

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1988-05-18

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

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

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. H. SMITH

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

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THE COURT RESUMES ON 18 MAY 1988MANAS BUTHELEZI, still under oath -

FURTHER CROSS-EXAMINATION BY MR FICK: Thank you, m'lord, all the accused are present. Bishop, can you tell the court what is the tradition in regard to people who were unrest victims who died in the urban township. What was the position, how were they buried? -- In the urban township there are two sides. If somebody is a member of the church, then the church plays the dominant part in his burial but as things have been you had many people who were community leaders, who were (10 regarded as community - as leaders, and the community has a claim when it comes to participating in the event of the funeral and therefore the tradition that has been established is that all those organisations in which the person was involved also come to the funeral and it is usually in a venue which can accommodate many people.

And they came on an organised basis these organisations, is that correct? -- I beg your pardon?

They came to the funeral on an organised basis, each organisation with its own banners, its own posters, is that (20 correct? -- I am not aware of any factor of formal organisation of who comes and who does not come unless their is an expressed wish on the part of either the family or the church if it is a church member. I am not aware of any formal arrangements.

Now you gave evidence about the tradition. Is that now the tradition of the Zulu or..? -- I make a distinction between the tradition in the basic sense from which we come and then there is in urban areas another culture which has come as a result of the mixing of the various trends, the western and the African. Something new has emerged out of that which (30 incorporates /..

incorporates both the old and the new.

Now during the period 1983 to 1985 how many commemoration services did you attend? -- I cannot give a number. I would have to sit down and have a look at the various indications. I cannot just off the cuff, because it is a fairly long time.

And you were often abroad? -- Well, it depends on the particular occasion. Sometimes I am when there is a reason.

Can you give an estimate of how many commemoration services you attended?

COURT: That is now the period 1983 to 1985? Both (10 inclusive. -- Yes, it would be difficult to give a - I can just give an arbitrary number but I would not vouch that whatever I say would be of any..

MR FICK: More or less? -- It may be five or more.

And over the same period how many funerals of victims of unrest did you attend in Soweto, more or less? -- Well, it is really very difficult to - I would have to refresh my memory and itemise this as to how many.

Well did you attend any funerals of victims of unrest in the period 1983 to 1985? -- Yes, I have. (20

All of them in Soweto or other places as well? -- Mostly in Soweto.

And you cannot give an estimate of how many funerals did you attend? -- I can if I have time to refresh my memory because there are many other things that one is involved in. One one relies on a diary when it comes to what one does from day to day and the diary has enslaved all of us. This is a case in point.

But haven't you refreshed your memory before you came to give evidence? -- I beg your pardon? (30

Haven't / ..

Haven't you refreshed your memory before you gave evidence?  
-- Yes, I have refreshed my memory in general, not when it comes to statistics which is the issue now.

COURT: Well, can you tell us then what commemorative services did you attend and what funerals you did attend that you can remember? -- I remember the first one that is clear in my memory, that of Hector Peterson.

And when was that funeral? -- It was in 1976.

Yes, but we are dealing now with the period 1983 to 1985.  
-- Ja, that is why I, what I can recall if I have to refer (10 to an individual funeral.

MR FICK: And what commemoration services did you attend during the period..

COURT: Well, is that all you recall? All the funerals you recall, the one of Hector Peterson? -- No, if I have to, the name, there were others as well. As I say I would have to refresh my memory in order to itemise the instances.

MR FICK: And commemoration services during the period 1983 to 1985, do you remember any of these? -- The one I remember is Sharpeville apart from the June 16 commemoration service. (20

Only one of Sharpeville? -- That is what I can remember in terms of being certain on what occasions, because there are so many services that one is involved in, one would have to sort them out.

And when was the commemoration service of Sharpeville, which year? The one you attended? -- Oh, maybe 1983 or 1984.

Is that the only commemoration service except for June 16 that you can remember at this stage? -- There were also commemoration services related to individuals like Steve Biko and others. Again I would have to refresh my memory in (30

order to particularise the instance.

And how many commemoration services did you attend in relation to Steve Biko, only one during the period 1983 to 1985. -- I would not remember how many but I remember one of them was at the university of Zululand. That was the funeral proper yes, at the university of Zululand.

COURT: Pardon, was it a funeral ..? -- I beg your pardon?

Funeral programme or a commemorative service? -- It was a commemoration service in that it was not on the scene but it was somewhere else. (10)

But was that at the time of his death? -- Yes.

MR FICK: But I am talking about 1983 to 1985, how many commemoration services in relation to the death of Steve Biko did you attend over this period? Only the one? -- I would have to refresh my memory as to how many.

But at this stage these are the only commemoration services that you can remember? -- Which ones?

The one about Steve Biko, the June 16, and the one about Sharpeville? -- There have been others relating to Hector Peterson.. (20)

When was that? -- There was a time when attempts were made to have tombstones, of course it is more specifically related to June 16.

Now the one about Hector Peterson, when was that? -- I would not remember..

You cannot say? Where was it, can you remember that? -- In Soweto.

Where in Soweto? You cannot remember? -- I am saying the event was in Soweto.

Now who organised the commemoration service, do you (30  
remember / ..

remember that? -- Ja, as I have said earlier various organisations and people in the community are involved. You cannot particularise as to which organisation does what in a community.

But you cannot remember who organised the one for Hector Peterson, is that what you are saying? -- No, I am saying that in this case it is not a matter of remembering but it is a matter of - usually in such events there are so many people and members of the community involved that you cannot say it was this one and not that one. (10)

But can you mention any names? -- I would say all the organisations in the community are usually involved in such an event.

In Soweto it would be COSAS, SOYCO, Soweto civic association, AZASO? -- All the organisations that are operating in the community usually are involved in terms of supporting such an event.

No, no, organising. Not only supporting, organising. -- Well, it is a collective effort. Organising in the sense of playing a role in the collective effort. (20)

And all the organisations send their speakers to the commemoration services, is that so? -- Usually, it just depends on who the community would like to play a role. It is usually not on the basis of - it is not always on the basis of organisational representation although sometimes that may happen. Usually if it is a big event the community thinks of somebody who can play a particular role, the people would like to have played.

No, no, but is it not in the majority of cases that the organisations organise the commemoration services? -- Yes (30

in the majority of cases to the extent that - when we talk about a community we usually refer to those elements in the community which are leading the community in general. In that sense yes, the majority of cases organisations although not particular organisations are singled out.

And at commemoration services songs are sung not by individuals only but by groups. -- Songs?

Yes. -- Yes, that is correct.

And is it not so that there is usually a song leader at these commemoration services? -- There is no song leader in (10 the sense of a conductor or choir director but anybody in the audience can start a song.

No but except for the audience is there not an organised song leader, a person appointed before the service to lead songs? -- No, not apart from the one who may be the chairperson in the meeting whose role is simply to go through the programme but to the extent that the singing is usually at intervals during the programme. It is the dynamics of the group that is attending that determines as to who feels moved to start a song. (20

Is it not also the case that the chairperson calls for songs? -- It may very well be.

And he calls for freedom songs? -- In fact there is no need to call for a song because people were never there together. They do not just sit still but they sing when they are together so there is no need to say can somebody start a song.

Have you ever heard of a chairperson calling for a song? - Well, the chairperson usually calls for items in the programme. If in the programme there was a musical item I can say yes. (30

But / ..

But did it not happen that the chairpersons asks the audience: let us have a freedom song? -- No, I do not remember it being put that way. Because there is really no reason, surely there is no reason to ask people to sing because they are ever ready to sing. They even start, the problem lies in stopping them rather than asking them to start. To say now please, we would like to move to the programme. The problem is not to say: please, start singing.

Is it not also so that at funerals a programme is issued and distributed? -- Yes. (10)

Is it also not so that in the programme there are items, speeches, names of speakers from certain organisations and freedom songs mentioned in the programme? -- It may very well be but if there is church participation it is usually the agenda of the church which determines how the funeral is conducted. Other things may be accommodated within the agenda of the church.

But haven't you seen any programmes of funerals where it is stated that freedom songs would be sung? -- It may very well be. That is not beyond the possibility. (20)

Is it not so that in many instances the organisations organise the funerals and not the church? -- No, if somebody is a member of the church, it is the church that takes the initiative and other elements in the community are accommodated in the arrangement of the church. That is the usual pattern. I do not rule out an abnormal situation, but that is the normal pattern that the church, the minister takes the initiative and then in consultation with the family accommodate any extras in the agenda.

Is it normally the situation that organisations (30  
organise / ..



organise funerals and they call on a certain minister only to lead with a prayer and read from the scriptures? -- There are people who have no church affiliations or whose church affiliation may be very nebulous, then in those cases it does happen that the community itself maybe through the organisations may play a relatively dominant role in making arrangements even to the extent which you indicate.

Yes, is it normally the practice at funerals of the victims of unrest? -- That people have no church affiliation? It depends on the particular funeral. As I say if somebody (10 has a church link then the church plays a role and if someone has a very unclear church link then it forces the community to play a relatively dominant role.

Now you gave evidence about certain songs, the song about the supreme court being on fire, the song about we will catch the boers with their children, and you said you have heard some of these songs. Where did you hear that? -- In these meetings and in both commemoration services, community meetings as well as funerals, whenever the community is together.

Now what is a community meeting? -- It simply means (20 that when people say in Soweto come, not necessarily people of a particular organisation but is rather an open occasion, it is not for specific people. That is what I mean by a community meeting.

COURT: Well, does this mean then a public meeting? -- Yes, that may be one way of describing it.

And the subject matter of the public meeting was what? -- I remember one particular instance where the subject of the meeting were the pending elections which were coming.

The black local authority elections? -- Yes, where (30 there / ..

there was a community attendance. Public in that sense.

MR FICK: Yes, and who organised that meeting? -- I go back to what I say again. Usually whenever the community as a whole is involved there is not a single organisation that says we are organising this, but it is usually in co-operation with members of the community so that the community may participate otherwise if it is a party meeting then the community would find it difficult to participate, so that is one of the characteristic features of such meetings.

COURT: Yes, but I am not clear on what you are attempting to say. Every meeting which is held has to have some sort of organisation behind it, because somebody has to get the hall, somebody has to get the loudspeakers and put them up, somebody has to compile the programme. Now the question is when it is asked who organised the meeting, it means who did these things? -- In some of the instances that I have been aware of, it has just been what I have been describing. That is usually people from various constituencies who are recruited to give shape to the coming event.

Now let us look at this meeting which are dealing with. The subject matter was elections for black local authorities. Who organised that meeting? -- I think it was the various organisations.

Which organisations? -- I was not at that time aware of any specific organisation that did so, beyond the fact that there were many organisations which were involved in the community, all the organisations in Soweto.

MR FICK: But haven't you seen the banners of any organisations at that meeting? -- Yes, of different organisations.

Yes, but.. -- Banners of different organisations.

(30

Which / ..

Which organisations? -- Oh, it may be AZAPO, SOYCO and others which are existing in the community, students' organisations, political organisations, cultural organisations.

No, no, which banners did you see. Forget about the maybe. -- I have seen banners of a type which were referred to yesterday, some may have yellow, black and green without any identification mark and some may be labelled like SOYCO, UDF or some other organisation.

Now which banners did you see at that meeting? -- It is usually all kind of banners. (10

Forget about the usually, which banners did you see at that meeting? -- Oh, I cannot remember specific banners which were at that particular meeting beyond to say that there were banners of this type.

Now at this meeting did you sing along? Did you sing along the song that the supreme court is on fire, we will catch the boers with their children? -- Well, I usually do not sing the songs which I do not know. I only sing those which I know and if it is in bad taste or questionable, is couched in questionable words, I do not sing before I understand (20 what I am singing.

Now answer the question. Did you sing along, yes or no? Did you sing along? -- Well usually as I say I cannot - usually I sing when there is singing.

Forget about usually. Did you sing along? -- When?

At this meeting, with these songs.

COURT: When the songs were sung: the supreme court is on fire, we will catch the boers and their children across the river, or Sasol is on fire? -- But that is a collection of songs which were not necessarily being sung at a particular (30 instance / ..

instance so I cannot say that when those songs were sung, I can only say that I have heard songs like those sung. I cannot for instance vouch that at that particular meeting those specific ones were sung. The reference to the songs was in general as to whether I have heard them.

MR FICK: Yes, now in general, did you sing along when you heard these songs? -- I would say in that particular meeting, we are talking about a particular meeting when there was a meeting about the election, I cannot say that - I do not remember that in that particular meeting, those specific ones were sung. (10

Bishop, you are evading my questions. Please answer them. When you heard these songs did you sing along? -- When?

COURT: At any stage in your life.

MR FICK: At any stage. -- As I say those are songs that I do not know. No, I have not sung them myself in the sense that they are new. You hear new ones at each meeting. But I usually - I sing those which I am familiar with, which I have learned to sing. Those particular ones I have not sung.

Have you ever sung freedom songs at any meeting, any place, anywhere? -- According to my definition of what I understand (20 people are referring to when they speak of freedom songs like "Nkosi Sikelele Afrika".

Except for "Nkosi Sikelele Afrika". -- Yes, there are freedom, you are talking about freedom songs. I have read newspaper reports saying there were freedom songs like "Nkosi Sikelele Afrika", yes I have sung "Senzeni na" as well as others. "Somlandela uJesu" and then other people may add other lines.

And the ones..

COURT: No, no, Bishop, let us now get on the same sort of plane. -- Yes.

(30

"Senzeni /..

"Senzeni na" has a religious base. You have told us that there are two other versions, the one is: What have we done that we are black, or our only sin is that we are black. The other one is something about the white men are dogs. Which of these versions did you sing? -- I do not sing songs which are in bad taste. For instance songs which refer to other groups in those terms I do not sing.

MR FICK: Now let us take the songs mentioned in V.10. That is the commemoration service of June 16 at Regina Mundi in 1984, the one you attended. -- Which one is it? (10

V.10.

COURT: Just a moment, Bishop, it will be handed to you.

MR FICK: Page 2, song no.1. The song: "They go in, they come out. They are shivering the cowards. They are scared, the cowards". Did you sing that one? -- Yes, I think I have to make a preliminary explanation. Usually songs are sung by groups, different groups in the audience. It is very rare that the whole audience, it is announced that we shall now sing these songs. It may be people who are singing by themselves there. No, I have never sung that one, the first(20 one. Which one is it?

COURT: Yes, song no.1 on page 2. -- It is a church based - yes, I have sung this one because it is also sung in church.

But do you sing it with these words? We are not talking about tunes now, we are talking about songs. -- Ja, these are the words, the words that are listed here are the ones which are used in church. It is a different case from the one of "Senzeni na". Talking about cowards, "Ayangena Ayaphuma".

MR FICK: But this was not sung by groups, it was sung by the audience. -- Of course the audience does join in the singing(30

COURT / ..

COURT: Is song 1 a church song? -- It is not a church song in the sense that it is in a hymn book but it is one which has been adopted through the influence of the independent churches. Church groups do sing it.

But now in your church when you sing it what do you mean to say? -- I refer to a very recent instance, two weeks ago when there was a meeting of pastors' wives. They were singing this song, I never asked them why they sung it. It is related to the role songs play in the community, the why you sing a particular song is usually not related just only to the meaning of the words, but it is related sometimes and mostly to the extent the singing of the song creates a group spirit, a spirit of solidarity. If a song has some reason in the majority of cases people sing it. So the answer to the why it is sung is very wide.

It is not sung during church services, is it? -- No, in my church, I do not know about others. In the independent churches I am sure it would be sung but not in the formal -- one must make a distinction between the formal church service where you follow the agenda and moments when people are free to do their own thing. Even in my church whenever there is an interval where people are free to sing what they like, they just start anyone including this one.

MR FICK: Did you attend any services of other independent churches where this song had been sung? Yes or no? -- I.. (hesitates)

Yes or no? -- I have attended some independent churches but I do not remember the specific songs which were sung because it is usually not occasions of any significance where my memory can record that a particular song was sung. (30

Yes / ..

Yes. -- Unless something strikes me about it.

On what basis can you then come and tell this court that in independent churches they do sing this song? -- It is because I know the origin, that in funeral vigils the influence of the independent churches is expressed most and it is on those occasions where one sings these songs. It is not as if on Sundays one goes and attends a service of an independent ..

COURT: Are you saying that this song is sung at night vigils? -- It is, the choruses in general which is what I have said. Choruses in general are sung where meetings have an (10 interdenominational character, where it will be difficult to use songs picked from a hymn book of a particular denomination. The choruses have provided a common base where people from all denominations can sing, but I do know the origin of these because the Zionists would sometimes - when I grew up they visit, I hear them and is part of the life in the community.

Yes, but would you just listen carefully to the questions otherwise we will just be at cross-purposes. If this a song which you sung at night vigils? -- Yes, it is one..

Song no.1? Is song no.1 sung at night vigils? -- Yes (20 it is one of the songs that are sung at night vigils.

And what does it mean then: "They go in, they come out. They are shivering, the cowards." How does one apply it at a night vigil? -- Usually if it is a religious setting " a magwala" or the cowards, are those who are not brave enough to face the devil in their daily life and therefore those who are singing say that here we are, we do not fear the devil but we do know that there are other people who are going up and down and not living up to their christian lives. That is the interpretation I would give in a christian setting where (30

these / ..

these songs, this particular one had been sung mostly.

And to whom would cowards refer? -- It may refer to spiritual cowards, those who do not confess their faith, those who were confronted by problems and difficulties shy away from living up to their christian commitment. So those would be cowards who do not face the devil and say devil, go away. There is one that also talks about devil, get away behind me, devil.

MR FICK: If it is the night vigil of a person who died during the unrest, the cowards refer to the agents of the state, (10 the police? -- I would not be surprised if there would be some odd person who might have that, who may attach that interpretation but to the extent that usually in these vigils the setting is of a religious character and christians know what a christian coward is. But I would not say that there might not be some odd person who have that kind of interpretation, to the extent that this one is sung even in churches.

Whilst we are at night vigils is there a difference in the procedure that a night vigil of a person who died of natural causes and the vigil of a person who died because (20 of unrest? -- Night vigils have crept in and have provided a moment where people can do things and say what they would like to say either about the deceased or about how they relate their faith to the occasions, which they cannot say in church because there the setting is structured according to the order of service. There is therefore usually maybe somebody who just opens and then someone may read a verse or someone may say something about the deceased person, what he knows about him or her. Or there may be a prayer or there may be preaching, somebody may preach that you must get ready for this kind of (30 moment / ..



moment because it may overtake you. There are all sorts of things which occur there, speeches, sermons, prayers, singing. Speeches that are also of an obituary character about how I know this particular person who has died.

Thank you, but please answer the question. Is there a difference in the night vigil of a person who died of natural causes or because of other causes? -- Oh, I am sorry, I did not catch the question. The difference is that usually one who dies of unnatural causes, the church is the main base for that and therefore usually it is people who are expressing solidarity from the community, motivated by their faith whereas in the case of unrest victim, the setting is wider. People who knew that particular person as a leader in the community are induced to go and attend. That is one other difference. Otherwise when it comes to the general pattern and shape they are similar. So there may be differences when it comes to the social mix of the audience, not when it comes to the pattern of the programme or the order of service. The pattern is the same.

Have you attended any night vigils of unrest victims?

-- I have.

During 1983 to 1985? -- Yes, I have attended, yes.

Whose? Can you remember? -- Again I cannot remember the name.

Was he a leader in the community to use your words? -- Usually you go to this to express solidarity. A person may not be in a position..

Bishop. -- Yes?

Forget about usually. Was he a leader of the community yes or no? -- Yes, a leader. It may be a student leader or (30

(intervenes)/..

(intervenes)

Forget about maybe, was he a leader of the community?

-- Yes.

What leader? -- Sometimes a student leader..

Not sometimes, the particular one you refer to. -- Student leaders.

Was he a student leader? -- Yes.

What organisation? -- I do not remember the organisation because there are many organisations of students.

And when you talk about a leader in the community are (10 you referring to people on the executive of organisations? -- Not necessarily. A leader is somebody whom the community feels that he is making a contribution to them. They may not be informed about what he does in a particular organisation. Usually such people may come from the church. They bring the church setting with them and therefore those who know them in the church also recognise them easily there and if they are students then the fellow scholars may know them, may know that particular person.

Is it not so that in the majority of the cases the (20 leaders of the community are people who are on the executive of organisations? -- Not necessarily.

In the majority of cases? -- Yes, in the majority of cases.

Yes. -- But also one may be playing roles in other organisations which enhances his leadership status in the community.

Now what about the night vigil of an ordinary man, not a leader of the community who died, during the unrest. Is there any difference in the procedure? -- The difference is in the composition of the audience, of the participants but the pattern is similar to that of an unrest victim. (30

Is it not so that at night vigils of unrest victims there are speeches from leaders of organisations? -- Usually in night vigils there is no straight or structured agenda. People just come in, it may very well be people who know him as a member of a particular organisation, yes that may happen to the extent that it usually is a free for all.

And at night vigils of victims of unrest there are more freedom songs? -- I would say choruses because the base of what is called freedom songs is usually choruses which have either a social origin like songs sung at a wedding and then (10 people attach religious words to them, or songs which are choruses of hymns.

COURT: With what type of words? If it is a hymn you can just say no, no freedom songs are sung, but I don't understand your explanation. One can use the tune or the chorus and put in other words that you do not sing in church and it might become a freedom song? -- Yes, it is this categorisation of freedom songs and non-freedom songs, we believe that all songs - in a wide sense - all songs are freedom songs because the Bible says Christ set us free. So if we sing a hymn it is a (20 freedom song in the general sense, that is why I am particularly uneasy about the title "freedom songs" because people attach certain connotations to it which I do not personally agree with.

Well, we will have to find some sort of a definition otherwise we will have to read the whole - how many are there, sixty or so freedom songs to you everytime that the question is put. So by freedom songs are meant songs which you do not normally sing in church and are not mainly there to praise the lord. -- No, I would give another definition. I would say the so-called freedom songs are usually what is known in church (30 sectors / ..

sectors as choruses where people sometimes add other lines depending on what moves them greatly and some of these songs are sung at night vigils. If they are people who are politically moved, I believe that is why you have some of those odd lines referring to whites. So I would say they are songs which have a church base which people use to worship God. The other background to these songs is that there are some people who cannot read or write, who cannot afford a hymn book but they need something that they can sing spontaneously over and over again without having to check from a hymn book. (10) It is true sometimes the words are not the deepest when it comes to an analysis of what the words mean but to the extent that the person gets the opportunity of participating in singing. As far as he or she is concerned that is his sacrifice of praise to God.

To whom? To God? -- To God and I would not pass a judgement.

Are you saying that all songs sung at night vigils are there, are sung to praise the Lord. -- All songs that are sung at night vigils where in the black community there is a very (20) strong religious perspective I think as a human being not being God, I can say they are sung as far as I see in order to praise God and leave it to the individual who is doing the actual singing as to whether he or she departs from this line.

Well, is there a departing? Do they depart? -- I would imagine that if somebody adds a line saying white people are dogs, that that particular individual is departing a little bit.

But let us not bother too much about white people are dogs. That is not the only freedom song that we are talking about. -- I am using that one because it illustrates the (30)

departure / ..

departure in a most vivid way.

Well, would that be sung at a night vigil for example? --  
"Senzeni na"?

No, white people are dogs. -- No, the song is "Senzeni na" and sometimes they add "Bophumthwalo Siguduke" and the reference was only that sometimes, particularly in meetings people would add other odd lines and then other members would shake their heads and feel uncomfortable but it is not to say that the understood theme of the song is about white people. It is "Senzeni na" which is basically a religious kind of (10 question which we find even in the book of Psalms: "My God, my God, why have you forsaken me", in other words, Jesus Christ was saying what I have done to hang on the cross. That is the biblical background of the song "Senzeni na".

Yes, and if you add to that song white people are dogs you are being blasphemous, is that not so? -- Those particular individuals..

Are being blasphemous? -- I would say usually blasphemy relates to God. If you say something..

Well, it is absolutely disrespectful to say the least. (20 -- Yes it is disrespectful.

So it cannot be said to be a church song, not if those words are used? -- It does happen in the church service, it just happen that you get some odd person saying something in the service. You cannot therefore because of what that particular persons says, say that the whole service is not designed to praise God because of that individual who adds his or her own thing.

Well, can one say the service has been tainted by that individual? -- Yes, the service is being tainted but (30

hopefully / ..

hopefully God is aware of those who are praising him in good faith.

Let us go one step further. Are night vigils tainted in that way? -- I would not make such a general statement about night vigils because usually in these night vigils there are simple people who are sincere about their faith. It is true sometimes there come drunk people, people who are drunk and say keep quiet, I am the one who knows this person. That happens sometimes. But on the whole if you consider the design, what people are trying to do I have reason to believe(10 strongly that the night vigils are designed to praise God.

MR FICK: Now you told the court that you did not sing song no.1, V.10, that you did not sing along.

COURT: No, I think the witness said that he did sing it. Is that correct, Bishop? -- Yes, I do sing it because..

Yes.

MR FICK: And you did sing it..(simultaneously)

ASSESSOR: Well, you were there, at this meeting? -- Yes, I was there.

MR FICK: And you did sing this song at that meeting? -- (20 Yes, it is is the type of song that I sing and therefore if the audience was singing - and even though my memory is not fresh I can say I sang it.

Now will you turn to page 8 of V.10, there is a song, song no.2: Workers unite. Did you sing along at this meeting? -- Yes, I have sung this song. I have participated when the song is sung and I have reason to believe that singing that, this is one which is in good taste even on that occasion, even though my memory is not clear as to when I opened my mouth and when I had expressed something and shut my mouth, I cannot (30

say / ...

say so. But I have reason to believe that it is the type of song which I might have sung there.

Now will you turn to page 10? -- The first part of it. The chorus is not a common..

COURT: Would you also shout "We know who the enemy is"? -- In the song?

No, page 9, top. -- In song no.2? Oh, page 9?

No. It seems to be a slogan. -- On page 9?

Yes. -- Were you referring to page, that song?

Yes, at the top of page 9, and it should be on yours. (10

-- Yes.

It should be written in on the top on the second line: "Audience". -- No, no, what I am trying to have clear is the song which was referred to, which I have said I do sing..

No, we have gone away.. -- On page 8.

We have left page 8 now. We are now on page 9 and we are dealing with a different matter. -- Thank you, thank you, I understand.

The question is would you have shouted or did you shout: "We know who the enemy is"? -- No, I do not shout that way (20 because considering the role I play in the church, I do not shout such slogans.

Yes, thank you.

MR FICK: Do you know who the enemy is? Do you know who the enemy is that is being referred to here? -- No, but I can answer the situation against the background of the dynamics of the community. I cannot say that I know as it is typed here as to which particular enemy is being referred to, but I can explain to the court my perception of how and why people speak these words. (30

COURT: Well, if you cannot remember that it was shouted and you did not participate, you would not know who is referred to? -- No, I think I can help the court because I know the dynamics in the community. I can explain why in the community people speak in that language. I can explain to the court.

Well, you will learn that this will lead to a lot of questions in that way. You are welcome to answer it but then you will be asked how, when and how, because we are now dealing with this particular meeting. So if you can remember here what was said and to whom they did refer here when they said (10 it, you are welcome to answer it, but I do not want you to run away from this meeting. If you cannot remember it you say you cannot remember it. -- Remember the enemy?

Yes, the shout: We know who the enemy is. -- No, the slogans in the meetings are just shouted. That is a reality, they are just shouted. It is not as if now we are going to shout about enemy no.1, we know enemy no.1 is the enemy. It does not happen that way. The slogans are just shouted, there is no qualification of what, of who the enemy is. I can explain to the court how I have heard the people use the word (20 enemy in the community.

Yes. No, I do not want an explanation.

MR FICK: Did you shout along with the people when they shouted: "Amanāla Ngawethu" there on page 9? -- Yes, amandla has become part of ourselves, because..

Have you shouted along? -- Yes, I have responded to that "Amanāla Ngawethu".

And the other one: "One Azania"?

COURT: And did you lift your right fist into the air? -- I do not normally do it as a personal habit or personal (30 peculiarity/ ..



peculiarity but I have nothing - it is not because I have nothing or anything against it. I do respond to that one because I think it is one of the helpful ones in creating the spirit of togetherness in our community. It is a sign of a healthy development in the black community.

MR FICK: And did you shout along with "One Azania, one nation, one nation, one Azania"? On the same page, page 9. -- Again whether I did not as - I cannot say I actually did that but all I can say is I could have done it but I do not remember. "One Azania, one nation", I have no qualms about that because (10 it simply means one country, one nation. It is a self-evident thing.

COURT: Bishop, just answer the question. The question is did you shout it. If you say no, you say no. If you say yes, you say yes and if you cannot remember, you say you cannot remember. -- The problem is that we are talking about 1984. Singing is not something that you plan in your diary, that I would sing such and such. You will just participate when it occurs, therefore I cannot remember precisely that at that time I did not have a cough or maybe I was indisposed some- (20 how so I did not sing. I do not have such a sharp memory. All I can say given this distance in time is to say no, no, I could not have sung that. That is all I can - because of the time space. But it relates to singing which happens spontaneously.

Yes well, it would seem that this was shouted and not sung. -- Well, it is the same thing. It is the same kind of signal and something that just happens, where sometimes you will react instinctively unless there is something which goes against your grain. (30

MR FICK: Will you turn to page 10, please. Song no.3: We will enter in the dark. Did you sing that song? -- I do not know its tune in the first place therefore I could not have sung it and also if I remember how things were happening on that day is that those groups would march and come to the front and sing. There was a kind of - we were sitting down. I do not know how this one runs in a - I cannot sing it right now. I might have not sung it.

And the part: "Oliver Tambo, Oliver uTambo", did you participate in that part? -- In what. (10)

Singing of the words: "Oliver Tambo". -- Is that part of a song?

Ja. -- I take it to be one unit, is it? I take it to be one unit. The first part and the second part. I think I have answered the question.

And on page 11, the singing there of "Oliver Tambo"? Did you participate in that? -- I think I have answered the question as to whether I have participated or not participated. Given the time distance I cannot say I remember that here I have opened my mouth at that particular time but all I can (20 say given this time space is that I might have and seeing that it is not the type of song with which I am familiar I might have not sung it.

Now while we are busy with the name of Oliver Tambo, will you turn to page 2. There was the chanting of the name of Oliver Tambo. Did you participate in that? -- Page?

Page 2, second paragraph, second line. -- If I remember because I was to open the meeting with prayer, is that before the meeting started people were doing these things, groups of people. It was not as if the whole audience was doing that. (30

I do not remember participating in it, although I do not see anything wrong.

Would you then turn to the last page, page 18? The very last song: "Forward young men, we will see them when the names are written". -- I do not remember this one. I could not have sung it because I do not remember it.

Now I put it to you Bishop, that the songs at the meetings, commemoration services, funerals, are sung specifically to popularise the organisations and the leaders of the organisations mentioned in the song. -- Any song which is sung? (10

Freedom songs. -- I think I have already expressed myself on freedom songs, on how I understand freedom songs. Therefore if the statement is so wide I would say I do not agree to that. Unless it is a very specific song, then I can say yes or no but to the extent that the statement is general I would say no.

Well, I put it to you that the ANC itself claims that the songs are sung to support them, to support the leadership of the ANC. -- I do not know about that.

For the convenience of the court I want to refer to (20 EXHIBIT AAE.5, page 16, the first column, the second last paragraph.

ASSESSOR: AAE.5?

MR FICK: AAE.5, the first column, the second last paragraph.

COURT: Yes, go ahead. The witness does not know it.

MR FICK: Yes, as well as EXHIBIT AAE.17, page 2. The third paragraph in column 2.

ASSESSOR: What is the..?

MR FICK: It is the Seshabas, the ANC.

ASSESSOR: I see.

(30

MR FICK: I put it to you that even the UDF called on people at meetings to sing freedom songs, to rededicate the people to the struggle, to show their support for the struggle. What do you say to that? -- What about the UDF. That it is committed?

Yes, the UDF's call on the people to sing freedom songs. To rededicate the people to the struggle, to show their support for the UDF and the struggle and it is not sung for any other purpose, freedom songs. What do you say to that. -- I do not fully agree to that. I know the songs which are called (10 freedom songs have a broader meaning to the people than what you suggest.

For the convenience of the court again, EXHIBIT V.3, page 3, third paragraph. "Let us have comrades a few of those songs because there are young dynamic people here who are prepared to relentlessly and gallantly fight for the freedom which belongs to them. Let us then comrades, give us then freedom songs so as to rededicate ourselves".

COURT: Yes, you need not bother about that document, Bishop. This was not a meeting where you were present. (20

MR FICK: Another for the court's convenience, V.4, page 6. The fifth paragraph where it is said: "You do not just sing revolution. The people in Vietnam never sang revolution, the people in Nicaragua never sang revolution and the people in Cuba never just sang revolution, they entered the revolution". Also V.12, page 17.

COURT: Yes well Mr Fick you are arguing your case now. Put questions to the witness, he wants to go home.

MR FICK: Well, you have told the court that you heard the expression "Umkhonto weSizwe" before December 1961, is that (30

correct? -- Yes, it is long ago.

Yes. -- The phrase "Umkhonto weSizwe".

Yes. And it referred to education? -- Well, it was just an example, but to many other contexts. Not just to education but to any other type of social, cultural or community enterprise.

But who referred to that? Who used that phrase? -- It was in the songs which were sung or in speeches or words which were designed to encourage for instance parents to send their children to school, that education is a new spear for the nation. Don't think of the old spear but this is a new spear of the nation. I remember vividly that context. (10

Yes, after the establishment of Umkhonto weSizwe, the armed wing of the ANC did you hear again about the phrase, spear of the nation, in any other context? -- Yes, in their speeches and in their daily intercourse. This is their language and therefore they use it freely. I have heard it even after that in a specific context when people use the metaphor in order to illustrate. They do not agree that the phrase "spear of the nation" has now become the property of the ANC. It still belongs in the language of the people. (20

But it was always clear to you, very clear to you that it referred not to the armed wing of the ANC, "Mkhonto weSizwe" when they used the phrase? -- You mean after the ANC?

Yes. -- Yes, it depends on the context. It gets very clear how the phrase is used.

Now in EXHIBIT DA.186 you referred the court to a photograph.

COURT: This is the document: "Zulu Zion and some Swazi Sionists", by Bengt Sundkler. It is a book and you have three / .. (30

three photographs in it. Do you have a copy there? What happened to your copy yesterday?

MR BIZOS: We have showed the book. The witness has a copy now.

MR FICK: Do you have any personal knowledge about the church mentioned? -- No.

Do you whether the sticks and the assegai carried by the people in the procession have any symbolic value? -- Even though I do not..

To that church? -- I do not have any particular know- (10  
ledge of this one because the aim was to illustrate a phenome-  
non. This was just an illustration of what was happening in  
other contexts.

Now is it correct that sometimes restrictions are placed  
by magistrates on what may be done and may not be done at  
funerals? -- At the moment?

During 1983 to 1985. -- Yes, I am aware of that.

Have you attended any such funerals? -- Which ones?

Where a restriction was imposed by a magistrate on what  
may be done or not. -- No. (20

Not? Now you made a statement here in court about the  
songs and you say it is not ANC songs. Do you know of any  
ANC songs? -- I do not know of any ANC songs but all those  
which I have heard I have identified with the songs which I  
have known from my early youth. I do not know any particular  
ANC songs.

Do you know whether the ANC has any songs? -- I do not  
know.

Do you know whether "Nkosi Sikelele Afrika" is accepted  
by the ANC as their national anthem? Yes or no? -- Yes, I (30  
know / ..

know "Nkosi Sikelele Afrika" has been widely accepted but I would not draw any uncomfortable conclusions from that. There is nothing - anybody is free to adopt a good thing because Nkosi Sikelele Afrika is..

COURT: But now Bishop, why argue the case? The question is easy and the answer should be easy. Do you or don't you know that the ANC has adopted "Nkosi Sikelele Afrika" as their anthem? -- It is because there are inferences to the..

Don't read the inference behind the question. Just answer the question. Is the answer yes? -- Yes. (10)

Yes, thank you.

MR FICK: M'lord, I see it is 11h15.

THE COURT ADJOURNS FOR TEA/ THE COURT RESUMES.

MANAS BUTHELEZI, still under oath -

FURTHER CROSS-EXAMINATION BY MR FICK: Thank you. Bishop, it is not clear to me. Are you giving evidence here as an expert on any subject? -- I am giving evidence as somebody who is a community where there are certain dynamics which I believe the court should know, before it makes up its mind.

Is the answer then you are not an expert? You do not (20) pretend to be an expert? -- I do not know what is meant by an expert. All I can say is how I understand my role.

Do you give evidence from your personal experiences. Is that how you see it? -- There are certain things which I know by way of study and others by way of experience. Yes, life is about experience. It is a matter of participating in things that happen to the extent that I can claim that I have participated in life, I have seen other participating in the kind of life where there are certain instances or happenings which are of interest to the court. (30)

Now you gave evidence about poems.

COURT: About?

MR FICK: Poems at funerals and you said a different kind of poem is recited nowadays. What kind of poems? -- I did not get the first part?

You gave evidence to the fact that the roots of poetry at funerals, the poems are rooted in the tradition, African tradition. But nowadays different kinds of poems are recited at funerals. What do you mean by that? -- I think I was referring to the western style of poetry as compared to the traditional pattern which was merely praises. (10)

And is it also so..

COURT: Is that the western style of poetry that one does not understand? -- Well, they are all the same when it comes to understanding because even the traditional one is coded in hidden meanings. I was merely referring to those.

MR FICK: Do you know whether the ANC adopted green, black and gold as their colours? -- Yes, I have come to know that they have adopted that.

Then you gave evidence about flags over coffins at funerals. That is not part of tradition, is that correct? A flag over a coffin at a funeral is not part of tradition. -- It is not part of a tradition as a flag but the body was wrapped in a skin which is a kind of traditional flag. There were no coffins yes, but the body was covered with the skin. I have seen sometimes a coffin - people would try to combine the old and the new, draping the coffin with an ox skin. (20)

But traditionally the person was buried in the skin? -- Yes, that is correct.

Now you gave evidence about the colours of Inkatha, SOYCO and / .. (30)



and Soweto civic association, but it is not clear to me. Do you say that SOYCO's colours are also black, green and gold? -- I was merely saying that according to my observation I have seen those combinations of colours in those organisations.

No, no, do you say that the colours of SOYCO is black, green and gold? -- I was referring to the blending of colours there. I have seen that colour spectrum.

COURT: But now I still do not know what the answer is. Are you saying they are or they are not the colours of SOYCO? -- They are. (10)

They are the colours of SOYCO? -- On the basis of what I..

Well, as far as your observation goes they are the colours of SOYCO. Is that what you are saying? -- Yes.

Yes, thank you.

MR FICK: And you also say those are the colours of the Soweto civic association? -- I would not say official but the colours, yes, I have seen it in conjunction with that.

You do not know for what reason SOYCO and Soweto civic association use these colours? -- Seeing that there is such a mix of colours and such a wide range of organisations I (20) can only deduce that these happen to be popular colours and they are the colours of the community because Inkatha has them and the other organisations have them, even in Venda. In the Venda flag there is something of green, there is something of brown, there is a kind of gold, therefore there is an indication that these are the popular colours of the community. Even in the church we have them.

Do you know for what reason SOYCO and Soweto civic association have adopted or use these colours? -- I cannot speak for them as to why they chose them, but.. (30)

Thank / ..

Thank you, no, no, that is all I want. Now is it also not so that at funerals of victims of unrest there are far more people clad in T-shirts of organisations, or the organisation to which the person belongs? -- Yes, there is a wide range of T-shirts. Even in the church, T-shirts are popular among young people.

Now about the education problem you gave evidence and you said you attended a meeting at Regina Mundi composed of members of the community, students and parents. That was in October 1984. Was it not on 21 October 1984, that meeting? --  
(10)  
Yes, it was.

And who organised the meeting? -- As I explained in evidence usually the community responds simply when they see either posters or friends telling them that there is a meeting and it is very often not easy to know who organised the meeting. They simply go to it. This a case in point.

Were you invited to that meeting? -- Yes, I happened to know there was going to be that meeting and because I felt strongly about education, I felt I must attend.

No, the question is were you invited? -- There was no (20)  
formal invitation.

Who told you about the meeting? -- I do not remember now as to who told me about the meeting beyond the fact that everybody got to know that there was a meeting and there were all sorts of streams of information about the impending meeting.

Now that meeting, was it a public meeting, a mass meeting or not? -- I am not sure of the distinction between those but all I can say is that it was the type of meeting which every concerned person was free to attend, particularly parents (30

as well as students.

Were you not elected at that meeting as the leader of the deputation to the minister? -- No, I was not elected at the meeting as the leader but according to the turn of events when the committee deliberated amongst itself, I served in that capacity.

That meeting was a UDF area committee meeting, don't you agree? -- No, I was not aware of those facts, simply for a very specific reason, the specific reason being that our constituency particularly on the level of students went beyond UDF affiliated student groups. The students in black consciousness also gave us a mandate to speak on their behalf. So on that basis I concluded that it was a broader meeting than a meeting of UDF.

Wait a minute, what are you saying to the court now? Do you say that before this meeting on 21 October 1984 you got a mandate from other organisations to speak on their behalf? -- No, it happened this way. Parents and students deliberated on the question of education because the parents were concerned about the children going back to school and then the (20 students who were there voiced some grievances and therefore it was resolved that it be left to the discretion of the committee to get a specific mandate from the students' organisations and then after the meeting the student groups which expressed to us as a committee their grievances which we should transmit to the minister, were from both wings of the political spectrum.

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I put it to you that that meeting of 21 October 1984 was a UDF area committee meeting organised by UDF affiliates in Soweto.

ASSESSOR: It was not a committee meeting?

(30

MR / ..

MR FICK: It was a meeting organised by the UDF area committee.

ASSESSOR: Organised by the committee? Yes, that is something else. -- I think I have expressed my opinion on that. It was not my observation. There were people at that meeting whom I saw and I knew they were not affiliated to UDF.

MR FICK: But haven't you heard afterwards who organised this meeting? -- No, taking the dynamics, the political dynamics which were operating then, if it was a UDF meeting the AZAPO affiliated student groups and other people would not have liked to have anything to do with the outcome of that meet- (10  
ing, therefore just on that basis I concluded as I also do now in the light of what you are saying that the spectrum, the political spectrum of the meeting was beyond the UDF. I am not a member of the UDF. If it was an UDF meeting I would not have gone there unless I was specifically invited. I freely went there because the impact of the information I received was that it was for interested parents and for students who were interested.

Yes. Now at that meeting did the Soweto Parents' Committee get a mandate to take up the education problems? -- Yes, (20  
they did.

Did they get a mandate to work with other groups? -- Yes, they did, to work with all interested - yes, they did.

Now what mandate did they get? To work with which groups? -- All the groups that are operating in the community because education is a thing which is of interest to the whole community. The meeting was simply saying to the community, at least to the committee when you do your work you must see to it that you bring along with you the widest possible expression of feelings about this issue. (30

It was not specified which groups you had to work with?  
-- I cannot remember every detail which was said by the speakers at that meeting beyond the general point that the committee was instructed to consult, which is what we did.

Was there not a mandate to work closely with COSAS, especially COSAS? -- COSAS was one of them, yes.

SOYCO? -- Yes, all those.

You see, I would like to refer you to EXHIBIT J.2, the secretarial report of the Transvaal to the national executive committee of the UDF held on 10 and 11 November 1984. Will (10 you please help the witness to get EXHIBIT J2? The first page there, paragraph 5: Education Crisis. Do you have it, paragraph 5? -- Paragraph 1?

No, paragraph 5. Education Crisis. Do you have it? -- Yes.

"At a public meeting organised by UDF area committee Soweto, a parents' committee was formed to work very closely to COSAS."

Now what do you say to that? -- I find this a very strange statement if I understand it correctly, because this is not (20 exactly what the committee did, because the committee understood its mandate as going beyond any political affiliation. We consulted all the - not only COSAS but also, I have forgotten what the name was of the black consciousness group. We also consulted them so we had another reading of the feeling of the meeting if I understand this correctly.

Now the people who were elected on the Soweto parents' committee, you gave the name of Vusi Khanyile. Do you know whether he was a member of any organisation? -- No, I did not know then that he was in the civic association but I cannot (30

vouch that I can tell the court to which political party or organisation each one of those belonged to, because that was not the issue.

Ja. And reverend Tsele, do you know about him? -- Tsele. He is one of my pastors yes.

Do you know whether he belonged to any political organisation in Soweto? -- As far as I know he - I do not know of any political organisation to which he belongs as a pastor.

Yes. Now Frank Chikane we know. -- Yes, I know him.

Mr Isaac Mogase, is he on the executive of the Soweto (10 civic association? Do you know that? -- Yes, I ..

COURT: Who is the person?

MR FICK: Mr Isaac Mogase. M-o-g-a-s-e.

COURT: What is put?

MR FICK: He was on the executive of the Soweto civic association at that time. Is that correct? -- Yes, I remember something of the sort, yes.

And Khumalo, which organisation did he.. -- No, I did not know about that.

Was he an adult or a scholar? -- Adult. (20

And Amanda Kwadi, do you know if she was a member of FEDSO, Federation of South African Women in Soweto? -- I knew she belonged to some women's group yes. And then myself of course.

And then yourself, ja. No member of an organisation which adhered to the black consciousness ideology was elected, is that correct? -- I do not know. I cannot say that there was nobody from the black consciousness group but I read it this way, that these people were elected by people who were drawn from the community that happened to be at that meeting. (30

They / ..

They were not elected by the UDF. They just elected the best possible people who were there, people in whom they had confidence otherwise I would not have been elected myself if that was the case. So I do not draw any inferences on the basis of what happens to be the political affiliation according to what you say.

So am I correct in saying that what you are saying is that you were not aware of the fact that UDF area committee organised this meeting and you were not aware of the fact that a number of UDF affiliated organisations' members were elected on the Soweto parents' committee. -- It is more than that I was not aware of it. Events which followed and the manner in which, the style in which the committee conducted itself confirms to me that the meeting in fact as such was broader than the constituency of UDF, regardless of what somebody might have written as a note in the document which is presented here. It is according to what actually happened because I would assume that the UDF people would have seen to it that no other student groups were consulted or that the community as such should not be invited but only UDF members. There were people who just came to the meeting who were not affiliated to any political organisation.

Now how many meetings did the Soweto parents' committee hold in 1984? Whilst you were a member? -- Before seeing the minister we had three or more meetings because we had to meet the students' groups, we were aware of the fact that there were various political leanings and therefore we made sure that we saw all the groups and secondly we had to meet alone to discuss, so I can estimate three or four meetings prior to seeing the minister.

Now when did you see the minister? Was it still in 1984 or in 1985? -- Still the same year. I cannot remember the exact date but it was still the same year.

Now all in all, how many meetings of the Soweto parents' committee did you attend? -- It was not a matter of attending because I was the chairman, so I was there when the meetings happened prior to seeing the minister.

No, just answer the questions. How many meetings did you attend of the Soweto parents' committee? -- Now I have answered in part. It might have been three or four which were held (10 prior - I cannot without checking and refreshing my memory say exactly there were four on such and such a date because..

Yes, and also the other part, after you have seen the minister how many did you attend? -- Again I do not remember how many now because after having seen the minister other commitments in my church prevented me to continue with the committee until the time that the Soweto crisis committee was formed. I cannot remember exactly how many meetings without checking I attended after the minister. I do remember however that there was a report back meeting I think in the Catho- (20 lic church where we reported to the community what the minister and the department had said. And then there were meetings between our seeing the minister and that committee as to exactly how many many meetings. I cannot be positive without checking and refreshing my memory.

And did you, that is now the Soweto parents' committee issue any pamphlets or documents? -- Yes, we did.

What sort of documents did you issue? -- I can remember telling the people about the, inviting people to the report back meeting. That one I remember.



Was that in December 1984? -- I do not remember the year. I would have to check.

Only one document that you can remember? -- I beg your pardon?

Only the one document you can remember? -- Ja, that is the one because it was of significance. The aim was to encourage the people to come to the report back meeting so we resolved that that particular meeting be held.

Is that EXHIBIT AAW.4? -- Yes. Ja, I remember it.

Now which groups of students did you talk to before (10 going to the minister? COSAS? -- COSAS.

SOYCO? -- SOYCO no, it was two student groups.

Two student groups? -- The other one was the black consciousness, the one whose leaning was towards AZAPO.

No, no, wait a minute. What is the name of the organisation?

COURT: Was it AZASO? -- Yes, AZASO.

MR FICK: Or AZANYO? -- Well, the names have been changing but a black consciousness organisation of students which was the main point. (20

COURT: Was it a black consciousness organisation which had been a black consciousness organisation or was it still a black consciousness organisation? -- Not, it was COSAS, then the other one which was a black consciousness students body.

When you speak of students, real students, not scholars? -- Ja, the word is used in Soweto, it may be scholars.

No what do you mean to say. University or teachers college students or pupils from schools? -- I would say pupils and scholars because the main issue was on a high school level. The main thrust of the problem was on that level, up to JC (30

and / ..

and matric.

MR FICK: And were you informed of the demands of the scholars?

-- Yes.

And did you discuss the demands of the scholars with the minister, the deputy minister? -- Ja, we did.

One of the demands was about a SRC? -- That is correct.

Now can you tell the court what is a SRC? -- What is?

What is a SRC? -- What a SRC is?

Yes. -- The way I understand it is that it was about a body that would stand in between the scholars and the school administration. That is vis-a-vis the prefect system where one student was to liaise between the students and the administration so the SRC, more people were to be involved in that process.

COURT: Are you saying that there was only one prefect per school? -- No, I can only refer to a prefect system. I cannot say how many prefects were there in a school. Obviously there might have been more prefects at a school, perhaps one in a class, depending on the case of a particular school

Now how would you differentiate between the prefect body if there were more than one prefect, and the SRC? -- This was not my creation. The government itself had an idea about this and therefore the question of differentiation is not something that stems from me, but the key, one of the key words in the demands of the student was democratic, democratic SRCs. The prefect system according to them was composed of people who were appointed from above to liaise between the students and the administration.

MR FICK: What would the functions be of a democratic SRC? --

That was the subject that had to be negotiated with the minister / .. (30

minister and one of the issues in our discussion with the minister was that the department should not just prescribe the constitution of the SRCs but there should be a feedback so that whatever constitutional structure was formed would represent also the interest from below.

COURT: Yes well, didn't you go to the minister and say well, the students want a SRC. We suggest this be the constitution of the SRC, then debate the constitution? -- The department at that time had its own conception of the SRC system. The students were not happy about that. They felt that they should be given the opportunity of participating in the structuring of the SRC. (10

Yes, but didn't they come with counter proposals then? -- That was the subject of our discussion with the minister that if the minister agreed in principal that indeed this would be the case, then we should go back and then consult them and say what do you really have in mind, how can you improve on what the government has represented.

I am sorry, I am sorry, Bishop. There are two possibilities. One is that the government had not yet accepted the principle of an SRC and then one does not debate about a constitution. The other possibility is that the government had by that time accepted the principle of a SRC but the debate was how could it be constituted. What would its powers be. Now which is which? -- The latter. (20

The last one? -- The latter.

Now did you then come from your side with a suggestion as to how it would be constituted and what the powers would be? -- We understood ourselves to be initiating the process which would not be completed in one meeting. As a matter of (30

fact one of the things which emerged in the discussion was how then to ensure that whatever system evolved represented the feelings also of students in other areas outside Soweto. So the committee offered that it might be used as an instrument of broadening, so that more and more student constituencies would be brought into the picture.

But it all seems so vague. Didn't the students, when you consulted them, tell you well the government has in principle accepted SRCs, we propose that these are the powers that we have? -- We were operating on the basis of formal resolutions and by definition a resolution is a concentrated statement which only points to the principle of the matter and what is desired, and what was being desired was that there should be a democratic SRC, so what we negotiated with the department was to encourage the department to agree that okay, let us discuss this matter. There was not a blueprint from that meeting which we brought to the department.

No, but I cannot see how you can get ad idem with the department if you get to the department and you say to the department: we want SRCs and they tell you yes we agreed to that in principle long ago. It does not lead anywhere. -- No that was not the only resolution of grievance. There were short term grievances and grievances requiring a long range resolution. The question of the SRCs belong to the latter, because it is not something which would be finalised in one meeting. That was the understanding and therefore before we went to the minister we did not concern ourselves with the blue print; that what is a blue print that we should give to the minister. Beyond merely the principle of negotiating what they understood to be democratic SRCs - indeed the

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department understood what the issue was about which was the main point.

You see, I always thought that the difference between the prefect system and the SRC was that the one was appointed by the principal, the students were appointed as prefects and that the scholars had no say; and that in the other instance they were elected by the scholars. Is that not the difference between the two? -- Ja, that is the difference.

Now the moment the principle is conceded as I understood you to say it was conceded by the department that there (10 should be SRCs. -- Yes.

That presupposes democratically elected SRCs. That should be the end of the debate unless the debate is now what would their powers be. -- Yes, it was - the students were requesting the department to give them an opportunity of voicing their ideas about the structuring of the system to which the department had agreed in principle. That was the issue. Please let us be brought into the picture because we have our own concerns as well.

Yes, but now you were going to negotiate on behalf of (20 the parents and on behalf of the students. Why didn't you put on the table something? Is the answer that the students themselves were not clear as to what they wanted? -- It was a question of time. The matter of a constitution is not a matter which could be canvassed in a meeting such as we had at Regina Mundi. It is also not a matter which could be thoroughly thrashed out in meetings which we had with the two student bodies, where we were saying what are your grievances; they would simply give us the agenda and we understood that our task was to bring the agenda to the department, and what I am (30 saying /..

saying is confirmed by the reaction of the department. The department was in no doubt as to what we had come for, even on this question of SRCs. They understood what the students demanded. They considered that we are ready, that there should be some vehicle of negotiating. It was just a question of who should participate in those discussions, whether the instruments of the department itself starting from the top up to the inspector and school committee levels, whether the students were merely saying we want to talk straight to the department or whether the department would delegate to its levels of (10 administration. That was the issue, but the principle was clear as to what the matter of SRC was about which had to be negotiated.

Now is what you are saying to me, is that the principle having been conceded, SRCs. At each school level there should be negotiation on a - probably - different constitution for that particular SRC? -- There was the understanding that it would not be practical if each school would have its own constitution. There should be something that covers all but which had been negotiated with those vehicles of negotiation (20 in whom the students had confidence. There was the understanding that there should be one, or an amendment to the regulations which the department had announced which would govern the creation of the SRCs in schools.

Yes, but now was the constitution of the SRC to be negotiated at the top level or at the lower level at each school? I take it at the top level? -- Yes, at the top level.

Yes, if that is so, who was to do that negotiation? You or COSAS? -- No, not COSAS. We had been asked to do that.

Yes. -- We had been asked to do that. The issue was (30 not / ..

not whether we or COSAS but rather we liaising with other communities which also had a vital interest in the thing, so COSAS was out of the picture except in the context that whatever operation was brought in motion had to keep in touch with the student bodies.

So in fact is it correct then to say that you went to the negotiating table without a mandate on the SRCs? -- Without a mandate on the details of the SRCs.

Yes. -- We had a mandate on the level of the principles.

Yes well, the principle was common cause, there was no (10 debate about that at least. -- Except that certain details of the principle that the department should not be the one that does everything, but also students should be incorporated by way of the accommodation of their ideas of how SRCs should be structured and should operate.

Well, that accommodation could only be brought about by negotiation, by giving you a mandate and you had none. So let us go one step further then. Did you ever get a mandate on the nitty-gritty of the SRCs? -- That was to be the second step after the department had agreed that they were opening the (20 matter because the department had already a pre-arranged system. So the department had first to agree that we do agree to open up the whole discussion of how the SRCs should be structured.

Did you ever get a mandate on the nitty-gritty of SRCs? -- That was to be a secondary phase which had then to be accomplished by the other bodies which were formed, like the Soweto crisis committee and the NECC which was national, the NECC being a frisson of some of the talks which were raised with the department, that if the department had to be involved at all they must talk with a body that represents not only (30

Soweto but the whole of the area where DET has a responsibility. So that was..

Now the minister had accepted you as a negotiating body. Did he at any stage accept the crisis committee as a negotiating body? -- To my knowledge shortly - you see the crisis committee was also still local, at its inception was a local..

Now why did you change your name from parents' committee to crisis committee? -- I think there were - I cannot give an authoritative answer as to why that particular name was chosen at that particular meeting because I was not there, beyond (10 saying that between the time of the meeting at Regina Mundi where this, where we were elected and the time of the crisis committee, the problems in the schools escalated and therefore it took the shape of a crisis. Therefore I think that the committee felt that here they were dealing with a crisis and not something which we can just work at leisure.

Yes, you must excuse me that I ask so many questions, but I am unclear as to the school situation. We have here a parents' committee. The parents' committee comes back from the minister the minister has made a number of what, at face value, seems (20 to be quite important concessions. Why at least for Soweto is that not followed up. Why is it left to ride so that the whole things bursts into a crisis. -- I think I have to qualify the quality of the response of the department. There other grievances as well, some of them being of a short range nature; something which had to be done now. It was understood that the matter of SRCs was long range, it was something that had to take a long time. There was for instance the question of setting another date for the examination, because the immediate motive of the meeting was that students must go back to school and (30 therefore/..



therefore they were saying it would facilitate our going back to school if such and such and such a point were to be attended to, and one of them was the question of exams. Because they were saying what is the use of our going back to school towards the end of the year and then we will be expected to write the exam. The year is wasted already but we can save the situation if we can negotiate with the department about the postponement of the date of the exam and there was a problem there on the part of the department. The department did not grant the concession. There was also the question of the release of (10 detained student leaders because the students felt that we can operate fully when those who lead us are also brought into the picture of the process which is being initiated now. As a result of the other grievances which were of an immediate nature and which were not conceded to, I think the situation escalated even up to 1986. That is therefore what was crisis about it.

So were student leaders saying, those who were not detained, that we will not go back to school unless those that are detained, are released? -- It was like this. It was not (20 just a matter of the release of students but it was the coupling, the factor of the release of the students with that of the operation of the defence force in the schools. The army just comes and captures the students in school and therefore we fear to go back to school. So it was not just a matter of the release but also the mechanism of detention which in their understanding was the free movement of the army in school premises. So they were saying if these things would be attended to, it will make it easy for us to go back to school. And this is what we were negotiating with the department. (30

Yes. / ..

Yes.

MR FICK: Thank you, m'lord. Were you not told by the students at any stage what was the reason for them wanting a SRC? -- It was according to our understanding, it was the principle of democracy and some of them feared that prefects were being abused and therefore they must have a vehicle of communicating with the administration which they could trust. It was a mixture of realities and feelings.

Were you not told by the students that the purpose of the SRCs would be to politicise the students in the schools? -- (10 That is another problematic word, politicise, which needs to be, if not defined, explained; because the whole of our life in the black community is affected by political dynamics so that you cannot make a distinction between what is education, what is political, what is cultural and one of the issues was the politicisation of education of which bantu education was understood to be a case in point. The abolition of bantu education. The question of the politicisation of the students is a very debatable point but there was politics already in the school which was brought in the guise of bantu education (20 and the students felt that this should be removed. Which was an old issue dating back to 1976.

Were you not told by the students that they needed the SRCs because the SRCs would enable students to politically understand the problems they face at school and to link these problems with the general struggle outside the schools? -- Yes the situation is so that an expression of desire comes naturally to the realities which we have in our country where politics have intruded into all levels of life. If you try to solve one problem, this is how the students also understood it (30

and / ..

and we all, I also, understood it that way that you cannot solve the educational problem without solving the whole political problem. You cannot solve the economical problem without addressing the political issue. As to how you can unscramble this egg so that you have the education there and this there and that there, I do not know but the realities are that things are so intertwined that that particular expression of feeling is understandable. So I would say yes.

Did they tell you that that was the purpose of the SRCs? That was the question originally. -- No, the purpose of the (10 SRCs was to cater basically, to cater for the interests of school administration as well as students. We were not merely delegates to the department but the understanding was that it was both. I can also add that that was not the mandate, as you were reading from some document, that was not the formal mandate but I am merely responding as to whether those ideas are consistent with how we understood our mandate to be.

Well, I put it to that is what COSAS says was the reason for having SRCs. COSAS and AZASO said that they need SRCs because SRCs would enable students to politically under- (20 stand the problems that they face at school and link them with the general struggle outside the schools. -- Even those of us who are in the black community as parents cannot claim to understand fully the dilemma that the present-day student is facing. We never saw our classmates being shot, being killed in front of our eyes. I never experienced my classmates being arrested in school, so my children have experienced something I have never experienced. So I am saying even those of us who are in the black community are aware of the fact that what the ordinary student, scholar, is experiencing is something which (30

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is beyond our experience and therefore we need certain sensitivities which may perhaps be beyond what is logical to us, if we really have to come to terms with how the students feel and what the students feel.

Bishop, have you seen EXHIBIT AAW.2? It is a document in which COSAS call on students to unite, issued by COSAS and AZASO. -- No, I have not seen it but I would not accept or deny what individual student organisations did in terms of their own mandate, therefore I cannot address myself to that issue. I can only address myself to the issue of the mandate (10 which was given to us at that meeting, which was confirmed by the briefing which we received from the students and some of the things which we have read were not part of that mandate. It was just those points which I have described.

Now I put it to you that the whole idea of SRCs, behind SRCs, was to mobilise and politicise the students to participate in the struggle for liberation. That was the whole idea behind the SRCs, not so much bantu education. -- I would say no because we are caught up in a situation of which came first the egg or the hen, education being the point. The whole (20 educational system has reached a point where what is needed initially is to create a good state of good faith on both sides and therefore to reduce things to education and politics is not really addressing matters fully. This problem will constantly come out. I feel that way and I think the court would also take that into consideration, that we are dealing with life dynamics not just objective realities there which you can handle with a pocket knife. We are dealing with life itself which sometimes defy the rules of logic and feelings, perceptions and how people react to the reaction of others (30

is the homework which is given to the whole of our country if we are to get out of the whole vicious cycle we are in. This is how I would respond to that.

COURT: No Bishop, let us just get back to logic please. In this document I read the following. You need not look it up, I will just read it to you. It says:

"Democratically, the establishment of democratically elected and recognised SRCs has been the question of life and death in the student community."

Would you say that that is logical or illogical? -- Life and death? (10)

Life and death, that important, the establishment of an SRC. -- Yes, I would say as far as we understood from the students and also in the light of our observations, I would say yes.

Why? -- Because in the first place you can take it literally. Students have actually died.

No, no, you are putting the cart before the horse. First we had the claims for the SRCs, then students died. Accept that for a moment as correct. -- Death came first, and then (20 the - this is the second phase of the educational crisis. The first phase was 1976, if we forget bantu education of 1963 and just limit the scope of our attention. 1976 where for the first time in our history many young lives were lost and I remember my children coming back from school, still very young being afraid of the police, running back from school. That was traumatic on the part of the students, so for them one can take that literally. Life and death, because they were actually dying and then metaphorically that if we look forward to our future, the future of education, some vehicle of communication

must be established. Maybe then our feelings will be brought to bear how the administration, how the department structures its educational system. This is how I would respond.

That important that one has to boycott to schools to the extent that it runs into a two year boycott virtually? That important and you say that is logical? -- Even in - I did say it is a mixture of feelings and logic..

No, no, I brought you back to logic. Is it logical what happened here or is it illogical? -- The trouble is that in this particular issue we are discussing there is a mixture of (10 logic and feelings.

Well, let us unmix the mixture in this court. I am just asking you a plain question. Were SRCs so important in your logical view that it could cause a school boycott of virtually two years? -- No, we regarded it as not being a solution. We did something about it. The various organisations in the community mobilised themselves to encourage the children to go back to school in 1986. The question of the boycott was never regarded, to my knowledge, by any organisation in the black community as a solution or a viable strategy towards the (20 solution of the educational crisis.

MR FICK: Have you heard in your discussions with COSAS or any other organisation about the education charter? -- Yes, I have although that belonged to a later phase where I was not personally involved myself, but I have.

No, no, during your involvement with the Soweto parent's committee, did you hear at that stage about the.. -- No, that was not the issue at that stage. The charter was not an issue, it was just those points which I have listed.

You referred to the demand by the students, that the (30 students / ..

students in detention were to be released. Was there such a demand by the students? -- That was one of the demands, that the student leaders should be released.

Was it the demand that all the students were to be released? -- Most of the students who were detained were student leaders. The overall desire was that all students should be released.

Even people who were involved in actual violence? -- The students as well as the community never knows that a student is actually involved in violence until one appears in court (10 and the court so decides. But the question of detention is enveloped in a cloud of uncertainty when it comes to the question of innocence or guilt.

But you did not discuss this demand with the scholars? -- No we could not say that among those who were detained are criminals because we had no evidence until the process of justice had been brought in motion.

Yes, but you did not give the process of justice any chance. You demanded the immediate release of all detained students. -- No, our responsibility was not to discuss with (20 the students but rather to transmit the concerns of the students to the department. It was not our duty to discuss the merits or demerits of the points they listed as being some of their grievances.

Now did you or anybody else on the Soweto parents' committee discuss your work with any newspaper? -- Work?

Your work as the Soweto parents' committee. Did you discuss it with any newspaper or newspaper reporter? -- Oh, reporting to the newspapers of - Yes of course it is common that whatever transpires should be reported because the (30 newspapers/..

newspapers are also a vehicle of communicating with the rest of the community. Yes, that is usually part and parcel of..

No, forget about the usual. Did you report to the newspapers on your activities, your committee's activities? -- Yes, we did make press statements. We did.

Did you report to Speak newspaper about your activities at all? -- To?

The Speak newspaper, community newspaper. Speak. -- Not while I was leading the committee. I do not remember talking to - I do not know that newspaper. (10)

Did you or any other member of your committee write or make statements to the press. -- Yes.

Did you have a press relations officer, if you can call it that? Was one person appointed to speak to the press? -- Yes, originally the committee felt, was of the opinion that releases should be through the chairman.

MR FICK: Being you? -- Yes.

Did you hold a press conference? -- Not a formal conference but we would - for instance our meeting with the minister, what was envisaged. Usually reporters would phone, they would (30 phone me and then I would explain to them how far things had gone. Not a conference as such.

Did any reporter of the Speak community newspaper phone you after your visit to the minister? -- No, it might have been at some other time, but I do not remember - Speak?

Yes, Speak. -- I do not remember that.

You see, because in EXHIBIT W.70, volume 12, the very first document in that volume and I am referring to the very last page of W.70. M'lord, it is page 16 - not all the pages are numbered. Do you have that page? The heading: "Parents(30 support / ..



support students' demands", the first two columns. -- Christmas would be very quiet, is what I have.

No, no, the very last page of W.70. -- I do not have a date here.

Do you have the page with the heading: "Parents support students' demands"? -- Yes.

ASSESSOR: Did you say you have not got the date there? -- Yes.

November 1984. -- Yes.

MR FICK: Now do you know who made this report to Speak? -- No. You see, in the beginning - perhaps I can clarify it, in the beginning anybody who was interviewed by a reporter would give a reaction or information. The in the course of time the committee resolved that there should be a proper system. I do not know whether this was before or after the committee had tried to streamline its instruments of communication.

Is it correct that you and Mr Isaac Mogabe and Rev Frank Chikane constituted the delegation that went to see the minister? -- Among others, yes.

Now we see here certain demands set out. The first one is: The DET must agree to students' demands for democratic (20 SRCs. That is in the first column, the third last column under the heading "Democratic". -- Yes.

You see that? -- Yes.

Then there is the last paragraph: "Measures taken to ensure meaningful participation of the parents in the education of their children. Do you see that, the last paragraph? -- Yes.

Then the second paragraph of the second column: "The age limit regulations must be completely scrapped until free and compulsory education is introduced". -- Yes. (30

The next one: "Students must be provided with all the necessary text books and the facilities must be equal to those of white schools". -- That is correct.

See that? -- Yes.

Then: "Corporal punishment must be administered according to the rules of the DET". See that? -- Yes.

And the next one: "All detained students to be released and allowed to write exams as soon as possible". See that one? -- Yes.

Then a further one: "In areas affected by unrest (10 students be allowed to write exams in February 1985 after one month of concentrated tuition in order to make up for time lost." -- Actually, this is a summary of the memorandum which we submitted to the minister. I think Speak got hold of the memorandum.

But were these all the demands of the scholars? -- Yes these are things which were in the memorandum, yes.

And did you also in your memorandum, and I am referring to the last paragraph in column two: "Said that unless the government dismantles apartheid and allows for a non-racial democratic undivided South Africa, there is no way the situation in South Africa can be normalised without similar recurrences of unrest". -- Yes, that is a quotation from the memorandum as far as I can remember it. (20

Now who mandated you to say that? -- I beg your pardon?

Who mandated you to say that? -- It was the information we got from the students, whom we consulted.

Is it correct to say then that because the demands of the students were not met, they boycotted the schools? -- There was boycott already and then the question was how to put an end (30

to the boycott and then the students said this is the way of doing it. We are willing to go back to school. So it was not as if the students out of the blue said: we have grievances and then when those grievances were not met, then was boycott, but rather how to get out of the boycott which was there.

COURT: Well, the way of getting out of the boycott was to concede all the demands for the students it seems. -- Reasonable concession. I think that the students understand that the department has also other concerns which it must bring to bear on how it responds. That is the understanding. But I am (10 sure the students would have been happy with a reasonable concession to their demands even if it did not mean up to the last full stop the department considered.

Now you know that is not what COSAS said. I refer to EXHIBIT AAW.2, the last paragraph. It is a document issued by COSAS and AZASO. It says there in the last paragraph:

"Finally we want to say that as students of South Africa we will continue to boycott as long as our demand are not met."

-- We were not carrying out the demands of COSAS. It was (20 understood that each student organisation would be free to do its own thing in terms of its mandate, but we were only concerned about the mandate which had been given to us.

Now another subject I want to turn to is the crisis committee. Who were the members of the crisis committee in Soweto? -- Because I was not involved in that one I cannot give the names. I do know that some of the members of the Soweto parents' committee were incorporated into the new committee.

And who are they? -- Like Vusi Khanyile.

Isaac Mogase? -- Yes.

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And / ..

And anyone else? Frank Chikane? -- Yes. I can only respond as - as I say I was not there.

Yes. -- But I can say who were in the earlier committee who were there.

You can say? -- I say I can only agree to the fact that yes, that one was in the earlier committee. I cannot say that I remember the whole composition of the crisis committee.

COURT: Well, three names have been mentioned. Does that mean that not one of the three you can say was in the next committee? -- They were in the next committee. (10

They were in the crisis committee. Is that what you are saying? -- Yes, that is what I am saying.

Yes, thank you.

MR FICK: Amanda Kwadi? -- She was in the first committee.

And in the next committee? -- Again I would have to check my facts.

ASSESSOR: She was in the crisis committee? -- No, she was in the Soweto Parents' Committee which went to see the minister. I know there were also others who were additional, who became members of the crisis committee. (20

MR FICK: Do you remember any of these persons' names? -- There was a lady who was the chairlady, Miss..well, it is just hiding somewhere. I have forgotten her name.

Any other names? -- No, I cannot remember any other names.

COURT: Could I just get clarity please. It seems to me that your parents' committee operated at the end of 1984? -- Yes, that is correct.

When did the crisis committee start to operate? Immediately after you or did some time pass? -- There was some time, but how long I cannot say at the moment. I do not remember (30

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the month, without checking when the crisis committee was set up.

MR FICK: And now the NECC - National Education Crisis Committee. When was that established, do you know? -- Again I was not there. I think the meeting was somewhere in December to the extent that I was not involved I cannot answer with authority questions relating to the specifics of the history of the NECC.

December when, 1984, 1985? -- It was in December because I was away in Natal. I heard about this. (10)

Yes, but which December? -- I do not know. I would have to check my fact, I do not remember when because I was not involved in that.

But were members of the crisis committee incorporated in the NECC again? -- I got to know later that some of the people who were in the previous committees were included in the NECC like Rev Tsele and Khanyile.

Rev Frank Chikane? -- He was in the earlier committee, yes.

No, no, I am talking about the NECC. -- No, I cannot (20) say who they were. I can only say after hearing who were in the NECC, whether that one was in the earlier committee. I cannot speak authoritatively without checking and refreshing my memory as to who were they.

Now the SACC - South African Council of Churches. Please, as short as possible, what are the aims of the SACC? -- It is unity. Basically their aim is unity. The ultimate aim is to bring all the churches of Christ in this country together. And then also to promote the working together of the churches in relation to those problems and issues which are of interest

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to the church.

Does the SACC claim that they are an alternative to the government of South Africa? -- No, not an alternative. That is not the position of the SACC to be an alternative to the government.

Didn't they claim it at any stage? -- Not to my knowledge. I am not aware of any statement of the SACC where SACC was understood to be a counter government.

And is the SACC involved in the liberation struggle in South Africa? According to you? -- Ja, in the broadest (10 possible understanding of that word, I would yes, just as I take myself to be involved in the struggle for liberation.

And did the SACC get funds from abroad? -- Yes, like all churches or church agencies. Yes, we do.

And do they use those funds in the liberation struggle? -- How - which struggle?

COURT: In the broadest sense. -- Yes, in the broadest possible sense which I believe everybody here is involved in the liberation struggle.

MR FICK: Are there any underground churches in South Africa? That you are aware of? -- I have not discovered one. Maybe there are two underground.

Can you tell the court, do you assist any organisations in South Africa financially? -- You mean the SACC?

Yes. -- Yes.

Which organisations? -- SACC has resolved, the executive of the SACC has resolved that it does not give assistance when it comes to the programmes of political organisations, as political organisations, but it gives assistance to any group in the community that works for the interests of the (30 community / ..

community.

No, wait a minute. 1983 to 1985, did the South African Council of Churches give financial assistance to any civic association in South Africa? -- I would need to refresh my memory because when it comes to the day to day operation of the council that belongs to the secretariat, all we receive are the reports and we have to look into whether the operation of the SACC conforms to the general guidelines.

But do you know whether the SACC ever assisted any civic association in South Africa, like Soweto civic association, financially? -- I cannot answer the question because usually the reports are not given in that specific way.

Now do you know if the SACC assisted financially any youth organisations, not church youth groups. -- Yes, the SACC I know has been involved in helping young people. I think that is one of the priorities given the background of 1976 and the crisis among the students. This is one of the focal points.

Did the SACC financially assist the UDF at any stage? -- Against the background of what I have just stated earlier that the policy of the SACC is not to assist political organisations in their operations as political organisations, but the SACC gives assistance to individuals regardless of their political affiliations, therefore in that context I would not be surprised if one or the other person has been given assistance that belongs to one political group or another.

Now what is the policy of the SACC - say for instance a person came there. He says look I am a member of the ANC but I ran out of money. I do not have transport, I do not have food, will you assist me. Will the SACC assist such a person?

MR BIZOS: I would have thought that hypothetical questions. (30

are / ..

are not permissible.

COURT: What is your objection?

MR BIZOS: A hypothetical question.

COURT: Well, it is allowed. It is on the policy. I have ruled that it is allowed.

MR BIZOS: Without hearing me, m'lord?

COURT: Yes.

MR BIZOS: As your lordship pleases.

MR FICK: Now what is the policy of the South African Council of Churches in such a case? -- The South African Council of (10 Churches has drawn policy relating to - specific policy relating to groups which are not in the country. The member churches are here and therefore I would regard that - it has not occurred, such an eventuality has not been brought to the attention of the executive, so it is not a problem. It has not come as a problem in other words, giving assistance to somebody like that.

But if it is an individual who comes to ask for assistance and he is a member of the ANC, and he wants money to buy food or money for transport? -- No, we have not devised (20 a policy centred around the issue.

What is the answer now. Would they..

MR BIZOS: M'Lord, it is a hypothetical question. The witness has already said that no policy has been devised.

COURT: The question is allowed.

MR FICK: As your lordship pleases. Now what do you say to that? -- What is the question again?

If an individual came to the SACC's offices and says look, I have run out of money. I do not have money for transport or food. I am a member of the ANC, can you help me. (30



Will you then help him, is there any objection? -- The SACC has not drawn up policies which relate to problems which have not arisen and we have not been confronted with that kind of problem as to what the staff should do, because that is on the level of the day to day operation of the staff.

But I understood your evidence to be that the SACC do help individuals from organisations. -- Yes, they do help individuals but the question, the main point in the question is whether the SACC can help bodies which are outlawed in the country by law, which is what the ANC is. That is how I (10 understand the question.

The question is when an individual comes to your offices in Johannesburg, he says look I have run out of money. I need money to buy some food and I need money for transport but I am a member of the ANC. I am here in South Africa. Will you assist him? -- I think I have already addressed myself to that. That has not been brought by the staff who attend to the day to day affairs of the council to the attention of the executive, so that it may draw up a policy. I am aware of the implications of the issue which is underlying the ques- (20 tion as to whether SACC gives assistance to groups which are outlawed or further their aims through that assistance.

But would there be any objection from the side of SACC to assistance in such an instance? -- Maybe we can bring the matter to the next meeting of the executive of the SACC, as to how they would respond.

M'lord it is past 13h00.

COURT: Yes, go on until 13h15. We have got quarter of an hour to catch up.

MR FICK: As your lordship pleases. Now I have asked you (30 about / ..

about the SACC, whether it sees itself as an alternative government and whether it assisted any underground congregations and I want to put it to you that that was what was said by the Rev Frank Chikane. -- When and where?

Representing the SACC, and you were present I think. -- If you can identify the date for the sake of refreshing my..

It was on 22/23 October last year. -- The context, because that is just a statement - there are many things which a person says and which was not the main point and therefore I need to have my memory.. (10

I am referring to the minutes of the South African Council of Churches' Consultation, Cartigny, Geneva, on 22/23 October 1987. -- Oh, not in the meeting of the executive?

No, no. What do you say to that.

COURT: Just a moment now. What is it you are now - minutes of what?

MR FICK: Minutes of the South African Council of Churches Consultation at Cartigny, Geneva, 22/23 October last year. -- Well, I think he himself would have to explain what is meant. All I can say is that the SACC as a body, which is (20 my function, as a body has not made a broad policy statement on underground churches beyond just the principle of helping whoever in need and whatever group is in need. Maybe that group - it depends in which sense it was underground.

Well, I would like to put it to you that in the report under the heading: "Update of the Situation", the following was said:

"In addition, Reverend Chikane reported on the deepening crisis indicated by the SACC's large budget, and the ministry to apartheid victims and underground congregations

SACC functions as a crisis council and operates as an alternative government in an abnormal situation where the government serves only the minority."

-- I can not address myself to the individual words in the report of that nature except if it becomes necessary for the executive to adopt the report as its statement. In any report there are words and statements which the author only can define on if a question is raised, as to what is meant. Yes, it true I was there, it did not occur just in what sense, because of the report on what the secretariat is doing. (10

COURT: Could you just tell me, is this the SACC meeting in Geneva? -- It was a consultation.

What does that mean? -- Which means it is a meeting with the people who are with the church agencies that are interested in the work of the SACC.

Is this for the purpose of obtaining funds? -- It is a mutual sharing of experiences, of course including funds, yes, because some of those church agencies..

Is it a sort of a report to the supporters? -- Yes, explaining how the SACC discharges its duty. (20

Yes, thank you.

MR FICK: And was Rev Chikane, being the newly appointed general secretary, the delegate of the SACC at that consultation? -- Usually the secretariat meet the partners. It is a usual thing. Not a delegate in the sense of the conference, designated delegate, but is just a kind of briefing session.

Yes, but was he the spokesperson on behalf of the SACC? -- Ja, he was explaining what was happening on the level of the secretariat.

Yes, and it is correct that you were there. You (30

opened / ..

opened the meeting with prayers? -- I was there, yes.

Yes, and you heard the report of Rev Frank Chikane. It was in your presence? -- Yes.

And is it correct that he did report on the deepening crisis and he did report on the support of the SACC to underground congregations. -- I do not have the text before me and therefore I cannot say, and I have not studied that for purposes of this nature.

Just have a look at the document and then we can try to get it properly before court. -- Yes, he made the report, yes.

And is that the minutes of that meeting? -- Yes.

And is it also correct that the minutes together with other documents were sent to the South African Council of Churches, P O BQx 4921, Johannesburg, South Africa during - 18 January 1988? -- Yes.

And did you receive it? -- Yes.

Did you read it? -- Ja, I read it.

Now what underground congregation did the South African Council of Churches support? -- No, the question was never raised as to what exactly is meant by underground churches.

No, no.. -- I did not raise the question because there are certain things which are statements and then the main thrust of the report which is usually the focal point.

But are you not the president of the South African Council of Churches? -- Yes.

And didn't you ask Rev Frank Chikane what underground congregations do we support? -- That was not the issue, it was just a detail. The report was not adopted in the sense of looking at each and every word as to what is meant.

COURT: But surely Bishop, as the leader of a church, the (30  
leader/..

leader of the SACC, you would be interested to know what are underground churches in South Africa, especially if they are very deep down and you have not heard of them? -- Well, when my attention is drawn to a particular issue, yes, I give attention to it.

Well, why didn't you ask? -- It is because it was not the main issue. There were other things which were the main thrust of the issue. It is just a small detail.

MR FICK: No, Bishop, the reason you did not ask is because you knew it was the ANC. Is that not the answer? -- No, it (10 is not true. The ANC is not a congregation.

Now what underground congregations do you know of in South Africa? -- I am not aware of underground congregations.

And you as president.. -- Yes, I think I did not ask him about that because my attention was not specifically drawn to it and also my eyes did not stick to that phrase so that I would take action, ask him what was meant.

But when you heard him in Geneva, didn't you ask him: what are you talking about now? What underground congregations do we have? -- No, a report is a long document. There may (20 be phrases which attracts one and that one did not attract my attention. I just did not - but no you have drawn my attention to it, I will ask him: oh, here is a phrase. Was it a language problem or is it anything.

But look, you.. -- No, I did not, my attention was not drawn to that phrase upon hearing it and also upon reading the report. It is just a fact - it was never an issue so that it would stick to my mind, because there were other things in the report which were uppermost in my mind.

But don't you have to explain what happened to the funds

(30

of / ..

of the SACC? -- Yes.

Now how would you be able to explain it if you do not know who the underground congregations are? -- No, that is not one of the items which appears in the reports that - but is just a phrase which needs to be explained. Maybe it is something which is so clear and which I know about but maybe the word, the description underground, it may have been meant otherwise. May it is a very obvious thing, but all I can say is at that particular moment it did not occur to me because there were other things which to me were priorities (10 therefore my mind did not dwell on it so that I would take it up as a matter of investigation as to how he used the phrase.

And the other part, the SACC - m'lord, I think I must hand up copies of the report.

COURT: Yes, we can do that after lunch. You can make that an exhibit after lunch.

THE COURT ADJOURNS FOR LUNCH.

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

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