

The Defence answer to the State's case on Revolutionary Documents and Speeches.

The defence relies strongly on the case of S v Adams, supra, for its submission that the number of speeches before court is so insignificant that they cannot give an indication of the policy of the UDF.

In order to evaluate this submission properly the relevant facts of Adams' case have to be mentioned shortly. According to the evidence some 15 000 meetings were called by the various branches of the ANC over the period of that indictment. The prosecution led evidence of speeches at some 225 meetings. At 85 thereof it was suggested something was said from which violence could be inferred. The court found that evidence unreliable as most of it consisted of notes in long-hand made by policemen during the course of the speeches. In the result little of this material remained.

The court also took into consideration that the prosecution was in possession of evidence concerning what had been said at most of the other meetings held throughout the country, yet did not place it before court. Therefore the court concluded that it could not decide that the notes made at the relatively small number of meetings were

representative of ANC views or could safely be used to determine the policy of that organisation over the period of the indictment.

In our case it is not suggested that the state withheld from the court evidence it acquired by using policemen or electronic means to record the proceedings of UDF meetings. The argument relates to the balance of a number of video tapes attached by the police at premises of the UDF or its supporters. These were all made available to the defence. The defence sought not to rely thereon despite the court's invitation to accused No 19 to produce all material supporting his allegation that the UDF had a non-violent policy.

Why neither the state nor the defence deemed it necessary to utilise this video material we do not know. We conclude that it was probably either irrelevant or so unreliable as to be useless. The non-production of these videos cannot play any role in this case.

What remains is the defence argument based on the number of speeches at meetings about which we have evidence in relation to the totality of speeches held at UDF occasions.

It is undisputed that at virtually all UDF meetings freedom songs were sung and it was never contended that the history of the struggle did not often figure prominently in the speeches. Nor were we told that the extreme affinity to the ANC displayed in the meeting of which we have evidence was an exception. None of the accused told us that the speeches by office-bearers of the UDF like its national president, Transvaal vice-president and others to which we have referred were unauthorised, not the policy of the UDF, or an exception to the normal speeches held on this type of occasion. The accused could not do so because the question would immediately have been asked why such high office-bearer had not been immediately and publically repudiated.

It is alleged by accused No 19 and No 20 that they held hundreds of speeches in the period of the indictment. There is no reason to doubt this. They say that never did they espouse violence. We are prepared to accept that accused No 19 would not call for direct and immediate violence. We are sceptical about accused No 20's claim.

It is in any event not relevant. The case is that the UDF by its speeches, publications and acts intentionally created a revolutionary climate in which a slight spark would cause an explosion by the masses.

The question to be answered is whether the evidence before court can beyond reasonable doubt lead to that conclusion. To determine the

answer the number of speeches before court is a relevant factor, but not decisive. What is an important factor is who the speaker was, what the occasion was and whether he was repudiated.

Before the National Launch the perception the commercial press had of the UDF was that it was non-violent. A section of the press however described it as radical and extremist. Exhs DA.56, DA.57, DA.58, DA.60, DA.61.

Accused No 19 and No 20 stressed the fact that the UDF in press statements clearly stated that it was non-violent. That is true. The background of such statements should however be borne in mind.

The threat of prohibition of its meetings, detention of its leadership and banning of the UDF itself was real for much of the period of the indictment. Such action could only be justified by the state should the UDF endanger the security of the state. It was therefore throughout necessary to publicly deny accusations of violence. Failure to do so would have been taken as an admission, which could result in swift action.

As early as 25 October 1983 in a letter to the state president the UDF referred to the banning of its meetings since August 1983. Exh DA.21. [See also the Rand Daily Mail 27 October 1983, (exh DA.59)].

In fact the leadership of the UDF was detained on 21 August 1984. Some were released on 10 December 1984 others were re-detained in February 1985 and charged with high treason.

Accused No 20 himself went into hiding in February 1985 and only emerged in April of that year.

Documentation of October 1984 shows that the UDF took the threat of banning very seriously. Exhs S.12, AF.2 p.2, AX.14 p.38 para 10.3.

On 19 April 1985 the state president alleged in the House of Assembly that the UDF was part of the ANC-SACP alliance. Star 20 April 1985, exh DA.42.

In these circumstances any organisation, innocent or guilty, would be foolish not to publicly declare that it stood for non-violent change. This does not mean that the public statements have no weight. They are however mostly made to the White press. They will carry decisive weight if matched by the private deliberations of the UDF and its speeches and documentation addressed at Black audiences. If the contents thereof differs from the press statements one may well ask if the UDF was speaking with a forked tongue. And why.

The UDF by press statements and interviews from time to time stressed its commitment to non-violent change.

At its first news conference held just prior to the national launch the UDF stated that it did not advocate or condone violence, neither in the form of spectacular explosions like the ANC's or in the form of institutionalised violence as the "oppressive apartheid system" was seen by many. Star 28.8.83, exh DA.55.

Accused No 19 in an interview with the Financial Mail of 25 November 1983 (exh DA.15) denied that the UDF had any relationship with the ANC. He stated that their methods differed fundamentally. The ANC uses violence, the UDF is dedicated to non-violence. Exh DA.15.

Accused No 20 said the same in a press release published in the Evening Post of 5 December 1983. Exh DA.65. The reason for these denials was that the ANC had issued a statement of support for the UDF at the Commonwealth Conference. The UDF was concerned about allegations by some government officials that the UDF was a front for the ANC.

Accused No 20 testified that he addressed students at the Randse Afrikaanse Universiteit during February 1984 in an effort to make the UDF acceptable to Whites. (See also Star 29 February 1984, exh DA.87).

At a meeting chaired by a White cleric during April 1984 in Port

Elizabeth accused No 20 addressed about 70 White people in an attempt to launch the MILLION SIGNATURE CAMPAIGN in that city. He stated that avenues of a non-violent nature were to be created and that the UDF needed people with a high level of social conscience. The UDF united 570 organisations by a common belief in working through non-violent methods towards a non-racial democratic South Africa. He called for a new constitution written in a national convention. (Eastern Province Herald 18 April 1984, exh DA.81).

The UDF tried placing advertisements in the Rapport, a Sunday newspaper, stating that it was non-violent but this was refused. The UDF effort followed suggestions that UDF supporters were behind violence which erupted at the first election meeting of the Labour Party held in Cape Town in July 1984. (Rand Daily Mail 27 July 1984, exh DA.78).

The Cape Times of 27 July 1984 (exh DA.109) handed in by the defence reported as follow: At an anti-election meeting held on 26 July 1984 Dr Alan Boesak replied to accusations linking him with acts of violence in South Africa. He stated his resistance to the government was based on his commitment to non-violent democracy. In an interview later he said this view entailed "sticking his neck out" because people in South Africa increasingly believed violence was the only way of achieving change. He was not, however, prepared to enter into a debate over the question of violence. ...

This attitude is strange. One does not expect a man of the cloth to regard it as sticking his neck out to say he is for non-violent reform. One seeks in vain an outright condemnation of violence.

This is of course symptomatic of all UDF public speeches.

On the eve of the Coloured and Indian elections in August 1984 the Minister of Law and Order accused the UDF and affiliated organisations of planning to disrupt the elections by means of school boycotts, labour unrest, intimidation and violence. To this accused No 19 reacted saying that it was not UDF policy to organise disruptive action - the UDF was a legal and non-violent body. Evening Post 21 August 1984, exh DA.16.

The March 1985 edition of South Africa Foundation News (exh DA.66) contained an article by accused No 20 stating that the UDF was a non-violent organisation and calling for a national convention.

In City Press of 23 December 1984 a call by accused No 19 to all members of the UDF and its affiliates not to molest or victimize people who ignored the black Christmas was published. Exh DA.17.

On 7 April 1984 accused No 21 issued a press release on the UDF's position on the schools situation. Exh DA.27. He stated that if any group involved in the negotiation adopts violent methods the UDF would pull out.



In the Star of 20 April 1985 (exh DA.42) accused No 20 denied an accusation that the UDF is intent on precipitating revolution.

At a Sharpeville commemoration service called by the UDF on 28 March 1985 Bishop Tutu referred to the burning of people in Uitenhage in the wake of the violence in the townships there and warned that the burning would discredit the anti-apartheid struggle. Star 29 March 1985, exh DA.110.

This is no unequivocal condemnation of violence. It is merely a warning against using an embarrassing method in the struggle, namely necklacing, which was abhorrent to the civilised world and therefore counter-productive.

On 5 April 1985 just prior to the Second National Conference of the UDF accused No 20 told the press that the theme of the conference "from protest to challenge - from mobilisation to organisation" reflected that the UDF was facing a crucial new phase. Now that the new constitution was a fait accompli the new task of the UDF is to challenge its implementation. Tactics and methods to put this in practice would have to be decided upon by the conference. The emphasis would be on non-violent means of direct action. The Star 6 April 1985, exh DA.72.

Accused No 20 testified that "by challenging the state" the UDF

merely meant that the structures must be called upon to meet the promises made, only that. By direct action is meant, says accused No 20, making it plain the protest is directed against a particular issue, for example the All Black rugby tour.

This conference was, apart from the opening session where president Oscar Mphetha spoke, closed to the public. We search in vain for the minutes of this conference. The UDF did not see fit to produce them. What we do have are the keynote speech of Curnic Ndlovu (exh C.106) and the published papers of the conference. Exh C.102. We have dealt with them elsewhere. What is strikingly absent is the tactics adopted. They are not published and nowhere is non-violence even mentioned. Why was this aspect only mentioned when the press was addressed?

The UDF reacted in the press to accusations that its commitment to direct mass action was a threat of violence. In the Star of 12 April 1985 accused No 20 denied that the UDF's intention to protest against the All Black rugby tour was a threat to the All Blacks. He stated that the UDF's fundamental stance was one of non-violence. The UDF's determination to lead mass action was precisely because the conference had noted there was a need to discipline protest in order to avert anarchy. Disciplined mass action would correctly channel the energies of the people and effectively demonstrate to the government where their feelings were, without destruction of property or loss of life. Exh DA.73.

It should be noted that nowhere in the papers of the conference was disciplined mass action defined like this.

Accused No 20 also told the Sunday Tribune of 21 April 1985 that the UDF was campaigning against the All Black tour. The UDF operated at a non-violent level. Exh DA.74.

The UDF, while publicly stating that it was peaceful, simultaneously was the best public apologist for the ANC's policy of violence. It was never condemned but was explained as caused by the South African government and it was stated that the ANC had no alternative. Exh AL.128 p.2 para 2.

The UDF stated that as long as Mandela and others were imprisoned there would be no peace and the scale of conflict in South Africa would widen and deepen. For this the government would be to blame. Exh AG.3.

The speech by accused No 20 after the Tumahole unrest reported in the Star of 20 July 1984 (exh DA.43) is strongly relied on. He is reported as having said "We will not burn councillors houses and we will not burn their cars. We will boycott their businesses".

The following is however significant. There is no mention of the burning of businesses - which was the main event in the riots.

There is no condemnation of the violence or commiseration with those who suffered damage.

There is a call for further action against the councillors (in the form of boycotts).

The blame is placed on the system not on the real culprits.

Accused No 19 testified that he made one or two speeches per month from August 1983 to April 1985 and never called for violence.

We only have his word for it. Meetings which he attended and where he spoke and of which videos are available have been dealt with elsewhere.

Accused No 19 was not a fire brand speaker and at meetings of which we have particulars he personally did not promote violence.

Accused No 19 refers to his notes (exh AAZ.2 p:20.2) to prove his point.

These are notes of a speech. We were not told when and to which audience it was delivered. It must have been early in the life of the UDF as the speech explains what the UDF is and why it is a front at this point. The words relied on by accused No 19 are:

- " - threat of constitution
- escalation of violence and conflict
- UDF de-escalates violence (confrontation inevitable of constitution)
- save South Africa the agony of war
- save young Indians, Coloureds, Whites who died defending apartheid with their lives. "

We cannot read into this that the UDF follows a non-violent strategy. This is a speech against the constitutional proposals and the theme is the new constitution will escalate violence.

Accused No 19 referred to the transcripts of the videos with which we have dealt and extracted therefrom phrases which he argued were indicative of a non-violent policy of the UDF. Many of those did not support his view and do not merit further attention.

It should be noted however that speeches are tailored to fit audiences and that not every speaker at every UDF meeting was preaching revolution or promoting violence.

The phrases that merit attention we have considered when the individual videos were dealt with. They should not be lifted out of context.

The same applies to the documents to which accused No 19 referred us. It should be remembered that each phrase and word has to be interpreted in the context of the sentence, speech and meeting. We did this when studying this material. It was clear that accused No 19 often did not follow this approach and tended to ignore other parts of the speech which were against his interpretation.

The said phrases are dealt with in the evidence of accused No 19 set out in vol 265 p.14275, vol 266 p.14338 et seq and vol 267 p.14409 et seq of the record.

In passing we wish to make the following remarks. We fail to see why an organisation which so strenuously opposes the government and uses such vehement language in the process should not at all times when its strong language could be understood to refer to violent action clearly unequivocally and immediately state that it deplores violence. We just do

not find this in the speeches and documents.

A leaf can be taken out of the book of the Labour Party and Inkatha.

Both have always expressed themselves in terms strongly critical of the South African government, sometimes even using vituperate language, but in public and in the internal documents there was always a clear statement that they were against violence.

In a resolution of the Labour Party passed at the Sixth Annual Conference in April 1972 the Labour Party identified itself with the oppressed groups and called for intensification of the scale of non-violent confrontation.

At the December 1979 Annual Conference of the Labour Party the secretary stated in his report -

" We do not believe in violence as a means of change and non-co-operation with the present government is to us a peaceful means of change. Violence will never serve our purpose in South Africa."

Exh DA.124(i).

Chief Gatsha Buthelezi of Inkatha at the Labour Party's Seventeenth Annual Congress in January 1983 stated:

" Our society will not leap into an open democracy in one single political jump. Those who believe that it can must be thinking of revolution. As a realist I also know that revolution must fail several times before it succeeds in South Africa ... the mythology of violence offends reality in our situation. "

He spoke out strongly against violence. Exh DA.123 p.7.

Professor S M E Bhengu also stressed that Inkatha's policy was one of non-violence at the Labour Party Annual Conference in December 1977. Exh DA.119 p.4.

In this respect the case of S v Adams, supra, can be distinguished from our case. Although some leaders did at times use very inciting language, the top leadership at all times unequivocally spoke out against the use of violence and this was also stated in the internal official documents. For this reason the court could not find that the Congress Alliance had a policy of violence. We search in vain in our case for these signs.



The UDF publicly called for a NATIONAL CONVENTION. The glib calls for a national convention should be evaluated against the following background.

Though this was not spelt out clearly their view was that the major participants would be the ANC, supported by the UDF (representing "the people"), and the government. The first-mentioned combination would stand for a new constitution based on the Freedom Charter.

We agree with the view of the court in S v Adams that the form of state based on the demands of the Freedom Charter is radically and fundamentally different from the form of the present South Africa regarding its political, social and economic structure.

To any adherent to the principles of the Freedom Charter it would therefore have been obvious that this goal would not be merely for the asking and that the chances of convincing the South African government to sit at the negotiating table on that basis would be slim indeed. It would also have been obvious that the ANC would not negotiate on any other basis.

There are various press statements from which this call for a national convention is evident.

In an article written by accused No 20 in the first half of 1984 (exh AL.8) he stated that a constitution which excludes any section of the population is a sure formula for racial and violent conflict. He concludes with:

" In a letter to the prime minister last year the UDF drew attention to these shortcomings and called for a national convention of all South Africans - Black and White - to draw up a constitution acceptable to all. We have confidence that given that opportunity South Africans will not choose revolution. We are opposed to the new deal because we are opposed to bloodshed. "

It was written in response to accusations against the UDF of violence and of connections with the ANC and it was handed to the public press.

What is significant is the UDF's attitude that bloodshed and revolution are inevitable unless the new constitution is scrapped. A national convention is called for - but the

pre-conditions are not set out.

Neither did accused No 20 refer to the pre-conditions to a national convention when interviewed in February 1985. Exh DA.68.

Accused No 19 alleged that this call for a national convention was proof in itself that the UDF was non-violent, as a national convention entailed change through negotiation which is the antithesis of the violent overthrow of the government.

Accused No 19 was asked what would the UDF do if the government refused to call a national convention. His answer was that refusal was never contemplated. This answer we reject as false. The call for a national convention was nothing new. The Progressive Federal Party and the Labour Party had called for it for a long time and the government had throughout been adamant in its refusal.

Accused No 19 stated that constitutional development with retention of group identity was anathema if imposed from above (that is by the government) and that to arrive at it by democratical general consensus is a very remote possibility. In view of the declared stance of the government on group identity, which had been its mandate from the electorate for

decades, it was in the period of the indictment clear to any reasonably objective observer that a national convention was an extremely remote possibility.

If however the undisclosed pre-conditions of the UDF for such national convention are taken into account the national convention was an absolute non-starter.

These pre-conditions were spelt out at the NEC of the UDF in July 1984. We quote from the minutes of that meeting (exh H.1 para 10):

" 10. Our political alternatives:

It was noted that calling on people to boycott elections is not enough. The UDF has to offer alternatives

10.1 Minimum demands:

- a non-racial Democracy arising out of participation of all the people
- a Society based on justice, equality for all, health, education, etc
- the release of all political prisoners
- the return of all exiles
- a National Convention
- disarming of the armed forces

- " - scrapping of Bantustans and puppet local authorities
- meeting of authentic leaders
- end to GST and removals and relocation.

#### Methods

- through extra parliamentary opposition
- mass mobilisation, mass action and building of organisation of people

#### 10.2 Conditions for a National Convention:

Authentic leaders by mutual agreement

Return of exiles

Unbanning of the banned organisations

Conditions allowing propagation of different views

Release of all political prisoners

Suspension of racist constitution

Disarming and disbanding of the current army and police force.

Repeal of all unjust laws - pass laws

Land Act, the Internal Security Act.

Elected leaders of the people must participate fully in the planning of the convention.

" 10.3 We must draw a clear distinction between a National Convention and Talks. The above must be referred to Regions. Feed back must be given before 18/8/84 (14 days). "

A published article exh C.18 entitled "some notes on the call for a national convention" written probably in the first half of 1984 found in the possession of Lucille Meyer member of the REC Border Region gives an idea of the thinking in so-called progressive circles at this time. It states that the demand for a national convention has been made many times over the years by the peoples organisations. An important occasion was 1961 when the ANC and PAC at a conference in Pietermaritzburg called for it. It had to be sovereign i.e there should be no army and police in existence. The NC called for by the PFP and Buthelezi is not a sovereign elected NC with non-negotiable pre-conditions, it is talks about South Africa's problems by "leaders" at a get together while the apartheid army and police remain in place. The latter approach to a NC has always been rejected by popular organisations. The non-negotiable pre-conditions of this article are virtually the same as set out in the minutes (exh H.1).

We find the same reasoning and language in a discussion paper (possibly emanating from the Transvaal Education Committee of the UDF) found in the UDF offices. Exh C.19.

It was probably also drawn up in the first half of 1984:

We are mindful of the fact that these exhibits are alleged not to be UDF documents. The language and thinking, however, bear a striking similarity to the resolution of the NEC in exh H.1.

Accused No 20 says that the matter was referred to the regions and he does not know what the feed back was as he was arrested. We find his answer hard to believe. He was intimately involved with the affairs of the UDF even as late as April 1985 when he attended the NGC.

We find that the probabilities are that this decision of the NEC stood unamended at all relevant times.

No office-bearer of the UDF and least of all accused No 19 and No 20 could have thought that a national convention could be possible when as pre-conditions were laid down inter alia --

- the disarming and disbandment of the army and police force
- the return of all ANC members from abroad (including Umkhonto we Sizwe)
- the suspension of the constitution.

To call for a national convention and not mention these vital pre-conditions is political mala fides. It shows that the UDF was not genuinely interested in a national convention, it was merely interested in the transfer of power to the people as it later clearly spelt out at the NGC in April 1985 as appears from its statement Exh C.102.

The reliance of accused No 19 on the call for a national convention for an argument that the UDF was non-violent is unfounded.

Accused No 19 testified that the UDF used protest as a means to promote its goals and that protest is a viable method. He claimed that history showed that as a result of protests removals had been stopped at Huhudi, Daggakraal, Driefontein, KwaNgema and Alexandra. The application of the Group Areas Act had been relaxed in Mayfair and Hillbrow. Trade Unions had been legalised. The Orderly Movement Bill was dropped (exh D.64), influx-control was scrapped and urbanisation accepted.

Though we think that he underestimates the effect of other factors, we go along with the view that protest sometimes is effective.



It is true that the UDF openly and loudly protested. The million signature campaign is the best example: meetings were held, press statements were made, the Diplomatic Corps was approached, sports boycotts were advocated, a unity chain, freedom run, vigils and the ringing of bells were discussed and numerous pamphlets were published.

The issue is not whether the UDF protested. It is whether protest was the method chosen by the UDF or whether it was merely a means to set the masses in motion for the illegal overthrow of the state or destruction of its organs.

Evidence was led on the use of certain words and phrases to prove that in a political context they have a different, less offensive, weakened meaning.

We have taken due cognizance thereof when interpreting documents and speeches. It should, however, be remembered that in certain circumstances it can be expected of a speaker who uses strong emotive language like "revolution" and "destroy" to qualify it if the context does not already do so, or run the risk of being understood to refer to violent action as one of his options.

To deal with the words and phrases out of context would be an exercise in futility.

Accused No 19 alleges that the UDF has taken an independent and neutral position in the state of civil war in which allegedly South Africa is involved.

From this flows, we think, the argument that the UDF as an objective observer can sagaciously predict violence and bloodshed should the government do or desist from doing certain things, and not be accused of making threats.

There is no evidence of a state of civil war, but it is clear that the state is de facto at war with the ANC. In such circumstances to side wholeheartedly with the ANC and repeatedly refer to the state as the enemy evidences an enmity of equal magnitude as if there was de jure a state of war between nations. To say that the UDF was neutral is to twist that word out of joint.

Accused No 19 holds the view that people who attack the police and army are not terrorists. It is war.

He will not condemn the taking up of arms by the ANC and says that Solomon Mahlangu was not a terrorist. It is a question of perception he says.

So it is, but motives do not excuse hostile acts.

Accused No 20 also refuses to condemn ANC violence and reserves his condemnation for the government.

According to him the murderers condemned to death for violent acts are not terrorists.

There can be no doubt that the UDF was the greatest supporter of the ANC inside South Africa. It also set out to organise the masses and lead them against the government.

When such a body then predicts that violence will ensue and blood will flow if the government does not do what it wants it to do that can, depending on the context, amount to a threat of violence.

It is against this background that many of the speeches and documents should be read.

In support of the contention that the UDF was non-violent, accused No 19 referred to documents like the MSC Volunteers Handbook (exh W.52 p.3) which instructs the volunteer to avoid violence.

Miss D M Cachalia referred to "Notes to demonstrators" which contains the phrase "You are not breaking the law". Exh DA.116.

In addition at a meeting of Indians addressed by the UDF office-bearer accused No 20 at the time of the elections, of which we have evidence, namely the NIC meeting (exh V.17) accused No 20 did not promote violence.

One must conclude that as far as the elections for the Tri-cameral parliament were concerned the UDF had a non-violent policy.

This is not surprising as violence and incitement to violence of Indians and Coloureds who were becoming enfranchised would have been totally ineffective, in fact counter-productive. The Tri-cameral parliamentary issue would for the uneducated Black masses not be of much interest and not arouse emotions. That issue would also not be emotive enough to move the masses. The anti-election campaign could therefore have been expected to be emotive but non-violent. The targets were the Indians and Coloureds. Its aims were to motivate them for a stay-away from the polling booths. That was a matter of reasoning and the use of violence would have scuttled any argument that the Tri-cameral parliament was not supported by Indians and Coloureds.

Accused No 20 stated that the MSC Organisers Handbook (exh W.53 p.37) sets out the official attitude of the UDF towards the police ie to be law abiding.

The answer to this is that the two MSC handbooks were issued and gave directions only in respect of the MSC where wide White support was also sought. It was at the beginning of 1984. To issue instructions to break the law would defeat the whole MSC exercise. To leave volunteers to their own devices would have the same effect.

The notes to demonstrators are not policy directions. They set out the rights of demonstrators in a particular peaceful protest.

It has never been the state case that some of the protest actions of the UDF were not intended to be peaceful.

The defence relies on a passage in a paper by Eric Molobi delivered to the Port Elizabeth conference of the UDF on 17 December 1983. Exh T.18 third document.

Molobi called for the utmost discipline at that moment of unprecedented violent provocations from certain government protected quarters.

There is doubt however whether he is by the use of the word referring to abstinence from violence or whether he uses it in the sense of order amongst the ranks. The author refers to the tactic of disorganising the state and isolating the racist government from the people. The second interpretation is therefore more probable.

The notes of accused No 19 and Trevor Manuel on the national secretariat meeting of 7 July 1984 are important. They are exhs T.8 and C.85 respectively.

These notes show that the secretaries were at that meeting not concerned with local authorities. That subject was left over until 21 July 1984 (exh T.8 p.2) for the NEC meeting. The focus of this meeting of the secretariat was on the coming elections of Indians and Coloureds. There is no evidence in these notes that any violence was planned. The methods discussed were legal and non-violent.

This accords with the later events. We have no allegation or evidence that the UDF planned or executed any violent acts in respect of the elections for the Tri-cameral parliament.

Accused No 19 and No 20 stressed the point that there was never any violence after UDF meetings.

This may be correct for the meetings which had as their target Indian and Coloured audiences during the anti-election campaign where the policy was non-violent as explained above.

It is not correct for meetings held by UDF affiliates in Black areas.

In Lekoa the mayor asked that meetings be prohibited as threats against the lives and property of councillors were made there.

We have evidence that in Lekoa regularly after political meetings there there was violence.

In Huhudi after meetings of the Huhudi Civic Association and Huhudi Youth Organisation and some meetings of the UDF there was regularly violence consisting of the stoning of the houses of councillors.

Accused No 20 makes the point that the press was always invited and present and that therefore it is inconceivable that violence would be advocated at meetings of the UDF.

We have experience of press reports about meetings. Cf exhs AAQ.6 and AAQ.7 about the meeting of 19 August 1984 in Sharpeville. One would not say it was the same meeting which is reported. We furthermore have the videos of the funeral at Daveyton (exh 42) and numerous meetings where the ANC was openly praised.

At all of these the press was or could have been present. That did not inhibit the organisers one bit and we know of no report where the press reported on this. We must conclude that the invited press was the friendly press. We have in any event only the word of accused No 20 that the press were present.

The evidence of reporter Joshua Raboroko of the Sowetan is that he intentionally refrained from reporting the very important decision on the stay-away and protest march in the Vaal which were planned for 3 September 1984 as that might amount to incitement and be subversive. This indicates that the press suppresses important news.

Accused No 20 makes the further point that police attended these meetings and heard the songs about the ANC and did not stop them.



We do not know which meetings the police did attend, but accepting that there were police in attendance, it should be borne in mind that the security police would not actively take steps at a meeting but would merely observe and report.

There is no substance in this argument.

In view of the alleged policy on talking and non-violence the rejection by the UDF of the invitation from Potchefstroom University (exh T.5 p.3) and the Centre for Integral Studies (exh T.8 p.3) to attend discussions is rather strange.

No 19 points to the non-violent nature of the million signature campaign, the campaign against the Tri-cameral parliament and the boycott of the Black local authorities.

The first two fall under the anti-election campaign with which we have dealt.

The boycott of the 1983 elections for Black local authorities seems to have been (generally) non-violent.

If however the strategy was to go into action when the time was ripe, it follows that November 1983, at the start of the organisation of the UDF and its affiliates, would not be opportune.

As examples of non-violent methods adopted we were referred to exhs DA.28 and D<sup>A</sup>.29. These are mere sheets with legal advice in connection with the 1983 and 1984 elections, and take the matter no further.

Exh DA.30 is a press release dated 16 December 1984 upon the successful challenge in the supreme court of the banning of the UDF meetings. It was never the state's case that the UDF would solely use violent methods and this does not take the matter any further.

Accused No 20 says that violence was never discussed. It is not set out in the minutes. That is true, but any revolutionary organisation which would do that in minutes which are widely circulated amongst affiliates would be out of business.

Accused No 20 says that he and accused No 19 requested the police to stand back at the Regina Mundi Church on 16 June 1984 as they did not seek confrontation. This has to be accepted.

Accused No 21 says that the UDF is non-violent as is proved by the fact that it called for a national convention. We have dealt with this aspect.

He states that local conditions created upheavals not the UDF. In some of the 22 areas mentioned in the indictment the UDF did not even have affiliates. This will be dealt with when the various areas are discussed.

He further states that not a single document of the UDF refers to revolution. We have dealt with the speeches and documents above.

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

### **PUBLISHER:**

*Publisher:*- Historical Papers, The University of the Witwatersrand

*Location:*- Johannesburg

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### **DOCUMENT DETAILS:**

*Document ID:*- AK2117-K2117-L7-5

*Document Title:*- Defence Answer 414-448