- Yes, their goals were known publicly.

What was your understanding of what the Committee of Ten was hoping to achieve? -- As I indicated earlier on I understood the goal of the Committee of Ten, the central one, to have been to establish a kind of local authority that would administer the affairs of the people of Soweto provided certain specific conditions which were set out were met.

Do you know what those conditions related to? -- My (10) recollection was that amongst them there was one Soweto should become, in fact this was set out in the blue print of the Committee of Ten.

Perhaps we should pause for a moment. Were you at a meeting - did you attend a meeting in September 1979 at which there were discussions about proposals from the Committee of Ten or were you not at that meeting? -- I did attend a conference by the Committee of Ten.

Where was that conference held? -- That conference was held at the - I think the name of the church was the Holy (20) Cross in Orlando West.

Is that in Soweto? -- In Soweto, yes.

What were the discussions at that conference? Amongst the issues discussed there was the need to form a broader, a much broader organisation than the Committee of Ten. That is a much more grass-root based organisation and finally of course a decision was taken to form a civic organisation.

You mentioned a blue print. Could you tell us about that? -- Yes. Well, really, the blue print as I understood it proposed that Soweto should become an autonomous authority (30)

but/...

SCA  
Blueprint

but which would at the same time be regarded as part of the greater Johannesburg Metropolitan and it also called on the government to provide a certain amount of money that would allow those administering Soweto to administer it in such a way that they are able to develop it to be at the same level or more or less at the same level as developed White Municipalities. In that regard, if my recollection is correct, I think the blue print said that an amount of R5 000 million was required to start off doing that. It also indicated clearly that there was that kind of local authority needed (10) to have the kind of powers that would enable it to formulate certain by-laws to be able to run the township. I cannot really recollect everything that is in the blue print.

So, basically then the Committee of Ten would make proposals for local government, finance for local government and powers of local government at the time? -- Yes.

Do you know whether its proposals were accepted or rejected by the government? -- They were rejected by the government.

And then you told us that there was this conference (20) in - did you mention the date of the conference at which the - called by the Committee of Ten in 1979 at the Holy Cross church? -- Yes, it was around September 1979.

And was it on that occasion that a decision was taken to establish a broader grass-roots organisation than the Committee of Ten? -- That is so.

COURT : Just a moment. It is not clear. This blue print, was this proposed at this conference or was it an existing blue print before the conference? -- My recollection is that the blue print was really drafted around the period 1977. (30)

It/...

It was really drafted shortly after the Committee of Ten was formed.

MR CHASKALSON : Was there publicity about it in the press at the time also? -- There was.

And you say that at the Holy Cross conference it was decided to establish a grass-roots organisation? -- That is correct.

And was such an organisation established? -- It was finally established.

Under what name? -- Under the name Soweto Civic Association, SCA. (10)

COURT : What do you understand under a civic association? -- I understand a civic association to be an organisation, broad community based organisation that concerns itself immediately with what one could call the bread and butter issues, the problems experienced by the residents relating to housing, services at that level, facilities, health care, problems related to education, high rentals, how these are determined and so on. A whole range of issues really that affected the community. But I must also point out that (20) very often of course because of the interconnection between what happens at a local level and what happens nationally they turned to be influenced or called upon to respond to the issues that arise as a result of the national policy of the government, but that is not the objective of the civic association immediately when it is formed.

MR CHASKALSON : The Soweto Civic Association, did it adhere to any political tendency? -- It did not.

Could you just tell His Lordship what its attitude was in regard to political tendencies? -- I think I must start (30)

off/...

off from the premise that the civic association is a broad organisation that is supposed to cater for the interest of a broad community and within that community you have people with different backgrounds and different interests and committed to different ideological positions and so on. A civic association seeks to bring all those kind of people together. Because of that position therefore, because of the crucial position that it occupies, it is not in a position to commit itself to a single ideological position. So, it would really find itself accommodating all sorts of (10) people on the basis of the problems that they experience at a local level.

When the Soweto Civic Association was established at this conference, was it intended then to embrace different ideologies and different tendencies? -- That is correct.

Having been established, what did the Soweto Civic Association then proceed to do? How did it develop? -- Once it was established, it proceeded to set up branches all over the township in Soweto and it took up a number of issues really that affected the community at various times. (20)

Did it have an executive committee? Was there an executive committee of the Soweto Civic Association? -- Yes, once the decision was taken to form a civic association, a committee was elected to lead that civic association.

How was that committee called? Did it have a name? -- The committee that was elected was called the Committee of Ten.

The original Committee of Ten which had constituted itself and had put forward a blue print, was that name kept in the Soweto Civic Association? -- Yes, that name was (30)

kept/...

kept.

COURT : Did it consist of ten members? -- It consisted of ten members and the same members although really it was intended to be now the executive of the Soweto Civic Association. Over a period of time the Committee of Ten gained so much popularity and so much publicity, that name remained there. People continued to call it like that.

MR CHASKALSON : Were elections held for appointment to the Committee of Ten? -- Yes, there were.

What was the arrangement as far as the holding of (10) elections were concerned? How frequently was that to happen? -- My recollection is that the elections were to be held once every year.

Did you attend the annual general meeting of the Soweto Civic Association in 1982? -- I did.

Do you remember what month that was? -- It was December month if my recollection is correct.

By that time had the government's proposals in regard to the tri-cameral parliament and the Black Local Authorities yet been announced? -- They had been announced. My (20) recollection is that in fact one of the bills had already become an act.

Which one would that have been? Do you know? -- I think the Black Local Authorities Act.

Was there any discussion about these matters at the 1982 meeting of the Soweto Civic Association? -- There was.

Was there any - were any papers delivered or any speeches made in regard to the new system of Black Local Authorities? -- There was.

Can you tell His Lordship who had been - what arrangements (30) had/...

had been made in regard to getting such information? --

Although I was not part of the Committee of Ten, I do not know what considerations really they made at that stage.

But I know that a person by the name of Mr Tucker I think he was Bob Tucker, I am not sure about the first name, but his surname was Tucker, he was committed with the urban foundation at that stage and it was also believed that he was connected with a study relating to the Black Local Authorities Act right from the time when it was still a bill. He was asked to come and speak about the BLA at that conference and he (10) indeed addressed the conference.

Did he then explain what the details of that legislation were? -- Yes, he did.

What was the attitude to the residents who attended that meeting? What was their response to the Black Local Authorities, to these new proposals? -- Their response was of rejection.

Was any decision taken at that meeting in regard to what the Soweto Civic Association's formal attitude to the new legislation should be? -- Yes, the attitude was that the (20) Soweto Civic Association would organise a boycott of elections held in terms of that act if they were held and that it would seek to co-operate if other civic associations which had a similar attitude or community organisation or residents organisation which had a similar attitude to the BLA.

Were you yourself elected to any office at this meeting? -- I was.

To what office? -- I was elected as a member of the executive of the Soweto Civic Association.

Did you then become a member of the Committee of Ten (30)

at/...

at that stage? -- That is so.

Can you just very briefly tell His Lordship of the objections of the Soweto Civic Association at that stage to the Black Local Authorities Act? -- I think I need to start from this position that the conference of the Soweto Civic Association took place after various government officials had made public statements that the Black Local Authorities were to be linked to the so-called national states, the homelands. Now, the objection therefore of the SCA was that the Black Local Authority was presented as a substitute for a (1) meaningful vote to the Black people in this country. It was a substitute for a meaningful vote in the central government of the country. The second objection was that the most vexing question of financial sources to support to enable the local authority to run the affairs of the people in the townships in Soweto affectively, was not addressed by the act. It was clear at that stage that that act expected that the residents would have to raise the money to finance the development of the township. So, the objection was that the act did not provide the basis for financial support (2) for that local authority. The other objection was that, if my recollection is correct, it was really seen by the residents to be as powerless as the community councils had been in the sense that the excessive ministerial control on the - which had existed at the time of the community council was not changed in respect of the BLA. Everything that they had to do was to be - any major decision that had to be taken had to be sanctioned by the minister and the view was that in the context of our situation it was really difficult to have a minister who is elected by a White constituency (3)

who/...

SCA  
objection to  
BLA  
pre URF

who is accountable to the White constituency, whose exercise of powers is in the interest of that community, that constituency that elected him, which in this case was a White one, it was difficult for him to meet the interests of the Black people because they are contrasting at this stage with those of the Whites in terms of the policy that existed. Therefore it was believed that that kind of a local authority elected which had this powerful minister who it was stated clearly in the act also, that he would have the power to dissolve the council if it does not satisfy him or dismiss councillors. (10)

It was very clear to us then that the local authorities set up in terms of the BLA would find it difficult to be accountable to those people who were electing it, because their existence is dependent upon the extent to which they satisfy the minister in their day to day activities and satisfying the minister means effectively implementing the policies of apartheid as formulated by the government in parliament. So, it was on those bases really that we saw it as a powerless body that would not be able to be accountable to the people of Soweto. (20)

Was it thought that the Black Local Authorities would have any responsibilities in regard to issues such as influx control? -- Yes, it was, because, if I may proceed - if it is necessary for me to proceed?

Yes, tell His Lordship? -- This local authority was taking - the elections to the local authorities were going to take place in the context in which there were other laws that had been passed by the government. One of them the orderly movement and settlement of Black persons bill, which, as we understood it then, had as its purpose the (30)

intensification/...

intensification of influx control. My recollection is that in fact the person who let the commission make recommendations on that, I think it was Professor Riekert, but the name is Riekert any way, said that the government must move influx control from the streets into the homes and places of employment. As we understood it then in this context at the time, we saw really the Black Local Authority going to take the responsibility of implementing that influx control which was already a menace to the Black people in those country. It was going to implement it in this form as we understood (10) it. They were going to have to decide who is a legal and illegal person, who qualifies to accommodate a house in the urban areas. They might not have wished to implement the influx control, but they would immediately be faced with the situation of government policy that says in terms of that orderly movement and settlement of Black persons bill, that certain people would be regarded as permanent urban residents, certain would be regarded as commuters and those regarded as commuters would be illegals if they were to go into the urban areas to try to settle in the urban areas and only (20) those who qualify in terms of that law would qualify as permanent urban residents. Apart from just the broad principle of them qualifying as urban residents, certain stringent conditions were placed on the way of this qualification, that they had to have employment, they had to have approved accommodation. It therefore means that many people, because now in the townships, especially in Soweto, there are very, very many people who are homeless. There are very, very many people who are unemployed. In terms of that law it meant therefore that these people would not qualify as urban (30) residents/...

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residents and this job was to be done by the BLA because they are immediately - the Black Local Authorities because they were immediately administering the townships.

You refer to it as the orderly movement and settlement of the Black persons bill. At the time of this conference, do you know whether it had become an act or whether it was still a bill? -- My recollection is that at that time it was still a bill and in fact I know of no time when it ever became an act.

So, the Black Local Authorities Act had been passed (10) and became law but the orderly movement and settlement of Black persons bill was a proposal for a new law? -- Yes.

Was it also the time of the tri-cameral parliament proposals? -- That is correct.

Was any connection seen between the Black Local Authorities Act and the orderly movement and settlement of Black persons bill and the tri-cameral proposals? -- That is correct. It was seen as - if I may proceed?

Please do. -- It was seen as a clever way of denying the Black people, African people the right to participate in (20) the government at the time when the Coloured and Indian communities were offered a vote in the tri-cameral system.

What would the effect as far as the Black community is concerned by of being excluded from parliament altogether? -- It is a very broad question.

Let me be more specific. Would the Black Local Authorities have any ability to deal with the fundamental grievances of Black people? -- They would not. I have already indicated that once people are not able to make policy at a national level, that that policy is made by other people (30)

who/...

who are not intimately associated with the conditions in the African areas and who when making that policy do not take those conditions, the interest of all the people in the country into account, especially those in the Black townships, it becomes difficult for them to make - formulate policies that would satisfy people. In other words, I do not know if I have not dealt with this part where I deal with the powers, but it would be a powerless body that could not control, change the situation of the Black people in the township.

Was the idea of voting for a Black Local Authority (10) as it were in substitution for full political rights, was that acceptable to the people who attended this meeting? -- It was not acceptable.

All this is, we know, before the United Democratic Front had come in existence? -- That is correct.

At the time that these proposals for the tri-cameral parliament and the Black Local Authorities had been made public, was there any discussion or any reaction from within the Black community as far as you knew to those proposals? -- There was a wide range in reaction. (20)

What was the nature of the reaction? I am talking now about the period prior to the formation or any suggestion of the establishment of the UDF? -- It was one of anger.

Can you tell His Lordship the type of persons or the groups who might have responded in that way? What range was covered? -- It was really a broad range of groups. My recollection is that the Inkatha movement of Chief Buthelezi responded with extreme anger and he even described that as a recipe for violence and I know that the Azanian People's Organisation also responded to that and I know the South (30)

African/...

African Catholic Bishop's conference responded also by rejecting the proposals. When I talk of these responses, I am really talking of responses of people who will say we reject it, we do not accept it. It is unacceptable to us. The South African Council of Churches did the same. The chairman of the Soweto Civic Association also responded to that issue. Various trade unions made manifest their rejection of the reformed proposals. I recall here amongst them a federation of trade unions of South Africa. The food and canning workers union. The general workers union. (10) South African Allied Workers Union. There was really a broad range of these responses. It ranged from organisations to prominent personalities in the community. I remember reading also in the newspapers about a number of academics who made their positions known in this regard.

I am going to come back a little bit later on to the circumstances in which the United Democratic Front was itself constituted and I will deal again with the subject then, but I want to take you on through the Soweto Civic Association and your association with it. You told us that you had (20) become an executive member of the Soweto Civic Association. Were you required in that capacity to undertake activities for the Soweto Civic Association? -- Yes, I was.

What was the main thrust of your work for the Soweto Civic Association? -- There were really two things at that stage. My recollection is that the main thrust of the civic association was to strengthen the branches and I was asked to assist in the revival and strengthening of a certain number of branches. I was also asked to help Reverend Sebidi who had been elected as a person responsible for matters (30) pertaining/...

pertaining to education who was supposed to lead a committee on education.

I would like you to go back a little bit in time. You were elected in 1982. I would like you to go back to the state of Black politics in the early 1980's. Was there any political activity at that time? Was there any revival of political activity within the Black community in the early 1980's? -- There had been.

I think you have told us of the formation of AZAPO? --  
Yes. (10)

You mentioned the formation of the Soweto Civic Association? -- Yes.

Were there any other organisations which came into existence and became known roundabout this time? -- Yes. One of the organisations that I recall, in fact it was just an ad hoc committee, it was the Anti-Community Council's Committee.

I am going to ask you specifically about that just now, but were there - perhaps if I mentioned some names, you can indicate to me when they came into existence or whether they (20) were active at the time. We referred in this case to COSAS. Do you know whether COSAS was active in the early 1980's? -- It was.

Were there any other such organisations that you can think of besides COSAS? -- The Federation of South African Women, the Azanian Students Organisation, AZASO. There were trade unions like the General and Allied Workers Union.

You have mentioned - we have student organisations like COSAS, we have a women's organisation like The Federation of South African Women, you mentioned trade unions, you mentioned (30) the/...

the political organisation like AZAPO and in Soweto you have mentioned the civic association? -- That is correct.

In the early 1980's - I am going to deal specifically in time with the allegation that the United Democratic Front was established at the instance of the African National Congress. Incidentally, what do you say to that allegation? -- That allegation has got no substance.

What I would like you to tell us is whether in the early 1980's there were any examples of co-operations between different groupings in Soweto in regard to matters of (10) common interest? -- I recall that some time around 1980 the time when I was the chairman of AZAPO we had - I had initiated a discussion which was aimed at drawing together all organisations, we should then work in Soweto, to deal with those problems which were considered to be of common concern to those organisations of to the community as they arose from time to time. Similarly I recall that around 1980 again there had been joint participation in demonstration against the rent increases and in demonstration - this demonstration involved a whole range of organisations. My recollection (20) is that COSAS was involved. AZAPO was involved. The Federation of South African Women, SCA and they demonstrated against the rent increase and they did so on a day, if my recollection is correct, that Dr Koornhof was visiting the Soweto chambers to demonstrate to him that people were not happy with the rent increases.

Do you remember anything connected with the Republican celebrations in 1981? -- That is correct.

What was that? -- A number of organisations and individuals came together to form an ad hoc committee to organise a (30) campaign/...

campaign, a protest against the Republic celebrations which were due in May of that year and again at that level, a number of organisations came together. My recollection is that organisations like the General and Allied Workers Union were there, the Azanian Students Organisation, COSAS, the Federation of South African Women and I believe the Black Municipality Workers Union also.

Why was there this attempt to get different groupings in different political ideologies together to make protests about issues? What was the reason for that? -- The (10) problems that are experienced by the people in the township seem to be common to all the Black people there. It was crucial that all those people affected should come together. Quite apart from these problems being common to all the people, it was crucial that the demonstrations - that the organisations are in a position to demonstrate that what they are saying is an articulation of the position or feelings of a broad range of organisations, because experience simply tells us that it is only when people are united in a broader sense that they are able to be effective. They can speak (20) with one voice, they can be heard. If it is just a small organisation it becomes very easy for anybody to ignore the voice of that organisation.

So, did you feel that the idea of unification would add to the strength of the protests and the articulation of the grievances? -- That is correct.

Were you yourself, if I understand your evidence, associated with trying to get people together to do this from the early 1980's? -- That is correct.

Do you recollect a conference of the South African (30)

Council/...

Council of Churches in 1981? -- I do.

Can you tell us, do you remember the month of if you do not, just say so? -- It was somewhere around May 1981.

Were you asked to speak at that national conference? -- That is correct.

Do you remember saying anything at all in your speech at this conference about this subject of unification? -- Yes, I remember it pertinently clear that at that meeting I made a call for a united front, a broad front of organisations. I even made an example that that kind of a front should include a broad range of organisations, like the SACC itself. The (10) Soweto Civic Association, AZAPO, AZASO and the organisation of Shebenas in Soweto which was called the Taverners Association. I called for that broad front. I believed that it was only when all these organisations were together that they could be able to handle their problems effectively.

Have you seen a copy of the speech that you made at that time? -- Yes, I have.

If I were to show you a copy of that speech, would you be able to tell His Lordship exactly from your speech (20) what you said in regard to the United Front? -- I will.

I would like to put this before you. Could you just tell me whether that is speech. If you could just refresh yourself ... (Court intervenes)

COURT : Where does the document emanate from?

MR CHASKALSON : Are you able to say whether this is the speech which you made or not? -- This is similar to the speech I made.

When you say it is similar to the speech you made, what do you mean by that? -- I mean that it is a copy made, a (30) photocopy/...

photocopy made of that speech.

When you say a photocopy of the speech, when you made the speech, what did you speak from? -- When I spoke there at the time I spoke from the original typed paper.

What you have in front of you, is that a photocopy of the original typed paper? -- That is correct.

Do you know where the original typed paper is? -- My recollection is that the original typed paper was given to the South African Council of Churches.

If you were to look at page - at the bottom of page 2, (10) could you just from the bottom of page 2, reading from that document tell us what you said about the United Front? -- Should I start reading from the bottom of this?

COURT : Are you going to hand this in as an exhibit?

MR CHASKALSON : I can hand it in as an exhibit. I would like to read into the record the relevant pages.

COURT : I would like to know whether I should write it all down or not.

MR CHASKALSON : I could make the document available to Your Lordship. It can go in as an exhibit. I want merely the (20) passages read in. I have no objection - I have given copies to My Learned Friend - to the full document going in. I have no objection to Your Lordship having the document in front of Your Lordship.

COURT : Very well, just go a bit slowly. I will write it down.

MR CHASKALSON : Perhaps I should hand it up to Your Lordship and Your Lordship can have it and you do not need to write it down.

COURT : This will then go in as DA13.

(30)

(30)

MR CHASKALSON/...

*MAY 1981*  
*Call for United Front*

MR CHASKALSON : If you would look at the bottom of the second page where you addressed the question of the unity. Could you just read to His Lordship beginning with the passage "Having experienced an unfortunate." -- "Having experienced an unfortunate and <sup>Sordid</sup> sordid chapter in our history in South Africa as workers, Christians, students, women's organisations and political organisations, a chapter characterised by treachery and betrayal, greed, hypocrisy and blunder, a united front becomes an imperative in our chief endeavours to meet the demands of our time. Unless the church develops in unity (10) with the oppressed masses as a bastion for action and unless all strata of the society unite to develop this bastion for action, the progress of our liberation struggle will always be militated against by the exploitative system and its kindred forces. The broad front envisaged here is the major challenge of the day and can be pursued in the following manner: By formulating initially an ad hoc committee consisting of all social, political, religious and cultural organisations from all sections of the oppressed masses. It must be noted that here we are thinking of political (20) bodies, sports bodies, churches, teachers organisations, workers, nurses associations, et cetera. We mention the following few organisations as an example. AZAPO, AZASO, the Committee of Ten and the SCA, MWASA, TAC." TAC is the Teachers Action Committee.

Can you just tell His Lordship, I do not know whether His Lordship has yet heard about MWASA, what that is? -- MWASA is Media Workers Association of South Africa.

Would that be the group representing journalists? -- That is correct. Well, at this stage it was now incorporating (30) the/...

the ordinary workers in the newspaper industries.

Journalists and workers in the newspaper industries? --  
Yes, media workers. Then MDALI, COSAS.

Would you tell His Lordship what MDALI was? -- MDALI  
was an organisation of artists. I think M stands for - I am  
not sure.

But it is an organisation of artists? -- I have now for-  
gotten, but it is an organisation of artists.

COSAS? -- COSAS we know. The taverner association.  
This is the taverner association I was talking about. It (10)  
is an organisation of shabenas in Soweto. In fact it has  
been struggling very hard to get shabenas to be licenced.  
The last one of BMWU et cetera. That is Black Municipality  
Workers Union.

Would you carry on? -- "The purpose of the ad hoc  
committee would be to consult in order to formulate and adopt  
similar stances on national issues like commemorations,  
boycotts, et cetera. It would serve to create a dynamic  
system of co-ordination and communication between the orga-  
nisations and the masses and amongst the organisations (20)  
themselves resulting in a mass based program of action at  
all times of need. The time has come for all oppressed  
people of South Africa to address themselves to the objective  
conditions, the realities of our situation, to move out of  
the gambling houses of self seeking and careerism and submerge  
their dichotomous attitudes for the sake of progress.  
Ideological differences, if any, should not bar the way for  
a common program of action. This is very simple indeed.  
The Black people are oppressed collectively as a group.  
This is the main factor in common to all strata of the (30)  
oppressed/...

oppressed."

Just read to the end of that page. -- "Noting that we are faced with a powerful and united oppressor, our salvation equally lies in our unity. This united front will enable us (1) to embark on a broad front based program of exposure, political careerists, self seekers, quislings and sell-outs who daily help the oppressive structure to realise its aims; (2) to heighten political activity aimed at exposing the evil machinery that perpetuates our servitude; (3) to formulate a broad opposition structure aimed at galvanising the masses against their common anguish; (5)" I think this (5) should actually be (4), I think there has been a typing error "to rout the system and its agents who operate within liberation movements and Black organisations. In conclusion, let us embark on a program that will create a distinct distance between this conference and the next one, so that as workers in Christ, we must proudly say with St Paul 'I have run a distance, what remains is the crown for salvation.'"

That was in May 1981. Was there publicity in the press (20) concerning your speech? -- It was widely publicised.

Was it a matter of discussion within the political circles in which you moved at the time? -- It was.

We have been able to find some cuttings. I do not know whether you read the Transvaler or not or read the Transvaler at the time? -- I am not sure if I have read it at the time.

Let me not put up these cuttings to you. You have identified the speech that you made and you have given us the date, but you have told us that you have made a suggestion then in May 1981 for this united front to be established and (30) that/...

that it was a subject of discussion within the political circles in which you moved and that there was wide publicity attached to it.. -- Yes.

Can we move through to the question of community councils. Were there elections for community councils during 1982? -- They did not take place. They were postponed if my recollection is good.

Was there a proposal that there should be elections for community councils in 1982? -- That is so.

Was there any response from people opposed to those (1) bodies within Soweto? -- That is so.

What was the response? -- The response was a coming together of individuals and organisations to set up a committee which would organise an election boycott. This must be understood in the context that generally the community councils were seen as ineffectual structures.

Did that opposing body have any name? -- That proposed body which in fact was later formed was the Anti-Community Councils Committee, Ad hoc Anti-Community Councils Committee.

Can you tell us whether it represented one body or a (2) number of organisations? -- It represented a number of organisations.

Can you give us the names of some of the organisations who were represented on this committee? -- Some of the organisations represented there were the Azanian Students Organisation, the General Workers Union, the Federation of South African Women, the Congress of South African Students, branches of the SCA.

Did AZAPO have any role in that? -- AZAPO initially was represented.

(3)

You/...

You say that in fact the elections did not take place, the elections for the community councils? -- Yes, it did not take place.

Was any reason given? -- The reason as I recall was that the BLA had - The Black Local Authorities Act had been promulgated and the elections were to take place in terms of that act only in 1983 and there was no reason for the community council to hold the elections before that time, because in any event they would have had to hold the elections.

As far as the Anti-Community Councils Committee was (10) concerned, did it call any public meetings at that time? -- Before I deal with this question, may be I should recur to the answer I gave. I think I would not like to take a rigid position in terms of precisely what were the reasons that were given because I think there were a whole range of reasons given but I think one of them was that the elections were only going to take place in terms of the BLA in 1983.

I understand that. Were meetings - did the Anti-Community Councils Committee call any meetings at that time? -- They did. (20)

Whereabout was it active? -- It held meetings initially at a number of places in Soweto, at a number of townships in Soweto.

And what sort of response was there to these meetings? -- There was an overwhelming response at a number of meetings I attended. As a result of that of course it gained a lot of publicity and popularity.

Were there discussions only about the community council meetings or were there other issues which were being discussed at this time at the meetings of the Anti-Community Councils(30) Committee/...

Committee? -- There were a number of issues that were being discussed at the time, over a period of time by the Anti-Community Councils Committee. It must be understood that it was taking place in the context in which a lot of things were happening in South Africa and which were to have serious implications for the Black communities. Amongst these things of course was the Black Local Authorities Act itself, the orderly movement and settlement of Black persons bill and the bill that sought to change the Administration Boards and replace them with Development Boards. If I remember well (10) I think it was the Black Development - Black Communities Development Bill. All those issues were discussed and matters pertaining to housing.

That Black Local Authorities Act, the orderly movement and settlement of Black persons bill and the Black Communities Development Bill, did they come to have any particular name or tag attached to them? -- They were generally known as the Koornhof bills.

And all this, was it taking place before the United Democratic Front had come into existence or been ... -- That (20) is correct.

When the proposals to constitute the United Democratic Front as it has subsequently emerged, had been made? -- That is so.

At the same time in response to the Koornhof bills, the Koornhof laws or Koornhof bills, were you aware of any activity elsewhere in the country in response to that proposed legislation? -- I was.

Do you know of anything which took place in the Western Cape? -- Yes, I do. (30)

Is/...

Is this of your own knowledge or something which you understood from discussions and publicity at the time? -- It arose out of discussions and publicity.

Can you tell us what your understanding of what was taking place in the Western Cape was at this time? -- My recollection is that around some time around 1982 several organisations came together with different interests and so on to set up an umbrella body that was called the disorderly bills action committee, DBAC. In the Western Cape they regarded the, what we called as the Koornhof bills, they(10) regarded that as disorderly bills. In particular really they were concerned in the first instance with what was called the orderly movement and settlement of Black persons bill. They saw that as not an orderly movement, but a disorderly bill.

Did you hear who had been participating, what types of organisations had been participating in the disorderly bills action committee? -- As I understand it there were trade unions there, civic associations, rate-payers associations, students organisations. A broad range of organi-(20) sations.

A whole range of organisations. During 1982 did you become aware of a pamphlet written by a person under the name Stuurman? -- I did.

Did you receive such a pamphlet? -- I did.

I would like to show you a pamphlet headed "Let us unite in the year of the United Front by Stuurman."

COURT : This would then be DA14.

MR CHASKALSON : That is not the one that you actually received yourself but are you able to identify that as the(30) pamphlet/...

pamphlet which came or a similar pamphlet which came into your possession at the time? -- I identify it as a similar document.

Do you now know who the man is who writes under the name of Stuurman? -- That is so.

Who is the person? -- That is Dr Neville Alexander.

Has this pamphlet since been published in a book under his name? -- It has.

Have you read the book? -- That is so.

Can you tell His Lordship what the title of that book (10) is? -- The title of the book is "Sow the wind."

Was this pamphlet the subject matter of discussions in the political circles in which you were engaged at the time? -- That is so.

Does it make proposals for a united front as well? -- It does.

Could you turn to page 10 . Perhaps you could go first of all to page 9. Is there a discussion on page 9 about the concept of unity? Is there a heading unity? -- That is correct. (20)

And halfway down the page I saw a title "Who is the enemy?" -- That is so.

Would you just read the first paragraph there under "Who is the enemy?" -- "The problem of unity rests on the definition of the enemy. That is to say only those people can hope to unite their forces who identify the enemy in a broad similar manner. This seems simple enough. Yet, it is an extremele complexed matter. For one thing, even if different tendencies or organisations can agree on how to define the enemy at any given moment, this enemy changes (30)

from/...

from period to period. Groups of people who may yesterday have appeared to be on the side of the liberation may tomorrow clearly stand against the forces of liberation."

Can you just pause there for a moment. This idea of identifying the enemy. Is that something which was current in political discussions and writings at the time? -- It was thought it had been there before that.

When did you first encounter the use of this idea of identifying the enemy? -- I think from as early as I really began to understand politics, listening to people talking (10) about the political situation in the country. The other time while I was still at school really. I cannot say precisely when, but I recall very clearly that even at the time that I was involved with the Azanian People's Organisation AZAPO the word enemy was used generously in documents and in speeches.

That means that you were to take up arms and fight a bloody revolution? -- No, it did not mean that.

How did you understand it? -- I understand the use of the term an enemy really to be part of the political language, (20) the political language that is used generally. It simply refers to a person or an organisation that differs with you in terms of views or politically. It also refers to the government or anybody, a party. It is in that context really that I have always understood this. I do not preclude the fact that those who are taking up arms are also using the words.

There is a reference to liberation movement and liberation. How do you understand that? -- I understand that to refer to organisations that are involved in the struggle (30)

for/...

for freedom, the struggle against apartheid. We have referred to organisations like AZAPO and so on as liberation movements and indeed Inkatha regards itself as a national liberation movement.

Again, the use of the words liberation movement, was that usual or unusual at this time in the early 1980's? -- It was a very usual terminology.

I would like you to look at page 13. The paper contains a discussion of united fronts. Could you just read that concluding paragraph 13 to 14? At page 13 to 14 under the (10) statement "Build the united front"? -- (Witness coughs)

Perhaps I should read this into the record. "The intensification of the struggle in Southern Africa and the mortal danger of disunity and civil war among the oppressed people have created a situation of urgency. Ever since the historic events of 1976 it has become clear to all serious minded militants that we can work together and that we can have unity in action even though we have not reached full agreement on all principles." If I could pause for a moment. That expression "unity in action" is that an (20) expression you have heard before? -- That is correct.

Can you remember when you first encountered that expression? -- It is very difficult to say precisely, but it is a commonly used expression. What people simply say is that when there is a problem that affects a wide range of organisations, a problem that affects the community, the only salvation is the unity of those people and that they must unite in - that unity must manifest itself in action. It is, I think, the circumstances in which really the word was used, but I know that it was used at all times and I (30) know/...

know that by the beginning of the 80's it was common used even before that.

The paper concludes with the call to make 1982 the year of the united front. You have mentioned your own paper to the South African Council of Churches, you have mentioned Dr Alexander's pamphlet which was published under the name of Stuurman, one in 1981 and the other in 1982 and I think you have told us that they were the subject of much discussion in 1981 and 1982? -- That is so.

Was the idea of a united front or the building of a (10) united front something which was a matter of public debate within Black political circles during these periods? -- That is so.

Dr Alexander, did he subsequently become associated with another group which sought a different type of unity or perhaps not a different type of unity. Was he associated with the national forum? -- That is correct.

I think we have a number of exhibits which show that he was closely associated with the national forum. So, he in the end did not - do you know whether Dr Alexander (20) ever became part of an affiliate of the United Democratic Front? -- He did not.

WITNESS STANDS DOWN.

COURT ADJOURNS.

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

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