

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-23

DIE STAAT teen:

PATRICK MABUYA BALEKÁ EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

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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COURT RESUMES ON 23 SEPTEMBER 1987MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota were were about to start with EXHIBIT C.8 yesterday. It is in volume 1. A document found in the offices of the UDF, Vryburg. It is a document with the heading "What is the UDF", C.8 Mr Lekota.
-- Yes I have got it.

Do you know this document? -- I do not know this document. This is not a policy document of the UDF.

I would like you to turn to the last page. (10)

COURT: Page 5?

MR FICK: Page 5 My Lord, the second last and the last paragraphs, only the last line of the second last paragraph:

"Our weapon is unity, organisational skills and capacity to mobilise."

And then the last paragraph:

"Our task is to take the UDF to the people. It is to build the most significant front in decades. It is to build and strengthen our first organisations. It is to deepen and increase political understanding and consciousness (20) of the people, our people. It is halt the implementation of the new constitution and the Black Local Authorities. It is our task to increase our mobilisation capacity and to develop new organisational methods. Within this scenario we will sing our song and win our victory by uniting in action and acting in unity, forward to unity, forward to action."

First of all I would like to put it to you that ex facie the document it is a UDF document? -- It is not a UDF policy document. Somebody wrote it and that is all I can say. (30)

This/....

This last paragraph where the task of the UDF is set out, is that in accordance with UDF's policies? -- It is correct that it was the task of the UDF to halt the Black Local Authorities. It is also correct that the UDF would have to popularise itself and therefore that it would have to reach out to the people. These are really you know methods of operation. It is not a question of policy. It is just a question that any organisation would want to reach out to the masses and win support.

COURT: You are not going to ask the witness about the (10)
psychology of Dargues(?) set out at the top of the page?
Very well, the next question.

MR FICK: I would like to refer you to EXHIBIT W.44, Volume 8. I put it to you that both the ANC and the UDF refer to the year of 1983 as the year of united action?

COURT: I thought you told us yesterday it was 1982?

MR FICK: 1982 is the year of unity in action My Lord, 1983 is the year of united action. What do you say to that? -- No the UDF has never taken such a decision. You know it was only formed in 1983, in August, so if it was going to decide (20)
that 1983 was the year of something it would have had to be there before the year of 1983 came and we have never taken a decision of that nature.

Well if you look at EXHIBIT W.44, it is a UDF newsletter of the Transvaal Region, August 1984. -- Yes.

Page 2. The heading on the left-hand side "Forward to Freedom, One Year in United Action". -- Yes. No, no, it does not say that the UDF has decided. It says that there has been, this is 1984. It says in August 1984, it says from August 1983 to August 1984 there has been a period of united action. (30)

It/....

It does not say the UDF had decided that that year is a year of united action. One year in united action.

Yes but I put it to you that the UDF called the period from, or since 1983, as the period of united action? -- No we did not take a decision that that is the position but the affiliates of the United Democratic Front, since its launch, did act in, work together united. So it was united action in that sense, not that we had taken a policy decision that that was going to be, that was the position.

Now will you turn to EXHIBIT W.46 in the same volume. (10)
It is a UDF New of the Border Region, August 1984, the second page. There again at the top left-hand side, I put it to you also this region referred to the period 1983, the period since 1983 as the year of united action. -- No this is the same article. This article is the same article that I have just been referred to. It is not something different. It is only two copies of the same article. It does not make it more than what it is.

Now will you turn to EXHIBIT W.58, it is in Volume 9.
ASSESSOR (MR KRUGEL): Mr Fick it is so, W.44 and W.46 (20)
appear to be exactly the same thing. -- It is correct, it is so. It is just the same article. It is one article and that is all it is.

W.44 is the UDF News of August 1984, Volume 2 no. 1.
MR FICK: The one is the Transvaal Region and the other one is the Border Region.

ASSESSOR (MR KRUGEL): Oh the one is Transvaal and the other is Border. -- Except the difference is that those, that page there is exactly the same, the whole of that page is exactly the same. Those are national pages. It is just one (30)
article./....

article.

Yes thank you.

MR FICK: EXHIBIT W.58. It is a Congress Resistor, a newsletter of the Transvaal Indian Congress dated October 1984. Will you turn to page 4 please. Halfway down the page. -- Now I may here say to the Court this is a publication of the TIC and it is not a UDF policy document. It speaks, and we have no say in it and so on. It is completely a TIC product.

Yes but I put it to you also this affiliate of the UDF refers to the period since 1983 as the year of united action. (10) By UDF? -- No, no, it says one year of united action. It does not say that the UDF had decided that that year is a year of united action. One year of united action. It is something that has been said after the fact.

Well I put it to you UDF referred to this period as one year of united action after the ANC decided to call the period 1983, that year, as the year of united action? -- No that is not the position. In fact as we saw even the United Nations spoke about that year as a year of united action. So did a number of other organisations as you saw from messages of (20) support which came to the United Democratic Front. The United Nations may have decided on that thing there and so on. We in the UDF took the initiative to unite or organisation following the call by Dr Allan Boesak and we have exhibits which have been brought by the State here which also show that even as early as December 1982 people, other people had made calls for united action.

Now I put it to you that the ANC and the UDF referred to the year 1984 as the year of the women. -- That the UDF decided that the year 1984 is the year of women? (30)

No, /....

No, no, no, I never said that UDF decided that it is the year of the women. I put it to you that both the ANC and the UDF referred to 1984 as the year of the women? -- No that is not true. I do not know about the ANC but the UDF did not say that. As far as I know in fact 1984 was the end of the United Nations decade for women. Now we must be clear about what we are talking about. The United Nations had declared a whole decade as a decade of women. It was culminating that year. Even President Reagan's daughter came here to Nairobi to the meeting. There is nowhere where the United Democra- (10)
tic Front took such a decision.

Well I refer you to EXHIBIT AE.4. This was found in the possession of Amanda Kwadi, Soweto. This is a document with the heading "The Women's Charter". -- Yes.

Amanda Kwadi, was she on the executive of the UDF, on the Executive Region of the UDF in 1984? -- I cannot recall if, I do not, to the best of my memory she was not serving in the Executive of any UDF structure. But I must also say that this is not a UDF document to start with, this here. It is not a UDF document this. And the fact that it says what it (20)
says does not say that that is the policy of the UDF. That was the attitude of the UDF towards this year. But as far as I can recall 1984 was the culmination of the United Nations International Year for, Decade for Women. It may be in that context that these women's organisations said this. But it was not the UDF that said it.

Mr Lekota can you tell the Court, the Women's Charter, what is the Women's Charter? -- Let me see what it says here. It looks like the Women's Charter is this document AE.4.

Now can you give the Court any background of this (30)
document?/....

document? -- No I have no personal knowledge of its background. I assume it would have been drawn up by women at some point or the other.

Now I put it to you that Amanda Kwadi was in the Executive, was elected to the Executive of the UDF, Transvaal, and she held the women's portfolio? -- When is that?

I refer you to EXHIBIT C.102 and that was in 1985. -- Yes but we are talking about 1984 and that is the year counsel had asked me about. I said as far as I can recall before, at least in 1984 I did not know that she, as far as I was (10) concerned she did not serve in any structures of the UDF. Now if it is put to me that she served in 1985 I cannot contest that. And even if she could have served in the structure of the UDF in 1984 that would not make this document a UDF document. So that what is said in it would not represent the policy of the United Democratic Front.

Do you say that you have no knowledge whatsoever about the Women's Charter? -- No I say I have no personal knowledge about this document. I do not know when it was drawn up. I do not know who drew it up. (20)

Was it adopted by any organisation Mr Lekota? -- I do not know. The UDF has never adopted this document certainly.

Do you know whether the UDF supports the Women's Charter? -- I do not know of any decision that was taken by the UDF to support the Women's Charter. More particularly if you are talking about this document. This document as far as I know has never figured in the councils of the United Democratic Front, this one, as far as I know. I have never heard that the UDF was, throughout the period that I have served I have never heard that the UDF was busy drafting a Women's Charter. I (30) have/...

have never heard anything like that.

Now the last page of AE.4, the second page, there is 1984 The Year of the Women, do you see that? -- That is written there yes, in the document. But as I say this is not a UDF policy document.

Now I would like to refer you to EXHIBIT AE.23. In the same volume. -- Yes.

This is a document found in the offices of the UDF, Johannesburg. -- This document is unknown to me. And it is not a UDF policy document as far as I am concerned. (10)

This is a message of revolutionary greetings from the University of the North Women's Club to the Northern Transvaal ...

COURT: Just a moment, where was this found?

MR FICK: In UDF offices, Johannesburg. It is revolutionary greetings in the Rally in Northern Transvaal from the University of the North's Women's Club. -- Yes.

Did you attend that Rally Mr Lekota? -- No I did not. I do not know this document. I do not know who wrote it, I do not, as far, I have never, it is the first time I hear about (20) this Club and I do not know even if, whether it is affiliated to the UDF or not.

Accused no. 19 did he attend this Rally in Northern Transvaal? -- I have no knowledge of that.

Do you know whether accused no. 21 attended the rally? -- I do not know.

I put it to you this Rally, Northern Transvaal, when was it held? 1984? -- I do not know this Rally that is being talked about here.

Were you not as the Publicity Secretary of UDF National (30)

informed about Rally in Northern Transvaal by UDF? -- No, no I do not know about this Rally. I do not know about it.

Was it never discussed at any meeting? -- I was not informed about it, I do not know about it.

Were you not at any meeting where it was decided that the UDF National would pay for the Rally, Northern Transvaal? -- Not that I can recall. I may have been but I cannot remember any meeting that I attended taking such a decision. It may well be but I cannot recall it.

I put it to you according to this document the Univer- (10)
sity of the North's Women's Club said

"Long live the United Democratic Front. Forward with the year of the women. Forward with the struggle."

-- That is what this handwritten note says here. I do not know this.

I put it to you further that both the ANC and UDF and its affiliates referred to the People's Power or Power to the People described in the struggle? -- I do not know about the ANC. The UDF has not taken such a policy. But in any case this slogan Power to the People I got to know about it as (20) early as the late 60's when I was a member of the South African Students Organisation and that came from the Students Non-Violent Co-Ordinating Committee in the United States under the leadership of Stokey Carmichael. It is an old slogan. The slogan that I am familiar with, and that is commonly used that I know is Amandla Nga-Wethu, Maatla Ke A Rona. Those are the slogans I am familiar with.

COURT: What was the committee Stokely Carmichael was on?

-- Students Non-Violent Co-Ordinating Committee.

MR FICK: I put it to you that the UDF, like the ANC, (30)
adopted/....

adopted this slogan? -- The UDF has never adopted this slogan.

And used it in its documents. It was used by its affiliates. -- No, no.

To mobilise the people. -- No that is not correct. We used the slogan Amandla Nga-Wethu, Maatla Ke A Rona, and so on. There maybe some people who may have said Power to the People especially because so many of the followers and so many of the people who were in our organisations come from the Black Consciousness tradition of the late 60's and early 70's. And also people also read political literature from other (10) countries and they may read Stokeley Carmichael and they may find slogans like that, or they might read Professor Cohen(?) and they may find slogans like that.

ASSESSOR (MR KRUGEL): Does the ANC not use the slogan Amandla Nga-Wethu? -- I suppose they may use it because every organisation, even AZAPO uses it and everybody else uses it. So they may well use it. The trade unions use it, all the trade unions in the country. They have been using it before even the UDF used it.

MR FICK: Now I want to refer you to EXHIBIT Z.1. Z.1 (20) was found in the offices of UDF, Johannesburg. -- I have the document.

Yes. Now it is a pamphlet with the heading "Stayaway, Monday and Tuesday the 5th and 6th of November 1984". -- Yes.

It was issued by the Transvaal Stayaway Committee composed of organisations from the following areas, and then a number of areas in the Transvaal are mentioned. Now do you know this Transvaal Stayaway Committee? -- On the 5th and 6th of November 1984 I was still in detention in Johannesburg Prison under Section 28. I read about this stayaway and (30) things/....

things in the newspapers. That is the information I can give the Court, and later I heard some stories about it. I know that it did take place at that time from newspaper reports and subsequent to my release also.

Except for the stories Mr Lekota was it not discussed in UDF's meetings, the stayaway? -- When we came out of detention this stayaway was behind us, it was history. It may have been referred to as something that had happened. Indeed it will have been mentioned as something that happened in 1984.

Did UDF not support this stayaway Mr Lekota, officially?(10)
-- Well I cannot say, I was in jail I cannot say that for a fact. I do not know. Some of the people who are cited here according to the newspapers had some links with the UDF but to what extent they had been mandated by the UDF to go and represent them I do not know.

After your release Mr Lekota did you not go read the Minutes of the meetings of the UDF? -- I cannot recall reading anything in particular about this stayaway in the minutes. I may well have read something about it but I cannot recall anything specific that I read about it in the minutes as I (20)
stand here.

I put it to you on page 1, the very last line, there is said "Power to the People." Then will you turn to the second page of the document 2. It is said "Amandla Nga-Wethu, Maatla Ke A Rona, Power to the People, Each one teach one."
-- Yes.

COURT: Will you just spell that for the record please? A typist has got to type it. Amandla Nga-Wethu she will know about. Just spell the Matla Ke A Rona.

MR FICK: M-a-t-l-a, next word K-e, next word A, next (30)
word/....

word R-o-n-a. -- Yes. It says so but I think it is quite clear that this stayaway committee is not the UDF. Some of the organisations participating here may have been affiliates of the UDF but certainly some were not because I think it does say that the stayaway committee composed of organisations from the following areas. It does not say that the UDF called this stayaway.

Mr Lekota will you look at EXHIBIT AA.1. -- I have the document.

Yes. This document with the heading "UDF West Rand (10) Rally, Black Christmas and Anti-Repression". -- Yes.

Issued by the UDF West Rand Area Committee. -- I do not know this document. I am not sure when it was issued but it does advertise a meeting for December 1984.

And you see Mr Lekota on the same page, the second last paragraph there it is stated:

"The speakers on this day will be Allan Boesak,
Samson Ndou, Sister Barnett, Amanda Kwadi, Cassim
Saloojee."

-- Yes. What is being put? (20)

Was she, Amanda Kwadi, not a member of the UDF West Rand Area Committee? -- I do not know if she was a member of the West Rand Area Committee. As far as I know she stays in Soweto and if this West Rand Area Committee covers Soweto it may well be that she was a member of that committee. But to the best of my knowledge she was not.

To the best of your knowledge you cannot say. Is that not more correct Mr Lekota? -- What?

You do not know whether she was a member of the UDF West Rand Area Committee? -- But she stays in Soweto. I (30)

do/....

do not understand how she could become a member of the Area Committee somewhere else when she stays in Soweto. It would be more probable that she would be a member of the Soweto Area Committee.

Was there a Soweto Area Committee Mr Lekota? -- Well I cannot say that for a fact again, you know.

But how is it possible that you as the UDF Publicity Secretary does not know whether there was a Soweto UDF Area Committee? -- Yes area committees are ad hoc structures. They are not constitutional structures. They are not set, people(10) sometimes set them, sometimes they do not set them. Sometimes they may express a hope or wish to establish it and they do not establish it. Here I am talking to the Court, I must say what I know for a fact and I do not know for a fact that there was a Soweto Area Committee. I am not going to say that there was one. There are regions which had area committees, there are regions which did not have area committees. There are, even some of the regions you found in some areas organisations had set up area committees. In those same regions you found other areas without area committees. Now I would have to (20) be sure before I say that there was an area committee there.

Area committees, were they not established after a policy decision had been taken on this issue? -- No, no, let me explain that to the Court quickly. Now what happened is that after we had set up the United Democratic Front it did so occur that sometimes one finds an area like Pretoria which falls generally under the Transvaal but one would have a number of affiliates here in Pretoria. For purposes of carrying their work efficiently those organisations may decide to come together and set up an area committee. That is how(30)

I/....

I understand it. Purely for, it is a not a decision making body in the sense of deciding policy. It is an ad hoc structure that is there to facilitate co-operation between organisations in a particular locality or area. It does not for instance take the place of the Regional General Council which is a decision making body. It is not something like that. That is why you know the first region to form these area committees was the Western Cape. When they found their organisations in Paarl or Worcester or something, far from Cape Town and in order to facilitate co-operation there they just(10) set up area committees like that. In Natal we never formed area committees for instance there. So it is a purely ad hoc thing. It may happen it may not happen. Depending on what those organisations, a region may decide that its affiliates must form area committees and even when the decision is taken whether they in fact ultimately effect it is another story.

Now I would like to refer you to another document, EXHIBIT AM.41. It is in volume 3. -- I am in possession of the document.

It is a poster issued by Soweto Civic Association. -- (20)
It says so I think at the base.

And there it is stated on the second page:

"People's Unity brings People's Power."

Do you see that? -- In the first place it is a document of the Soweto Civic Association. It is not a UDF policy publication. In fact we were not consulted by the Soweto Civic Association that they want to produce such a poster. We were not consulted what its contents should be. So, and in fact I have never seen this document before actually. I only saw it when it came out here as an exhibit. That it says what counsel (30)

says/....

says it says is correct.

Will you turn to EXHIBIT AM.51 in the same volume? It is a document with the heading "We Remember June 16" issued by Huhudi Youth Organisation. -- Yes.

Huhudi Township. -- Yes.

This organisation is an affiliate of UDF, correct? -- To the best of my knowlege, yes. Again this is a document of the Huhudi Youth Organisation. It is not a UDF document. It does not purport to represent the UDF. And I only see it now here, I have never seen it before. I see it the first time here (10) in court.

It also states:

"Power and solidarity to the people."

-- Oh that will be, as I have said you know there are so many people who have come from Black Consciousness organisations and that slogan was quite in vogue there. So I would not be surprised.

Now I would like to refer you to EXHIBIT ABA.51. -- ABA? ABA.51. It is a document, a pamphlet with the heading "June 16". -- Yes. (20)

Turn the page, you will find it is issued by COSAS National Executive Committee and on the second page ... -- I am sorry where does it say it is issued by ...

Just turn ... -- Oh yes here, that is correct yes.

Now on that second page it is stated:

"Forever Forwards, Backwards Never. Victory or Death. The SRC shall mushroom in our schools. March forward with the Education Charter campaign. Long live the Freedom Charter. Amandla Nga-Wethu, Power to the People." (30)

-- Yes./....

-- Yes. Do we know when this pamphlet came out, if I may ask?

There is no date on the exhibit. -- Well it is the first time I see this document and it is not a UDF policy document. That is what COSAS says here. Whether it was in 1979 or 1980, 1981, 1982, 1983, I do not know when it was. But it is not a UDF policy document.

Yes, but it is another affiliate of UDF? -- COSAS did become an affiliate of the UDF when the UDF was formed.

Yes. -- But it, like all other affiliates it remained an autonomous organisation. (10)

Now I want to refer you to EXHIBIT ABA.57. It is a pamphlet with the heading "We Don't Want Town Councils" and was issued by Mankweng Youth Congree (MAYCO), the Congress of South African Students (COSAS), both affiliates of the UDF. Is that correct? -- I do not know if COSAS MAYCO was affiliated to the UDF. I am not even sure whether Mankweng Youth Congress itself was. But in any event the point is that this is not a UDF policy document. Here are two organisations. They actually say it is a document of Mankweng Youth Congress together with COSAS. It is not a UDF document. And it does (20) not speak on behalf of the UDF.

Yes. -- And I do not know, it is the first time I see it here. The UDF has never adopted this document.

Now I put it to you again in this document there is reference to "All Power to the People, Down with the Council" on the second, the last page? -- Yes it does say that. Again as I have said, and especially these young people they read quite extensively. The students and so on.

I want to refer you to EXHIBIT ABA.63. Page 6 of that document. This is an AZASO REgional Newsletter, Transvaal. (30)

-- Yes./....

-- Yes. Again this is not a UDF policy document.

But also AZASO is an affiliate of the UDF? -- It was and from the name one can already see the influence of Black Consciousness, Azanian. You know there is a lot of influence of Black Consciousness there you can already see now. Yes.

And on page 6 at the bottom of the page, the second column:

"Forward to People's education, all power to the People."

-- Yes. That is what AZASO has to say. It is not a UDF policy document. (10)

COURT: What was agreed in respect of this document?

MR FICK: It was ...

MR BIZOS: This is the 31 Areas file, it was probably handed in by a witness.

MR FICK: It was handed in by the witness Van Dyk whose evidence is on page 6 059 to 6 060. Now I put it to you both the ANC and the UDF referred to the Youth Year. -- I do not know if the ANC did so but the UDF did so on the understanding that the United Nations Organisation had decreed that 1985 would be the year, the International Year of the Youth. So (20) we took our cue from the United Nations Organisation and not from the ANC.

Now in April 1985 was there a Rally, a Youth Rally, organised and held by UDF? -- April 1985?

Yes. -- What would be the date?

21 April. -- I cannot recall such a Youth Rally. In any event I got arrested at that time. About the 23rd or so so I cannot recall such a Youth Rally, if there was any.

Now I put it to you further that both the ANC and the UDF and its affiliates used the slogan "Forward to Freedom" to (30) describe/....

describe the nature of the struggle? -- Some of the affiliates of the UDF may well have used that slogan. Not because they got it from the ANC. It is an old slogan. It has been used as far as I know I got to know about it when I first started in SASO and other organisations much earlier.

I put it to you it was a UDF, it was adopted as a UDF slogan? "Forward to Freedom". -- "Forward to Freedom". Well you know I can recall that the poster which we drew up on the elections in 1984 had a slogan that was longer than that of course. It said that "Don't Vote in Apartheid Elections (10) - Forward to Freedom". That was a bit longer but that sentence features in that slogan.

Yes. Referred to "Forward to Freedom" and I would like to refer you to EXHIBIT H.1. -- H.1.

H.1. Do you have EXHIBIT H.1 in front of you? -- Yes.

COURT: What was admitted? That these were the minutes? -- These are Minutes My Lord.

MR FICK: Found in the offices of UDF, Cape Town. It is the Minutes of the NEC meeting held on 21 and 22 July 1984. -- Yes.

Bloemfontein. Will you turn to page 3, paragraph 5.3.3, (20) the very last one. -- Yes.

The National slogan, the slogan "No to Apartheid Elections - Forward to Freedom" was adopted. -- Yes. This is a poster that in fact earlier on the State brought a witness to say that this poster had been produced in 1983. And I remember quite well that poster, it was there in the court. That poster was decided at this meeting and it was produced only subsequent to this meeting.

UDF did issue or print posters and stickers whereon the slogan "Don't Vote in Apartheid Elections - Foward to Freedom" /.... (30)

Freedom"? -- Yes, following this meeting in 1984 it was decided that we produce a poster with this slogan on, that poster that one of the State witnesses said it came from 1983, this is the poster. It is somewhere also in the exhibits.

The poster and the sticker. I would like to refer you to EXHIBIT AL.103. Volume 5. -- That is correct, I have got the document.

Is that the poster you are talking about? -- This is the poster I am talking about. Well I mean here it is for photo-(10) statted, it is quite, it is colourful.

And this is a document found in the UDF offices, Johannesburg. Will you turn to the next document, AL.104. -- Yes that is also the sticker.

COURT: Where was this found, also in the UDF offices?

MR FICK: Found at the offices of UDF, Johannesburg. This Mr J. De Vries is the Secretary of UDF, Western Cape, one of the secretaries? -- Publicity Secretary.

COURT: I am sorry I did not catch that, what were you saying Mr Fick? (20)

MR FICK: This Mr J. De Vries mentioned in EXHIBIT AL.104 as the person who issued ...

COURT: Well who is the J. De Vries, you mean the name at the bottom of AL.104?

MR FICK: That is so My Lord.

COURT: And who is he? -- He was the Western Cape Regional Publicity Secretary for the UDF.

Now were these found in your offices or in somebody else's office? -- I am not sure. They would have been found in the UDF, I think in the UDF head office. This poster (30)

wsas/....

was produced here and we sent it around. So this sticker would have been, copies of this would have been produced in the Western Cape but exactly the same stickers would have been produced elsewhere.

MR FICK: Now I put it to you further that UDF used the slogan "Forward to Freedom" ... -- Other than these stickers here?

Yes. -- I cannot recall. It may well have been.

The slogan "Forward to Freedom" was separated from the call "Don't Vote in the Anti-Apartheid Elections"? -- That (10) may well have been.

And I put it to you that is what had happened in EXHIBIT W.44 and W. 46, the documents we had previously, "Forward to Freedom - One Year in United Action". -- No but now you are saying "Forward to Freedom - One Year in United Action". I thought counsel was putting to me that this slogan was separated and it was only said "Forward to Freedom". I said that may well be. Now counsel quotes "Forward to Freedom", something else.

Yes but I put it to you that the "Forward to Freedom" (20) became a slogan on its own? -- It is older than the UDF, it has been there long before the UDF. I have never said that the UDF coined it. We found the thing in the political scene long before us.

I put it further to you that both the ANC and the UDF called for a People's government? -- I do not know about the ANC. I do not know that the UDF took a decision of that nature.

Now I would like to refer you to EXHIBIT A.1, page 2.
-- A.1?

Page 2. The picture at the bottom. That is a picture (30)
of/...

of the national launch, do you agree? -- Yes.

There was a banner at the launch. -- Yes.

"UDF Unites - Forward to the People's Government". -- Yes
I see that. That is correct it says so.

Now I put it to you UDF also, like the ANC, worked towards a people's government? -- If by a people's government you mean a government in which the majority of the people of South Africa will participate in the government of the country that is correct.

ASSESSOR (MR KRUGEL): You signify by this reply Mr Lekota (10)
that there is a difference between a People's government and a government by the people. -- If there is a difference I do not know what it is. But all I understand by this, and as I have always understood it in the context of the UDF, all I understand there is that it must be a government in which the majority of the people participate in electing that government and therefore in the government of the country.

MR FICK: Now I put it to you at the launch, by using this banner, displaying it at the launch, UDF propagated that it worked towards, that it aimed towards the establishment of (20)
a people's government? -- No I do not know of a decision or whatever taken by the UDF that that is the position. Slogans, people will, for instance we use Amandla Nga-Wethu. We have never taken a decision that we must, it must be used. The organisations which came together on 20 August 1983 had been in existence for a long time. They had been using some of the slogans, they had been pursuing certain practices and so on which had never been illegal and people had never seen anything wrong with them. We would not wake up on the 20th and suddenly say you must stop this and stop that. In any (30)
event/....

event we were only concerned with uniting them around the question of opposing the new constitution and the Koornhof Bills. That was our concern. It was not for us to shape their policy, to shape their perceptions and their vision and so on. They had been there longer than us.

Whose task was it at the launch, or before the launch, to make banners, to print pamphlets for the launch? -- No the affiliates did that. You mean which banners now?

The banner like the one displayed on page 2, of A.1? -- Oh a lot of the banners which were in the, some came from (10) the Transvaal with affiliates from here, others came with affiliates from Natal, others were painted by affiliates in the Western Cape and various other places.

I would like to refer you to EXHIBIT AL.16, Volume 1. This is a document ... -- Al.16?

Yes, one six. A document of the Transvaal Indian Congress, a document about the launching conference, 6 May 1984, East Rand Branch. There on the first page the following is stated:

"No to apartheid"

COURT: Sorry what did you say, where was it found, what (20) is the evidence on this document?

MR FICK: It was found in the possession of Professor I. Mahommed. -- Again this is a document of the Transvaal Indian Congress. It is not a UDF document. I cannot recall ever seeing this document before this trial. In any way it does not express UDF policy.

The first page it is stated:

"No to apartheid constitution, yes to a People's government."

-- That is what the TIC says. It is correct it says so. (30)

You/....

You see from page 4, the message of support for the UDF was received at this meeting. -- Is that the page beginning "Our organisations stand behind us"?

That is so. -- And what is said there, what is put to me?

I put it to you that that message of support from the UDF was received at this conference, launching meeting? -- I think it must have been a message of support from UDF Transvaal because this is 6 May 1984. So the UDF National had not as yet been launched. Unless it is one of the other UDF regions. I do not know which one it would be. In any case on the face (10) of this it does appear that there was a message from the United Democratic Front.

Will you turn to page 5 and you see the message of support was delivered by accused no. 19.

COURT: Page?

MR FICK: The very next page, page 5, the conference programme? -- Yes on the face of this it must have come from the UDF Transvaal then.

COURT: Why? -- It says in this conference programme, it says there will be a prayer, it starts off by prayer, welcome (20) message of support by Billy Nair, Natal Indian Congress, message of support by Popo Molefe, United Democratic Front. So on the face of that one may assume that it came from the UDF Transvaal Region at that time because there was no UDF National at that time.

In 1984? -- Is this 1984?

MR FICK: 1984. 6 May 1984. -- Oh then if it was 1984 then it would have been National. Let me just see ...

Look at page 3 Mr Lekota. -- Yes. Yes it says 6 May 1984. I missed that point. It must have been then from UDF (30) National/....

National. I am not sure but I think so. Because then he was only serving in National. It would have been proper anyway, you know if an organisation is being set up and we were satisfied that it is a non-violent organisation we would take the opportunity to go and say good luck and so on, and all the best, and also hope that after some time they will affiliate to the UDF, if not at that very meeting.

ASSESSOR (MR KRUGEL): I see that you are taking up another volume Mr Fick?

MR FICK: That is so.

(10)

ASSESSOR (MR KRUGEL): Mr Lekota on the very first page of Al.16 you were referred to the fact that the words "Yes to a People's government" appear thereon. -- Yes.

You also have on this a logo at the left-hand corner at the top. -- Yes.

With very faintly the words "Transvaal Indian Congress" on the top side and the words "The People Shall Govern" on the bottom side. -- That is correct. That is so. In fact those words "The People shall govern" come from the Freedom Charter.

From the Freedom Charter. -- Yes. All it means in, (20) one can see in fact what these people mean when they talk about people's government that the people, the majority of the people must participate in the government of the country. That is what the Freedom Charter says. It says no more than that.

MR FICK: I put it to you that both the ANC and the UDF and its affiliates refer to the government as "the enemy"? -- Where that has been said it is in relation to the policies of apartheid, yes. You see it is the policies of apartheid which precipitate all this situation in the country here and it is the process of apartheid therefore that becomes the enemy (30)

of/....

of the people of South Africa. You see that is why the UDF says UDF unites, apartheid divides. It is apartheid that is our concern. That is what we want to eliminate. That slogan there is, it is a very good reason why we have put there apartheid divides. So that it is not misunderstood to mean that any section of the population of the country is penalised. No apartheid, the policy, that must go. But all the people of our country, Black and White, must be reconciled and they must live together in the country. So if you, where you find that it is only in that light it does not mean anything more (10) than that, it is nothing to be frightened of.

Mr Lekota can you separate the so-called White minority government from the so-called apartheid system in South Africa? -- Certainly they can be separated, you know. It is possible for the people in this country, the White people in this country, to live in this country without apartheid. Apartheid is only, it is only a policy at a given point in the history of our country but it is not the people themselves. It is something, it has got an independent existence and therefore it is possible to separate it. It is possible to convince the government that apartheid as a political policy is wrong and the government can be persuaded to abandon it and adopt a different policy. So it is possible to separate the two and we are trying to do that in terms of the formation of the UDF and its drive for the call for a national convention so that a constitution based on equality of the people of our country can be drawn up. (20)

Mr Lekota the moment you change what you call the apartheid system, or the constitution, then there will not be the so-called White minority government. -- It will not be the (30) constitution/....

constitution of apartheid, it will not be a constitution that preserves positions of privilege for some small section and so on. It will be a different constitution. But the present constitution is founded on the negative political ideology and political policy of the government of apartheid and we want to get rid of that. That is the cancer that must be excised. In other words everything, and there is no problem in this country, everything else is alright, every section of the population of this country belongs here. It will be here and not one section will enjoy privilege above others. Even (10) the Black section, they must accept the position that they are equal to everybody and they are no better than others. No one can claim it, whether they are more in numbers or what. They must accept that they are equal to any other human being, they must not expect to get any privilege above others. Only merit will decide those things.

I would like to refer you to EXHIBIT C.1. -- Yes I have the document.

Found in the offices of UDF, Johannesburg. Will you turn to the second document, the typed document? Have you (20) got it Mr Lekota? -- I have the document.

Paragraph 2.1 on the first page. The second paragraph of paragraph 2.1:

"Often in the day to day heat of the struggle we forget that our enemy is the apartheid system. Not those whose views differ from ours."

-- It says exactly what I have just said. That the enemy, that the enemy is the apartheid system, not those people whose views differ with ours. I am quoting it verbatim as it is. It says exactly what I have just said and that is our position (30) really./....

really. We do not differ with the Nationalist Party purely because they are White. The fact that they are White is irrelevant. They could have been Black, they could have been anything else. It is the policy, that is the thing that is our enemy. The system of apartheid. That is what we are against. If for instance the people who are governing today were Black and they were doing this kind of thing we would be standing exactly where we are today still saying that this is unacceptable. That is our position and we say that without apology. Any Black man in this country who is saying that (10) tomorrow he will sit there and then he can do anything he wants to do with other people he is mistaken. There is no such thing that has ever been granted.

COURT: Have you finished with this document?

MR FICK: Yes My Lord.

COURT: Yes, we will take the adjournment now.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota will you please turn to EXHIBIT C.5. Found in the offices of UDF, Johannes- (20) burg. -- My Lord I am sorry, maybe just before I go to that exhibit. With regard to this section that we were dealing with just before going out, that is C.1.

COURT: C.1, yes? -- Document no. 2, the typed one, page 1. It deals, the document says there that, it sasys:

"Our objective is to dismantle apartheid and replace it with a more just and democratic system."

All I wanted to say to the Court in relation to this is that it underlines the fact of the complaint in relation to apartheid but also the word "dismantle" as I understand it is (30)

to,/.

to, it implies a certain systematic orderly way of doing it, as I understand it. So I would understand that first of all the point that is being made is that the policy is unacceptable. In the context of the policy of the UDF for instance where one calls for a national convention the doing away with apartheid would be a systematic process where one would take part by part of. It does not express to me just a disorderly anarchic way of doing things. I do have C.5.

MR FICK: C.5. -- Yes.

Page 4. -- Page?

(10)

Page 4, the last page. This is a document with the heading "Input on Organisational Aspects of UDF".

COURT: Do you know this document? -- I do not know this document and I do not know whether it was ever submitted to any of the councils of the UDF and whether it was ever adopted or rejected.

MR FICK: Mr Lekota I put it to you it was in fact discussed at the National Executive committee meeting held on 10 and 11 November 1984? -- That may well have been but I was not present at that meeting because I was in detention at that time. (20)

Now ...

COURT: Where is the Minute to which you refer?

MR FICK: I would like to refer you in this regard to EXHIBIT J.1, page 4, paragraph 5. J.1 page 4, paragraph 5. -- Yes.

Now it says:

"The attached Input was presented. As much of the issues raised were self-explanatory and the suggestions were to be referred back not much discussion ensued. The following points were raised: Insufficient attention is being paid to development of rural structures. NEC (30)

members/....

members must attend NEC meetings fully armed with information on activities, feelings, etc. at base level. There has been no feedback whatsoever on amendments to the Working Principles."

-- Yes. I think the Minute actually, first of all the Minute does not say it was adopted. What it does say is that issues were self-explanatory and the suggestions were to be referred back as opposed to the Regions and so on for discussion. It does not say that the paper was adopted and even these suggestions which were made following the discussions were to be (10) referred for discussion.

COURT: So this would then be an input by the secretary to the meeting, on the probabilities? -- It could have been any individual that might have been asked to make an input. It could have been a secretary, it could have been just anyone of the members of the NEC or, and perhaps even somebody who is not a member of the NEC but I think on the Minute the people who were there were all NEC members. So it would have been an input by, the nearest I would put it by a member of the NEC and arising from the input he had made some suggestions were (20) made which had to be referred back to the Regions for discussion.

MR FICK: Now I put it to you there is nothing in the Minutes to indicate that what was stated in paragraph (h), that is page 4 of C.1, was rejected. C.5 sorry. -- Of C.5?

C.5 yes. -- Yes and there is nothing also in the Minute which says that what is said in (h), in paragraph (h) of page 4 of C.5 was accepted as is. All we know is that it was read there. We do not know whether it was accepted or not.

Now will you look at the second paragraph. -- Yes. (30)

C.5./.....

C.5. -- Yes I have got it before me.

The very last sentence:

"It is our task to ensure that we and those not affiliates never lose sight of the fact that the apartheid State is the enemy, that if any ideological differences do exist we should respect those and not allow it to undermine the potential areas of unity."

I put it to you that there it is stated that not the apartheid policy is the enemy of the people but that the apartheid State itself? -- No, no I disagree with that. (10)

COURT: Well do you disagree with what counsel puts or do you disagree with what is stated in (h)? -- I disagree with what counsel is putting to me. It does say "apartheid State". It says specifically that the apartheid State is the enemy. I think the word "enemy" must be understood because it has become part of political language to describe people who stand in opposition to one's political position. One will find for instance members of the United Democratic Front, or some of the affiliates of the UDF referring to organisations or people who subscribe to Black Consciousness as enemies and so on. (20)

All that it really connotes is that there is a point of difference and that when it comes to competing for membership the two are, disagree with each other and they compete for the same membership. It is only in that context. It does not mean anything more than that. I think it is "enemy" in the sense that the CP and the, the CP for instance and the National Party can describe each other as enemies. They are not enemies in a militaristic sense but they are in a political sense and it is meant in that sense. But the emphasis is on apartheid, that is where it is. When people talk ordinarily they do (30)

not/...

not become like when one is in court, you know where shall we say now look you must not say that word and you must say this one, people just talk generally. But the emphasis here is on apartheid. We have seen that in the other document the point is made quite clear that the enemy is apartheid and as I have said even when the UDF took up its slogan it says UDF unites, Apartheid divides. It could have said then well the State divides or the government divides. It was an important reason why one had to state specifically to isolate apartheid as this source. And that is the correct way in which we have to (10) be understood. Our complaint is against apartheid.

COURT: Of the members of the National Executive Committee present how many were legal men or had a legal background? -- Maybe I should just have a look at this ...

J.1 will give that. -- Yes. In terms of this minute I know two.

Who were they? -- One was Z. Yacoob, the other was Y. Mahommed.

Is Y. Mahommed an attorney? -- He is an attorney.

Yes, thank you.

MR FICK: Now Mr Lekota will you turn to the very next document, C.6. -- C.6? I may just say that I do not know if maybe they might have raised the issue there in the meeting or not.

This is a document with the heading "UDF Border Extraordinary Regional General Council Meeting, Rhodes University June 10, 1984. Second paper, Comrade Nkenke Stofile. The Role of the Youth in the Liberation Struggle". -- Yes. Again I must say this document is unknown to me, nor have I ever received any report of this document being read at a UDF meeting and adopted etcetera, and so on. So it is a (30) document/....

document that is unknown to me. As far as I am concerned whatever it says is the opinion of the author.

Mr Stofile, was he on the executive of any region of UDF?
-- Well I do not know Mr Nkenke Stofile.

Which Stofile do you know Mr Lekota? -- I know the Reverend Stofile.

What is his name? -- Makhenkezi.

COURT: Is that not the same? -- This is Nkenke. Makhenkezi, is M-a-k-h-e-n-k-e-z-i. The other one will start with M, this one starts with N, Nkenke. (10)

MR FICK: Now that Reverend Stofile he was in the executive of the UDF which Region? -- The Reverend Stofile was in the Border UDF. Well you know the Stofiles are, is a very common surname in the Border Region, in the Eastern Cape. The whole of that area. It is a very big clan.

Now this document was found in the possession of A. Hendricks. Do you know Mr A. Hendricks? -- I know Andrew Hendricks yes.

Is he on the Executive of UDF, Border? -- Yes, yes he was.

Now will you turn to page 2 please. -- Yes I have got (20) the page.

The last paragraph:

"But for all these to work well together for the same goal, liberation, there must be a directing organ. The struggle has to be won in an all round political mobilisation. This includes education and agitation at work throughout the country to cope with the sophisticated torrent of misleading propaganda of the enemy."

-- Yes. The political opponent. That is all it means, political opponent. (30)

And/....

And in the case of UDF? -- In the case of the UDF political opponent.

That should be the State? -- No, no apartheid. I have made quite clear that our concern is apartheid. There are of course politicians who cling at the moment to apartheid. Our task is to persuade them. That is why we are trying to persuade the government to call a national convention. But for us apartheid is our enemy and there is no compromise between us and apartheid. So apartheid is our enemy. When apartheid goes or if, when we manage finally to persuade the government to (10) abandon apartheid there is no problem between us and them and that is why we are trying to persuade the government to abandon apartheid. We set up the UDF for that purpose.

C.936 I put it to you from this it is clear that the perception in Border is that the State or the government is the enemy and not the policy? -- This here is not a policy document of the UDF. I have never heard, and I am not aware of any report that suggests that this document was adopted even by the Border Region itself. This is the opinion of Mr Nkenke Stofile here, that is expressed here. But if I am asked (20)

to say what the policy of the United Democratic Front is it is as I have stated it here.

I would like to refer you to EXHIBIT C.21. Volume 2. Now this is a document, no heading, no date, found in the possession of I. Mahommed, Johannesburg. -- This document is not known to me. I saw it for the first time in court. It is not a UDF policy document and what may be said in here are the opinions of the author.

Will you turn to page 3. The eleventhline from the bottom. -- Yes.

(30)

Before/....

Before we read it do you agree that this is a document written by Professor I. Mahommed? -- On the face of it the handwriting here looks like the handwriting in the other papers which are supposed to have been written by him . I do not know of myself the origin of this document.

Now we read to you:

"We say to those who want to see that this country is at war, a war waged by the oppressor against the oppressed. The rulers and those who have sided with our enemy that there is not going to be peace in the (10) country until we are all free."

I put it to you from this it is clear that it is this Professor I. Mahommed's perception that the enemy is not the apartheid policy but it is the ruler, the oppressor? -- No, this sentence says exactly the opposite of what counsel is putting to me. The sentence says let one, the rulers, two, and those who have sided with our enemy, you see. That is now, it does make it clear that he is talking about two distinct things, the rulers and our enemy and I say the enemy is apartheid. That is what it says. (20)

Well I put it to you that apartheid is not mentioned in this paragraph? -- Yes it is characterised as "our enemy".

You have decided it is the same. It is not stated in this document. -- Well I thought counsel was asking me to give him the benefit of my understanding of this and I am trying to give the Court my understanding of this in the context of the UDF. If this man meant anything else that I do not know about that I cannot comment about.

Now will you turn to EXHIBIT C.102, it is in volume 6. Do you have the document Mr Lekota? -- I have it, yes. (30)

COURT:/....

COURT: The number is? C?

MR FICK: 102. I refer you to the statement of the UDF National General Council. It is approximately the sixth page from the front. -- Yes.

Now will you turn to the second page of the statement by the NGC, the fourth paragraph from the top. It is stated there:

"Finally we pledge to organise the masses of our people to effectively challenge the apartheid State by frustrating its efforts, preventing its advance, forcing (10) its retreat and if possible to cut off all its lines of retreat."

-- Yes.

Now I put it to you it is clear from this statement of the NGC that the State, apartheid State, is the enemy? -- Apartheid, you see the emphasis there is on apartheid. Otherwise why would apartheid be there? It would not be necessary to have apartheid there otherwise. It is talking about apartheid. The complaint is against apartheid. Because one could simply have written this sentence and said finally we pledge to organise (20) the masses of our people to effectively challenge the State. It is important to say apartheid because that is where the source of the problem is, apartheid. That is why it is set out there.

Mr Lekota I put it to you that it is the policy of UDF to challenge the State to get rid of apartheid? -- I thought I explained that yesterday that in the context of the NGC we did take a decision that seeing that the government was implementing the new dispensation we will challenge the new dispensation to fulfil those promises which had been made in terms (30)

of/....

of that. That challenge meant only that and nothing more. And if the State wants to make anything for instance about this thing of advancing, retreating and what not, this is common political language that has been used variously by other people long before us. One need only read the speech of Professor Z.K. Mathe(?) for instance to the 1953 conference when he was dealing with the drawing up of the Freedom Charter. He actually said that the Freedom Charter once it is set out there and people know what they want and so on, it will place them in an offensive instead of them fighting rearguard actions and so (10) on and so on. This is a common political metaphorical language, and there is nothing else than that. Of course we were concerned about the fact that from time to time when our people have raised complaints to the government the government has offered us models and whenever these models have been offered it has always been said that now this one now will solve your problems. Our experience, or the experience of our people with for instance the Native Representative Council has been that starting with very high hopes already some people were against it but the majority said okay let us give it a (20) chance. What happened? Those hopes were dashed and then the government comes with this other structure. Then it also fails. The UDC's came, they also, people also failed. The Community Councils came, they also did not solve the problem. The position, the point that is being made here is that the government must not be allowed to come up with yet another one that is going to disappoint us. We must now make sure that the government calls a national convention and constitution that is dependable and that will bring lasting peace to our country and reconcile the people is drawn up. That is (30) all/....

all that is said here. And that much I explained also to the newspapers when I read this statement at the press conference. That is why I made it clear that the UDF remains committed to its path of non-violence but that it would take direct action to show the government that we are not happy with this, we are not happy with that and that is where we needed to strengthen and tighten our organisation so that our people are much more disciplined by our organisations than all this spontaneous things that were happening before the NGC. We did not want that. We want our, when we have demands they must be placed (10) before the government in a cogent fashion, in a disciplined fashion. Then the government knows that these people are complaining about this issue. But if people just run around here and throw stones and so on the government does not know what they are throwing stones about. It does not understand that. We must have a leadership that will go to the government and say now our people want one, two, three, four and here they are. That is what we are talking about here.

The ANC and the UDF also describe their opponent as "the regime", they are fighting "the regime"? -- Well maybe, I (20) do not know what the ANC has to say about it. Some of the documents of the UDF will have referred to the government as a regime, purely meaning a system of government, that is all. We never meant anything more than that.

COURT: Is it meant in a derogatory sense? -- I do not think so because it is an ordinary English word which as I understand it means system of government, from my reading. From our...

Can it not be said that the people who used the term were rather selective when they used the term? They used it only for certain regimes and not for other regimes? -- No. (30)

That/....

That is I have never understood that to be the position of the UDF. Sometimes we have referred to the government as a minority White government, sometimes some people have referred to it as a minority regime, sometimes some have referred to it as a minority government, variously so. But I have never understood that there was a special intention to convey any, particularly anything derogatory other than when we say minority we mean specifically that it is minority. When we say it is racist we mean that it selects people on the basis of colour. There are specifics, those terms carry certain (10) meanings and that is as far as I have always understood the position of the UDF.

MR FICK: Now I would like to refer you to EXHIBIT C.8 in this regard in volume 1, page 5 the second last paragraph.

COURT: Where was this document, oh I see it was found in Vryburg.

MR FICK: Vryburg.

COURT: We have had it before today.

MR FICK: That is in another context. The second last paragraph: (20)

"The Front has clearly understood the forces ranged against its other ..."

-- Sorry Mr Fick, page?

Five, sorry. -- Yes.

"The Front has clearly understood the forces ranged against each other as the people on one side and the apartheid regime and its allies on the other."

-- Yes. Again it, you know apartheid. This, in English one could simply have said regime you know. But it is important, the word "regime" does not encompass apartheid so it is (30) important/....

important and it is significant that the author himself has to say "apartheid" because that element is not there.

And the allies, how do you explain that? -- Those who support it, those who support apartheid.

Like the Black Local Authorities? -- All those structures and all those individuals which support apartheid. Because if they support apartheid obviously they are supporting apartheid, they are buttressing apartheid.

Will you turn to EXHIBIT C.22, volume 2. -- 28?

22. It is a document with the heading "The Crisis and (10) Our Tasks". According to the last page, page 6, it was a talk delivered by I.J. Mahommed at the UDF People's Rally, Nur-Ul-Islam Hall, Patidar Centre, Lenz, Johannesburg, 30 October 1983. -- That is what it says there. I may only say to the Court that this is not a UDF policy document.

The very last paragraph on page 1. -- Page 1?

Page 1. "The signs are clear for those who want to see that the heaving and swelling of the mighty sea the oppressed are rising. When these waves roll more and more in unison they will amplify each other into a (20) raging storm. The signs are clear for those who want to see that that storm shall sweep away into the rubbish dump of history racialism, exploitation and the oppressive regime under which we suffer and bring a new South Africa."

-- Yes. This immediately reminds me of the words of the Bible from time to time where Our Lord Jesus constantly says those with eyes must see, those with ears must hear. This man here, he pictures the situation in the country and he puts it in the language in which he sees it and he understands it. He characterises it as a wave swelling, as a mighty sea and (30)

so/....

so on. Now there is no sea in Johannesburg but he is just imagining these things and he is putting it in vivid graphic poetic language, and that is that. I do not find anything here. And then he is talking about rubbish dump, which is also idiomatic language, the rubbish dump of history. There is no rubbish dump of history there in Johannesburg but what he is really, he is just coining these phrases and he is building these things and he speaks like that. But his complaint is against exploitation and oppression and he says when those things go a new South Africa will come. That is (10) all. You know politicians have got all kinds of styles of putting across their ideas and some people have got different talents and we cannot really subject language, sometimes ordinary political language to literal translation and so on. Sometimes it is onomatopoeia, sometimes it is rhyming, sometimes it is exaggeration. It is all forms of speech intended to carry across you know as effectively as possible what one wants to communicate to one's audience.

I put it to you he depicted the government as the oppressive regime to incite the people? -- No that was not (20) his intention and I agree with him the government is oppressing, the government is oppressing us. We do not have political rights in the country. That is correct. He is stating a truth you see and I deny that it was with the purpose to incite the people. It was with the purpose to persuade them to support the UDF so that the UDF can be able to persuade the government to call a national convention after releasing our people and hold that national convention so that it can draw up a democratic constitution. That is his purpose. As I understand it and as I know the policy of our organisation, (30) the/....

the United Democratic Front.

I put it to you that both the ANC and the UDF describe the government, the people in the government structures like the Black Local Authorities, Bantustans, as the puppets? -- I cannot attest to the position of the ANC except if I have to talk about the period before that. But we in the UDF have no doubt about it and within our communities also. There is no doubt about the fact that those structures are not in the interests of our people. As far as we are concerned they are not. Indeed Chief Luthuli in his book "Let My People Go" (10) predicted long ago, he said there will be some pawns and stooges who will go and serve in these structures. You see he was a Chief and when he did not want to do what the government wanted him to do they deposed him and he said that, but however there will be from amongst our people those who will be willing to sell their souls for a mess of pottage and they will feed from the rubbish can of the Nationalist Party. That was said long before the UDF came onto the scene. So that they are puppets in the sense that they are not there representing the will of our people. They are there to put into practice (20) and carry out the laws of the government which we did not participate in electing. We do not want any revolution here. We are asking the government to release the leaders of our people and consult with them to draw up a new constitution. That is our plea.

Will you turn to EXHIBIT W.59 in volume 9. -- I am in possession of that document.

COURT: What do we know about this document?

MR FICK: Found in the possession of V. Francis, Benoni. This is a UDF Newsletter of the Transvaal Region, Volume 1, no. 1, (30)

November/....

November 1983. -- Yes, this is a publication of the UDF, Transvaal.

Now in this document, this newsletter, the councillors in the Community Councils are depicted as the puppets of the government. Do you agree? -- Yes they are depicted as such in this document. They are regarded as such within our communities. Some of them have themselves conceded that they have just been puppets. I think we have had a lot of evidence here before this court, even bringing press clippings here showing how people feel about that. Including people who (10) serve in them. Some of them have said clearly that now this is just puppet structures.

COURT: I thought it was common cause long ago that the UDF used the word "puppets". What are you attempting to prove?

MR FICK: I am only referring to the document.

COURT: Well thank you for referring me to it. About ten months ago I wrote down that it is common cause. -- Yes, and that in fact even organisations other than the UDF also call, refer to these as puppets.

MR FICK: Now will you turn to the very last page. Page 2 (20) of the translation. I put it to you a call was made "Laat ons Raadslede vernietig". -- No, no where is that?

The very last sentence. -- I want to have a look at the original first.

"Laat ons rade vernietig".

MR BIZOS: My Lord it was amended on our copy to "rade" and not "raadslede".

COURT: Ours was not amended. Can you remember when that was done?

MR BIZOS: My Lord may I just ask whose handwriting this (30)

is/...

is?

MNR JACOBS: Edele kan ek help? Dit is so, dit is verwysig later nad "Rade" en daar is ander verwysigings ook aan hierdie bladsy aangebring.

HOF: Dit mag wees dat u onder mekaar dit ooreengekom het. Dit is nie by ons verwysig nie. U kan maar aanvaar Mnr Fick dat dit nie in the hof gedoen is nie.

MR BIZOS: May I My Lord, for the sake of completeness that it was also agreed according to our copy, I was not party to the agreement, that the "vernietig" is dubbelsinnig, ambiguous. (10) It shows you that I have learnt some Afrikaans.

COURT: We have become bilingual when the one side helps the other side in the language which is not its.

MR BIZOS: As an alternative to "vernietig" that it is ambiguous and that it may mean "verwerp". -- Are we referring to, the translation we are referring to which is the last page of the document?

ASSESSOR (MR KRUGEL): "Hare tshwele". -- Is that the words "hare tshwele makgotla ana ka mathe". It could never mean what is said here. It could never ever mean that. What this thing (20) says here is "Let us spit on the Councils". I challenge any interpreter to come and say that this is what this thing means. It could never mean it. It is completely wrong. This thing literally says "Let us spit on these Councils", "makgotla ana ka mathe". This whole thing of vernietig and all this, this is just a composition that I do not know where it comes from. It does not translate this thing here that is in the document of the front. It does not begin to do so. "Hare tshwele makgotla ana ka mathe". "Mathe" is saliva, "tshwele" is to spit. There is not even a beginning of a meaning (30) that/....

that comes next to this and that is translated here.

COURT: The next document.

MR FICK: I will sort it out with My Learned Friend. I put it to you that the struggle is also depicted by both the ANC and the UDF as a struggle of the exploiter versus the exploited. -- I do not know what the ANC says about that. The position of the UDF is that we are up against apartheid.

Now the next document C.6, the first volume. On the first page, the second paragraph, is said, the second sentence:

"When we have seen that it becomes clearer to us that (10) we are caught up in the classic situation of the exploiter versus the exploited."

-- I just told the Court this is not a UDF policy document. This is Mr Nkenke Stofile's opinion here. It does not represent our policy position. This thing about the bourgeoisie versus the proletariat and so on and so on. This is not the UDF policy, we have never taken decision of that nature.

The struggle is by the UDF and the ANC described as the struggle of the people? -- Well insofar as the majority wants to be in positions of power but I do not know what the (20) position of the ANC is but the UDF, as far as the UDF is concerned the people of South Africa must take steps to get rid of apartheid. So it is only in that sense that the phrase will be employed.

I would like to refer you in this regard to EXHIBIT AF.2. A document found in the possession of Roland White, Port Elizabeth. Do you know this document Mr Lekota? -- What is the, is it the ...

The heading of the document is "The Occupation of the British Consulate in Durban. The Anderson Visit and the (30) Role/....

Role of the UDF in the International Struggle against Apartheid". -- This document is not known to me and as far as I am concerned it is not a UDF policy document, this one.

The last page, page 8.

COURT: Now just remind me, who was Roland White?

MR FICK: Do you agree Roland White was an Executive of the UDF in the region? -- Yes at some point he served in ...

Border or Eastern Cape? -- Eastern Cape.

Eastern Cape. Now the last page, page 8, the last paragraph, the second sentence: (10)

"The fact that the people do not and have never governed South Africa needs to be stressed as part of the struggle to combat attempts to characterise the people's struggle as being for civil rights. We must clearly state that ours is a struggle for self determination for the national liberation for the people of South Africa."

-- Is the complaint about the fact that it is not civil rights?

No, no, do you agree that UDF describes its struggle as the struggle of the people? The people's struggle? -- But (20) he says here that it is a struggle for self determination, for the national liberation of the people of South Africa and that is correct. It is so. It is so because the majority of the people of this country are not participating in the government of the country and it is not a civil rights struggle because the constitution does not enshrine any rights for us. So we must struggle to get rights written into the constitution on our behalf and only then can we grapple with the actual implementation thereof, which should be the civil rights of the thing. (30)

The/....

The next point I would like to take up with you is that I put it to you that the ANC and UDF commemorate the same days as days of importance in the liberation struggle? -- I do not know which days the African National Congress commemorate. There are some of the days which we commemorate like June 16th but also there is AZAPO, so there is NEUM, so there is the South African Council of Churches, so there is the United Nations organisation, so there are so many other organisations doing the same.

Now first of all I put it to you that both the ANC and (10) the UDF commemorate May Day, 1 May each year? -- That has been commemorated by other organisations long before that. I do not think the ANC does that. We in the UDF have from time to time done so because our trade union affiliates have organised such meetings or have asked the UDF to support or to organise such meetings. So we do do that because our affiliates, we have got affiliates who are interested in that. But it has been celebrated long before and we are certainly not doing it because the ANC is doing it. Right now the State President in fact has now decreed that the first Friday of every month (20) will be given as a public holiday for the workers and so on and this year it was, on 1 May it was on Friday this year. So, but he was not told by the ANC. He decided himself to do so. So we are marching in the same direction.

Mr Lekota ...

COURT: Yes well watch out, you may be called a puppet. -- They want to call us puppets but we had independent initiative.

MR FICK: At the meeting of the NEC held on 1 and 2 June 1984, at which meeting you were present, it was reported by the Western Cape ... -- I am sorry Mr Fick, what is the date? (30)

1 and/....

1 and 2 June 1984. -- Yes.

It was reported by the Western Cape that the May ...

COURT: I am sorry, the Western Cape Region reported to the NEC?

MR FICK: To the NEC, that a May Day Rally was attended in that area by approximately 3 000 people. -- No I do not deny that, that is correct.

Now you yourself, did you participate in ...

COURT: Just give me that reference Mr Fick. I will not get it out but I will just write it down. (10)

MR FICK: I am sorry My Lord, it is G.1 and G.6. G.1 is the Minute and G.6 is the report. You yourself did you participate in the commemoration of May Day? -- That is correct.

I would like to refer you to EXHIBIT Z.4. -- That is correct.

It is a document found in the possession of E. Ramgobin in Durban. Do you know Mrs Ramgobin Mr Lekota? -- Yes that is Mahatma Ghandi's granddaughter. She is Mayor Ramgobin's wife.

She is E., Ella Ramgobin? -- That is correct.

She and you, she lives in Durban? -- In Verulam. (20)

Now Z.4. -- Yes I have got the document.

It is a pamphlet issued by UDF. Look at the second page Mr Lekota. -- Yes.

There the UDF and affiliated unions call upon workers and all people to join us in celebrating workers day, May day. -- Yes.

On Saturday 5 May 1984. -- That is correct.

And you and Billy Nair ... -- We spoke there with Billy Nair.

You spoke there. (30)

ASSESSOR (MR KRUGEL):/....

ASSESSOR (MR KRUGEL): Well Mr Lekota is hardly recognisable except for the smile. -- Well then if anything, yes. At page 2 I think it actually sets out there, it tells us how it started. It says May Day has a long and hard history of struggle. It all started on May 1st, 1886 when 350 000 American workers went on strike demanding an eight hour day. So it is an old old tradition, in the 1800's. Not even the ANC, not the UDF, none of the people that are living today that I know of were alive at that point in time. So it is an old tradition and it is an international day. It is really (10) nothing wrong, it is not a conspiracy with the ANC. That is why the State President has also conceded and given people, you know the workers, that public holiday. We only did it because everybody else does it and we do not know anything sinister about it and we were not told by the ANC.

MR FICK: Mr Lekota this May Day, 1 May, do you agree it was celebrated or commemorated even in America under the leadership of the Marxists? -- That is, I almost fell down, that is not true. As far as I know in all the Western democracies May Day is celebrated, Great Britain, West Germany, France, (20) United States, everywhere. Not under the communists, under the trade union organisations of the workers of those countries. It is news to me that it is under the communists in those countries.

Will you turn to EXHIBIT Z.5. It is a document found in the offices of the UDF, Johannesburg. -- Yes.

Do you know this document Mr Lekota? -- Z.5?

Yes. -- I do not know this document.

COURT: Where was this document found?

MR FICK: In the offices of UDF, Johannesburg. -- It does (30) appear/....

appear that there is a lot of history of this, May Day, in this paper. I do not know this paper.

Yes and I put it to you that the history given in this Z.5 found in your, in UDF's offices, Johannesburg, that this was more detailed than that which is stated in EXHIBIT Z.4. -- Yes. I do not see anywhere here where it says that in America it is celebrated by communists. It names trade unions here in the United, it says first of all with regard to South Africa it is 80 years since May Day was first celebrated. I am on page 1. Then it goes down on the origins and it says (10) 100 years ago the Federation of Organised trade and labour unions met in congress and took this resolution. But from date May 1, 1886 the legal Labour Day shall be fixed at eight hours and that all workers organisations should prepare themselves for it. And it is all dealing with the United States. It is in America.

Before you turn the page Mr Lekota, the second last paragraph. -- Yes.

"Leadership in the eight hour agitation was given by Marxists." (20)

-- Where is that?

The second last paragraph on the very same page Mr Lekota. -- The leadership in the eight hour was given by Marxists, mainly German immigrants. That is these were Americans, these.

Yes, yes but that is what I have put to you. -- And he says, the reason he gives is because they came from the more experienced European working class movement. They concentrated upon legislative reform and then they deal with somebody, P.J. MacGwin(?), a founder of the Carpenters Union. (30)

Now/....

Now ... -- But one thing that is clear here is that this day is highly regarded in the biggest Western democracy of our times, the United States, and I know for a fact that in other countries, in Britain, West Germany, workers get this day. Indeed as I say in our country now the State President has even granted workers a public holiday at the beginning of May every year now. It is law in this country now.

Now if you turn to page 3. -- Yes.

The fourth paragraph you find there, page 3:

"The problems American workers faced were felt by workers in Europe too. They had been agitating for shorter working hours. So when the Second International was founded in Paris in 1889 the following resolution was passed." (10)

-- Yes but that is 1889. The day had been celebrated from 1886.

Yes and in England I put it from America it spread also to England and on page 4 you will find that even the eight hour demand was taken up by the socialists. The third paragraph: (20)

"The Bloomsbury Gas Workers Union lead by Eleanor Marx."

-- Yes.

She was the wife of Karl Marx, do you know that? -- Is that so?

Yes. -- It is news to me, I did not know.

And then on page 5 we see the May Day traditions in South Africa. -- Yes.

Now I put it to you that May Day in South Africa was, when you turn to page 6, first of all on 1 May 1904 it was organised by a group of socialists. Right at the top. (30)

-- Nineteen?/.....

-- Nineteen?

1904. -- Is that page 5?

Page 6. -- Oh sorry.

Under the heading of "History in South Africa". -- Yes.

And May Day ... -- It was organised by the socialists.

Yes. -- Yes that is what this document says. The UDF was not there at that time.

No, no, that is alright. -- Nor was the ANC anywhere in sight then.

We will come to that, I will come to that. -- Yes. (10)

They had red flags and they made, the socialists. -- Yes.

They were the people who organised this meeting. -- Yes.

COURT: They could even speak louder than the Salvation Army band according to this paper.

MR FICK: Turn to the seventh page, you will find the following stated:

"The following year those social democrats who had opposed the War formed the International Socialist League."

-- Yes. (20)

And they held a function and passed a resolution celebrating the bond with the militant proletariat of our lands and we pledge our energies to the new International for the building up in South Africa of such industrial labour solidarity as can alone destroy capitalism, militarism and a war and in the fullness of strength enfold itself into the socialist commonwealth. -- Yes.

And then if we turn to page 8 you will find that in 1917 this changed. The great realisation of the meaning of international socialism is the third line from the top, (30)
began/....

began to dawn on the international socialist league and in that year the May Day meeting was to have as a speaker Harold Mbele an articulated clerk active in the Transvaal ANC. -- Yes.

Then in 1918 the International Socialist League held a meeting outside Pilkington Hall, Ferreirastown. -- Yes.

The speakers were an organiser from the African People's Organisation, Talbot Williams. -- Yes.

And you will find that the International Socialist League marched with their own banner which bore the slogan "Follow the Lead of Russia. Down with Capitalism. Long (10) Live the Workers International Revolution. Workers of the World Unite." -- Yes.

Now if you turn the page, page 9, the fourth paragraph. -- Yes.

"In Durban the International Socialist League Branch", held a picnic and made speeches and then during the day the people of Durban were treated on a trolley pulled by oxen and decorated with flags which were, on which huge paintings of Karl Marx and the arms of the Soviet Republic of Russia were. -- Yes. This is not a UDF policy document. I may just (20) mention that. And it seems to me it is an historical account of what happened to May Day from America, to Britain, to South Africa.

No, no, I am going to put to you something. -- Yes.

Now I am at page 10 on the top. -- Yes.

"The Rand Revolt prevented May Day from being celebrated in 1922 but nonetheless", I am skipping the rest of the sentence. The second sentence, "Nonetheless the procession organised by the Communist Party was as colourful as ever." -- Yes. (30)

Then/....

Then turn the page, page 11 .. -- So that is still the history of what happened in that year.

Yes, now on the other hand there were mass meetings of the Communist Party. Thus at that time there were often two meetings, one called by the May Day Committee of the trade unions and the much larger and more militant meeting of the Communist Party. -- Yes.

Then page 12 at the top, massive unemployment in 1931 led the Communist Party to demonstrate against these conditions and May Day that year was caught up in these events. -- Yes. (10)

And then the third paragraph, we are still busy with 1931. The speeches ended and a mixed crowd of around 100 000 formed into a procession and marked down Carlton Hall(?) singing "The Red flag". -- Sorry what page are we at now?

Page 12, the middle of the page, just above the heading "A Decade of May Days". -- Yes.

"The Carlton Hotel was ransacked(?), some of the mining houses(?) were attacked and a number of demonstrators were arrested. Issie Diamond, communist leader, was jailed for a year." (20)

Then under the heading "A Decade of May Days", I am not going to read from the top but the middle of the first paragraph under the heading:

"The committee then formed a single body, the United May Day Committee, to organise May Day events annually. The Communist Party also participated as a forceful advocate of internationalism and May Day organisation."

I cannot make the first word out but the 1940's were a period where May Day was most consistently observed. -- Yes.

Now if you go to page 14 under the heading of "May 1st, (30)

1950/....

1950, Freedom Day Strike". -- Yes.

"On the political front organisations previously distant were being drawn together under attack from the Nationalist government. May Day 1950 was different to previous days. The SACP, the ANC, the Natal Indian Congress and the Transvaal Indian Congress undertook joint co-operation for the first time declaring May Day as Freedom Day and calling for a general stayaway and demonstrations. The strike and demonstrations were to attack the suppression of communism Bill." (10)

-- Yes.

COURT: Is May Day Freedom Day, is that word Freedom? -- I do not know what this word is.

MR FICK: I ...

COURT: How do you get to Freedom?

MR FICK: It appears to me to be Freedom Day. It is something else which was typed, another word was typed for it.

COURT: Well very well go on.

MR FICK: Page 15 Mr Lekota. -- Yes.

COURT: Yes well it must be freedom day because in the next (20) paragraph you get Freedom Day.

MR FICK: As the Court pleases. Page 15, the top:

"In Durban 10 000 demonstrated against the Suppression of Communism Bill. Thus May day 1950 became South Africa's mass stayaway, the day on which the international struggle for eight hours is celebrated became a day of mass political struggle against oppression. May Day then took on a new meaning for the African working class. It was a day on which blood had been spilt too and as a day of mourning was called for June (30)

26 to recall those who had fallen. This is how June 26 came into our calendar." Do you agree with this history of June the 26th?

COURT: I am not clear what you are asking the witness because I cannot quickly see how the jump is made from May Day to June the 26th.

MR FICK: My Lord according to the first paragraph "Thus May Day 1950 became South Africa's first mass stayaway." -- Are we on page 15?

Yes, one five at the top.

(10)

COURT: Yes that is the 1st of May.

MR FICK: The day on which the international struggle for, is celebrated became a day of mass political ...

COURT: Yes I read that. They say it was a day on which blood had been spilt too. That was now on the 1st of May. How do you jump to the 26th, the day of mourning was called for June 26.

MR FICK: Yes that is so.

COURT: Yes very well.

MR FICK: Is that correct Mr Lekota? -- You know I am trying(20) to catch up with where you are reading. I am not able to find it.

The first paragraph on page one five. -- The first paragraph?

Yes. -- Oh then I was looking here at the wrong place. -- Yes I see that.

Yes. Is that how you also understand the history how June 26th came into being? -- Not in this way. As far as I know there had been some protest. I cannot recall now against what law but in the course of that protest some people were shot (30)

dead/....

dead or so and then there was called a day of mourning for the 26th of June.

COURT: But that is approximately what is said here. -- In, all I am saying is that I did not have these, all these facts here.

MR FICK: And now, still on page 15 under the heading "May Day and SACTU", South African Congress of Trade Unions:

"After Freedom Day strike of 1950 the celebration of May Day declined."

-- Yes.

And then eight lines down it is said:

(10)

"Only SACU kept alive the tradition of May Day."

-- Yes.

Can you comment on that? -- What on the fact that SACTU kept it alive?

Yes only SACTU kept the ... -- Well I would not be surprised because it was a trade union, it is a workers day. All trade unions are concerned with it as far as I know. If you just look at international Confederation of Free Trade Unions, they celebrate it. If you take the American Federation of Labour, they do so. The Congress of Industrial Organisations, they so in the United States. I just, as far as I am concerned this is a perfectly you know international day for working people and celebrated throughout the, that is why as I say even the State President in this country, the beginning of this year he has said that every first Friday of May will be a public holiday for workers. The State President, it is now law in our country and I do not know what issue is being made of it here. Here is somebody who has written an article about May Day and so on and history and so on and that is there. Now I do not quarrel with his history, that (30) is/....

is what he tells us what has happened. But I quarrel with the fact that it is, there is an attempt to suggest that we were told by the ANC to celebrate it. No. There is nothing, we have not been told one thing by the ANC.

COURT: Is the 26th of June a day which you celebrate? -- We in the UDF have never held any special celebration on the 26th. Not unless maybe it may have happened subsequent to my arrest.

And does the 26th of June have a name in the Black community? -- As far as I know since it was a day of commemoration then, I mean of mourning in that year it is, even the Congress of the People was held on that day in 1955. The day that I, initially that I knew that was celebrated consistently was the Sharpeville commemoration and now June 16th. (10)

ASSESSOR (MR KRUGEL): What date was the Sharpeville commemoration? -- 21 March. And it may be that you know some of the people will celebrate June 26th, mainly because that was the day on which the Charter was adopted. Actually I do not know that it has a special name as such. But its significance obviously will draw from those incidents. (20)

COURT: Thank you.

MR FICK: I think we will go to 16th June in Soweto. -- Yes.

Is it known as Soweto Day?

COURT: Is 16 June known as Soweto Day or is it known just as the 16th of June? -- I think various people call it various things. The important thing that it is a day on which what happened in Soweto is remembered. We in the UDF have never given it a name or, as such.

MR FICK: UDF organised mass meetings to commemorate June the 16th? -- Yes in some regions our affiliates do so. We (30)
certainly/....

certainly recognise June 16 as an important day and therefore we do have meetings and we go and address them and we commemorate what happened there.

Now I would like to refer you to EXHIBIT AB.40. Volume 3 My Lord. Found in the offices of UDF, Johannesburg. -- I have the document.

Issued by UDF, printed by NUSAS. Is that correct? -- That is what it says.

Now can you tell the Court how did it happen that UDF issues document that is printed by an affiliate? -- No it (10) just depends if they have got a printing machine. We can ask them to print it. I do not know what the arrangement was here. They may have been asked to print it. Maybe they have got a printing machine, I do not know.

Did UDF never print its own publications? -- No we print, we do not have printers of our own but if we print a publication we will go the printers and pay them money and then they print it, or whatever we want to print.

Now which printers did you go to, UDF normally? Did you always make use of affiliates? -- No. It depends who gives (20) us better terms, if we negotiate for terms you know. Sometimes we, it is like when you buy sometimes you find that peanuts are cheaper at OK so you buy them there but raisins are cheaper at Checkers, then you go to Checkers for those. We just go to, we just take who is going to give us what we consider to be the best prices, and that is that.

Is it the view of UDF that the people, well let me first ask you this who do UDF regard as martyrs? -- The UDF has never taken a decision who is martyrs.

Just, I take it then that UDF did not see certain (30)
people/....

people as martyrs? -- No what I am saying is the UDF has never sat down and taken a decision that we will regard the following people as martyrs. So there is no such decision, policy decision or policy position of the UDF. We have patrons and I can say we held a meeting on such and such a day and we elected our patrons. Now I cannot come here and say that the UDF has decided that so and so will be martyrs. It has not done so.

Now will you look at the second column of EXHIBIT AB.14.

-- Yes.

(10)

It is there stated, the third paragraph:

"Let us remember the dead of 1976. Let us not betray our martyrs."

To whom did UDF refer? -- It says here remember the dead of 1976 and then the next sentence "Let us not betray our martyrs". So in this context it is referring to people who died in June 16 in Soweto.

Are they then regarded as martyrs? -- By the communities, yes.

No by UDF? -- No, no the UDF has not taken a decision (20) that that is, it is going to regard these people as martyrs. In any case when they died the UDF was nowhere in existence.

Why do you, the UDF call them "our martyrs"? -- Because these people come from our communities and these people died in the struggle against apartheid. When the government was trying to impose a medium of instruction on them they did not agree with and then they were shot for that and our people, when our people come to that day and that moment comes to pass they stop, like anybody else they go to their graves and pay their respects. That is what every human being does, (30)

every/....

every community that has its own dead. That is why people go to the monument here in Pretoria, Voortrekker Monument some day every year and they pay respects. So we have got also our communities and days when we think about people whom we have lost in the course of history. But that is all it means here.

Mr Lekota I put it to you no one in 1976 during the uprising was shot simply because they were opposed to Afrikaans as a medium in school. -- What were they shot for? If I may ask. Those students who were marching in Soweto what were they shot for? Those students were protesting against (10) an imposition of Afrikaans as a medium of instruction and they were on their way to go and protest, they were moving towards Orlando Stadium. The police came there and it was in the course of that that the police shot them and all the accounts, I will give evidence, all the accounts you know in our communities and people who were there that those children had only their fountain pens and their books, they were going to protest against this and then they were shot.

For no reason whatsoever, peacefully marching? -- I was not on the scene but I am giving the account as it is (20) understood and as it is accepted in my community and I accept it as such.

Well I put it to you that is the account propagated by the UDF. -- No, no, this is what I am now saying to the Court, that that is what I got to know, I was in this court here, I was on trial here when I got newspapers and I got reports from other people who came from there. Those children were shot there, they did not have weapons, they did not have any other thing. They started fighting afterwards, they reacted as a result of the shooting. And in any event why should our (30)

White/...

White compatriots think that they should impose their language on us without consulting with, without giving us the right to decide whether we want to use the language or not? How can that be democratic? We have never heard of a democracy of that nature. The whole world today is saying apartheid must go because this is disasters which are happening as a result of these policies and we in the UDF are asking for the release of our leaders, for a national convention so that apartheid must be gotten rid of. Indeed we will not retreat and we will not compromise on the question of apartheid. We have not (10) transgressed your laws, we have not transgressed them but we will not acquiesce in the oppression of our people, never.

Why do you say Mr Lekota it is "your laws"? -- You represent the, you represent the government which has pursued these policies. I am not referring to you in your personal capacity. I have nothing against you Mr Fick but I must say to the Court here now how we feel about these things and how I myself feel about it. We want our rights and we want to enjoy equality of status with all the people of South Africa. Many years ago our forefathers staked a claim for us on the (20) South African heritage. What we are doing today is merely to press that stake and what we are saying is that our White compatriots have got a right and a share also, to share life with us. We will not accept a status of inferior to any man, whatever his colour may be.

COURT ADJOURNS UNTIL 14h00.

C.937 COURT RESUMES AT 14h00.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota I put it to you that also your, the UDF's affiliates commemorate the 16th(30) of/....

of June? -- That is correct.

I would like to refer you to EXHIBIT ABA.51. A document handed in by the witness S. Muller, page 5787 of the transcript. I put it to you Mr Lekota that not only the affiliates of UDF but UDF itself use this day, the 16th of June, to incite the people to violence? -- That is absolutely untrue. June 16 has been commemorated before even the UDF was formed and when we in the UDF commemorate it it is not for that purpose, it is purely for the purpose of paying homage and respect to those of our people who were lost on that day. (10)

No Mr Lekota I put it to you that day is also used to mobilise the people in the liberation struggle, it is not simply a commemoration service. -- No it is a commemoration service. It is only for that purpose.

Now this EXHIBIT ABA.51, turn the page, on the second page. -- Yes.

The fifth paragraph. -- Yes.

"Let us struggle forward. Let us not mourn, mobilise until the struggle for democratic SRC's, withdrawal of SADF from our schools and townships, resignation of Community Councils, drop the price increase to bread, are not met. We will never rest. There is no going back. Forever forward, backwards never. Victory or death." (20)

-- But this is a COSAS document. You want to present it as UDF policy. I made it quite clear that this document is a COSAS document, it is not UDF policy. What is said in here does not represent the UDF. It represents the position of COSAS. If you say that COSAS said this about it then that is what COSAS apparently said here. (30)

Now/....

Now I want to put it to you UDF itself also used htis day to mobilise the people and to incite the people to violence? -- No that is untrue, that is not true.

I would like to refer you to EXHIBIT ABA.49. This is a document referred to in the evidence of S. Muller, page 5 786, a document with the heading "Attend Commemoration Service Sunday the 16th of June". You see it is a meeting in Soweto, one in Alexandra, East Rand, West Rand and according to the last line of the first page, the front page, issued by UDF, Khotso House. -- That is correct. Now ... (10)

And under the slogan "Mobilisation to Organisation". -- Now, sorry, when I was detained it was the 23rd of April 1985. If this is the tenth anniversary of June 16, 1976 I would have been in detention and on trial in this court or in Delmas in this court for more than one year. Now you say, now I am presented with this thing.

COURT: Is this the tenth anniversary? -- It says, it does say so. Let me see I will find it here somewhere just now. The first point in fact to make is that this June 16 will seem to have followed the NGC of 1985 because this mobili- (20)
sation to organisation came from there. It had never been used before. There is somewhere where it says tenth anniversary. I will just find it now. No I am sorry, you know in fact what happens is that I read in this first one "Forty years after the Second World War". I am sorry that is in this one, "Forty Years after the Second World War."

Yes, not this one is not ABA.49 you are referring to. Look at ABA.49. It could also be, if your deduction from the slogan "Mobilisation to Organisation" is correct, it could also be the first June after April 1985? -- No, no that is (30)
correct./....

correct. In fact it does appear to me that that is the only clue I have at the moment. So that by the time this took place I would have been in detention now. Actually I was already on trial here.

MR FICK: Now from the first page under the heading "Soweto":

"Curnick Ndlovu .."

He was on the executive of the UDF, is that correct? -- From the NGC of 1985, yes.

And before that was he on any regional executive? -- No he was not. No he was not. (10)

And Nthato Motlana, he was on Transvaal Executive? -- At the time of this I do not know but before that yes.

And Tiego Moseneke? He was ... -- He was not on the UDF structures.

And from which organisation is he? -- AZASO, the student organisation.

Yes. Now under the heading "Alexandra" on the first page, Paul Mashatile, do you agree he is from AYCO, Alexandra Youth Congress? -- From Alexandra, yes I think he is from the Youth Congress there. (20)

An affiliate of UDF? -- That is correct.

And then there is the name Azhar Cachalia, is he on the executive of UDF National or Regional? -- That is correct. That is from the NGC of 1985.

COURT: But he was on the NEC? -- He was on the NEC for starting at the NGC of 1985.

MR FICK: Was he on any regional executive of UDF before 1985? -- I am not sure if he did serve before that time.

Now under the heading "West Rand" there is the name Gatsby Mazwi. Is he on the executive of UDF, Transvaal (30)

or/...

or National?

ASSESSOR (MR KRUGEL): Mazwayi.

MR FICK: Mazwayi. -- No I do not know, I think he is in the trade unions. He is put there, they say there from MGUSA, MGUSA president.

Is that an affiliate, MGUSA, of the UDF? -- I think so.

COURT: What is MGUSA? -- Municipal and General Workers Union of South Africa.

MR FICK: Now Isaac Genu, is from KRO? That is Kaghiso Residents Organisation is that correct? -- Yes. (10)

That is an affiliate? -- As far as I know, yes.

And this Margaret Nhlapo, she is the SADWA president. Now what is SADWA? -- I think it is the South African Domestic Workers Association. I do not know that person though.

Is this an affiliate of UDF? -- Not that I know of.

Now will you please turn the page. There is a translation. -- Yes.

That is a translation of the first page of EXHIBIT ABA.49:

"A call to the people, let us remember June 16th by going along with the decisions taken at the UDF National, one ..." (20)

-- I am sorry, where is the Ukubizwa Kwabantu?

On the very first page. -- Oh I see this one.

COURT: Sorry Mr Fick I do not find this. -- In page 1 more or less towards the base.

MR FICK: Ukubizwa kwabantu. Now it says:

"A call to the people. Let us remember June 16 by going along with the decisions taken at the UDF National to go on fighting for people's education at schools, the workers to join trade unions, to build people's organisations, /...." (30)

organisations, the Councils to die, to strengthen women's organisations, to build youth organisations, the end of pass laws, to fight for the end of discrimination, for peace and understanding in South Africa."

-- Yes.

Do you agree with, I put it to you that to build people's organisations, the Councils to die, the people are, it is propagated that violence be used against the Councils? -- This interpretation of this document by the State is far fetched (10) really. It just does not fit in with circumstances here. The word "die", one does not interpret words in such a literal sense. This thing here is talking about political death, simply that people must not support this. There is no way it says that now we must, how does one go and kill a Council with an axe for instance, or with a gun? You cannot, it is not done literally, this is political language here. Metaphorical expression. What they mean is here, what the person here, whoever is writing this says that politically we must not support these structures so they must collapse and (20) die because they are not acceptable to us. That is what happened to the CRC and that is how, people speak like that. Right now there has been a proposition for this National Statutory Council. One just sees the headlines on The Star and other papers "It is stillborn", this thing is dead. They do not mean that there has been violence committed somewhere. They mean that politically it has no credibility and no support and it is ineffective and it is dead and that is all this thing here can mean. It cannot mean more than that. There is no question of violence here. In fact at the end of this (30) thing/...

thing this man, whoever is writing here is actually saying that, he says at the end of this thing he says "To fight for the end of discrimination, for peace and understanding in South Africa." That is the spirit in which this thing was stated here.

Now will you turn to the translation of the back page of ABA.49 under the heading of "Khumbula - Remember June 16, 1976". -- Yes.

Now the last paragraph on that page:

"The government tried to deceive us by changes that (10)
do not exist. Nothing has changed up to today. Our spirit of unity shall not get exhausted. Let us fight on. The changes you see is because we are united, we are strong going towards freedom. Freedom is near, long live the struggle for democracy."

-- Yes.

Now I put it to you from this it is clear that this is not a commemoration, it was not used to commemorate the people of June the 16th 1976 but it was used to mobilise the people for the struggle? -- No this is, I disagree with the State (20) on that question. On occasions like this people often, perhaps as a dedication to those who died often dedicate themselves to do something. Let us take Blaaukrans 1938 on the Tugela Basin. When the Afrikaner community congregated there and Dominee Kestell(?) addressed them what did he say? He said "Ons moet n Reddingsdaadbond bou" and we must find a way of solving the problems of our people in the cities of the country. At the time the Afrikaner communities were confronted with the problem of poor whites, communities of White people who did not have anything to eat. Shall we say that because he called (30)

for/....

for the formation of the Reddingsdaadbond that it was not a commemoration of 1838? No it was but in memory of the spirit of our Afrikaner forefathers he had to say so, and so we have to build a monument to them. The sacrifices they have made must inspire us to improve the life conditions of the Afrikaner people. It was at a commemoration service. Why should not African people do that, or any other section do that? If when they come to a point which is significant in their history why should they not dedicate themselves to do something about it. It is our contention that we have a (10) right to do that and we will do it. We do not think, it is not the contravention of any law, it is not with the intention to promote the alleged conspiracy. We do not know about that conspiracy. It is so that when our people think back to the aspirations and those things which so many of our people have sacrificed for they must take courage to work harder to improve their life conditions. That is all. So I deny that interpretation. I think it is a misunderstanding entirely of the spirit in which this thing is written and what it intends to say here. (20)

Will you have a look at EXHIBIT AL.126. Volume 6.

COURT: What was admitted in respect of this document?

MR FICK: It was found in the offices of TIC, Johannesburg. This is a document "Can we Forget June 16th" issued by the Transvaal Indian Congress, that is the second page, the last line. -- Yes.

I put it to you that even your affiliates, when they commemorate June the 16th it is coupled with political demands. -- First of all do we know when this document was published because I do not know it, it is the first time (30) that/....

that I see it here. To start with.

Will you look at page 1. -- Yes.

The third paragraph "Today eight years later we are called on to commemorate that day". -- That is right, so that would be about 1974.

1984? -- I am sorry 1984, yes. This is a document of the TIC. Now June 16th was commemorated long before the UDF was formed. Affiliates would have been commemorating this day and our people in communities across the country have been commemorating this day long before. When the TIC was (10) revived in 1983 this day had already long been commemorated. Now the fact that when they commemorated they may make some statement or the other and so on has nothing to do with this alleged conspiracy here. And of course we remind ourselves, obviously we must remind ourselves when people have died or something has happened why did they die and the answer is simple and straightforward, because they wanted to have political rights maybe, because they wanted to have equality of status in the land of their birth. Perhaps because they did not have sufficient housing, etcetera, etcetera. We look (20) at what they wanted, they were asking for. We look at the conditions in which we are, whether those things for which they stood have now been done or not. If they have not been done and in our judgment those things are legitimate demands we must pursue them. As long as we are not using illegal methods, as long as we do not contravene the law we are entitled to pursue them and I know of no law that says that we may not do so. So if people say that now we still do not have the education, the type of education we want or we are still not included in the government's educational structures and we (30) want/....

want to participate in them, it is something proper, it is something good and we are entitled, we demand that as a right as human beings, that we should do so.

I put it to you that also the 26th of June is commemorated by the ANC ...

COURT: 26th?

MR FICK: 26th of June is commemorated by the ANC as well as by UDF and its affiliates? -- Throughout the time that I have served in the UDF I have never known that the UDF commemorates June 26th. Maybe counsel may refer me to an occasion when (10) it did?

And its affiliates, do you know? -- Which affiliates? I cannot remember an affiliate that had an occasion and invited us there.

Like AZASO? -- I have never been there, I have never heard that we have been invited to a gathering of that nature. Unless it happened after I had been detained you know.

I would like to refer you to EXHIBIT W.34, it is in volume 6. -- Yes.

It is a document found in the offices of UDF, Johannes- (20) burg. -- I may just mention that this is not an official UDF policy document nor do we have any right in the, in what may be written in this document or not. This is ...

COURT: What is "Challenge"? -- Challenge?

Yes, whose document is it? Do you know the document? -- The document on the face of it is of the South African Students Press Union.

Where do you find that? I find on the first page Challenge is edited by Tiego Moseneke, published by the Black Students Society. -- Yes, do I have W? (30)

MR FICK:/.....

MR FICK: 34. -- I am sorry, it looks like ...

COURT: W.34. -- Yes I have the wrong document, I am sorry. Yes. Oh I see. Now this document is unknown to me. I do not, it says there BSS, AZASO. Now this BSS from what I know it should mean Black Students Society and I think dash AZASO, it would therefore be a publication of the Black Students Society and the Azanian Students Organisation. I do not know of what campus it is.

Wits. -- Wits. Yes that is correct, because it says there edited by, yes it would have been Wits because he (10) was there. Yes. But again it is not a UDF document, it is not our policy document, we do not sit in its Board, we do not have any say in the production of this document.

MR FICK: Will you turn to page 7? -- Yes.

MR BIZOS: My Lord is Your Lordship's document complete? Is the last line visible on Your Lordship's

COURT: No not very. I guess it is a disclaimer by the Council of the University of the Witwatersrand for the contents but I was not sure.

MR BIZOS: It was my indirect way of drawing Your Lordship's (20) attention to that.

MR FICK: Do you have page 7?

COURT: Are the pages numbered Mr Fick?

MR FICK: Mine are My Lord.

COURT: Are yours numbered? By whom?

MR FICK: No, no that I cannot tell. I do not know whether it was done in the court or by my Leader.

COURT: Now let us start numbering these pages, the first page which has "Challenge" on it is page 1. "New Flash" will be page 2, "Release our Leaders" will be page 3, "Women's (30) Federation"/....

Federation" will be page 4, and the "Fight Continues" will be page 5. The next one is "The New Constitution", that will be page 6, "26th of June" will be page 7, "Freedom Day" will be page 8 and "The Student Uprising" will be page 9 and "Don't Give up" will be page 10. There is one more and that will be page 11. You were referring to which page?

MR FICK: Page 7 My Lord. June the 26th is it known generally as Freedom Day? -- That is what the document says here.

No I asked you. -- I do not know of myself.

Was that not also the day on which the Freedom Charter (10) was adopted? -- Yes that I said earlier on. I said earlier on that the Congress of the People adopted the Charter or it was held on the 25th and 26th. I do not know what this man's, who wrote this thing here source of information is.

Well I put it to you that this affiliate of the UDF popularises the day, the 26th of June, as a very important day in the liberation struggle? -- What I see here is put forward a history of this day.

Mr Lekota on page 7 the first column, the first paragraph the second last sentence: (20)

"For us today it is a day that we must rededicate ourselves to the intensifying of the freedom struggle.

Tomorrow it will be the day of freedom."

-- Yes tomorrow. He does say that. He says "Tomorrow it will be the day of freedom".

Is it also not so that the defiance campaign was launched on this day in 1952? -- I see that he says so here.

What do you say? -- I have never gone into that day. I know it was in 1952 but I do not know the day on which it started. But it was 1952. (30)

Will/....

Will you turn to page 8, the second column. -- Yes.

"26th June, Freedom Day. The 26th of June is the day on which the Congress of People had met has thus become a day to celebrate annually as Freedom Day."

-- By whom? The UDF has never taken such a decision. I do not know on what basis this man is saying this.

Did the UDF have any objections against commemorating the 26th of June? -- There are many other days which people commemorate here and we have no right to tell them what days to commemorate. We may be asked why will we commemorate (10) certain days like 20 August. We have got our own reasons for that. AZAPO will have its own days that it commemorates, and NEUM will have its own days, and everybody has their own days. We do not concern ourselves, some people will commemorate the arrival of Van Riebeeck, or Kruger's Day or some other. It is not for us to object to that or anything like that. We are also free to choose what we want to commemorate.

Now the 9th of August. -- Yes.

I put it to you that the ANC and UDF and its affiliates also commemorate 9 August each year as women's day? -- To (20) the best of my knowledge 9 August has been recognised as Women's day for a long long time, including when the women came here to Prime Minister Strydom in 1956 or so.

COURT: Did it start in 1956? -- I do not know whether it started then but it may have been even before that but I know that to the best of my knowledge that on that day they women also came here. It may have started here, it may have started earlier. I cannot give the Court a conclusive reply.

Was that the gathering at the Union Buildings? -- That is correct. That is when they came to protest against the (30)

passes./....

passes.

Now I would like to refer you to EXHIBIT W. 67. It is in volume 11. -- Yes.

The third column, there is a picture there ...

COURT: The first page?

MR FICK: Page 3, sorry My Lord, page 3 the third column, I think I must first identify the document. It is "The Eye", Volume 3, no. 3, August 1984. It was found in Grahamstown.

COURT: Just remind me Mr Lekota, "The Eye", what sort of a document is it? -- This is a community newspaper. (10)

Circulating where? -- There are two of these now and I am not sure whether "Speak" is in Johannesburg or here in Pretoria but I think "The Eye" is here in Pretoria. Largely.

Well we will probably pick up the local news when we read it. -- I think this one is published here in Pretoria. And then Johannesburg is "Speak" I think. Yes I think it is Pretoria because I can already see that some people, some officials and meetings of Pretoria organisations here.

Yes Mr Fick?

MR FICK: Page 3 the third column, just above the heading (20) "Sorea(?) Says". -- Yes.

There is a picture. "Now you have touched the women, you have struck a rock, you have dislodged a boulder. You will be crushed. 9 August South African Women's Day."
-- Yes.

Can you identify these words? -- As far as I know this is a song that was sung on that August 1956 when the women were at Union Buildings. It was, it of course in one of the African languages it says that, in fact it says Strydom wathinta abafazi, mathint' imbokoto uzukufa. (30)

COURT:/.....

COURT: Now you will have to spell it for the record. --
Maybe I should just write it quickly.

Yes do that please. Yes thank you. -- Now that song as far as I know was sung there on that occasion, it has always been sung by women, to this day it is still being sung and there was no violence of any kind on that day but women are there likened to a rock and so on, in that song. So this is just a quotation of those words of that song. And once again this is, here is an illustration now, a practical illustration, some thousands of women came from all over the (10) country, they came to the Union Buildings, they were singing this song here and then afterwards they went back home, after they had put their complaint and they submitted their complaint against the passes they went back home. There was not a bit of violence, nothing, and the place remained as it is in spite of this wording.

MR FICK: Not even the police shot at them? -- These people who were singing this song here, the case as I understand it from the State is that people who sing these songs want to cause violence. I am saying to the Court that this song (20) was sung there on that occasion by thousands. I think more than 20 000 women who went there. Not a bit of violence, and this song it continues to be sung in our communities and I am sure it will be sung long after some of us have passed into history. But it is not an advocacy of violence.

And I put it to you this date is also used to mobilise the women, it is not simply for commemoration purposes but is used to mobilise women in the struggle? -- So that they should join the struggle?

Yes. -- It may well be that that is what, that is one (30)

of/....

of the side effects of it but the genesis(?) of that day commemorates, it commemorates and people remember the problem of the passes for our women, you know our grandmothers when they were subjected to these pass laws, you know the things that happened to them are things which I would not even want to mention here. Some of them have been mentioned to the Court here. So once again we will not forget the things which have happened to us, not because we want revenge.

COURT: But now could I just have clarity now. Is it, what is remembered in respect of the 9th of August then? Is it the (10) march to the Union Buildings that is remembered or is it the imposition of passes on women that is remembered or what is remembered? -- I think it is a combination of factors. The first point is the fact that our women were subjected to the pass laws, two that when that happened our people came up here to protest. So the protest itself is remember. And thirdly that up until our arrest the passes still remained a source of serious grievance within our communities and that the attempts to persuade the government to abandon the pass laws for us and for our women remained a lively grievance, it had not been (20) addressed. I believe now that since our arrest the passes have been, or there was an attempt to move away from the passes. But that was subsequent to my arrest. So the grievance still remained alive and all of those issues were combined and put together with it.

Mr Lekota will you please turn to EXHIBIT AE.1. This is a newsletter of the Federation of South African Women, August 1984. This Federation of South African Women is an affiliated organisation of the UDF?

COURT: What do we know about this document?

(30)

MR FICK:/.....

MR FICK: It was found in the offices of UDF, Johannesburg.

-- Yes the Federation of ...

South African Women. -- Is this FEDSWA or ...

COURT: AE.1. At the top it seems to be the newsletter of the Federation of South African Women.

ASSESSOR (MR KRUGEL): Yes Mr Lekota's is the other way around, you have got the "Thirty Fighting Years" on top Mr Lekota. -- Yes. Is it different.

What have you got at page 2 please Mr Lekota, nothing?

-- I have "History of the Federation ... (10)

No, you have got nothing there. That is another one, that is AE.2. -- Oh I see.

Have you not got three pages there? You have only got one page? -- Only one page.

COURT: Now we have got three pages. We will number these pages and then you can have one of these copies. Right, "Tsogang Basadi" will be page 1, page 2 will be "Transvaal Women speak out", page 3 will be "Women's Rally, 12 August 2 p.m.". Now which page are you referring to Mr Fick?

MR FICK: Page 1 My Lord. (20)

ASSESSOR (MR KRUGEL): Have you not got, yes you can hand that page back. Thank you.

MR FICK: Page 1, the third column. It is the document with the heading "Tsogang Basadi" Mr Lekota. -- Yes.

The third column the second last paragraph "Women of South Africa FEDSAW is celebrating its thirtieth birthday. On August 9 we are celebrating National Women's Day, the day when 2 000 women marched to Pretoria to demand the abolition of passes. This year on August 9 we pause ...

COURT: It was 20 000 women. (30)

MR FICK:/.....

MR FICK: 20 000. "This year on August 9 we call women to unite fight Botha's new deal. From Durban to Cape Town, from the Eastern Cape and Border to the Transvaal the voice of women will be heard."

-- I am sorry Mr Fick what page was that?

Page 1. -- Oh?

ASSESSOR (MR KRUGEL): Page 1 will be page 3, or page 2.

COURT: The pages are numbered in your document. -- Yes.

MR FICK: It is the document with the heading "Women Awake".

ASSESSOR (MR KRUGEL): They are numbered at the top. -- Yes (10)
I think this is page 1.

MR FICK: The third column the last two paragraphs. -- Oh yes
I have got it.

I put it to you in 1984 the women were mobilised to fight against the new deal? -- They had already been part of it, they had already been part of the UDF from its launch. The call may have been repeated here but, by the Federation of South African Women but they had already been affiliated to UDF in various regions of the country. But not as a result of instructions from the ANC but because the new constitution (20) in itself, or the new dispensation it did not do away with the problems which our women had been experiencing all along, including the passes, it was not getting rid of the passes at that point in time.

Mr Lekota will you turn to page 3. -- Yes.

The middle column, the second one, under the heading "Women's Charter". This morning I asked you about the Women's Charter. -- Yes.

"From the start FEDSAW drew up the Women's Charter which put forward women's demands."

(30)

-- Yes./....

-- Yes, well there we have the history.

But did you not know it before? -- No, no I did not know.

I told the Court this morning that I do not know the origins of the document. Why should I not, if I know it was drawn up by FEDSAW at some point I would just say that. There is nothing I find mysterious about that.

I put it further that ... -- And I do not even know whether the document that we were looking at this morning is the document that is referred to here.

I put it further that the 16th of December ... -- Yes (10)
the 16th of December, yes.

Is popularised.

COURT: Are you on this document still?

MR FICK: No My Lord.

COURT: Well let us have it back please. 16th of December?

MR FICK: The 16th of December is popularised by the ANC, by affiliates of the UDF ...

COURT: By?

MR FICK: An affiliate of UDF, FEDSAW, and by yourself as the day to commemorate, as an important day in the struggle?(20)

COURT: Yourself being the witness or the UDF?

MR FICK: The witness. -- I just want to add one more, at least I can add a whole category of other people who also popularise it as an important day to be commemorated. For instance the National Party also, for instance the Federasie Van Afrikaanse Kultuur Organisasies, for instance the HNP, for instance the CP. It is important day in the history of our country for more sections than the Black section. I thought perhaps it was common knowledge. People go, come out to Voortrekker Monument and they celebrate that day as well, (30)
they/....

they commemorate it. Not with a view to, with a view to recall the history of our country and some of the things which have happened in it. We in the UDF have never taken a policy decision that we will popularise June 16th, right, we do not do that. And secondly where I have myself referred to it and I have done so personally has been strictly in the context of the history of our country and not with the motive and the intention that is alleged by the State. I have no knowledge that the UDF has ever taken a decision that it is going to popularise December 16 and I do in fact contest the fact (10) that that is the policy of the UDF.

Mr Lekota but the Hero's Day, 16 December, is celebrated or commemorated or popularised by the ANC, you personally, and FEDSAW. -- No, no, well I ...

That does not refer to the same so-called Heroes. -- But who said June 16th is Heroes Day? I am sorry December 16 is Heroes Day? When did the UDF say that, when did I say it is Heroes day? Where is it called Heroes Day because as far as I know it has never been called that. Who called it that, where? -- I am not talking about who called it. I say 16th (20) of December is popularised as the day on which the heroes should be remembered but the heroes are not of the UDF and the heroes of the ANC are not the same as that of the HNP, as you referred to them, right. -- No I deny that.

COURT: ARE you mixing up 10 October with 16 December?

MR FICK: No My Lord. -- I just want to understand one thing. Is it put to me that December 16 is Heroes Day or is known as Heroes Day? Either by the UDF or by myself or by somebody else?

I put it to you that 16th of December is popularised (30)

as/....

as an important day in the liberation struggle and it must be commemorated or it should be commemorated? -- The UDF has never taken such a decision but in any event December 16, independent of the UDF is an important day in the history of this country and it is therefore, it is commemorated across racial boundaries. That is why it is a public holiday.

But Mr Lekota 16th ... -- And we in the UDF did not decree that it must be a public holiday, it is a public holiday independent of us.

Mr Lekota the 16th of December is not by the government (10) decreed as a Heroes Day. -- What is it decreed as? If I may ask?

As a day to commemorate 1838, 16 December, what happened on that day? -- Yes, well what are we commemorating there? Did not the great event take place on that day? Were there not heroes born on that day? Because that is what I understand about it.

Mr Lekota... -- They are people who are respected in the history of this country because of that day and may I put it this way, if it was not for the leaders of the Afrikaner (20) community on the banks of the Blood River where they led the Afrikaner people to defeat the Zulu people we would not be having some of the heroes who feature in the history of this country. It is a heroes day in that context, amongst others.

In EXHIBIT V.12.

COURT: V.12?

MR FICK: V.12.

COURT: Page?

MR FICK: Page 50 and page 51.

COURT: Mr Lekota do you have a copy that says "Hersiende (30)

Uitgawe"/....

Uitgawe" at the top? -- Dit sê so.

Very well.

MR FICK: Now on page 50, the last column. -- Yes.

It is part of your speech at the Uhudi Youth Organisation on 1 July 1984. -- Yes:

And I am going to quote:

"En so het hulle die spies van die volk gestig."

COURT: Counsel will refer you to the second portion of this transcript because the first portion is in the original.

-- Yes. Yes I have the page. (10)

MR FICK: "En so het hulle die spies van die volk gestig.

Mandela het gesê dit is die assegai van die wêreld, van die nasie, soos u sê. Hy het gesê ons voorvaders het met assegaie baklei en hy sê hierdie assegai gaan ons noem die assegai van die volk. Want hierdie spies het ons voorvaders met boere mee baklei. Ons wil die boere herinner dat die oorlog sal baklei is nie nuut nie. Dit is daardie wat van onder begin. Dit is hoekom on Desember 16 kies as die groot dag van die spies van die volk wanneer dit by die volk sal verskyn." (20)

Now I put it to you that you referred to this to popularise that day. -- Okay, no, no, that is not true. But let me help, may I say to the Court earlier on I explained here in this speech I deal at some length before coming to this point with the history of disappointments, efforts which had been made by our forefathers, the pleas to the government and so on and how they have constantly been frustrated and then in narrating that historical part I come to the point when I say that Mandela told the story to some of us, he said, I was already from Robben Island at that time and it is true you know (30)

that/....

that he had told the story, amongst others to my self, I am narrating what the man has said. Then I do it in direct speech you see for effect, I say "Mandela het gesê dit is die assegai van die nasie" and then I go on and I say "Hy het gesê." It is clear I am quoting him you see, I am still quoting. "Hy het gesê ons voorvaders het met assegae baklei en hy sê (Mandela dit wil sê Mandela) hy sê hierdie assegaie gaan ons, hierdie gaan ons assegai noem, die assegai van die volk want hierdie assegai het ons voorvader, in fact it must be assegai there, "hiermee het ons voorvaders met boere mee (10) baklei." You see he is narrating history, he is giving the background of the thinking why they called this section of theirs Umkhonto we Sizwe, Die Assegai van die Nasie. He is explaining that and I am telling this in direct terms and Mandela says "Ons wil die boere herinner dat die oorlog wat sal baklei", that sentence does not sound very Afrikaans to me, I do not know who did this translation ...

COURT: It is not good Afrikaans. -- Yes I think so. It should say that Mandela said when they set up Umkhonto and they called it Assegai van die Nasie they said that the (20) reason that they called it that was because they wanted to make it clear that the points of difference, the issues on which they disagreed with the Whites right at the beginning remained unresolved. Now all that is in direct speech and even this last part and then I say to them "Dit is hoekom", these would be his words "That is why we chose December 16 as the day on which the Spear of the Nation would make itself known." You see that is what it means. I am narrating history. I am saying what has happened. As told to me on the confines of Robben Island by one of the leaders of our (30) people./....

people. As a fact that is what he says. Right. And I say now because of the policies of apartheid they drove our people to this point. We must stand up now and say to the government leave these policies of apartheid because they are taking our country in a direction which we do not want. That was the reason why I was dealing with this matter. I was explaining it in that context. And indeed people will never understand the seriousness of the situation in which our country finds itself today unless they understand the depth of frustration, you know, which now you know clouds the lives of Black (10) people in this country. It is not by choice that we, or just because we have nothing to do that we take the risk of standing up and saying to the government apartheid is unwanted. It is because we want to make a contribution to a peaceful future in this country.

Just a moment. Now where, now what portion of this speech deals with what Mr Mandela said and what portion is what you are saying? -- Let me, I am back at page 50.

Yes? -- This translation is very badly done. Anyway, here at this point where it says "Mandela sê hy is moeg." (20)

Yes? -- That should actually be Luthuli there you see. I do not know how it came to be there but ...

Well is it Luthuli in the original? Have a look at the original first. I do not think you should now correct your speech. -- No it is only the name. The point is that what I was telling the people ...

Yes but let us first see whether it is Luthuli in the original then we must correct the translation. Can you pick it up quickly?

MR FICK: Mr Lekota may I help you. Try page 54. The first(30) part./...

part. -- No, no, are we not trying to look, I am trying to look at the original.

Yes, that is the first page on page 54.

COURT: Page 54 the first part. No it is Mandela, page 54 the third last paragraph. -- Which page 54 are we referring to?

Page 54 in what is the, is it Tswana you were speaking or were you speaking Sotho? -- I was speaking Southern Sotho but this is here in Tswana or something. I do not know what language this is in. It is not in this language. In any event ... (10)

ASSESSOR (MR KRUGEL): Did you have an interpreter too Mr Lekota? -- There?

Yes. -- No I spoke straight in Southern Sotho.

COURT: And the people thought that you were speaking in Tswana? -- Whoever transcribed it did it in this other language and I do not know....

Well anyway the word is Mandela, you can pick it up easily on page 54. -- Yes I am there at 54 now.

MR FICK: My Lord with respect I think if one looks at page, paragraph, the fourth paragraph from the top it is Luthuli. (20)

COURT: Yes and also in the translation. -- In any event the point is this that what I said at the meeting is that Luthuli had said this about the needs to Mandela, and that subsequent to that now Mandela had now told me about this. But in any case I do not want to quarrel ...

Let us not get too involved Mr Lekota. Just tell me what portion of this speech should be read as if it is Mr Mandela speaking? -- Oh yes I see the point yes. I think My Lord what is very clear to me is where it says "Mandela a re".

And in the translation? -- Oh I am sorry. There it (30)

says/...

says, the first sentence says "En so het hulle die spies van die volk gestig". That should be full stop and then where I start to quote him it says "Mandela het gesê" en hy gaan aan tot by die einde van die volgende paragraaf. Ja daar waar dit sê "wanneer dit by die volk sal verskyn". Up to that point that would be a quotation of the whole of that. Nee man, wait a bit.

The end of the quotation is "wanneer dit by die volk say verskyn"? -- Wait, no, no. I would take it up to that point. I would take it up to that point. (10)

Thank you. -- Maybe if I listen to the tape I would understand it better. It is very difficult for me to determine this part here. And it does appear to me in fact that this paragraph, these three lines below Awethu, forms a continuous part with this here although these people clapped here in between. It really should come up to "nie klaar nie". It should come there yes.

Yes, thank you. -- And then from there I speak there and I go on to speak about the other things.

MR FICK: I would like to refer you to EXHIBIT AE.8. This (20) document was found in the possession of E. Magashule.

COURT: E. Magashule?

MR FICK: Magashule, Parys. This is a document, the heading "The Unity we need is People's Unity. We need it all, we need it here, we need it now." -- Yes. I am sorry, may I draw the Court's attention to the fact that in relation to the earlier document that we looked at it said there Federation of South African Women. As I understand it the Women's Federation that is affiliated to the UDF is actually this one, Federation of Transvaal Women. Because the other Federation (30) of/...

of South African Women is national in structure. It is more of a broader field but this one is definitely, as far as I know, the one that is affiliated to the Transvaal.

COURT: FEDSAW is not affiliated? -- FEDSAW is the one that I know ...

It is FEDTRAW that you are dealing with now. Is FEDSAW not affiliated? -- As I understand it, no. It is of course allied to, as I understand it it is not affiliated yet. I may be wrong because I am not very very clear about its position, there. (10)

MR FICK: Now I want you to turn to the fourth page, it is a calendar for the year 1985. -- Yes.

And you will find at the bottom of the page ... -- Page?

Page 4, the last page. You will find there "December 16, Heroes Day". -- Page 4?

Yes, the last page. -- Oh, yes I can see it.

You see it? -- I see it says so. Well I think, I suppose it is the position of FEDTRAW. I have not been aware of this.

Now ... -- It certainly does not refer to the UDF. (20)

Now I put it to you that they did not mean to refer it to a public holiday on the 16th of December but to Heroes Day. -- What is the meaning of that? If I may understand very well now.

They refer to Heroes Day as identified by the ANC also. -- No, no, no, no, not at all, no. There is nowhere that it says that is the ANC. And in any event they may say so of themselves. If one takes into account that there are also people who fought for the independence of Zululand in in 1838, you know when that fight was being fought there. But there (30)

is/....

is nowhere there where it says that it is, they are referring to the ANC. I deny that.

COURT: Was that also on December 16th? The battle of Isandlwana? -- No, no, I am sorry it is not Isandlwana, it is Blood River.

MR FICK: Now I put it to you that the number of the UDF's patrons and leaders, another topic My Lord, are persons either serving sentences for ANC activities or people who had served sentences for ANC activities or other unlawful activities against the State. Another group had been members of the (10) ANC or the South African Communist Party. -- I am sorry, I just want to ask counsel that as he is putting that issue to me maybe we should just break it down in pieces and I can reply to each and every of the issues because they become too many.

COURT: What is the first one, a number of patrons of the UDF and of leaders of the UDF served and did do, did serve?

MR FICK: Are serving sentences for ANC activities.

COURT: For ANC activities?

MR FICK: That is so. -- It is correct that some of the patrons of the UDF are serving prison terms, as I under- (20) stand it because of their previous connection with the African National Congress. Some of them.

I put it to you further that a number of UDF's patrons or leaders had served sentences for ANC activities? -- Is it patrons or leaders? Let us now ...

COURT: Patrons and leaders.

MR FICK: Patrons and leaders.

COURT: Now what is the statement that you are putting? I want to write it down first. What are you saying? A number of patrons? (30)

MR FICK: /....

MR FICK: And leaders were ...

COURT: Patrons and leaders?

MR FICK: And leaders had served sentences for ANC activities or other unlawful activities against the State.

COURT: Does this not overlap the first statement?

MR FICK: Some are serving sentences, others had served.

COURT: The first statement I wrote down is a number of patrons of the UDF and of, patrons and leaders of the UDF served and did serve sentences for ANC activities.

MR FICK: Then it does overlap My Lord, I am sorry. (10)

COURT: And the answer given was some of the patrons do serve prison terms or are serving prison terms because of convictions in connection with the ANC.

MR FICK: And the other thing I want to put to you is that some of the UDF leaders ... -- May I please make a request? Can we look at the patrons and finish with them because when you say leaders it now, it goes a bit broader. We can come to the, for instance the National Executive. Can we start with the national patrons then I know what I am answering.

COURT: Yes please. What document do you want to refer to? (20)

MR FICK: EXHIBIT A.1.

COURT: Did we not have a lot of these names already?

MR FICK: Yes I skipped those My Lord. I will refer to Francis Baart.

COURT: Well just summarise what you have. Which names do you have already?

MR FICK: I already have the names of Dennis Goldberg, Ahmed Kathrada, Martha Mahlangu, Nelson Mandela, Govern Mbeke, Raymond Mshlaba, Andrew Mlangeni, Elias Mutsoaledi and Walter Sisulu. -- And now this is, as far as I remember Mrs Mahlangu(30) has/....

has never been in jail.

No, no, but we have dealt with her previously. -- Oh I see, yes. We are left then with Mrs Baart, Dr Allan Boesak, Mr Hassan Howa, Helen Joseph, Johnny Esef(?), Father Smangaliso Mkhathshwa, Mrs Florenc Mkhize, Shaifnazim Mahommed, Mrs Monty Naicker, the Reverend Beyers Naude and Miss Dorothy Nyembe.

Now Frances Baart, I put it to you she was a member of the ANC Congress as well as a member of the ANC Women's League? -- I do not know, when, would it be before it was banned? Because when it was banned I was still a young fellow. I (10) would not have known about that.

And I put it also to you ... -- But she is a very highly respected person within our community. I know that she was actually a trade unionist, as far as I know she is a very well known trade unionist.

Yes. I put it to you she was also sentenced to five years imprisonment in terms of the Suppression of Communism Act? -- I have no knowledge of that. Most probably if that is the position it may also explain the respect people have for her. Not for the offences but for her position as somebody (20) who may have sacrificed a lot for equality of status for Black people in this country. That is always the problem because a lot of these people are respected within our communities. Because they are seen as having made, you know sacrifices which cannot be ignored and that is, it just so happens that that is the position and indeed even people who, a lot of people who may outrightly say look I do not agree with that and so on but they will say look these people have made such sacrifices that it is impossible that we can ignore them. One finds for instance, you know in our communities when (30)

just/....

just people are gathering, if there is somebody who has been to Robben Island people will just say you know do you know that man or do you know that woman. Then they say now you know he has been to Robben Island and you can see the response of people. It is one of immediate awe and respect. Not because, they do not even know what he was arrested for but it is just that that the effect. So now if people, if one is going to say it is because of the ANC it just misses the point completely.

COURT: Yes but now let us just determine the facts first (10) and then when the facts are put on record and we have that then you can debate with counsel what one should conclude from those facts. -- I will do that.

MR FICK: I would like to refer the Court in this regard to EXHIBIT A.1 page 58.

COURT: Page 58?

MR FICK: 58, the second column, the second paragraph.

COURT: Yes, what is the question?

MR FICK: Do you agree with the contents of this paragraph Mr Lekota as far as the reference to the ANC and the ANC's (20) Women's League? -- It does say she was a member of the ANC Women's League. It also says that she represents many generations of activists who have fought for both a non-racial trade union movement as well as for political liberation.

COURT: Well are you not one of the authors of this document, being the publicity secretary? -- Yes this document was done by the Western Cape. I was not directly there.

Well not directly but were you not the chief in charge of this document? -- Yes, but as it happens in the practical drafting of the document I was not involved. I am not (30) saying/....

saying that anything is false in here. I take it that everything in here is correct.

No I am not debating whether it is correct or not. I must say I find it strange that you did not know these facts. -- No it is not always that one would be able to go and read each and every one of the things that are in the publications. If a task, if I am given a task I work with the committee and I have confidence in those people if I am satisfied that the work is done properly, that is the position. That is why I take full responsibility for each and every one of the words(10) that are put in here. Even if I was not there when it was done.

MR FICK: Now the second name I would like to refer to is that of Helen Joseph. -- Yes.

Now with reference to her I would like to put to you that she was listed in terms of Section 8 of the previous Suppression of Communism Act. -- The latter course is my knowledge.

In this regard I can refer the Court to a Government Gazette.

COURT: Pardon? (20)

MR FICK: I could refer the Court to a Government Gazette where this listing is published should the Court be interested.

COURT: Yes well give us the number of the Gazette.

MR FICK: Gazette no. 1680 of 7 August 1987.

COURT: 87?

MR FICK: 87.

COURT: That is recently?

MR FICK: That is so My Lord.

COURT: But now how does that affect this accused?

MR FICK: No My Lord in the Government Gazette there is a (30)

list/....

list of names of persons whose names appeared on a date preceding the date of the commencement of the Internal Security Act of 1982 on the list in custody of the officer referred to in Section 8 of the previous Act 44 of 1955, and whose names have been entered in the consolidated list. So what I put to the witness is her name does not only appear on the new consolidated list but it would also appear on the previous list in terms of the provisions of Act 44 of 1950.

COURT: Well do you know when she was listed? -- I do not know when she was listed. You see she has been, I know she has (10) always been banned and whatnot, many times. But now I do not know exactly when. In any case at page 56 there is something of her background set out there. She was also one of the leaders of the women that came to the Union Buildings in 1956. She was actually at the time, as I can see from here, and from my knowledge also that she was also in the Executive of the Federation of South African women at the time. I do not know the other details of her life so much.

MR FICK: Yes and on the same page, the second column, the fourth paragraph from the top it is stated: (20)

"Later that year Helen was both arrested for treason and became a listed person which meant she could not and still cannot be quoted."

-- Yes that is so. I also say that she had come to Prime Minister, Dr Strydom, with a nationwide petition demanding the repeal of the hated pass laws.

It also appears from the same paragraph that she was jailed for four months for refusing to answer questions about an alleged visit to Winnie Mandela, being a banned person. -- That may be. I do not know. (30)

Then/...

Then the next name is that of Dorothy Nyembe.

MR BIZOS: My Lord to save perhaps later on Your Lordship having to look up this listing in terms of Section 8 means nothing more than that the person who has been served with a restriction order, not as a result of any conviction or any activity.

COURT: So does it mean then that he is restricted to a certain area or does it mean that his words may not be published?

MR BIZOS: The effect of being listed is that your words (10) cannot be published. That is really ...

COURT: That is all?

MR BIZOS: The moment a restriction order was served because of a complaint that people did not know whom to quote and whom not to quote there is the provision that the names would be published in the Gazette, a list would be published in the Gazette. That is all it really means.

COURT: Does this mean then that one may speak at a gathering but one may not be published, the speech may not be published?

MR BIZOS: Precisely that My Lord, yes Mrs Joseph speaks (20) on various platforms but the newspapers cannot ...

MR FICK: Now Dorothy Nyembe. -- Yes.

I put it to you she was a member of the ANC and she became later on Vice-Chairperson of the ANC Women's League for Durban. -- I do not know if they put her here, I do not know them of myself. But being an elderly person she was there when the ANC was a legal organisation and so on and so on.

C.938

I put it to you in 1963 she was arrested again and charged with furthering the aims of the ANC and was sentenced to three years imprisonment. -- I did not know about that. (30)

Then/....

Then in 1968 she was detained with eleven others and in February of 1969 she was charged in Pietermaritzburg under the Terrorism Act and Suppression of Communism Act. -- Yes.

She was accused of harbouring terrorists of Mkhonto we Sizwe and assisting two co-defendants and then she was sentenced to fifteen years imprisonment. -- That may be because she was released from prison about 1984 or so I think.

ASSESSOR (MR KRUGEL): When was that Mr Fick?

MR FICK: She was sentenced in 1969 and she was released in March I think of 1984. (10)

COURT: Now do you know that she was in prison for a long period? -- I know she was in prison for about fifteen years.

MR FICK: I would like to refer the Court in this regard to EXHIBIT W.34. Volume 6, page 10. W.34. This for record purposes is "Challenge", Volume 4, no. 2 issued by the BSS-AZASO.

COURT: But this speaks of eighteen years, not fifteen. -- Well it does say at line 9 of the second column, it says she was sentenced to fifteen years imprisonment. Page 10.

MR FICK: I put it to you that she is, in this document, (20) popularised and as a source of inspiration to the young women of today.

ASSESSOR (MR KRUGEL): That is now in W.34?

MR FICK: That is in EXHIBIT W.34 page 10. -- It does say so.

The last sentence. Now let us go to the Presidents of the National Executive. Now I put it to you that Mr Gumede, Archie Gumede, he was a member of the ANC and was a member also of Durban delegation to the historic congress of the people in 1955. -- Yes.

Do you agree with that? -- Yes. It says so here. That (30) is/....

is correct.

A.1 page 54, the first column. Then the second President, Mr Oscar Mpete, he was the President of the Western Cape Region of the ANC. Do you agree with that? -- It says so here, I think so.

Page 54, the second column. Then Mrs Albertina Sisulu. -- Yes.

She belonged in the 1950's to the ANC Women's League as well as to FEDSAW. -- Yes.

And she is of course the wife of Mr Walter Sisulu. (10)
-- That is correct.

ASSESSOR (MR KRUGEL): A.1 page 55.

MR FICK: Page 55. Both Mr Molefe, accused no. 19, and you yourself were influenced by a leader of the ANC in your case and an ex-member of the ANC to reject the Black Consciousness ideology. Is that correct? -- No sir, that is absolutely untrue. I do not know on what basis that suggestion is being made.

In your case -- I have never been influenced to reject Black Consciousness. I have made the point quite (20)
clearly to the Court that as far as I am concerned Black Consciousness remains and will remain a relevant part of the struggle for equality as long there is racism in our society and no ANC leader told me that.

Were you not influenced by Mr Nelson Mandela? -- No, no what I have said here and what in fact the position is, I gained deeper insight in the course of my stay in jail reflecting and debating with elder men within our communities. They do not decide for me. I decide for myself what I want. I actually told the Court here that as early as when I was (30)
still/....

still in SASO there was, I was already quite uncomfortable about some of the things and in fact that there were two schools of thought inside our organisation at the time although at the time I could not articulate my perception of the struggle as much as I can do now as an older person. But I gained a lot of course in terms of meeting a senior political figure from my community, in general knowledge a lot. I did gain a lot. So too but I did in the communities as well. You see. But of my own I reflect on things. I read, I think about them and I am mature like anybody else. I do not get (10) told by somebody that you must do this and then you must do that and so on. I have got my own independent mind. I make my own conclusions.

Do you agree that you were influenced a great deal by the talks you had with Nelson Mandela and the other so-called true leaders of the people on Robben Island? -- Influenced in what direction or to do what?

Let me first ask you this. Would you call yourself a Charterist, a supporter of the Freedom Charter? -- Yes I support the Freedom Charter. (20)

By whom were you influenced to support, to subscribe to the Freedom Charter? -- No, no I decided that the Freedom Charter is the appropriate document when I compared with the others. Nobody told me that I must now follow the Freedom Charter. I made up my mind when I read it that this is now, this is the document. I satisfied myself that that is the position.

Whilst you were a member of SASO you were not subscribing to the Freedom Charter, is that correct? -- No we had different documents at the time but the spirit of the Charter is (30)

what, /....

what, when I read the charter I discovered that I found myself fully and sufficiently expressed there. That is when I went for it.

No but whilst you were a member of SASO you did not subscribe to the Freedom Charter, is that correct? -- No we had different documents at the time, we had our own documents, different ones and then of course you see I had not come across the Charter. You see it is not possible to adopt a document if you do not know it, you must first know it, you must first come across it. (10)

Were you not influenced by Mr Mandela and the other so-called true leaders of the people in prison to adopt the Freedom Charter? -- No, no. I am making the point to you I decided when, after I had read the Charter, in fact after I had read "Let My People Go" and I saw the document there and I read it and even its background and I satisfied myself that this is the document that I find encapsulates my thinking and my feelings on the issues.

When was that Mr Lekota? -- That was subsequent to my reading it. (20)

How long? -- In 1983 after my release, when I joined the Release Mandela Campaign Committee in Natal.

Now the other name I would like to refer you to is that of Mildred Lesia, one of the additional Executive members.

COURT: Mildred?

MR FICK: Lesia.

COURT: L-e-s-?

MR FICK: E-i-a. -- In fact it should really be L-e-s-i-a. It is just a mistake.

ASSESSOR (MR KRUGEL): There is an extra e there. -- That (30)
extra/...

extra e there in front of the s must not be there.

MR FICK: Now SACTU, South African Congress of Trade Unions, what do you know about SACTU's history, is it in any way ...

COURT: Are you coming back to Mildred Lesia?

MR FICK: That is so. Is it in any way connected with the ANC? -- As far as I know it was a trade union, it is an independent trade union congress, as far as I know, and I think it is also a signatory of the Freedom Charter, the Congress of the People, I am not very sure but I think so.

COURT: When you say a congress do you mean a congress is (10) a sort of an association like a partnership of organisations? Why is the word "congress" used? -- As I understand it SACTU is a federation of trade unions. So it combines a number of trade unions. As to why the word "congress" is used I cannot give the Court any specialised explanation. I myself find that when I read in the history of Afrikaner organisations they talk sometimes about Volkskongres and so on, in the 40's and in the 30's and also in African organisations and in the Coloured organisations. So for some reason this word "congress" is quite common in the political language of our country. (20)

No that I appreciate. A congress is normally a place or a fathering of a lot of people. That is all it is. But normally it does not have continuity. Now this word "congress" turns up time and again in the sense of an organisatin or an association and not in the sense of a congress. -- I, unfortunately I cannot really, as I say I cannot give the Court any specialised explanation. From my reading of history, of our history here the word "congress" seems to have come from the Indian sub-continent when the Indian people in 1860 they found the All India Congress in India and then they came (30)

down/....

down here as indentured labourers in the Natal sugar cane fields and then in 1894 under the leadership of Mahatma Ghandi they then formed the Natal Indian Congress. I have not found any organisation in the history of our country that is congress, that is earlier than that. And subsequent to the formation of the Natal Indian Congress in 1902 we find the Transvaal Indian Congress and then in the Free State we had always had what was called the Orange River Colony Vigilants Association. That later also became the Orange River Colony Native Congress. In the Transvaal, in Natal also we had (10) a Natal Native Congress and then in the Cape, the Western Cape, we had the South African Native Congress. So from then on it does appear that the name Congress was taken up variously. But as I say in the 30's and the 40's, from my reading of Afrikaner history I find Afrikaner people coming together, their organisations meeting and from time to time these being referred to also as congresses. That is all I can say, history stands like that and it comes across that way. So I have not been able to find anything else.

Yes, thank you.

(20)

MR FICK: Now SACTU, is SACTU operating inside South Africa any more? -- Not as far as I know.

Where is SACTU operating nowadays? -- As far as I know it ceased to operate. It was not banned, it is not illegal of course. It is a legal organisation in the country as far as I know and I do not have personal knowledge but from what I have heard here and there and including the evidence in this court that it also has a presence abroad.

COURT: But does it have members in South Africa? -- Not that I know of.

(30)

So/....

So it must have ceased to exist if it has no members in South Africa. I may exist in name only but in effect it is nothing? -- I think I must agree with the Court that that is the position because I cannot, I do not know of an office which they have or where they have a branch or membership or something like that. All I was trying to say is that it was never declared illegal and it has always, in my understanding it has always been a legal organisation that could always operate if ever it wanted to operate.

MR FICK:

It did not go into exile with the ANC? Freely? -- I (10)
have no knowledge as to how it came to go and set up offices abroad. Whether it was with the ANC or after the ANC had gone that I cannot tell the Court. Or whether they went before the ANC, I do not know.

Now I put it to you that the ANC and SACTU are working closely together. -- They are working closely ...

COURT: At present or at some time in the past?

MR FICK: Since long ago they are working closely together. -- I do not know about that. You see I have never been outside the country. Unfortunately I have never been able to (20)
get a passport to go outside and see what is taking place there.

I put it to you this Mildred Lesia, she is a woman, she was involved in FEDSAW, Federation of South African Women, and she was an organiser in SACTU. -- That may be. I do not have personal knowledge, I do not have personal knowledge about that. That may be so. These are quite elderly people, they are much older than me. Are we finished with them because I wanted to say something to the Court in relation to this issue if you have finished.

COURT: On this person? -- No, in, just a general comment (30)

I/....

I want to make about all these people, the patrons and so on that you referred to.

Yes? -- There is only one point that I really want to make to the Court. When we set up the UDF in 1984 we were organising in communities and organisations that came to our meetings and which came to form the UDF. Some of them had...

ASSESSOR (MR KRUGEL): 1984 or 1983? -- In 1983, when we set up the UDF. Some of the organisations had existed well onto one hundred years and even more. There were personalities from the various communities and provinces who had established (10) themselves in the long political tradition of our communities and who were respected not for any crimes or connections as such that they may have had in the past but more for what contribution they had made in pushing and persuading the government to move to a democratic constitution. Some of these people it is true, as counsel has pointed out, may have had membership to the African National Congress in its legal days. To the best of my knowledge none of these people took the decision or went into, took the armed path together with Mandela and so on and people like President Gumede, people (20) like President Mpetla, people like Mrs Albertina Sisulu, people like Mrs Francis Baart have remained within our communities serving in various ways. But certainly they have never abandoned their opposition to the policies of the government. We were not, and younger people than ourselves could never have been in a position to come to communities and say these people who for so long have served you are not to be trusted by you or you must not like them. When they were elected to positions that they were elected to it was because of the contribution they had made and we accepted that that is (30) the/....

the position. We have had no reason to believe that either they or anybody in the UDF was participating in the activities of the Front on the instructions of the ANC. Indeed I deny that anyone of us had been instructed by the ANC to do anything. In the meetings of the Front they have participated on an equal basis with us. They have never been able to dictate the policy of the UDF. When decisions have been taken on the policy of the organisation it has always been on a democratic process in our ranks and where we disagreed with them we have also said no we do not agree on this point (10) and that is the position. So that if it may be an impression, there may be an attempt to create an impression or to argue that because these people constitute a part of us we were in conspiracy with the ANC I deny that flatly.

COURT ADJOURNS UNTIL 24 SEPTEMBER 1987.