

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1988-05-02

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

LUBBE OPNAMES

VOLUME 392

(Bladsye 22 654 tot 22 744)

THE COURT RESUMES ON 2 MAY 1988

MR BIZOS addresses court in regard to the absence of the court's registrar. It is ruled that the constable would assist the court wherever necessary.

SHEENA DUNCAN, sworn, states -

EXAMINATION BY MR BIZOS: Are you South-African born? -- I am.

And did you have your schooling here in South Africa? -- I did.

Did you when you finished your schooling, go to Edinburgh to train as a domestic science teacher? -- I did. (10)

And for a short while did you live in what was then known as Rhodesia, in Salisbury? -- I did.

Did you come back to Johannesburg in 1963? -- Yes.

When you came to Johannesburg did you become aware of the existence of an organisation known as the Black Sash? -- Yes, my mother was one of the people who started the movement, so I was aware of it all the time.

And your mother's name? -- Jean Sinclair.

And did you become involved with the Black Sash as soon as you arrived? -- I did. (20)

Here in South Africa.

COURT: Mrs Duncan, would you like to sit down during your evidence. If so, please inform me. -- I might later on, thank you.

Please inform me. -- Thank you.

MR BIZOS: And have you held various positions in the Black Sash? -- Yes, I have.

Would you watch his lordship who is making notes. Speak in his direction and slowly let us have the positions that you have held in the Black Sash. -- I have been chairman of the Transvaal region of the Black Sash. I have been editor of Sash Magazine.

(30)

I have been director of the Johannesburg advice office for many years, and I have been..

COURT: You are going a bit too fast for me. -- Sorry.

Yes, carry on, please. -- And I have served terms both as vice-president and president of the organisation.

MR BIZOS: And are you still involved in the Black Sash? -- Yes on a daily basis. I co-ordinate the Black Sash advice offices around the country and continue to work in the Johannesburg advice office.

Do you belong to any church? -- Yes, I am a member of (10 the Church of the Province of Southern Africa, that is the Anglican Church, and I am also a vice-president of the South African Council of Churches.

And have you served on any bodies of the Anglican Church? -- Yes, I was in the early 70s chairman of what was known as the challenge group in the early 70s. That was a programme seeking to eliminate racism in the church. I have been a member of the board of the Anglican Church's justice and reconciliation division for many years and still am. And I represent the Anglican Church on the Committee for Justice and Reconciliation in (20 the South African Council of Churches.

Are there any other organisations that you belong to? -- Well, a considerable number.

Will you give us a couple of the main ones? -- Well, I am the chairperson of the Human Awareness Programme; I belong to the Civil Rights League which is a Cape Town based organisation; I am actively involved with the Witwatersrand Network for the Homeless.

Are you connected in any way with the Five Freedoms Forum? -- And the Five Freedoms Forum I was one of the founding (30 members / ..

members of that organisation.

Have you spoken at numerous public meetings? -- Yes.

In one or other of the capacities that you have mentioned?
-- Yes, over the years and at present I speak a great deal at public meetings and at workshops and to smaller groups.

Has your work been recognised by any national or international bodies? -- Well, the work of the Black Sash has been recognised. We were awarded the prize for freedom by the Liberal International in 1986 and the Union of American Hebrew Congregations awarded us the bearer of light award. There was also (10 an award from the E. Philips-Randall Foundation.

COURT: Now you are going a bit fast for me. -- Sorry.

Which was the first one again, please? -- The prize for freedom awarded by the Liberal International.

And then the Hebrew Congress? -- The Union of American Hebrew Congregations. It was the bearer of light award.

Yes, and then? -- The E. Philips-Randall Institute's award for work on human rights.

MR BIZOS: Would you please give his lordship and learned assessor a short précis of precisely what is the Black Sash? What (20 are its main objects? -- The Black Sash was founded in 1955 in protest against the introduction of the senate bill, which was the bill that changed the constitution of the senate in order that the coloured voters in the Cape Province could be removed from the common roll. At the beginning the Black Sash was purely a protest movement with approximately 10 000 members around the country, but it lead to become a much smaller organisation which can be described as a civil rights/human rights organisation whose aims and objects are to fight for justice and morality in government in South Africa. (30

His lordship has naturally heard something about feminist organisations. Is this a feminist organisation? -- No, it is not a feminist organisation. It is concerned with women as the victims of apartheid rather than women as the victims of men.

What is the main object of the Black Sash? -- The main object of the Black Sash is to work for justice and democracy in South Africa. We are a political pressure group and full membership is open to women only.

Have there been any particular areas of discrimination in legislation and in practise in South Africa to which the (10 Black Sash has directed its particular attention, since your involvement in it? -- Well, the Black Sash has particularly directed its attention to the constitutional structures of government in South Africa, to the whole question of the rule of law. We have had a constant concern about detention without trial ever since it was first introduced in this country; and a constant concern about laws that allow arbitrary action by the state against people and organisations. We have also focussed in particular on the removal and resettlement of black people in this country from where they were living to another place. (20 We have had a particular focus on the pass laws and migrant labour, on the whole homelands policy and the denationalisation of black South Africans because of that policy; and on what can be described as the apartheid laws in general; race classification, that is the population registration act, and the group areas act.

What about the constitutional development in the country. Is it something which you in the Black Sash took an active part in? -- Yes, an active part in opposing constitutional developments. The Black Sash believes that a democracy must be (30

based on a universal franchise and in South Africa on complete non-racialism. We were totally and absolutely opposed to the constitutional proposals that became the constitution act in 1983. We ran a public campaign at that time, calling upon white South Africans to vote "no" in the referendum on that issue.

Were you at a meeting held on 17 July 1977 dealing with the question of the constitutional proposals that were then made and the agitation for the calling of a national convention? -- I was present.

Was an opening speech made at that meeting? -- Yes, the (10 opening or introductory speech was made by Joyce Harris, who was a senior member of the Black Sash and was at that time its vice-president.

Did she speak off the cuff or did she read out her introductory speech? -- No, she read out her introductory speech.

I want to show you a document, typed, to ask you whether you recognise this? -- Yes, I recognise that as being Mrs Harris' speech at that meeting.

COURT: Where was the meeting held? -- It was held at her home, 29 Fifth Street, Lower Houghton in Johannesburg. (20

MR BIZOS: Would you hand the original and two copies to the officer?

COURT: Was it a public meeting? -- It was not a public meeting. it was a (simultaneously)

A private meeting of the Black Sash? -- No, it was a meeting to which people from different organisations were invited. There were a number of Black Sash people there, but other people outside the Black Sash as well.

COURT: Yes, you do not want it in, then? If it is not (30
necessary / ..

necessary, I would prefer not to..

MR BIZOS: No, I do want it in. I do want it in.

COURT: As an exhibit?

MR BIZOS: As an exhibit.

COURT: Let us give it an exhibit number.

MR BIZOS: 128 according to our records as the last one.

COURT: 128 is a letter to the town council of Atteridgeville.

MR BIZOS: Is that the last one?

COURT: DA.128 was the last one.

MR BIZOS: So this would be DA.129. Mrs Duncan, could I ask (10
you to please mark it as DA.129 in the top right-hand corner of
the letter. I think you had better keep the pen because there
is going to...Headed:

"Citizens' Ad-Hoc Committee on the National Convention.
Introductory remarks to inaugural meeting on 17/7/77 at
29 Fifth Street.

This meeting has been called because South Africa is at the
cross-roads. Our whole political structure is being over-
thrown and the Black Sash is deeply concerned about the
proposed new constitution for South Africa. At our (20
national conference in March of this year, it was agreed
that one of our national campaigns for the year should be
devoted to informing the public, and alerting the people to
the implications of the new constitution, and to pressing
for a national convention before there is any new constitu-
tion. We soon realised that the vital issue of the new
foreigners, those who have been forcibly deprived of their
citizenship in the land of their birth and those who will
be once their particular homelands become independent, was
an integral part of any campaign on the proposed new (30
constitution/ ..

constitution and should be incorporated into it. The words of Dr Mulder that there will be no black South Africans do not reflect the truth of the situation and we believe there can be no justification of any description for excluding the many millions of African people from their country, or from the constitution of their country. They are as involved as any other section of the community. In order to give the campaign as wide a base as possible in the hope that it could thus be made more effective, we decided to invite the co-operation of individuals and organisations outside (10 the Black Sash, hence this meeting. A preliminary meeting we hope will lead to bigger things. We feel it is imperative to get moving now, even though this might seem a cold issue with parliament in recess and no real indication of when the constitutional bill will be introduced, but once it is before parliament it will already be too late. It is essential to alert the public now in order to try to build up sufficient grass roots support, to exert overwhelming pressure on the government; to call a national convention before there is any new constitution. We are not (20 averse to a new constitution. In fact we feel that it is imperative, but we feel that it is equally essential that it should be a constitution arrived at through the consensus of all the people of South Africa, including those who are no longer considered to be South Africans. That is why we want to press for a national convention and that is why we want to involve all the people in this campaign, for we believe that to be the only chance there is for a successful outcome. We hope that all of you will agree with us that everyone, those of you present here today and those(30

we might decide to approach, will agree to sink or ignore differences of method of approach and even of fundamental belief and will work together in order to provide the opportunity for all those differences to be settled or compromised round the conference table. We hope most earnestly that all those many elements in our country who want peaceful change and the national convention will combine to make the calling of a national convention a first priority, so that all the people may then participate and decide what form that change shall take. Every government act is moving us further away from the share society, the homelands, citizenship, the new constitution. It is therefore urgent that we act now together with a carefully planned widespread campaign. I know we are all depressed, frustrated and increasingly hopeless, but the fact that you are all here in response to my invitation, is encouraging. I feel that this is the right time to be launching such a campaign, that people are waiting for it, waiting for someone to do something. The Black Sash is happy to act as the catalyst. This might just prove to be the most worthwhile thing we have ever done. I am as cynical and despairing as most but I feel this is a last ditch stand. Once there is a new constitution, it will be too late. I have this feeling that if only we can handle this wisely and well enough, there is this last chance that it might ignite as a campaign and snowball to cause an avalanche of protest and pressure. I hope so, for we certainly need something to prevent the seemingly inevitable confrontation towards which we believe this government is leading us. I therefore hopefully open this inaugural meeting for informal discussion, so that

we might reach some conclusions regarding our attitudes. A proposed plan of action, the form this committee should take, its financing, a suggested list of people and organisations to be invited to participate; in fact, all the practical issues. Thank you."

Was that speech made at that meeting? -- It was.

COURT; Now the 1977 proposals, did they become law then? -- It was the beginning of the process that eventually - it did not become law then, but it was the beginning of the process of discussion that led to the constitution act of 1983. (10

Yes, thank you.

MR BIZOS: How many organisations, or how many people were there present at this meeting? -- I cannot remember exactly, but I would recollect those meetings went on and it was usually between 20 and 25 people, sometimes fewer.

And what sort of organisations did they belong to? Were they there in their representative capacities as organisations or were they there in the individual capacities? -- No, they were there in their individual capacities and it was made very clear they they were not representative of their organisations. It is (10 always difficult to get South Africans from different groups to talk together, so it was an informal discussion of people from organisations fairly well across the political spectrum - the Institute of Race Relations, the PFP, the Transvaal Indian Congress, Inkatha, Labour Party, the Reform Party, the Black Sash, and there are others that I have probably forgotten.

Was anyone there from Soweto? -- Dr Matlana used to come in his personal capacity. He was at that time a member of the committee of tenants of Soweto but he did not come representing them. (30

COURT: Was this not a women's organisation, these meetings?

-- No, these meetings - this was an ad hoc committee initiated by Mrs Harris and the Black Sash.

MR BIZOS: How often did these meetings of this ad hoc group take place? -- Fairly regularly once a month from the middle of 1977 until I think it was November 1984. Subsequent to the decision of the Labour Party to go into the tricameral parliament, the group dwindled away.

Did this group explore ways and means of the formation of any umbrella organisation, or any front or desirability of (10 it during its meetings? -- Yes, what the group was searching for was a way of taking, you could call it a united front taking united action, seeking unity as Mrs Harris said in her introductory speech; unity on the one issue of demanding a national convention before any new constitution was made. It never became a huge mass movement, but the meetings discussed in great depth the different issues in South Africa, the political future of this country. It explored in the search for a way forward.

Were the people present expected to keep the discussions in relation to this - the discussion in relation to the pos- (20 sible formation of such a body, were they asked to keep it secret or were they encouraged to spread the word around? -- No, they were encouraged to spread it around, because you could not have a united action if you try to do things in secret. It is essentially is something - they were actually asked to discuss issues that arose in the group with their own organisations to test feelings about it and to come back to the next group meeting with those new insights.

The discussions in this group, did they concern themselves with the government structures in relation to black people in (30

the homelands, independent homelands and self-governing homelands other plans that the government was putting forward in relation to the administration and government of black people? -- Yes, definitely, because you cannot discuss constitution or constitutional systems in South African unless those things are part of the discussions. They are very basic to the constitutional structure.

We have heard much here and I am going to use the labels for the sake of convenience, of the black local authorities, as BLA; and the homelands issue and the constitutional issue. (10 In these discussions during this period from 1977 tot 1984, was any attempt made at all to separate them - they were independent issues? -- No, because they are not independent issues and such an attempt was never made because all the participants clearly understood the relationship between those things and the constitution.

The Black Sash itself, did it take an active part in voicing opposition to what was called the black local authorities legislation, the homelands policy legislation from - let us start from 1977, we do not want to go further back unnecessarily (20 except in a couple of instances, was the Black Sash concerned with opposing this legislation? -- Indeed. Can we go one year back because the great concern in the Black Sash was caused by the status of Transkei, which became law in October 1976, giving independence to Transkei, with the consequent denationalisation of several millions of people. The black local authorities appeared to us when it was published or when it was a bill, to be very much of the constitutional proposals because it was to be the alternative to representation in parliament at a national level for black people. We had objections to that legislation

(30

and / ..

and still hold those objections because of the provisions which require a black local authority to be financially self-supporting which meant that the source of its income had to come from rents which meant that rents had to be increased, so that was a major concern of ours.

During 1982 were you aware that a number of acts of parliament was in the process of being passed which we could conveniently label in this court as the Koornhof bills? -- Yes, I was aware of that. The Black Sash called them the Koornhof bills as well, the black local authorities bill, the black community development bill and the orderly movement and settlement of persons bill, and it was the third of those to which the Black Sash diverted most of its energy at that time.

I want to show you a document headed: "You and the new pass laws". What do you know about that document? -- Well, I wrote it and it was published by the Black Sash in 1982.

COURT: We have not got this already?

MR BIZOS: No.

COURT: I have an idea I have seen it before, or something like it. -- Perhaps you saw it at the time, m'lord? (20

It may well be.

MR BIZOS: I am told by my instructing attorney that it may have been found in the possession of one of the accused.

COURT: I think so, and if so, I do not want duplication. Could you just check, please?

MR BIZOS: Yes, there is a recollection that it was found in possession of accused no.5. We will just check.

COURT: We can deal with it in the meantime and we will decide later whether it goes in as an exhibit.

MR BIZOS: I must say that I did not remember this. Yes, (30
accused / ..

accused no.5 tells us that it was found in his possession. It was not handed in as an exhibit.

COURT: If it is not already handed in and you want it to go in as an exhibit, it can go in.

MR BIZOS: I cannot give your lordship an assurance that it is not. I do not know if Mr Jacobs remembers whether..

COURT: Yes, we have so much duplication already, that one more will not make much difference.

MR BIZOS: As your lordship pleases.

COURT: This will go in as EXHIBIT DA.130. (10

MR BIZOS: DA.130. Thank you. Now is that original your own personal copy? -- This is, yes.

And there are certain annotations on it, again in your handwriting? -- That is right.

Like lawyers ought to do. I see you annotated afterwards what happened or did not happen with it. Is that what the annotations are about? -- Yes, the annotations were because we wanted to reproduce some of the pages in other documents and we just had to be sure that it was up to date.

Was this published in September 1982? -- Yes, it was. (20

And does it pay special attention on page 8, the boxed remark: "Now it is going to be worse. The government has written a new law called the orderly movement and settlement of black people bill, persons bill. This is not the law yet. It has to be passed by parliament, but it may be law by the middle of 1984 if we cannot persuade the government to throw it away", and does the booklet deal with the further disadvantage that black people will be under if this becomes law? -- Yes, it does and in order to explain the effects of that proposed law, it was necessary to explain the homelands system and the citizenship legislation (30

because / ..

because those were the key to understanding the law, the bill itself.

And do you also touch up on page 16, on the black communities' development bill that was then being debated? -- Yes, we touched on it briefly at the end because it would have been the development boards that would have had to enforce the legislation.

Yes, but was there talk at the time that people although born in South Africa, but who lived in either the newly independent countries or the self-governing homelands, may be treated (10 in terms of the immigration act? -- Only the people that lived in independent homelands could be dealt with, with the immigration act, but those in the self-governing homelands would have found it very much more difficult to obtain employment in the urban areas.

And on page 17, chapter 3: "What can we do about it", do you set out what people ought to do about it? -- Well, we make suggestions as to what people can do in order to organise to oppose the legislation.

I do not want to read these out, I merely want to draw (20 attention to it, to them, because the document can be...What was the fate of this bill that you wrote this little booklet about? -- Well, the bill was thankfully withdrawn and was never heard of again.

Were you the only organisation, the Black Sash, the only organisation at the time that agitated against the introduction of this bill and the other bills that you called the Koornhof bills? -- No, we were not. I think we were the first but people used this little book and other documents we prepared, analysing the bill, and the churches spoke out very strongly against (30

it. Trade unions addressed their employers and the employers organisations about it. The Urban Foundation did a great deal of work on it and I believe was instrumental at the last, in persuading the minister that the bill should be withdrawn. The opposition to the bill was widespread throughout the country. As soon as the implications were understood, it became a matter of great public concern.

You say that you prepared the booklet, EXHIBIT 130. I want to show you a document headed: "The orderly movement and settlement of black persons bill", which is a typed and zeroxed (10 document, dated 12 July 1982. -- Right.

Did you have anything to do with that document? -- I wrote it.

I ask for leave to hand it in, m'lord.

COURT: Right, DA.131.

MR BIZOS: That is an analysis of the bill in more legalistic terms than those used in the booklet? -- Well, a lay person's legalistic terms, yes.

You describe the bill in the middle of page 1 of DA.131: "Even without this provision, the bill is horrendous in its (20 implications for black people", and on the last page - I would like to read into the record the last two paragraphs:

"This bill is terrifying in its implications for people who have to live within the homelands. It can only serve to increase the dire poverty already existing in those areas. It greatly increases the efficiency and rigidity of influx control. Far from leading to any kind of control over urbanisation process, it slams the door shut in the face of landless rural people, who have to come to town to seek survival. The legislation is totally unacceptable (30

and will remain so whatever changes are made by the commission before it is brought before parliament again. It once more illustrates the impossibility of having any kind of just legislation to control the free movement of persons in South Africa."

Was this given publicity? -- There was a great deal of publicity at that time in the press about the legislation.

And this document that you prepared (intervenes).. -- And this document was part of that, yes.

Can you recall whilst you are on the question of publicity, how many copies of EXHIBIT 130, that is "You and the pass laws", were printed and distributed? -- I have no exact recollection, but I believe it was in the range of 50 000. It was very widely used.

And I want to show you a photo document headed: "The orderly movement and settlement of black persons bills." Sub-heading: "Comment addressed to the churches", dated 31 August 1982. Do you know anything about this document? -- Yes, I wrote it.

And was it sent to the various churches? -- Yes, it was.

I want to read a portion.. (20

COURT: It will go in as EXHIBIT DA.133. -- 132.

Yes, 132.

MR BIZOS: Thank you. I want to read the last one-third on page 2 of EXHIBIT DA.132:

"We are to be the policemen. We will turn people out because we do not wish to incur the penalties. Once they have lost their shelter, they would be forced out of town. What is the church going to say about this? Can the church do anything other than to say to christians that we will be compelled to disobey the law if it becomes law? If we (30

are / ..

are going to say this, we must say it now, loudly and unequivocally, both publicly and to those in authority. South Africa is not an overpopulated country. We have land and resources enough for all the people who live here. Rapid urbanisation does present enormous problems, but given freedom we could work creatively to resolve those problems. The estimated number of squatters in homeland areas near the metropolis is already two million people. Our Lord was crucified outside the walls of the city. Are we now to go on taking an active part in his crucifixion?" (10

Did you write those words? -- I did.

Did you confine yourself to the church or did you send these documents to other organised groups in the country? -- Well, the documents were different and that one was specifically designed for the churches. They went to the churches. The analysis went to people in the private sector, to concerned groups of different kinds, and was the document that the Black Sash worked from when it was engaged in the committee set up by the Urban Foundation to work on this bill, and the small book: "You and the new pass laws", was distributed very widely amongst (20 both black and white public and organisations. It was designed to be a book written so that people would understand what the legislation would mean.

The analysis you speak of is DA.131. -- Ja, that is correct.

We are still during the period of 1982 before the formation of the UDF. Was there any campaign being conducted by the Black Sash in relation to the constitution? -- Yes. I cannot remember exactly when that campaign was launched, but it must have been late 1982 or early 1983.

Yes. -- Because the new constitutional proposals were (30

an issue of grave concern to the Black Sash. We put a lot of energy into opposing them.

Now we will deal later with what happened in 1983 and 1984. I briefly want to put before his lordship a number of documents of what you, as the Black Sash, did to oppose the new constitution before the formation of the UDF. I want you to please have a look at the minutes of one of the meetings held at Houghton, 29 Fifth Street, Lower Houghton. The minutes of a meeting of 18 August 1978. Were you present at that meeting? -- I think I was not present at that meeting. (10

Were these minutes referred to at any subsequent meeting which you did attend? -- Yes, they must have been. I mean I cannot recollect exactly what would have been said about them, but they deal with the subject of those group meetings.

Would you please have a look at what the minutes contain and whether you became aware of anything - was taking part in this group, whether you became aware of anything contained in these minutes. -- Yes, definitely. I knew all the issues raised in the minutes.

Before I ask you to produce the one of the 18th, was it (20 the only meeting at which this sort of thing was discussed or was it taken up at subsequent meetings? -- No, they were all taken up at subsequent meetings. These issues were basically the subject of the group discussions that went on until 1984.

And were these the minutes of the ad hoc group of which you were a member? -- That is right.

I want you to have a look at further minutes in support of our application to his lordship to admit the one of 18 August 1978, even though you were not there. Were you present at the meeting of 3 Desember 1978? -- I was. (30

And were similar discussions going on in Desember 1978? --
Yes, they were:

I would ask your lordship to receive both minutes. They were in furtherance..

COURT: The minutes of 18 August 1978 will go in as DA.133.
The minutes of 3 December 1978 will go in as DA.134.

MR BIZOS: Thank you. There is a portion of EXHIBIT DA.133 that I would like to read into the record. Immediately after the word "Apologies", it starts:

"The meeting was opened by Mrs Harris, who outlined the (10 purpose of calling this meeting, to initiate a campaign against the proposed new constitution.

(2) to consider calling (typed) a national convention but (struck out).."

Can you read the... -- I can.

Yes, what does it say? -- It says "or an on-going consultation".

"To propose a positive viable alternative to the government policy, to prevail on PFP not to participate in the new constitution, to bolster opposition with African, (20 Coloured and Indian quarters; to work out whether this campaign is to be run on a regional or national basis; tactics and strategy."

Were these meant as matters which became the concern of this group after this meeting? -- Yes, they were.

And on page 2 I would like to read the first two paragraphs into the record:

"Mrs Harris pointed out that unfortunately there is antagonism between the different groups, among the Black, Coloured and Indian communities, but this is one time everyone (30

must get together with a common purpose in mind. Mrs Godsell said that she felt the whites today are suspicious as to whether blacks will work with them. She also feels that the PFP leaders must be involved now in negotiation with this committee. She proposed that all those present plus additional people they recommended be invited to the next meeting, where everyone will come together to discuss if there is any common ground on which to fight the new constitution from an on-going consultation. This proposal was accepted by all those present." (10

Did this continue until December, and I would like to read from the second paragraph on page 2:

"People discussed the mechanics of a national convention. It was generally agreed that the government would never be persuaded to call a national convention and the question arose as to whether some kind of freedom charter or tennis court oath would not be a more suitable strategy. It was strongly suggested that the formation of a popular movement be investigated. Bishop Tutu said that whites needed to be quite clear about the consequences of their action (20 and they needed to commit themselves irrespective of sacrifice in the same way as the black community has. It was agreed that it was important to have something positive to motivate people towards. It was agreed that an important function of the group was to discuss ways and means of getting all opposition groups to act together, if necessary outside parliament, as an effective opposition. The blacks strongly recommended that the Progressive Party leave the parliamentary structure and refuse to collaborate. It was emphasised that no constitutional plan would be (30

acceptable if it were drawn up by one group in isolation from the others. Mrs Duncan said that it was important to have some kind of vision on what South Africa would be like after liberation. Dr Motlana said that the black conscience-movement had a very clear vision of the future, but were not prepared to discuss it in the present political climate. Mrs Godsell said that she thought that it was unwise for any group to devise a plan in isolation from other groups. The point was made by Bishop Tutu that protest politics could be used to teach the people to question authority. He also said that every movement needed to be able to count its successes, therefore it might be advisable to set limited objectives which could be achieved. It was pointed out that all black initiatives had been banned before they could get moving. Dr Motlana spoke particularly about the BCP experience. He said that small initiatives had more chance of surviving than large ones. Mr Mateman raised the question of whether it was not possible to achieve more through government structures than by non-participation. Mrs Duncan said that she was worried(20 that participation also enabled the government to contain the opposition."

COURT: What is a "tennis court oath"? -- My history is very - it was not me that said that, but it is - I suppose you could call it an alternative structure when people came together and made a declaration.

To which particular incident does it refer? -- French, it is French history.

MR BIZOS: I do not know if your lordship is applying strict judicial ignorance. Your lordship will recall that the (30
parliamentarians/..

parliamentarians call together by Louis XIV were chased out of the chamber when they did not agree with what he wanted, and they gathered together at the tennis court adjoining the house of parliament and took an oath that they would not go away until such time as the reforms that they had been called together to implement, were achieved. Events as we know took a different turn. Then Dr Motlana was asked to explain why the committee of ten had refused to participate in the community council elections:

"She said that their decision had been based on the fact(10 that the community councils were not seen by government as a city council, but rather as a consultative body joined to the homelands, which would be manipulated by the government in control of urban blacks. The committee of ten had prepared a blue print which was being very moderate and mild, and which had been worked out by the people themselves. This blue print had been rejected. The primary provisions in the blue print had been: a city council to control Soweto, based on freehold tenure. The city council would have needed to raise money from property taxes; they rejected any linkage with the homelands, but were prepared (20 to accept linkage with other city councils in the metropolitan area. The meeting then discussed future meetings. The next meeting would be held on Sunday, 14 January 1979, at Mrs Harris' house. The meeting then discussed the agenda for the following meeting. Suggestions included the establishment of a Kliptown freedom charter movement; the drafting of principles on which there was consensus; a discussion on the values of participation in government structures, or non-participation. It was agreed that (30

most people present were in favour of non-participation, but all pros and cons needed to be examined in order to persuade the various parties. It was agreed that the PFP representatives would give their reasons for participation. I am not sure whether Mr Richards agreed to present case for participation or not. The meeting would also develop a point by point argument on why they disagreed with participation. Strategies of non-participation would then be discussed."

And then some people were supposed to get hold of other people. The next document that I would like you to have a look at - (10 m'lord, the minutes during this period would be referred to for various reasons. I do not intend reading the minutes on all the aspects. I will refer back to the exhibit under the various topics. Would you please have a look at the minutes of your national conference held from 13 to 15 March 1979? Were you present at that conference? -- I was.

And are those the minutes of that conference? -- They are.

COURT: This will be DA.135.

MR BIZOS: Thank you. Would you please have a look at page (20 10 of this document. It is a handwritten 10 and not the typed page which is an 8. It is handwritten, the 8 is struck out and 10 is written on top. The last one-third of page 10 of EXHIBIT DA.135.

COURT: It seems that some pages are missing. -- The back of page, of some pages is blank.

Oh, the back of page 7 which should be page 8, is blank.

MR BIZOS: I think that is so in the duplicate..(simultaneously) -- Yes, page 8 is there.

COURT: Should it be like that? -- Yes, that is how the (30 minutes / ..

minutes were assembled, I am afraid.

MR BIZOS: Yes. Your lordship's copy corresponds with the original, but it is the original which is deficient.

COURT: Thank you.

MR BIZOS: The typewritten page, but it is actually page 10. It has been corrected. There was an item: "South Africa, the road to a just society" and Miss Laurene Klatsky delivered Mr Sean Archer's paper, and after that constitutional campaign: "There was much discussion on the line to be taken by the Black Sash and the nature of any national campaign. The(10 necessity for..(hesitates)..

-- Impact.

Continues reading:

"..impact on the public was emphasised. The following were suggested: "Referendum whereby the public were asked to return forms; a layman's guide to the constitution be published; a newspaper advert; Black Sash would concentrate on exclusion of minorities; billboards, different ones every week; newspaper adverts and handouts; Manny Burton maintained that Black Sash was richer in women power and(20 in money and handouts meant involvement for them; a campaign which emphasised that whites could be under a dictator; picture of a black woman and children, emphasising their exclusion; call for a referendum; car stickers and logos; long narrow stickers suggested; symbol (like badge) to appear on everything connected with the Black Sash that is published. The following resolution was proposed: that Black Sash finds the new constitution totally unacceptable, because it excludes three quarters of the population of South Africa, namely 16 million Africans. It (30 therefore /..

therefore resolves (hesitates)..

COURT: Solves.

MR BIZOS: Solves, I am sorry. (continues reading)

"It therefore solves none of the problems with which the country is faced, hinders the process of shaping an alternative future and can only lead to escalating conflict, violence and suffering. Every..(hesitates)..

I am sorry, m'lord.

COURT: Yes, you must take page 11 now.

MR BIZOS: Yes, but my - I am sorry, mine is incorrectly..: (10

"In the interests of peace and justice, the Black Sash rejects the proposed new constitution. We will not waste our resources in criticising and opposing details of a refined apartheid plan, for entrenching white power and privilege. We will use our resources to expose and resist as energetically as possible, the Balkanisation of the country, the division of its black people into relatively powerless ethnic units and the co-option of minority groups such as Indians and so-called Coloureds into the white power structure, and we will continue to co-operate with all (20 people of goodwill in the struggle for human rights and liberties for all South Africans."

And the resolution was agreed, is that correct? -- Correct.

The resolution was passed. -- Correct.

And an addendum to it:

"The following proposed hand-out on the constitution was tabled for consideration by headquarters and regions:

Message for 1979:

South Africa is a black country in which some whites live.

The proposed new constitution is for white country in (30

which / ..

which no blacks would have human rights. Such a constitution is no use to South Africa and no use to us. Throw it out."

Was that suggestion implemented as far as you know? -- Not as far as I recollect. The theme was, but not in those words.

Did you publish a booklet: "You and the new constitution. Vote no with a X (cross?), put South Africa first"? -- Yes, we did.

What do you know about that booklet? -- I wrote it.

COURT: It will go in as DA.136. -- May I be seated now, (10 please?

Yes, we will take the adjournment within half a minute. -- Oh that is fine, thank you.

MR BIZOS: I see that this has a date on it on the inside, August 1983? -- That is correct.

THE COURT ADJOURNS FOR TEA / THE COURT RESUMES

SHEENA DUNCAN, still under oath -

FURTHER EXAMINATION BY MR BIZOS: Thank you. We were busy with EXHIBIT DA.136 before the adjournment. You recall that the publication date is given as August 1983. We know that the (20 United Democratic Front was inaugurated on 20 August 1983 nationally in the Cape, Cape Town. Can you recall whether you wrote this or whether it was published before or after the inauguration of the UDF? -- I do not recall that, because it was not prepared in any way with regard to the formation of the UDF. It was a document directed specifically at the white electorate for the referendum and we must have started working on it considerably before August, if that was the publication date.

Yes. -- But I cannot remember exactly.

There are one or two passages to which I would like to (30 draw / ..

draw attention in this document. On page 1 inside the cover, you say:

"The answer must be no, because this constitution is a recipe for conflict in this country".

-- Yes.

On page 2, the boxed section:

"The constitution for any country must be one which will last. A constitution must not be unilaterally devised. A constitution must be generally acceptable to all citizens if there is to be peace. This constitution is totally (10 unacceptable to the vast majority of the people in this country. Black leaders of all political persuasions have unequivocally rejected it. This constitution cannot possibly work, it can only lead to an escalating conflict."

Then I want you to please have a look at the last paragraph on page 4:

"By permanently excluding the majority of people in this country who are black, from participation in the process of government, the new constitution slams the door shut to any evolutionary change towards democracy." (20

And the first paragraph on page 5:

"Vote no, so that the government is forced to leave things as they are until such time as all the people of our country can come together in a national convention, to design a constitution based on the will of all the people. That is the only way to reduce the escalating conflict in South Africa and to move towards the establishment of a just and peaceful society; choose negotiation and peaceful change
Vote no to the new constitution."

And the next section: "Conflict or negotiation": (30

"The vast majority of people in South Africa are black Africans. Like people everywhere, they justly demand full participation in the government of their own country. If they are excluded from such participation, violent conflict is inevitable. The National Party government has chosen to exclude them and has thus chosen the path of conflict rather than negotiation. The new constitution excludes African participation altogether. The government says that African people must find their political future through their homeland governments only. In 1970, the government (10) passed a Bantu homeland citizen act. The act says that every South African black person is a citizen of one or other of the homelands. When a homeland takes independence every black person in South Africa who speaks the language of the homeland, ceases to be a South African citizen on the day of independence."

Then you set out when the various countries took independence.

I do not want that on record, but:

"Over eight million people had their South African citizenship taken away from them in five years between October (20) 1976 and December 1981. The South African government claims that they, therefore, have no right to political participation in South Africa. It also claims that all black people must exercise political rights in their homeland, but black people are the majority in this country, technically foreign or not. A constitution that excludes them is nonsense. Vote no to this constitution. Give us all a chance to begin again."

Now I merely want the last paragraph, the second last paragraph on page 13:

(30

"It / ..

"It is a giant stride towards dictatorship and inevitable disaster."

Was wide publicity given to the document you wrote and which is before his lordship as DA.136? -- Yes, as far as I remember there was a considerable amount of (intervenes)

Can you remember how many copies of this were printed? -- I do not remember. It would not have been that many thousands, but it did have quite a wide distribution I understand.

Was it thousands? -- Thousands.

I want to ask you this. These statements you wrote, (10 like recipe for conflict, that there will be no peace, violent conflict is inevitable; did you regard them as any kind of incitement to violence by anybody? -- No certainly not. They were intended to be a warning and subsequent events have proven that they were fairly prophetic.

Prior to the formation of the UDF in 1983, did you accept a number of speaking engagements? -- Yes, I did.

At various places in South Africa? -- Yes.

Did you speak out about the new constitutional proposals? -- Yes, I did consistently and over and over again. (20

Did you couple the constitutional proposals with the Koornhof bills? -- Very often I did, because it was part of the same process.

I want you to please have a look at some notes. -- Thank you.

Do you recognise those notes? -- I do.

What are they? -- They are notes of a speech that I delivered at Rhodes university at Grahamstown on 22 February 1983.

COURT: DS.137.

MR BIZOS: As your lordship pleases. Now they are headed: (30

"Rhodes / ..

"Rhodes University, Grahamstown. 22/2/1983".

And the first note is: "Asked to talk to you tonight in the president's council, the orderly movement bill and militarisation". Did you use these notes to deliver that speech? -- I did.

Were the newspaper persons present to hear you? -- I do not remember, but probably yes.

Will you please have a look at page 5? -- Yes.

The constitutional proposals. Did you, although it would appear from the introduction that it was not part of your (10 brief, did you nevertheless speak on the constitutional proposals? -- I did, but it was - Oh, I see, yes. The reason for that "Asked to talk to you tonight in the president's council", is that that was a sort of common way of referring to the constitutional proposals at that time.

At that time. I see, yes. Whilst we are on page 5, there is a note there: "Labour Party decision elicited an immediate angry response". What were you referring to there? -- Well, I cannot remember now the exact date when the Labour Party made its decision to participate, but if - that is what I would (20 think it would have referred to.

Yes. -- Whether there was an earlier decision that elicited an angry response, I cannot remember.

Well, if I were to tell you that the evidence before his lordship is that the decision by the Labour Party to withdraw from the black alliance and to participate in the new constitutional dispensation, as it was then called, was on 4 January 1983; what angry response would you have referred to? -- Well, friends of mine who had been within the Labour Party, who resigned over that issue, there was an angry publicly spoken (30 response / ..

response from a wide variety of different groups in the black community at that time.

Yes? -- And a very angry response as far as I remember from Chief Buthelezi.

I want you to please refer to page 7, under the heading: "The propaganda machine creating the image of an enemy. Who is SWAPO? What is the war in Namibia, in South Africa? Who is the enemy? Our sons and brothers." What did you say about that? -- Well, one of my own personal major concerns has been the way in which the government and authorities in South Africa created this image of an enemy. It is a recurring theme in some of the speeches that I have given, and that it is important for us to realise who is it that we are fighting against. The people we are fighting against are our brothers, our fathers, our sons. They part of the whole people. They are not an anonymous mass from another part of the world coming to attack our borders.

Yes, according to these notes on page 8, there is a quotation of an editorial written by Mr Ken Owen, the editor of the Express. Could you read out that portion of the editorial, please? -- Witness reads: (20

"The trouble in this age of experts is that civilians tend to look on military officers as though they were experts on questions of war and peace, which is politics; whereas most of them are merely experts on fighting. If you are looking for a resolution for the new year, it might be this. To retrieve our future from the hands of the war-mongers whose hysterical exaggeration of our military danger is weakening the nation."

Leaving aside what you personally did, did your organisation the Black Sash in its minutes of 1982 national conference (30

held from 12 to 15 March 1982 in Durban, did it take any decision in relation to this? -- In relation to militarisation or..

No, no, the constitution campaign. Would you please have a look at page 13 going onto page 14.

COURT: The minutes will go in as DA.138.

MR BIZOS: Thank you, item 17 on page 13. -- Yes, we had a very long discussion of the constitutional issue.

Yes, I would like to read that into the record, please.

"Agenda, item 17. Conference moved into committee. Constitution campaign. (10

Joyce Harris reported fully on the progress made in the Johannesburg group and the difficulties which had been experienced by the leadership group. She outlined the idea of a constitutional convention movement and described the way in which unwanted and inaccurate press publicity (switched over to new cassette)..damaging to participants. The Johannesburg group continues to meet regularly under Joyce's leadership and a trusting relationship between members has developed."

K1335

Then on page 14D, Black Sash strategies: (20

"During a wide range in discussion the following issues were raised. Some regions have experienced disagreement between members during the past year on Black Sash involvement with other groups, particularly the emergent trade unions, but also with various ad hoc committees dealing with issues such as opposition to the 1981 Republic Day celebrations and the boycott of the SAIC elections. Whether or not to support consumer boycotts of products during industrial disputes is a recurrent challenge. This debate has been the cause of some distress to members in Durban. There is also (30
argument / ..

argument between those who feel that maintaining Black Sash credibility in the black community is of overriding importance and those who feel that the maintaining of credibility cannot be the basis of Black Sash action in any circumstances. Some members feel that they are manipulated by those who wish to press for a socialist economic system as being the only way in which injustice can be rectified. They fear that concentration on this viewpoint is tending to exclude the values for which the Black Sash has always stood. Some members feel that concentration on human rights often denies the values enshrined in the phrase civil liberties. Others do not see any contradiction in the two concepts and believe that one encompasses the other. After airing these problems and discussing concrete issues on the conference agenda in relation to Sash strategies for the coming year, delegates found themselves in agreement that there is no fundamental disagreement about Black Sash principles and that there is a real concensus amongst members. In spite of different options or strategies, all members of the Black Sash will continue to uphold the moral principles ..

(intervenes)

COURT: Opinions, inspite of differing opinions on strategies.

MR BIZOS: I am sorry. (Continues reading) -

"..differing opinions on strategies, all members of the Black Sash will continue to uphold the moral principles for which they had always worked."

Apparently there is some confusion with one of the pages of the document for the state. I have given Mr Jacobs our assurance that we will put it right. And at the bottom of that page:

"Resolution on non-violent action":

(30

"We / ..

"We commit ourselves to principled non-violent action for change towards justice and liberation. Such action which includes the withholding of support for example as consumers should be used as appropriate in particular situations".

Now there are one or two questions that I want to ask you about this. On page 13, the bottom, which group is being referred to there? -- The group is the ad hoc group convened by Mrs Harris in 1977. The other reference to the leadership group was at one stage when the members of the Johannesburg group went back to their organisations and spoke to the leaders in an attempt to get leaders there officially as representatives of their organisations. So those paragraphs refer to both those groups, the first one and the leadership group.

We will revert to this document on matters such as education and other matters that we will ask about. Will you please have a look at the minutes of the Black Sash, the national conference held on 10 to 13 March 1983 in Cape Town and more particularly at page 5.

COURT: This will go in as DA.139.

MR BIZOS: Thank you. On page 5, the subheading: "Constitutional proposals", agenda item 12:

"Joyce Harris read a paper to introduce a discussion, conference document no.13. Joyce was thanked and congratulated on the quite brilliant clarity of her paper. Cape Western tabled two papers, conference documents 14 en 15: "Memorandum on the present constitutional proposal" and "The planned new constitution". The second paper containing a warning that the public debate on the constitution should not divert us from concentration on other crucial and fundamental issues, was read and proposed as a Black Sash (30

policy statement. A wide ranging and very lengthy discussion followed on how the Black Sash should oppose the new constitution, or whether or not to adopt the Cape Western statement and on co-operative strategies. Differing interpretations of the word "negotiation" led to some heated debate. The following statement was proposed by Joyce Harris, seconded by Sheena Duncan and carried unanimously:

Statement of constitutional proposals

The Black Sash totally rejects the government's constitutional proposals. The Black Sash believes in a common (10 citizenship in a unitary society, with political representation for all through universal franchise. Cape Western was thanked for reminding us that it is very easy to become diverted from basic issues. Their paper was received with thanks but not accepted as a policy document. The Western Cape agreed with this."

We will refer to the next item there at a later stage. This is all at this stage. During 1983 did you become aware of the formation of the United Democratic Front? -- I did.

How did you personally view its formation. Favourably (20 or unfavourably? -- Very favourably. I regarded it as a most constructive and creative political event.

Perhaps before asking you to say anything more, we should refer to the minutes of the national conference of 15 to 18 March 1984, held in Johannesburg, and more particularly to pages 7 and 8 of that document.

COURT: This will be EXHIBIT DA.140.

MR BIZOS: As your lordship pleases. It is headed: "Closed Session" - what does this mean, "Closed Session"? -- Well a closed session is just the conference going into committee. (30

It is a perfectly normal way of conducting one's affairs where one is going to want a very open discussion, with people feeling free to express their opinions without the press being there.

Yes, the sub-heading is: "The Black Sash relationship with the UDF":

"Two resolutions were on the agenda relating to this.

(1), that Black Sash work actively towards affiliation with the UDF; (2), the Natal coastal region requests that conference ratifies its decision to affiliate with the United Democratic Front under the circumstances which (10) prevailed at the time of the affiliation. Joyce Harris introduced a discussion with extracts relating to the UDF from the headquarters report and her paper on the post-referendum political situation. Mary Burton reported that Cape Western's last regional conference has requested that the wording of the resolution be changed to: That this conference of the Black Sash should discuss the pros and cons of affiliation to the UDF. However, she agreed to let the resolution on the agenda in Cape Western's name to stand, to facilitate the debate. The regions reported (20) on discussions they had had with their members and their existing relationship with the UDF. Cape Eastern attitude UDF meetings, but has had no formal discussions with Black Sash members in Port Elizabeth.

COURT: Attends.

MR BIZOS: I am sorry:

"Cape Eastern attends UDF meetings, but has had not formal discussions with Black Sash members in Port Elizabeth. Albany has had little contact with the UDF and no formal discussion with members. Natal Midlands work closely (30

with / ..

with the UDF in Pietermaritzburg and feels itself to be part and parcel with them, but has not affiliated. Natal Coastal affiliated at the time of the formation of the UDF and works with the UDF regional council. They have not experienced any difficulty whatsoever in maintaining their independence and no pressures of any kind have been exerted on the Black Sash by the UDF. However, at the last Black Sash regional meeting, members were divided about the Cape Western resolution. Transvaal reported that at their last regional conference, 24 members had voted against affiliation, (10 10 for, with 10 abstentions. At Cape Western's conference 15 delegates have voted against, and 9 for. A vote taken of members present resulted in 30 against and 13 for. A lengthy discussion took place in which strong arguments for and against affiliation took place. A straw vote was taken on the resolution, showed 14 delegates for affiliation, 14 against, with 5 abstentions. As it was clear that there was no possible two-thirds majority for the resolution, Cape Western withdrew the resolution and the following statement was adopted, with 9 abstentions and no-one (20 voting against.."

What is a straw vote? -- It is just a way of testing without putting a resolution formally. People are asked to indicate which way they, how they feel.

Get the feeling of the meeting? -- That is right.

And the statement:

"The Black Sash wholeheartedly endorses the declaration of the UDF in its opposition to the new constitution and Koornhof bills, and welcomes its formation as an event of great political significance. The 1984 national (30 conference / ..

conference of the Black Sash has decided not to seek affiliation with the UDF, but to seek full co-operation with it observer status for its general councils, and participation in its campaigns wherever and whenever possible. Sheena Duncan congratulated delegations on the way in which the debate had been conducted with restraint and reason and tolerance. The following day, Ann Colvin read a statement to conference, expressing her anger and her feeling that we had made an innoble decision and had nothing whatsoever to be proud about. Delegates expressed their admiration (10 for her courage in saying so and their regret that the Black Sash had not been able to take a decision to affiliate. The Natal Coastal resolution was then discussed. Solwyn (?) Pate explained that the region asked conference to ratify their decision to affiliate taken at the time and then the circumstances in which the decision was taken, but they would now act in accordance with the decision taken by the national conference. The resolution was adopted unanimously."

Was that the formal position in relation to the UDF/Black Sash relationship? -- It was. (20

COURT: What were the arguments against affiliation? Not all of them, but just the gist of it. Was it the question of independence? -- It is the question of independence as a political pressure group. The Black Sash has never affiliated ever to any other organisation and a great many of our members felt that we should maintain that complete independence.

Yes, thank you.

MR BIZOS: Was there any other attempt to get you to affiliate with any other organisation prior to this? -- Yes, I remember one some years prior to this where a resolution was put on our (30

agenda that we should affiliate to the Institute of Race Relations and that was also defeated at a conference.

You yourself, what was your view in relation to affiliation?

-- At the time I wanted the Black Sash to affiliate, but I was convinced by the argument on retaining our independence, as a human rights group and a political pressure group.

Now in deciding to co-operate with the UDF as an organisation and in its campaigns, what was the basis of that decision? Why did you agree to co-operate wherever and whenever possible?

-- Because in the first place the Black Sash historically (10 will co-operate with other organisations on issues of mutual concern, but in this particular instance because the formation of the United Democratic Front was so welcome to us, and we did believe that united action on issues is of the utmost importance and therefore we wanted to offer them wholehearted co-operation wherever a campaign of theirs or an issue was also of concern to us.

Were you aware of what was stated in the declaration of the UDF at the time that this discussion took place? -- Yes, we were.

What was your attitude to that declaration? -- I felt (20 very positive about it. I can no longer remember it in any detail

Was there any arrangement for anyone from the Black Sash to attend the meetings of the UDF as observer or in some other capacity? -- Yes, after that conference this arrangement was made and subsequent to that Mrs Abrey Coleman, who is an active member and who has been an office bearer in the Transvaal region of the Black Sash, and a national office bearer, was attending UDF regional council meetings in her capacity as a representative of the Detainees Parents Support Committee. Thereafter she became our formal link with the UDF. (30

And / ..

And did Mrs Aubrey Coleman from time to time report what was happening on the Transvaal council or executive.. -- Yes, she did. We kept in very close touch with public campaigns of the UDF.

COURT: So in fact you did not have observer status, you utilised an existing member of the regional council? -- Yes, we did. We were granted observer status by the UDF, but the easiest way to make use of that was just to say well, as Audrey was there it is sufficient.

And not to duplicate? -- Yes, that is right. (10

MR BIZOS: Now were you aware that the UDF had called for - was calling for a national convention? -- Yes, we were aware of this.

Were there any preconditions that you became aware of? -- The ones I remember which are also agreed to by the Black Sash is that political prisoners must be released; there must be a free return of all exiles and organisations' representatives, all the banned organisations should be unbanned before it would be possible to enter into any process such as a national convention.

Was the call made by the UDF for a national convention (20 substantially dissimilar to the call that you as the Black Sash and more particularly the ad hoc committee headed by Mrs Harris have been made? -- It was not different at all. It was the same thing.

COURT: Did the Black Sash as such call for a national convention or only that ad hoc committee? -- No, no, the Black Sash as such had done so many years before that. It was one of our accepted and agreed principles or policies.

MR BIZOS: We will refer your lordship to a minute in due course in that regard. Did you know at that stage that various (30

civic associations, women's organisations, youth organisations, trade unions, scooter rider associations etc, were in existence throughout South Africa? -- Yes, we did know that.

We have also heard evidence from one of the witnesses that she came to some sort of a training course organised by the Black Sash. Is there a project for the establishment of advice centres in the Black Sash... -- Well, it is some, it is work of the Black Sash without necessarily being a project. Bishop Tutu, when he was general secretary of the South African Council of Churches, asked me in 1978 if the Black Sash would assist in (10 the training of people to run advice offices in the churches, and that training programme started in 1978 and is now of considerable extent. It very rapidly became a programme not just for churches but much for community groups and youth organisations who see the establishment of an advice office as an organised way of addressing grievances of people in a particular place.

Instead of asking you to give a detailed description of what the purpose was or what its nature is..(intervenes)

COURT: Could I just ask a question here? If the advice (20 office is an organised way of addressing or redressing grievances is it not something of a civic then? What is the difference between the civic and an advice office? -- Well, an advice office might be one part of the projects of the civic association. They very often are established by civic associations, but the difference is that it is a para-legal service dealing with individual people who come because they have a problem of one kind or another and if that problem - if you find that it is a common problem to a great many people, such as for example old people not receiving the old age pensions to which they are entitled, the advice (30 office / ..

office will then look at that as not a problem of a collection of individuals, but as a problem of that community.

Would the advice office merely give legal advice of some sort, or would the advice office act on behalf of the person like - well, they might not act as lawyers, but something akin to lawyers, and approach say the employers or whatever it is, the authorities? -- No, an advice office never gives legal advice, para-legal advice and the..

What is the difference between para-legal advice and legal advice? -- Well, as I understand it, you cannot claim to give (10 legal (simultaneously)

Is the one correct and the other one incorrect? -- No, as I understand it you cannot offer legal advice unless you are a lawyer.

Yes. -- And these advice centres are not run by lawyers, they are run by lay people. The philosophy behind those advice offices is to enable people to understand what the law is, to make choices about how they wish to act, and support them through the process of them acting for themselves.

Let me give you an example. Say for example A - call it (20 a client - has not been paid his wages. I take it the client comes to you, you advise the client on his or her rights, but do you then take it further and write a letter to the employer for example? -- In some cases we might, but that is a matter for discussion between the client and ourselves, how does he wish to handle it. If he is a member of a trade union, we always refer him back to his union because that is part of the learning process; that you are a member of this union to whom you are paying dues. If they are non-unionised people, then it is a discussion between them and ourselves after checking the government

gazette for the correct wage determination, explaining what he was owed. Then he has a series of options. He can try us to phone the employer and try and negotiate. He could go to the department of manpower and report his complaint there, and they would take action; or he could approach the small claims court, depending on the amount of the claim. And it is for the client to decide what he wants to do.

Yes, thank you.

MR BIZOS: Did you in January 1984 write notes on the establishment of advice centres? -- I did. (10

Are these those notes? -- Yes, they are.

COURT: These will go in as EXHIBIT DA.141.

MR BIZOS: As your lordship pleases. Would you have a look at the middle of page 1. You say there in capitals it is against the law for any person who is not a lawyer, to charge money for giving advice about a black person's pass or pass problems. Was that the legislation at the time? -- It was. It was a section in the urban areas act.

And do you here explain at some length what the purposes of the centres are and how they should be run and the benefits (20 that are to accrue to people who make use of their services, and how people should behave in relation to clients. Incidentally, you do not take any money from anyone that comes there for advice? -- Never.

But now, you have already answered his lordship, do you co-operate with civic associations in various areas? -- Yes, any organisation that approaches us and said we want help in starting an advice office we will help, and a great many of them have been civic associations.

Did you, had you had prior to 1983/1984, have you had (30
any /..

any experience in dealing with civic associations? -- Yes, I forget dates very easily, but the training programme was well established prior to 1983, and some of the people who came to us were from civic or residents' associations.

Did you regard them as alternative structures, and if so, in what sense? -- I suppose they could be described as alternative structures because if the official structures do not respond to the needs of the people, then alternative structures need to be set up. If the department of man power for example is not assisting workers with complaints, then any advice offices (10 becomes an alternative structure in the same way as a civic association might be acting as an alternative structure because the civic authorities are not properly doing their work or responding to what people want.

Did you ever view them as bodies that were ready to take over the community councils or the town councils, to run the townships or to perform statutory duties, take over and overthrow the existing structures? -- No, certainly not. I have never regarded them in that light.

And did you ever regard your advice centres as an alternative (20 native structure in the sense that you wanted to do away with the courts or all our professions? -- No, certainly not (laughs).

And did you have anything to do with youth organisations? -- Yes, several of the advice offices have been started by youth organisations at different places. In fact, that is very common and we have had association with youth organisations through that in particular, but also youth organisations have approached us for information about issues. For example the youth organisation at Tumahole and Parys once invited me to go and speak to a meeting of their members about section 10 of the urban areas act (30

and how pass laws worked. So there has been a range of different contacts with youth organisations and civic associations over the years.

The young woman who gave evidence said that she had training in relation to the unemployment insurance fund, as a result of a course that she attended. Perhaps it is a good example of illustrating what your advice centre does, but what is the problem with the application of the unemployment insurance act benefits that are due to people? -- Well, there are three or there have been three major problems. One is the failure of (10 employers to comply with the law by ensuring that a dismissed worker is handed a properly completed contributor's record card; that is one major problem. Sometimes in the past that problem was because the employer was employing unregistered workers and it was therefore illegal, so he never registered them for anything but now it is apparent that that was not the only problem, because employers are still very grossly negligent. Another problem was the gross inefficiency in the administration of the fund by the department of manpower. That certainly in the urban areas has been vastly improved over the last few years, al- (20 though it..(intervenes)

COURT: Just a moment. Is that now in the payment of unemployment insurance? -- Of unemployment benefits.

Getting it paid? -- Ja.

Is that what they call the "blue card"? -- That is right. But that aspect has improved and the third problem that we are addressing at the moment is that citizens of the independent homelands inspite of the pass laws being repealed, citizens of those homelands are told that they have to go all the way back to their home area in order to claim benefits, unlike other (30 workers / ..

workers who can claim their benefits where it suits them to start their work for another job. And that is an issue that we believe that the administrators of the fund are wrong in issuing that order and we have been taking steps to bring action in the supreme court with regard to that.

MR BIZOS: Would you describe your advice centres' programme I am calling it in shorthand - as mobilisation and conscientisation and politicisation of people? -- Yes, I think I would describe it as that, because it certainly has mobilised members of the Black Sash into understanding the horrors of so many of the apartheid laws. That is actually the advice offices which were established by the Black Sash in the early 60s, have certainly mobilised our members into understanding. I think mobilising and organising citizens of a country against unjust laws is an obligation on citizens, so I believe that the advice centres do have a part to play. In some cases it has been very clear, if you would like to give me an example, to give you an example.

COURT: Yes, if counsel requires it.

MR BIZOS: Yes, please do. -- A group of old women at a place called eKuvukeni in Natal who were not getting their pensions and they asked me to go down and assist them with this, and we finally the course of a whole day workshop, they described to me what was happening, but they did not know the reason why. I described to them what the law said, and the administrative process in getting pensions. They then identified the cause in their area of why they were not getting them, which was corrupt clerks at the pay-out who were stealing their money, and they then decided what they would do about it. And they succeeded, and I think that is an example of mobilisation and

(30

organisation/ ..

organisation that that group of people showed. Al they lacked was the information on which they could act, and they in fact succeeded in having the officials who were stealing their money arrested and convicted of theft, and the problem was rectified.

Once the UDF was formed, we know that the offices of the UDF were (intervenes)

COURT: No, we have not had politicisation yet. -- Oh, politicisation.

MR BIZOS: Yes well, what do you say about.. -- Yes, politicisation certainly. It is a duty and obligation of citizens (10 of a country to be informed about an act in political situations and therefore politicisation is as important a task as mobilisation and organisation. There is no issue that one can think of from the price of bread through to worship in church on a Sunday that is not political.

This work that you have described, have you as a Black Sash you personally, have you done it before the formation of the UDF? -- Yes, from 1978 onwards.

And did anyone suggest to you that you were doing anything unlawful, that you were furthering any conspiracy to over- (20 throw the state or to bring about disorder by any of the things that you have described? -- No, they have not.

Your offices, where were your offices during 1983, 1984, 1985? -- They were in Kotze House in De Villiers Street. Prior to that we had had to move so often, that I was just trying to be accurate.

COURT: That is in 1983?

MR BIZOS: From 1983. And the UDF offices, were they in Kotze House as well? -- Yes, they were.

COURT: How big is this Kotze House? It seems to me everybody(30

is in it. -- It is not a very big building. It is six storeys high, with one basement level for parking, and it is not very big. It basically houses the South African Council of Churches, also the Anglican Church national offices; and various other small organisations.

And whose building is it? -- It belong to the Kotze House Board. It is a separate trust that owns the building.

MR BIZOS: It house the Automobile Association before that, in De Villiers Street.

COURT: The insurance company that went bankrupt? (10)

MR BIZOS: No, the actual association. Where you got your international driver's licence.

COURT: The AA?

MR BIZOS: The AA, yes, that is what it was before.

COURT: Thank you.

MR BIZOS: And we know that the UDF had its offices in Kotze House? -- Yes.

Di you meet the national secretary, Mr Popo Molefe; the publicity secretary, Mr Lekota, there? -- Yes, I did, frequently.

And what about Mr Chikane? -- Yes, I remember Mr Chikane in Kotze House as well.

Accused 19 and 21, you remember them. Were you approached in relation to any campaign? -- Yes, the one I most clearly remember is the million signatures campaign where I think we made the approach to the UDF as far as I recollect, to say that if they wished us to have their campaign forms in our office, we would be happy to inform people about them and to collect signatures.

And did you collect signatures? -- We did collect signatures, yes.

And did you yourself possibly sign one? -- I did sign it(30

yes / ..

yes.

And did you think that by collecting these signatures or by signing one of them yourself, you made yourself guilty of conspiracy to overthrow the state, as part of a campaign by the African National Congress, the South African Communist Party and many others? -- Certainly not.

Or that you were taking part in a campaign in order to make the party ungovernable? -- No.

Or to incite people to violence or racial hatred? -- Absolutely not. (10

Now I want to turn to certain specific subject matters and ask you about the attitudes or the activities of the Black Sash. Firstly, boycotts. What is your personal attitude in relation to boycotts, consumer boycotts, bus boycotts and others as a political tool? -- Well, I believe that boycotts are a very good political tool and need to be used in cases where there is no other way in which people can have attention paid to their requirements. I believe that they are a non-violent, strategic, organised and disciplined way of obtaining redress of wrongs.

Now I would like you to please have a look at the (20 minutes of your national conference held from 13 to 16 March 1981 in Grahamstown, and more particularly at page 15, paragraph 20(v)
COURT: This will be DA.142.

MR BIZOS: As the court pleases. It deals with the Republic Festival, the 20th anniversary of the Republic of South Africa, and the following resolution, proposed and seconded by members of the Natal Midlands region was passed unanimously:

"The Black Sash believing that the 20th anniversary of the foundation of the Republic of South Africa is no cause for celebration for a majority of its citizens, and (30
still/..

still less for those from whom South African citizenship has been wrested by legislation, call upon its members and the general public to boycott the Republic Day celebrations on and around May 31, 1981."

Was that resolution passed? -- Yes, it was.

Please have a look at EXHIBIT 138.

COURT: DA.

MR BIZOS: DA.138. The discussion on pages 10 to 11, and the resolution on page 14. On page 10, the second question put to the panel on how far Black Sash should go in support of boycotts was answered first by prof. Natras: should look at boycotts in terms of (1) if labour was laid off, all in support of increased wages. The first posed a moral problem and members should be prepared and council to decide which element is right, but the issue was very emotive. In regard to the second, a decision can be made, but support must be well-organised and it must be realised that some form of sanction on those who break the boycott is implied. Mr Jabulani, in reply to the boycott question, said that society should support the workers by supporting the boycott. There must be some plan and an effort to motivate (20 people and make them aware of the problems of the workers. The boycotters should set themselves a target and then analyse from there. And then on page 14..

COURT: Now just a minute. What boycott was debated here? -- It was a general question in how far should the Black Sash go in support of boycotts. There was no particular boycott that we were discussing. It was before that conference - I think, as far as I can recollect, there had been several boycotts of specific consumer goods called by workers, and this was a general discussion to inform us and to assist us in making up our (30 minds / ..

minds as to how we should react if we were called upon as an organisation to participate in such a boycott.

Yes, thank you.

MR BIZOS: M'lord, if I recall correctly, there is another document which speaks of the Rowntree sweets - it may have been in this context. -- Well, it was the Wilson-Rowntree boycott that had preceded the discussion.

It is in one of the documents. I cannot remember the number off-hand. -- It is immediately...(incomplete)

But was the question of boycotting where the product of (10 people who were thought not to behave properly, or in relation to structures which were thought not to be democratic, was resolution B passed on page 14? -- That is correct.

During a wide range discussion, this is page 14 of EXHIBIT (intervenes)

COURT: Well, we have read this. We have read this whole paragraph.

MR BIZOS: Has this been read in already?

COURT: Yes, I have marked it, and it deals with the human rights and civil liberties aspect that I remember, so this paragraph(20 had been read.

MR BIZOS: Your lordship is quite correct, yes. Thank you. And I would like you to please have a look at EXHIBIT DA.139, page 6: boycott of elections at the bottom of the page:

"It was suggested that one strategy of opposition to the proposals will be a call for a boycott of elections. The final resolution was proposed by Valery West, seconded by Marion Lacey. Resolution: The Black Sash urges its members and the public to a total boycott of any election which may be called in terms of the new constitution. The motion (30

was carried. 22 delegates voted for it, 4 against, with 7 abstentions."

And in the same document on page 13, paragraphs D1 to D6: "Action on the constitution:

Joyce Harris reported on her group which has now been meeting regularly for five years. She was warmly congratulated on the work she has done in retaining this group. It has not been an easy task. Tribute was paid to her with acclaim (Refer to minutes, agenda item 12).

D2. Co-operate wherever possible with groups opposing the constitutional proposals by non-violent means. (10

D3. Plan our own action to implement our resolution to urge our members and the public to boycott any elections held in terms of the new constitution.

D4. Produce urgently teaching and protest material when the legislation is published.

D5. Regions where possible organise members to write to the press, so that every day letters appear in the major newspapers.

D6. Car sticker. See other publications above. Cape Western will design one and inform regions. Regions should notify them immediately how many they can use. (20

And Miss Ann Fenson had some ideas - I do not want to read it in at this stage. Now what I want to ask you about is this. Co-operate wherever possible with groups opposing the constitutional proposals by non-violent means. After this resolution was passed on 13 March 1983, did you co-operate with the UDF in opposing the constitutional proposals? -- We did.

As far as you were concerned, was it an organisation that was working by non-violent means? -- Certainly, yes. (30

This / ..

This resolution to boycott the elections taken on 13 March 1983 was, according to the evidence before his lordship, before the formation even of the Transvaal ad hoc committee of the UDF. Was this decision taken independently or with the guidance of any other organisation? -- No, it was taken independently but we were aware of other groups also opposing the constitution, as a result of the ad hoc committee that had been meeting for so long.

Yes. For the sake of completeness, after - if your lordship would bear with me - on 18 March 1984 as we see in EXHIBIT DA.140, page 17, under the general heading of politics, one (10) third of the way down, was the following resolution passed - five lines from the bottom:

"That the 1983 decision, the Black Sash urges its members and the public to a total boycott of any election which may be called in terms of the new constitution, be replaced by the following: The Black Sash urges its members and the public to oppose the new constitution in whatever way possible."

What was the reason for this alternative.. -- The change? (20)

The change, the alternative resolution. -- No, the reason for that was that in the year that went by between March 1983 and March 1984, a considerable number of our members who are also active members of the Progressive Federal Party in particular, had been troubled by that resolution, so it was rescinded and the alternative one put in its place so that our members could individually act according to their own consciences, and as they saw fit with regard to elections.

Did you know in the Black Sash that during 1983 there were elections for town councils in the black townships? -- Yes, (30)

we did know that.

Did you formulate an attitude in relation to that, to those elections? -- We had totally condemned the black local authorities act and the system that it introduced, so we were opposed to the whole structure and the process. And we supported the decision of communities who decided to boycott those elections, but equally the Black Sash did not feel itself in a position to actually encourage other groups to also boycott it, where it was a decision that was made by the people in some areas. And we supported it entirely where it had been made. (10

COURT: I take it the Black Sash is non-racial? -- The Black Sash is non-racial.

But apart from being non-racial, what is the distribution of your membership? -- We are nearly all white.

All white. -- We have got something just over - I said nearly all white. We have a lot of male black associate members who joined because they need the information that we supply, but we are just over 2 000 members around the whole country, and mainly white.

Yes, thank you. (20

MR BIZOS: Did you see any merit in the town councils elected in terms of the black local authorities act in 1983? -- No. I saw no merits in them, because I saw no merits in participating in those local authorities because of the provisions made in the legislation, which made them dependent upon raising the money they needed to carry out their obligations in terms of the law, from the people over whom they ruled, or over whom they were in charge. And it made it totally unacceptable to the Black Sash that such a structure should be put in place. We believed it to be unjust and incapable of improvement. (30

COURT: Are you saying that the act prevents the government from making grants or subsidies? -- No, it does not prevent that but it laid down what the sources of financing of the local authorities would be, from their own service charges, rents, as they had been with the administration boards. But the administration boards..(intervenes)

But does that differ materially from the situation of a white local authority? -- Oh yes, it does, because the white local authority has got a very wealthy - a white local authority in a big city has got a very wealthy central district. (10

That is a different argument. The argument is, is a local authority not limited in its resources to what it can get in its area? -- Yes, it is limited.

And in that respect the one is the same as the other.. -- No.

The difference being that the basis is smaller than the other. -- And therefore the quantity of money that can be raised is very much smaller.

Yes, but I thought you were making a distinction on a point of law. -- Oh, I beg your pardon. (20

MR BIZOS: Did you yourself speak about the desirability of participating or not participating in this election, or whether the councils were a good thing or a bad thing for people to be involved in? -- I said that they were a bad thing. I do not remember participating in any discussing, urging people to boycott. It is more is boycott a good strategy, that sort of discussions.

And how did you feel about boycott as a strategy during this period? -- I thought it was a sound strategy at that time.

COURT: It is now virtually 13h00. We still have to resolve the question of working in 30 May. There are two (30
possibilities/..

possibilities. The one is starting a little earlier, the other is going slightly in the luncheon adjournment, by shortening it by quarter of an hour. We could follow that, unless it would restrict your luncheon too much?

DISCUSSION REGARDING EARLIER STARTING TIMES OR SHORTENING THE LUNCHEON ADJOURNMENTS

RULING IS THAT TOMORROW THE COURT WILL RESUME AT 09h45

THE COURT ADJOURNS FOR LUNCH / THE COURT RESUMES

SHEENA DUNCAN, still under oath -

FURTHER EXAMINATION BY MR BIZOS: We had a witness here who (10 said you attended and spoke at a councillors meeting at Leandra, it is IC.19 at page 4 957 to 4 959. -- What do you say to that?

-- No, I certainly did not address any meeting at Leandra. I went there once one day and was not given a permit to enter the township and met with Mr Nkibindi and some other people in the sort of car park/taxi place outside the township. And that was the only time I have been there.

Have you been shown EXHIBIT A.1 in this case? I am sorry, m'lord, I should really have given notice of this. It is A1. May I proceed in the meantime? I think your lordship is (20 familiar with this..

COURT: Yes.

MR BIZOS: .. by this time. As your lordship pleases. There are a series of resolutions from page 24 to page 33 of A1. Were you given copies of these resolutions? -- I was.

Where did you get them? -- About four weeks, five weeks ago. Or perhaps it was a little (intervenies)

Had you not seen the resolutions before? -- Yes, I had. I mean I had presumably seen them at the time in 1983. I did not have a recollection of them until they were given to me in (30

preparation/ ..

preparation for this examination.

MR BIZOS: Now I want to deal with the attitude and the activities of the Black Sash in relation to some of the issues that are raised. The first one appearing at page 24 is housing policy, and I want to ask you to please have a look at EXHIBIT D.135 which is already before..

COURT: We are now doing it in drips and drabs because this policeman will have to run up and down. Can't you give him a little list?

MR BIZOS: No, do you want to have..(simultaneously) (10

COURT: Oh, D is the one we have now?

MR BIZOS: It is the one we have now, yes.

COURT: I am sorry. Is it DA?

MR BIZOS: DA.135, I beg your pardon. DA.135, page 7, where in subparagraph D, the last third of page 7, deputation to Dr Koornhof, the following is noted: To take place, Thursday, 15 March at 16h00. The deputation would consist of the persons named:

"Mrs Harris itemised the subject matter to be discussed with the minister as follows:

Housing: (a) Qualified men have to live in bachelor (20 hostel without their wives; Alexander, demolition of houses break-up of families; the leasehold scheme; in relation to unqualified wives and men who are able to purchase; anxiety over legal rights to occupy for descendants of citizens of newly independent states; lack of leasehold in Western Cape; the need for housing for those who cannot afford to buy; housing for families whose head is a woman; 1968 regulations govern in urban residential areas; financing of administration boards; spontaneous settlements."

and on page 8.

(30.

COURT / ..

COURT: 8 or 9?

MR BIZOS: 8.

COURT: I am sorry, I do not seem to have an 8.

MR BIZOS: Maybe it is a mistake in the copying process.

COURT: You see, what was 8 you numbered 10.

MR BIZOS: But if your lordship goes prior to that - is your lordship looking at DA.135?

COURT: Yes. I have page 7 and then it skips to page 9. My assessor has got a page 8. Would you give me a page 8, please?

MR BIZOS: Would your lordship like an additional document or shall we just take the page out? (10)

COURT: Well, I have marked this already.

MR BIZOS: Let me just take page 8 out.

COURT: Thank you.

MR BIZOS: As your lordship pleases. E. Housing: "Squatters" - resolution:

"That all people in South Africa, regardless of race, are entitled to family housing, both economic and subsidised, close to work opportunities, with basic services and amenities provided as security...Furthermore, they are entitled to real and decisive participation in identifying their housing problems and develop solutions. Conference rejects the priority being given by the government and private enterprise in providing and subsidising housing for middle and upper income South Africans of all races, while failing to address themselves adequately to the housing needs of the vast majority of the population."

and that was agreed to as a resolution. Now way back in 1979 when this conference was held, did the Black Sash have an interest in the housing of black people, and did it express itself in (30

the manner set out in the resolution? -- Yes, we did and in fact our work on housing issues went back a long time before 1979.

(Question inaudible - not in microphone)

COURT: Will you please repeat what you have been saying into the microphone?

MR BIZOS: I am sorry, m'lord. Another document that I want you to please have a look at - my problem is that I have them numbered differently to the exhibit numbers and I have to - if your lordship would bear with me for just one moment. This had to happen sooner or later. Would you please have a look at the minutes of your 1980 conference. This is a new one - the reason for my confusion was that I thought I had already proved it. Would you please have a look at that document - would this be..?

COURT: DA.143.

MR BIZOS: Thank you. Would you please have a look at pages 10 to 13. I do not intend reading this out, but merely to draw attention to it. From page 10 to page 13, are there reports in relation to Mitchell's Plain in the Western Cape? A fact paper on coloured housing, on Crossroads, the house situation in Natal, Richmond farm, Chatsworth, Weenen, Klaarwater, Claremont and other areas? -- Yes, there are.

Was your activities confined to just passing resolutions or taking reports at your annual general meetings, or did you take action in relation to it, to try and alleviate the position? -- Yes, we always take action wherever we possibly can in situations where people have asked us to intervene in one way or another. We only intervene if we are invited to do so, but once we have been invited, we try to find the appropriate ways of acting in a particular situation.

Yes. I want you to please have a look at EXHIBIT DA.142(30

the / ..

the 1981 conference, DA.142, page 11. -- I have it.

Item 17 again do you take up the question of housing? --
Yes.

I do not propose reading it out, merely drawing attention to it. Would you please have a look at EXHIBIT DA.139, page 9 and it is the bottom of the page: Squatters and housing. Was housing still a matter on your agenda? -- Yes, it was.

And would you please have a look at EXHIBIT DA.140, page 16, paragraph 3 on that page under the general heading of "Urbanisation: (10

"The chronic housing shortage in urban townships is yet another pressure force and people to seek accommodation outside the urban areas, and so forfeit urban rights. In addition increased rents, service charges, transport and living costs (reads indistinctly). Attempts to incorporate townships like Lamontville and Habanati into Kwazulu will have the same effect."

And would you please have a look at your minutes of the 1985 conference held in Port Elizabeth from 14 to 17 March 1985.

COURT: EXHIBIT DA.144. (20

MR BIZOS: As your lordship pleases. Please have a look at page 11 where a paper on Kayalitsha on top of the page is referred to. Is that a housing problem? -- That is, yes.

COURT: Was it page 5? -- 11.

MR BIZOS: Page 11. DA.144, and it is paper no.25, Kayalitsha, right on top of the page. Has the Black Sash a magazine? -- Yes, it does. We publish a quarterly magazine called Sash.

And how far back does it go? -- Until about - since about 1956 or 1957.

The article: "Home for the homeless", did this appear in(30
your / ..

your magazine? -- Yes, it did.

In the edition shown at the bottom, November 1973? -- That is correct.

COURT: DA.145.

MR BIZOS: I would like to read from the third paragraph in the second column:

"Everywhere there are indications of the denial of home-ownership for the vast majority of black people, that every human being knows and surely acknowledges, the sense of security derived from owning the roof over one's head, knowing that one's home is one's own and cannot be invaded, enjoying the privacy of one's four walls. Throughout the Black Sash conference, papers and reports from all regions demonstrated that the lack of housing in both rural and urban areas for black people has now reached critical proportions. People are being moved out of houses where they may hold freehold titles to be settled in other places where characterless, corrugated iron or cement block houses are built for them; or where they are sometimes expected to build for themselves on a site allotted to them. Money and resources are being used to built houses for those who already have them in pursuit of the government's ideological masterplan, while many people remain entirely homeless or are in living in critically overcrowded conditions or in shacks because they have no alternative. The proper provision of towns and suburbs offering freehold title would mean that some at least of South Africa's black population would provide their own houses. A complete embargo on the removal of families from existing houses would allow the authorities to set about providing accommodation for the(30
homeless/ ..

homeless with the urgency which the situation warrants." Was this published at the time? -- It was.

I want you to please have a look at the 1974 Sash. We will be referring to various things in this document and I am asking your lordship to receive the whole - would you just show his lordship the original so that his lordship can see what it looks like.

COURT: DA.146. It is the issue of May 1974.

MR BIZOS: As your lordship pleases. I want you to please have a look at page 6. An article by Joyce Harris: "A hostel is (10 not a home".

COURT: What page is it? 46?

MR BIZOS: 6, m'lord. I do not propose reading it, I merely refer to it. We will make some use of it in argument. Page 11, I merely want to refer to the box portion at the bottom of that; who is Frances Wilson? -- Dr Frances Wilson is the director of the South African Labour and Development Research Institute I think it is, at the university of Cape Town.

Yes, I want to read this quote in the record:

"By law the gold mines were until 1969, allowed to provide family housing for not more than 3% of the black labour force, excluding foreign natives, but as the proportion of South Africans was not more than one third of the total this meant that effectively only 1% of the black labour force was eligible for family housing. However, the position of even this 1% has become tenuous since the issue of the 1969/1970 official circular sent out by the local Bantu Affairs Commissioner to the mines in the Klerksdorp area, instructing them that children may no longer stay in the married quarters."

and on page 21, under the heading: "What must be done about it" the following appear; the first -

"Build houses for families in the centres where employment opportunities lie."

Halfway down:

"Stop the destruction of existing housing",

and the final one:

"We must build, not bulldoze".

Do you either as an individual or in your capacity as an office bearer of the Black Sash, write letters to the papers? -- I do.

And do you make statements to newspapers? -- Yes, I do. (10

COURT: Well, are you going to put before us the full output of this very active lady? Do we really need this? You have now put before us five or six documents on housing. Can't we do with merely one, plus a general statement by the witness? If she says we took up housing from 1973 to 1985 and she is not attacked on that, it stands. If you want an example of the way in which she took it up, we have got examples.

MR BIZOS: Yes, I will tell your lordship what our difficulty is in this regard and I might as well spell it out. If we understood the argument from the state - we would welcome not to have to put all these documents forward, but we understood the state of argument that the application for a discharge stage, they analyse the language and your lordship will recall that your lordship received those ANC documents, and they say look at the language of the ANC documents and look at the language that the UDF and the accused have used. Therefore their inspiration must have come from the ANC. One of the reasons why we are putting in all these documents is to be able to show at the argument stage that the ANC has not got the monopoly of this sort of language and (30

if we follow your lordship's suggestion and not put these documents in, then we will not be able to argue to your lordship that there are other sources from which this language could come, for instance let me just illustrate it. I will abide by your lordship's ruling, but this letter starts of:

"The demolition of shacks is disgusting and unforgivable."

Now this sort of language and other words of similar strength, this is the purpose why we are leading it, but I do not know, I am in your lordship's hands. (10

COURT: Yes well, go ahead. If it is something you eventually want to refer to in your argument, perhaps you had better put it in.

MR BIZOS: Yes, I think so. I will confine it to merely three of the letters written in this period. I am sure that she has written many dozens, but merely as examples. Now do you send letters and do you make statements? -- Yes, I do.

And do you keep a record in your office of what you sent for publication? -- Yes, we usually do. Some statements made over the telephone to the press in response to a query, we (20 would not have a copy of that. Most of the time we do keep copies

Do you know anything about a document now before you which says: "Statement to Rand Daily Mail, 3/2/83? -- I do not recollect that personally, but it would have been done by a group of the executive members of the Black Sash.

Where did you find this document? -- In the Black Sash files. Relating to housing? -- To housing.

If your lordship would receive it as DA?

COURT: DA 147.

MR BIZOS: We will refer to it in argument. I do not intend (30 to / ..

to..Will you please have a look at a letter dated 18 February 1983.

COURT: To the editor of The Star. EXHIBIT DA.148.

MR BIZOS: And finally a statement to the Golden City Press. I want you to please..

COURT: Just a moment. Statement to Gold City Press some time in early 1983 goes in as EXHIBIT DA.149.

MR BIZOS: As your lordship pleases. I want you please to have a look at the Sash magazine for May 1983 and more particularly pages 19 and 20. (10)

COURT: Another Sash or the same Sash?

MR BIZOS: Another Sash.

COURT: What are the particulars of the Sash?

MR BIZOS: May 1983.

COURT: It will be DA 150.

MR BIZOS: As your lordship pleases. The article is titled: "Onslaught on squatters".

COURT: What page did you say?

MR BIZOS: 19 and 20.

COURT: I am sorry, I have got two. The one is "Pension work-
shop at Driefontein". Is that the one you wanted to hand in? (20)

MR BIZOS: No, that is one still to come - unless, I hope your lordship's copy has not come apart.

COURT: A Sash.

MR BIZOS: Is the last page on pensions or has it come apart?

COURT: Oh, the whole thing comes apart now, so it must be what I hand back. It is part of it probably?

MR BIZOS: Yes. We will try and put it together. I am sorry. That has apparently come apart. We will try and put them together. (30)

COURT / ..

COURT: It runs to page 28 and then there is one back page.

MR BIZOS: That is so. My learned friend can have mine, and I can take that one back.

COURT: Yes, now what are you referring to? Pages 19 and 20?

MR BIZOS: Page 20: "Onslaught on squatters". And the final one on housing. The May 1984 Sash.

COURT: The moment we deal with it in this way and the Sash's all come apart at the seams or at the sashes, we are going to run into trouble.

MR BIZOS: Well, we will do it the way I have favoured. We (10 will do it that way, we will arrange for it to be done in that way.

COURT: Well, this Sash will be DA.151. That is the Sash of May 1984.

MR BIZOS: And I am referring to pages 10 to 16. The article entitled "Kayalitsha, completely new era or the same old trick" and carrying on right up to page 16. I want to ask you a number of general questions in relation to this. The stand that you have taken, did you consider that the Black Sash was running a campaign in relation to housing from the 70s onwards? -- Yes (20 we were.

And was it an active and vocal campaign? -- Yes, it was.

You have seen the resolution on page 24 of A.1. -- Yes, I have.

Is there anything in that resolution which is materially different to what the Black Sash had been doing from the 70s? -- No, there is not.

Doing the same. And in addition to what has been proved, did you go about yourself, speaking about this to members of the public? -- Yes, I have on many occasions.

(30

Business groups? -- Business groups, church groups, groups of people seeking information because they lived in townships and needed information on the housing regulations and so on. Women's groups.

And in addition, without putting it in and merely to refresh your memory, and I will give it to my learned friend in case he wants to incorporate them. Did you write in the 1975 Black Sash no, I beg your pardon, sorry. I cancel that. Did you consider the question of housing, what is generally termed the day to day issues affecting people's everyday lives? -- Yes, housing is a day to day issue.

Did you consider anything that you did to have been in furtherance of any campaign that was going on by any unlawful organisation? -- No, I did not.

Did you try to interest the UDF or any of its affiliates to take up this question of housing? -- No, we did not. There was no need to because as the UDF and its affiliates was being deeply rooted in the black community, housing is bound to be one of the issues that they must take up.

In the nature of your work and the contacts that you (20 came into with civic associations and other community organisations prior to March 1983, was housing an issue which was raised by civic associations and other community organisations in the townships? -- Yes, it was. Simply and almost without exception that at any meeting, whether a public meeting or a meeting of a group of people from black urban communities, housing crops up because everyone of the people present is experiencing a housing problem of one kind or another, from overcrowding to high rents, to inadequate services, to just how to get a house in the first place. It is one of the things that comes up almost every (30

single time.

I want now to turn to the next resolution, A1, which is on women appearing on page 25 of A1. You have already told us that the Black Sash is not a feminist organisation, but has it interested itself in the plight of women? -- Yes, it has.

What did it do in relation to that? -- Well, we have talked about it in groups within the Black Sash. We have members of the Black Sash who are feminists and have raised issues, women's issues within the organisation and we have had many discussions; we have participated with - in things like the international (10 decade of the women which ran from 1975 to 1985; we have participated with other women organisations in meetings during those years and subsequently.

I would like you to please have a look at EXHIBIT DA.135' already before his lordship. It would appear that way back in 1979 on page 11 and 12 was there talk of a charter for women. -- There was.

Item 19, revised charter for women:

"Jenkins represented the suggestion made by her sub-committee. Sheena Duncan asked about the specific purpose of (20 the charter. M Dix replied that it clarified where the Black Sash stood on this issue and Mary Burton felt the women's charter should be published and also that it would be a good topic for study groups. Discussions followed and recommendations submitted to the Transvaal and Natal Coastal. It was finally agreed to discuss each clause separately and that was agreed."

and then what the rights of women were are set out from 1 to 7 on that page and it goes on, on page 12 up to item no.12. Now where did this idea of a charter for women come, do you know?(30

Had / ..

Had you heard of any other charters? -- Oh, there are charters for children, there are charters for all kinds of things. Drawing up a charter is an attempt to defy the basic rights that every women should have or the basic rights that every child should have. The reason the Black Sash was working on a charter in 1978/1979 was because the United Nations big head of the women have begun in 1975 and have said there was a focus, a particular focus on women's rights at that time.

Did the Black Sash participate generally in this call by the UN for the decade of the women, 1975 to 1985? -- Yes, we did. It did not have a priority on our agenda, but we did participate (10 wherever we could.

And would you please have a look at EXHIBIT DA.142 already before his lordship, and more particularly page 14, under "Politics. 1":

"Dr Nascus entered the following statement which was unanimously adopted: On August 1956, 20 000 women marched to the Union Buildings, Pretoria, to present petition forms signed by over 100 000 people, protesting against passes for women. Since then, tens of thousands of women, young(20 and old, have suffered arrest and imprisonment, banning, banishment and exile, while influx control has become even more rigid and destructive in its effect on family life and therefore the life of the nation. This year marks the 25th anniversary of that massive peaceful demonstration. We call on all our members to unite with us South African women in commemorating the march, honouring the women who have led the resistance to unjust laws, and strengthening the role of women in their struggle for a democratic South African state based on the will of the people." (30

Was that a statement which was unanimously adopted at your conference? -- Yes, it was.

Did you way back in 1974 and 1976 publish articles on the position of women in the Sash magazine? -- Yes, I did.

Would you please have a look at the first one, headed: "The right to live free", being pages 25 to 27 of the Black Sash February 1975, being a précis of an address given to the national conference of the world affiliated YWCA at Thaba Nchu in December 1974.

COURT: It will go in as DA.152. (10

MR BIZOS: As your lordship pleases. I do not intend reading it in. And did you again write an article for the February 1976 issue entitled: "Women talk"? -- Yes, that was also a speech I made that was then published.

COURT: This will go in as DA.153.

MR BIZOS: As your lordship pleases. I am going to show you a publication of the South African Council of Churches, a report headed: "Women, a power for change". Do you know this document? -- I do know it, yes.

Do you know when it was published? -- Yes, it is a re- (20
port of the South African Council of Churches' 1985 national
conference.

Would you first show the original to his lordship. It is a book, m'lord; we do not know to put the whole of it in, merely - well, it is really a printed report. We just want this portion in.

COURT: Yes, this goes in as DA.154.

MR BIZOS: Does your lordship want the whole report to go in as the original, or can we put a copy in?

COURT: As far as I am concerned a copy is adequate. I have (30
got / ..

got one.

MR BIZOS: As your lordship pleases. We will make the book available to our learned friend. I do not intend reading it out. Have you right up to 1985, spoken about the topic of women and how they can bring out change in South Africa? -- Yes, I have.

Have you been invited to any international conferences in order to address women on this subject? -- Yes, I have, several.

Would you just give us a couple? -- Well, there was the international human rights conference of the YWCA that took place in England in 1982. There was the Women's Zionist Federation conference, an international conference in Jerusalem in 1979. There was the United Presbyterian Women's triannual conference in the United States in 1985. (10

I think it is enough for our purposes. This idea of mobilising and politicising and organising and conscientising women, is this something peculiar to the Black Sash in South Africa? -- No, that is something that is regarded or recognised, certainly all over the western world, that women have a very important role to play and that women need to organise and mobilise as women; very often to address issues. It is also recognised in countries such as the Philippines, the far eastern countries where women are mobilising and organising sometimes in situations of great oppression. There is the example of the grandmothers of Argentina. There are countless examples from around the world where women have recognised the need to organise themselves, as women, on political issues and issues of oppression and injustice. (20

Anything in the resolution on women passed by the UDF appearing on page 25 of A1, which is materially different to anything that you, your organisation and numerous other organisations here and abroad are striving for? -- No, no difference between (30

this / ..

this resolution and what we have said.

And did any of your actions, speeches, writings, in relation to women, were they in any way inspired by the activities of any unlawful organisation here in South Africa or abroad? -- No, they were not.

The next resolution in A1 is militarisation. I want you to please have a look at EXHIBIT DA.139 and more particularly pages 15 to 16. The agenda item, 23: "Conscription and conscientious objection". I want to read this into the record:

"Ann Colbin of Natal outlined the provisions for religious conscientious objectors and the punishment to be imposed on those whose objection is based on other than religious grounds. Sheena Duncan reported on her observations on her recent visit to Namibia with the CPSA justice and reconciliation committee. The occupation of Ovamboland by the South African army invokes memories of all the history of the Nazi occupation of France and Holland, etc. These are very similar reports of military actions and special police units, collaboration and co-operation, resistance and attack, reprisals and disinformation. The following statement was unanimously adopted for release to the press: (10 (20

Conscription and conscientious objection.

Statement in regard to the Defence Amendment Bill and proposed legislation concerning conscientious objection.

During World War II, the South African government respected the conscience of individuals and there was no conscription. The country is even more seriously divided now than it was then. South Africa is illegally occupied in Namibia and this is the cause for many in conscience to refuse military

service. When South Africa withdraws from Namibia there should be no need for massive military establishment unless there has been a political failure to respond to the desires of the citizens. If a conscripted army is necessary, it will be because of the political failure to respond to the desire of the citizens, and that army will be engaged in a civil war which is good cause for many to refuse military service. In such a civil war, if the state has to rely on conscription to manage army, war is already lost. Therefore the Black Sash demands that the South African government(10 abolish all conscription for military service. We maintain that there is no total onslaught against the people of South Africa and the total strategy required of us is not the military defence of a minority government, but the total all out effort of all South Africa's people to bring about democratic government and the relief of the poverty and deprivation suffered by the majority. It was agreed that all regions should inform and educate their members about the militarisation of our society, and the reasons for conference making the above statement. It was agreed (20 that we do what we can to support COs and the support groups which have been informed."

Was that a statement made public by the Black Sash? -- It was. I think it should be support groups which have been formed.

Formed and not informed. -- That is a typing error.

Yes. Would you please have a look at EXHIBIT DA.142 already before his lordship? And more particularly at pages 12 to 13. Item 19(3), "Conscientious objection", presented by Patrick - Geerts is it? -- Geerts.

Of Natal Coastal. (Reads):

(30

"There / ..

"There are different categories and classifications of conscientious objectors. Patrick drew attention to the witness of Peter Moll and Richard Steele who were both recently released after serving sentences in detention barracks and of Charles Yates, who returned from Britain to make a stand. Their sacrifices opened the whole question of public debate and there are indications that the army and the SADF chaplains are giving serious consideration to alterations in the law on conscientious objection. The role of the Jehova's Witnesses must not be overlooked. 93 members of this sect are presently serving three year sentences in detention barracks. After three years, they will not be required to render any further service to the State. The families, particularly the mothers of conscientious objectors need support. The following statement was adopted.."

at the top of page 13:

"The Black Sash feels:

- (1) That patriotism demands service and commitment to all the peoples of South Africa.
 - (2) That this service and commitment be carried out and expressed in many areas of activities;
 - (3) That those young men who claim the right to be treated as conscientious objectors, have the right to offer alternative forms of national service, expressing their patriotic duty in a responsible and committed manner.
- and offer support to all young men in this country who struggle to serve South Africa and its peoples according to the dictates of their conscience and sense of justice."

Was that the statement adopted? -- It was.

I would like you now to have a look at DA.139, page 17 (30

the / ..

the statement on the Maseru raid:

"The Black Sash conference, meeting for the first time since the December 1982 SADF raid on Maseru, which caused the death of fellow South Africans, condemns that raid. We also condemn efforts made to condone this raid especially by the PFP as the official opposition. We reiterate a resolution of the 1981 national conference, which expressed grave concern at the increasing engagement of South African military forces beyond the borders of the country, in particular the 1980 raid into Maputo which was in violation of international law and could only serve to bring us closer to open warfare. The 1981 conference issued the reminder that our fellow South Africans have been driven to armed struggle by the institutionalised violence of apartheid. It concluded the only way to end violence is to establish justice and the rule of law." (10)

Now could we please go back to DA.142 before his lordship, page 15, sub-paragraph (iv), under the heading: "Armed conflict":

"After discussion of the escalating conflict on South Africa's borders, the following statements were adopted (20
nem con: "The national conference of the Black Sash is gravely concerned at the increasing engagement of South African military forces beyond the borders of the country and particularly the recent raid into Maputo, which was in violation of international law and can only serve to bring us closer to open warfare. South Africans must remember that their fellow South Africans have been driven to armed struggle by the institutionalised violence of apartheid. The only way to end violence is to establish justice and the rule of law. (b), the Black Sash recognising that (30

the armed conflict in which South Africans is engaged is a civil war and calls on the South African government to extend prisoner of war status to all those captured in this conflict become signatories to the 1977 protocol of the Geneva convention."

Was that a statement adopted at your 1981 conference? -- It was.

Now both your 1981 and 1983 conferences, were they held before the formation of the UDF? -- They were.

The question of the amount of money spent by the government on arms, was that a matter which was written about by Jean Sinclair in the Black Sash of November 1972? -- It was.

Will you please have a look at a page of that article? I intend reading only one paragraph - this is a new one.

COURT: The heading of the article is: "An unjustifiable system" and it goes in as EXHIBIT DA.155.

MR BIZOS: Only the paragraph which is already marked there, the one paragraph at the bottom of the left-hand column, the first column:

"We spend hundreds of millions of rand on defence to protect the country from outside attack and infiltration of terrorists, yet inside the country we create the situation in which terrorists can flourish, by disrupting family life and discriminating against blacks in every sphere of life."

I want to show you a statement given to the Sowetan on 9 December 1982. Where did you find this? -- In the files in our office.

COURT: It goes in as DA.156.

MR BIZOS: (Reads)

"The continued raids and killing of people in neighbouring states can in no way solve the problems brought about by the injustices being done to the people of South Africa.(30

South Africa would not likely in violability of its territory to be invaded and is surely inviting aggressive reaction when she invades other people's territory. This destabilisation cannot possibly be helpful. We strongly condemn this act of aggression."

I want to show you a letter to the editor of the Sunday Times dated 11 November 1982, written by Joyce Harris, the national vice-president. Where did you find this? -- In the files, the Black Sash office files.

COURT: It will go in as EXHIBIT DA.157.

MR BIZOS: I want to read the last two paragraphs. The Black Sash does not condone violence from any quarter - it is on page 2:

"The Black Sash does not condone violence from any quarter. Nevertheless, our young men from both sides are being killed and maimed for life, in a way that can continue unresolved indefinitely. It makes little difference whether they are termed soldiers, freedom fighters, terrorists. The end result is the same and it is disastrous for all too many of them. It is immature of the government and its supporters not to recognise that. In the eyes of many SWAPO are freedom fighters and it is more important to bring the war to an end than to argue over terminology. We believe that the government's policy should be one of conciliation rather than conflict, that it should grant recognition to SWAPO and the ANC, both of which are or could be legitimate opposition organisations; that it should permit them to operate freely and without violence in the political arena, and that it should abide by the will of the majority in devising a negotiated resolution (30

of all our country's problems."

Please have a look at EXHIBIT DA.144, page 11, item 23: "Namibia", at the bottom of the page:

"South Africa's ongoing occupation of Namibia. This paper was prepared by Molly Blackburn and Di Bishop, and presented by Di Bishop who briefly pointed out the importance of fostering an awareness of South Africa's role there and pushing for the implementation of resolution 435, without further delay. It is essential that Koevoet's actions are investigated. Operation "Thunder Chariot" cost R24 (10 million. Does the practice (stumbles over words) exercise suggest invasion of Angola through South Africa."

COURT: Do you have a page 12 in that report of yours?

MR BIZOS: I think - would you just have a look, is there a page 12 in the original? I certainly.. -- I have not got a page 12, no.

That is how we got it, it is actually blurred. It is actually a blurred copy as well. That is how we received it. There ought to be a no.12, but I haven't got it. (Discussion in background). (20)

COURT: You have not got one?

MR BIZOS: We have not got one, that is how we got the minute.

COURT: Yes well, we accept there is no page 12 then.

MR BIZOS: There must have been one because item 24 does not appear, so there must have been - your lordship will see the next item is 25.

COURT: Yes well, the bottom of that page refers to page 12, so there must have been a page 12.

MR BIZOS: Yes. Will you please have a look at DA.140, pages 13 to 14. The first third: "Namibia": (30)

"Di / ..

"Di Bishop introduced the discussion and reported on the many facts which are now known about the disaster of the South African government's attempt to impose ethnic rule in the activities of KOEVOET. KOEVOET, a special police unit came into existence in 1978. It is important to note that it will still be in situ if the SADF withdraws eventually from Ovamboland. The following statement was adopted unanimously:

The Black Sash statement: The Black Sash national conference welcomes the release of Mr H Toivo ya Toivo and (10 affirms its deep desire for justice and peace in Namibia and throughout Southern Africa. We object to the loss of civil liberty occasioned by the lie of the total onslaught which is of the government's own making. This is propaganda of the most dishonest, insidious and dangerous kind. It is deliberately creating war psychosis throughout the region and is leading to disastrous civil war. Therefore the Black Sash says: "In the interest of achieving a just peace in South Africa, release Namibia political prisoners

(intervenes)

(20

COURT: Southern Africa.

MR BIZOS: I beg your pardon?

COURT: Southern Africa.

MR BIZOS: Southern Africa, I beg your pardon. (continues reading)

"..Southern Africa, release all Namibia political prisoners and detainees, disbandon notorious para-military police task KOEVOET."

COURT: I think just for the typist's sake you must say Koevoet otherwise it will be spelled "cold feet". KOEVOET. (30

MR / ..

MR BIZOS: I suppose it has a meaning which I do not know.

COURT: Yes, it is a crowbar.

MR BIZOS: Oh, is that what it is? (Continues reading)

"Abolish the terrorism act and all the AG proclamations relating to security in Namibia, and the illegal occupation of Namibia by implementing UN resolution 435, without further delay; recognise the truth in the following statements from Mr Toivo ya Toivo's speech from the dock: "The world is divided, but it is a matter of hope for us, that is we are agreed about at least one thing, that we are entitled (10 to justice and freedom. Violence is truly fearsome but who would not defend his property himself against a robber, and we believe that South Africa has robbed us of our country. Only when we are granted our independence will the struggle stop. Only when our human dignity is restored to us as the equals of the whites, there will be peace between us. The discussion moved onto questions on militarisation in general and on schools in particular. Molly Blackburn reported on a disturbing slide show which had been shown by the SADF to schools in the Cape, and the action she (20 has taken to have it withdrawn. Horrifying reports were given by delegates of the indoctrination of school children in nursery schools as well as in primary and in secondary schools. Reports were given about veld schools and the consequences of parents refusing to allow their children to attend. The consequences vary according to the attitude of principals. Pretoria reported on schoolboys being seen in shopping centres on Saturday mornings in camouflage dress, carrying batons. The following statement proposed by the Pretoria branch was unanimously adopted, statement (30 no.17/..

no.17: The Black Sash conference is horrified by the insidious indoctrination in schools. Instead of goodwill and tolerance being encouraged between racial groups by the authorities, aggressive behaviour is actively promoted, such as the introduction of school boys in camouflage uniforms armed with batons, patrolling certain shopping centres. It was further agreed that all delegates who reported on different facets of the militarisation should write them out in detail, check on their facts and send them to Jill Wentzel for inclusion in the magazine."

And the other document that I would like you to please look at is page 18 of EXHIBIT 140: "Conscription" on page 18:

"The development and formation of the "End Conscription" campaign, conference document no. 43. This paper was read by Beverley Ransom of the Western Cape. June de Vlieg from Johannesburg and Georgine Stephens from Durban reported on Black Sash involvement in the Transvaal and Natal. The following resolution, no.9, was passed unanimously: "That the Black Sash actively support and take forward the end conscription campaign and co-operate in its regions with the End Conscription committees."

Was that resolution passed? -- Yes, it was.

Now you personally, have you spoken on this subject from various platforms? -- Yes, I have.

Did you personally or your organisation do any of the things in relation to the matters that we have just dealt with under the heading of "Militarisation" at the behest of any unlawful organisation or in the furtherance of the objects of any unlawful organisation? -- No, we did not.

You have seen the solution on militarisation on page 26 (30

of EXHIBIT A1. Are there any material differences between what your organisation has done and the manner in which it has expressed itself, and the manner in which the UDF expressed itself in adopting that resolution on 20 August 1984 at Cape Town? -- None whatsoever.

Now I want to turn to the resolution on education.

COURT: On page 28.

MR BIZOS: Page 28 of A1, yes. I want you to have a look please at EXHIBIT DA.143, page 17. In 1980 was the following resolution on education taken at your national conference: (10

"Bearing in mind that those who do not have the vote are inclined to get second-class facilities, this conference calls upon the government to introduce as rapidly as possible one uniform system of free and compulsory education for all South Africans. The Black Sash gives notice that working towards this objective is one of its aims for 1980."

Now would you please have a look at EXHIBIT DA.142, pages 9 to 11. On page 9 certain reports are made and the question of education is discussed in relation to each one of the areas (20 on page 10. And on page 11, the resolution that was on the agenda was withdrawn and the following statement was accepted and released for publication:

"The Black Sash believes that South African education reflects the inequalities and exploitation of its society and therefore does not seek to extend the white system of education to all schools, but recognises the need to develop and establish education in a truly democratic society, based on the will of all the people."

That is on page 11, sub-paragraph (d) of EXHIBIT DA.142. Then (30

16E, the following resolution was proposed and seconded by the persons mentioned:

"Where it is considered imperative to express solidarity and to show respect towards the school children who died or were imprisoned during and after the Soweto uprising in 1976, it is proposed.."

(intervenes)

COURT: I am sorry, you are a bit fast for me. What page are you on?

MR BIZOS: 11 of DA.142.

(10

COURT: Yes, thank you.

MR BIZOS: 16E. It is proposed:

"(1) that members of the Black Sash observe June 16 as a day of mourning; that they encourage others to do the same; that members lobby school principals and teachers to encourage pupils to observe June 16 as a day of mourning. In motivating her resolution, Judith referred to the complaint of blacks: what do whites ever do to help blacks, what about June 16. She pointed out that it was important for white children to know about June 16. Esther Leviton (20 registered strong protest against the wording of the resolution, although she supported the sentiments which prompted it. Esther Leviton felt the expression that June 16 be observed as a day of mourning was meaningless and that perhaps it might be better to ask white parents to keep their children away from school on that day. June Wentzel, in defending the resolution, submitted that it would be better to retain the deliberately vague wording so as to allow a greater degree of latitude in the mode, in which people might show their solidarity on June 16. An amendment (30

proposed / ..

proposed by Cape Western that item 3 of the resolution be deleted was defeated and the resolution was passed with 23 in favour and 4 against."

I would like you, please, to have a look at EXHIBIT AD.138, page 15: "Education". Agenda, item 18, Education - 18(b):

"Judith Hawarden gave a report on the conference of English-speaking educationalists held at the 1820 Settlers monument to study the positive aspects of the De Lange Commission's report and to formulate their recommendations to the minister. Nettie Davidoff presented the Transvaal region's (10 statement on the De Lange Commission's recommendations and Sue Pocock of Cape Western presented a paper "White Education". These two documents were discussed together. It was agreed that Sue Pocock draft a memorandum from the Black Sash to the minister of education, to be submitted to him by 31 March and that this would subsequently be released to the press. It was agreed that this memorandum include the following points:

(1) Any system which maintains racial separation in education can never be acceptable to the majority of South (20 Africans.

(2) The educational system in South African cannot be rectified within the present political and economical structures.

(3) The De Lange report presents very sound educational recommendations, but they are sound only for the elite groups and do not in any way respond to the needs of the developing society.

(4) Formal education on the white model does nothing to close the gap between rich and poor and there is nothing(30

in the report to help children in the rural areas and in the homelands. There is too much emphasis on the need to provide manpower and not enough on education of whole persons."

It would appear that the capital C should be in the next words because the next one is D on top of..The following statement was adopted by conference and released to the press:

"Removal of teachers. The Black Sash places on record its abhorrence of the government's treatment of 15 teachers from Johannesburg and the Cape. These 15 were barred (10 from teaching at their schools in 1982 by the director-general of coloured education, allegedly because they stayed away from school on June 16, 1981 in solidarity with the student boycott to commemorate the 1976 uprising. No teacher, no person should be penalised, dismissed and/or demoted because of their political beliefs. Aware of the escalating numbers of the so-called coloured children attending school and the chronic shortage of teachers in schools the department of internal affairs' action is even more deplorable and less understandable. A further irritant (20 in the tense situation of dissatisfaction is the use of army recruits allegedly in uniform to replace missing teachers. The Black Sash demands that the government reinstates all teachers dismissed or banned because they did not subscribe to the national ideological doctrine."

and over the page, item 18D: "Contribution of the private sector to education":

"Nettie Davidoff of Transvaal reported on the progress of her research. She is keeping records of reported donations to education under the following: name of firm or (30 institution/..

institution, nature, gift, etc. (skims over words, having difficulty in picking up individual words) date, source. Nettie asked the regions, etc. collecting reports in their own areas. The purpose of the project is to see where private sector money is going to."

Now was this a concern in relation to education that was exhibited by your organisation in March 1982? -- It was.

Please have a look at EXHIBIT DA.140. That is the 1984 - pages 19 to 20. The following statements were adopted at the bottom of page 19: (10

"One central educational authority - statement no.16. The Black Sash deplores the government's decision to set aside the De Lange report recommendations that there be one central body to control education. Through this rejection we believe that education will continue to be unequal in our country."

and on top of page 20: "Literacy", statement no.18:

"According to official sources, E French/Human Sciences Research Council 1982, three million black workers employed in white areas of South Africa lack basic skills needed (20 for the ordinary conduct of life in a society highly reliant on literacy and numeracy. Figures for non-black illiterates are not available. Only 0,4% of the national education budget was spent on adult education in 1980. The proportion of illiterate workers is in fact increasing yearly. E. French, HSRC, 1982. Functional illiteracy, that is inability to communicate effectively is a dominant language, lack of knowledge of procedures and goals of institutions as well as not being able to read, write or count, is truly crippling It cuts people off from access to vital information, (30

closes / ..

closes the way to further training and isolates them from the wider community. It leads therefore to apathy, low self regard, despair, anger and aggravate exploitation. This conference considers to deny workers access to functional literacy constitutes a violation of basic human rights."

Were those statements adopted in 1984? -- It was.

And finally, would you please have a look at the minutes, DA.144 of your 1985 conference on pages 17 and 18. Paper no.39: "Crisis in black education": (10

"Judith Hawarden had a paper, mentioning that the paper was already out of date due to recent closing of schools at Cradock and Thembisa. Anika van Cylswyck spoke briefly of her paper: "Black education" for conference 1985, paper no.40. She also mentioned that she had put together a dossier on the subject, having been so involved with it during the last year. Beverley Rasomon mentioned the education charter instigated by NUSAS, COSAS, AZASO, etc. and suggested that Sash should make contact with this group. SACC was also setting up an education task force. There(20 was a recognition of the need to find a whole new type of education for the South African situation. Nettie Davidoff paid tribute to Judith Hawarden's work on the education sub-committee in the Transvaal, in getting it off the ground again. Sheena Duncan reiterated the value of getting Anita Kromburg of IFOR to give a workshop so that people are prepared to be effective in a state of crisis."

I do not think that his lordship has seen that acronym in this case before. Do you know what IFOR stands for at the bottom of page 17? -- It is the International Fellowship of (30

Reconciliation.

And it continued really to give effect to the statements that were made. I do not know that page 18 carries it any further, even though it is under the heading of education. Have you seen the resolution on education in A1, page 28? -- Yes, I have.

Is there any substantial difference with the resolution passed at the UDF launch with what your organisation was saying and doing before and after the formation of the UDF? -- No, there is not. (10

Did you do any of the things that you did in relation to the subject matter of education, either in your capacity as an office bearer of your organisation, or as an individual at the behest of any unlawful organisation? -- No, we did not.

Or for the purposes of overthrowing the state or bringing about violence or any other unlawful acts? -- No, certainly not.

We have taken as a group, because there is overlapping, the Ciskei, the bantustans, the removals and the group areas together as the next topic.

COURT: The Ciskei, bantustans, removals and..? Only the (20 three?

MR BIZOS: And group areas. Now going back to 1966, did the Black Sash publish an article on pages 2 and 3 of its magazine in relation to homelands, bantu homelands. Just have a look at that and tell us whether that comes from your magazine? -- Yes it does come from the magazine.

It is a new document, m'lord.

COURT: This will be DA.158.

MR BIZOS: It is one we wish to draw attention to without my reading it, the portion already marked. It was marked before (30

we got it. The last paragraph in column 1, the whole of column 2 and the first two paragraphs in column 3. It was an article written in the 1976 magazine by Mr John Kane-Berman headed: "The Transkei. Real meaning of independence", and a further article in the same magazine called: "Historical Perspective" by Anne Bernstein. -- Yes.

And a further article..(intervenes)

COURT: Well, let us take them one by one. The first article is: "The Transkei. Real meaning of independence", and this will be DA.159. (10

MR BIZOS: It is a continuation. The next is in the middle of..

COURT: Of the same magazine?

MR BIZOS: Of the same magazine, that is why.. but it will still remain the one exhibit.

COURT: But they are all together?

MR BIZOS: They are all together, it continues. They are taken as a group in the magazine.

COURT: Yes. The following is what?

MR BIZOS: "Historical Perspective" by Anne Bernstein, that is on page 20. And the third headed: "Those in between", by (20 dr Manas Buthelezi, and they all appear from pages 18 to 22 of the same magazine. Again I do not propose reading them at this stage. Was an editorial published by your magazine in November 1976, setting out its view on the Transkei independence? -- Correct.

COURT: Yes, this will go in as DA.160.

MR BIZOS: Again I do not propose reading it in at this stage. Was there an article in your magazine, in May 1976 and I only want to read three paragraphs from page..

COURT: But where is the article? Where does it start? (30

MR BIZOS: Unfortunately your lordship is entitled..

COURT: Shouldn't one read the whole article together and not merely a couple of paragraphs?

MR BIZOS: Yes, I did raise this question. It was presented unfortunately to me - in order to be read properly perhaps I should try and get page 1, but could we make page 1 available tomorrow if we can get it, and really confine myself to the expression of opinion in the second column?

COURT: Yes, this will go in as DA.161. At present it has got no heading, except bantustans. (10

MR BIZOS: Yes well, that is really a classification rather than a - a handwritten classification for filing purposes. Thank you, DA.161:

"The independence of the Transkei which is presented by our government to the world as being just such a recognition of human rights, falls short of being so. There are hundreds of thousands of black South Africans who value the territorial integrity of their country above all else, whose opinions and desires have never been tested. Their only choice has been to co-operate in the fait accompli of (20 separate development or to have it forced upon them. Their citizenship of their own country is threatened, whether they like it or not, and they will not lightly give it up. All this adds up to a rapidly developing alienation of the black community from our society, and the serious and growing hatred of whites by blacks."

Could you throw some light on this page 2, would this have been an article or an editorial? -- No, I think - it looks like an article, but I cannot remember.

Well, we will try and find page 2 overnight. -- I think (30
it / ..

it is probably part of the presidential address at the March 1976 conference.

But we will - this may be a convenient stage?

COURT: We have the same problem with DA.158. There is also an article that has not got a beginning.

MR BIZOS: Sorry, 158 and 161 we will try and rectify the position.

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