

THE ANC CONNECTION

The state case is that the UDF was conceived, spawned, nurtured and throughout directed by the ANC.

Its case is that the ANC called for the formation of the UDF and whole-heartedly supported it after its launch. It points to claims by the ANC of fatherhood of the UDF and emphasises that calls for campaigns by the ANC were followed by such campaigns by the UDF. It directs attention to the open sympathy the UDF expressed for the ANC and its aims, the popularisation thereof and the similarity in language used.

The state argues that in fact the UDF at all relevant times was the internal wing of the ANC.

The accused and more particularly accused Nos 19, 20 and 21 deny this. They say that the UDF is of local origin and has no links with the ANC.

We will summarise first the evidence supporting the state case and then set out the defence answer thereto.

When we set out the policy of the ANC we quoted extensively from various ANC documents. We do not want to duplicate those quotations. They can be summarised as follows:

It is imperative for the success of the revolution that the ANC, which is an illegal organisation, should have a mass power base of popular support within South Africa. The involvement of the masses has to be won in all-round political mobilisation. To this end grievances have to be harnessed, as the national sense of grievance is the most potent revolutionary force.

The policy statement of January 1982 declared that the process of consolidating a basis of popular power among the people had begun and that it had been decided to mobilise the people under the watchword "unity in action". The ANC called upon "the millions of the oppressed to stand shoulder to shoulder at this crucial hour in our history".

Exh AAE.2 p.8.

In July 1982 the youth were called upon to "join their parents in building popular mass democratic organisations that must lead the struggle against apartheid in all its manifestations". Exh AAE.7.

ANC publications in 1982 repeatedly call on workers and other sections of the population to unite. An example is an article in Mayibuye, journal of the ANC, No 9 of 1982, exh CA.21 p.8, found in possession of the previous accused No 18 in Sebokeng. It deals

with the postponement of the 1982 elections for community councils. It also mentions failures.

"For instance our aim of achieving better regional and national co-ordination in the struggle against community councils was not achieved. We managed to form and strengthen our civic and residents' association in our areas, but not all of them are strong and in close and regular contact with the people. This is an area that needs our urgent attention as we brace ourselves for new enemy intrigues."

"We should work now to strengthen the civic organisations and to activate the masses of the people at the local level. We should then co-operate regionally and nationally on the basis of these strong local organisations. We must make it impossible for the puppets to dare raise their heads in the 1983 elections."

"The view that ANC messages and propaganda do not reach the ears of Black activists in South Africa would be extremely naïve. Apart from the above-mentioned instance we have evidence that a Sechaba (also a journal of the ANC) was found in possession of accused No 21, that an ANC document was found hidden in the UDF offices in Johannesburg and that the ANC's Radio Freedom beams its directives and propaganda into South Africa and is listened to.

The clarion call by the NEC of the ANC on 8 January 1983 for a united front we have quoted above. This policy statement can be found in exhibits AAH.1, AAH.2, ABA.33 and AAE.13 p.5.

Voice of Women, journal of the ANC's women section, No 10 of 1983, (exh AAJ p.5), stated that women's organisations had an important role to play in the united front against the proposals of the President's Council. A United Democratic Front would render the ANC's mass revolt more effective.

The March 1983 issue of Mayibuye, journal of the ANC, (exh AAF.4) proudly referred to the decision of the democratic forces to form a United Democratic Front. The campaign was not a defensive one focussed on single issues (the President's Council proposals) but an offensive one for the transferring of power to the people.

An editorial and article in Dawn, journal of Umkhonto we Sizwe, (exh AAG.1), written at the time of the launch, linked the formation of the UDF to the ANC's policy statement of 8 January 1983.

The witness ic.11 testified that Radio Freedom broadcast a call by the ANC to all people in South Africa together with the democratic organisations to attend the launching of the UDF on 20 August 1983. After the launch the ANC popularised the UDF on Radio Freedom and

video's of the launch were shown to ANC cadres in Maseru and Angola. She testified that the ANC regarded the formation of the UDF as the major achievement since it was declared illegal.

That this propaganda is effective is evident from the note (exh CA.28) by Miriam Sebetoane, a matriculant in Kroonstad in 1985, wherein she states that Mandela is still the leader of Umkhonto we Sizwe and that the UDF is closely associated therewith.

The working principles adopted at the formation of the UDF on 20 August 1983 contained in para 3.4 the following:

"The UDF shall not purport to replace the accredited liberation movements of the people."

Exh A.1 p.8.

According to accused No 10 the ANC and the PAC are accredited liberation movements.

The amended working principles adopted by the NGC of the UDF on 7 April 1985 replaced this phrase in para 3.5 with the singular: the accredited liberation movement of the people. Exhs C.102 and AAA.12.

Accused No 19 and No 20 had a lot of difficulty to explain this section of the working principles. Accused No 20 said that it was moved from the floor at the conference before the launch - thereby meaning it was not properly considered. The fact is that it had been decided upon before the meeting by the Border region of the UDF (exh AM.13) and that it was therefore properly proposed and considered.

Accused No 19 and No 20 both say that the phrase refers to existing lawful organisations in South Africa only - to preserve their autonomy. This does not explain the word "accredited" and in any event autonomy was expressly provided for in clause 6.1 of the working principles.

The change to the singular in 1985 accused No 19 attempts to explain away as a typing error. Though the minutes (exh T.16 p.8 para 12.7) do not refer to it, it is clear that this was no typing error. See exhs AAA.12, AAA.10 p.10, C.119 and AAA.2 p.6 item 37.

It is probable that the plural was used in 1983 when there was hope of unity between the Black Consciousness and Freedom Charter groups (presented by the PAC and ANC respectively) but by 1985 there was no such prospect and the majority by far of the affiliates of the UDF were Freedom Charter adherents. The clause was then changed to the singular - to refer to the ANC.

The fact that this was not minuted is of no consequence. It would be folly to do so in minutes which are circulated to affiliates.

In the opening address by Frank Chikane at the launch (exh A.1 p.37) he stated:

"The idea of the front therefore was a new concept in the struggle of the people for the last twenty years about, and it was understood to be standing for unity in action, accepting the fact that all the organisations coming together have got differences."

The beginning of the twenty years period would be the banning of the ANC in 1960, accused No 19 first said. The state suggested the formation of Umkhonto we Sizwe in December 1961. In re-examination accused No 19 stated it referred to the All in Conference 1961. Exh C.18 p.7.

It is clear that it refers to the ANC and the reference to "unity in action" is probably a reference to the ANC's year of united action - which was 1983, or its motto for 1982 - which was the year of unity in action. The All in Conference appears to have been a non-starter and it is unlikely that that would have been intended. Cf S v Nokwe 1962 3 SA 71.

The address calls for a destruction of the system and the putting up of a government of the people where people shall govern.

Already in the August 1983 issue of Dawn, the journal of Umkhonto we Sizwe (exh AAG.1), the editor called on "all genuine patriots and revolutionaries to throw all their weight behind the UDF, an invaluable weapon to frustrate the enemies' offensive". We have quoted extensively from this publication above.

In the policy statement of the ANC NEC on 8 January 1985 (exh AAH.3), the four pillars of the ANC's strategy were referred to. These four pillars of the revolution had already been set out in the policy statement of 8 January 1984. We quote:

"... first, the all-round vanguard activity of the underground structures of the ANC, second, the united mass action of the peoples, third, our armed offensive spearheaded by Umkhonto we Sizwe and fourth, the international drive to isolate the apartheid regime."

Much of what happened in South Africa in 1984 is foreshadowed in the quotations of ANC policy which we set out.



There can be no doubt that the ANC claimed fatherhood of the UDF and took the credit for its success.

The witness ic.6 testified that they were told by the ANC in camps that the UDF is the internal mission of the ANC. This was also the general conception. He also testified that the ANC drafted pamphlets and sent them to COSAS, ELCO, the UDF Cape region, AZASO and others and that it bought duplicating machinery for the Queenstown youth congress.

The witness ic.7 was taught by the ANC that the UDF works with the ANC.

The witness ic.11 testified that the ANC regarded the formation of the UDF as the major achievement since its banning and popularised it on Radio Freedom and in its camps. The witness ic.24 stated that the ANC composed songs about the UDF, saying UDF prepares the way. It also claimed leadership of the UDF. Alfred Ndzo general secretary of the ANC stated that the ANC played a major role in the formation of the UDF.

The journal of the ANC, Mayibuye No 8 of 1983 (exh AAF.7), called the national launching of the UDF "a massive step forward on the way to our final victory over Botha's vicious regime. Our unity in action is now taking concrete shape and force. We must consolidate and

strengthen this process. Our task now is to bring all democratic forces into our united front ..."

"One of our most urgent tasks therefore is to take the UDF into the Bantustans and rural areas of our country."

"Let us organise a conquering force - a united front for final victory."

The January 1984 policy statement of the NEC of the UDF has been referred to. Exhs ABA.35, AAE.33 p.3 and AAF.10(ii).

In June 1984 Oliver Tambo, president of the ANC and Commander-in-Chief of Umkhonto we Sizwe called on all compatriots in South Africa "to organise, mobilise and step-up the massive offensive around immediate issues of the day and the fundamental question of peoples power". Exh AAG.2 p.8. He called for a determined, united and nationwide assault on the constitution and for the conquest of popular power.

The August 1984 issue of Mayibuye which was published just before the Vaal unrest (exh AAF.15), contains an ANC call to make South Africa ungovernable through united action by the masses. The organs of government must be destroyed. This refers to homelands and Black

local authorities. The assault on the organs of government must be done by "the organised and conscious revolutionary masses". An article in this journal states:

"We strengthened our mass organisations and united millions in various forms of action against the illegal regime."

The next issue of Mayibuye No 9 of 1984 (exh AAF.16), published just after the riots started, was triumphant. Its editorial stated: "Let us put into effective use our accumulative power and spread the revolt to every corner of the country".

We know that in the second half of 1984 there were wide-spread riots throughout South Africa.

The January 1985 ANC policy statement (exh AAH.3), claimed the credit as follows:

"(in 1984) ... we have made significant progress in forging a mighty peoples movement against the racist monstrosity."

"By attacking, we defeated the efforts of the racist regime to mobilise the Indian and Coloured, or so-called Coloured, sections of the black population into acceptance of the apartheid constitution."

"By boycotting the apartheid elections we denounced Botha's 'reform' programme as a sham."

"Our women were active in all the battles ... during the year. In many of these, as in Sebokeng, they fought in the front ranks."

The ANC then claimed successes in destruction of the organs of government as it had urged the previous year namely the community councils and rejection of the apartheid constitution.

"We have taken impressive strides towards rendering the country ungovernable."

"Other struggles, including those around the issue of education as well as the stays-at-home, themselves pitted our democratic power against the power of the forces of oppression, racism and counter-revolution ..."

"In all the struggles that we waged in the past year, in Sebokeng and other areas, thousands of troops were called in."

The only answer the defence has to these claims by the ANC, is that they were merely boasting.

In Dawn No 8 of 1983 (exh AAG.1 p.9) Umkhonto we Sizwe declared that in the context of the UDF the task of the ANC as the vanguard was to consolidate, strengthen and broaden this front. It stated that the political organisers must be in the front line of these mass struggles in order to give day to day direction and leadership.

It is therefore not surprising that the top leadership of the UDF to a large extent consisted of people who had been ANC members before it was banned or had been convicted for terrorist or other ANC activities.

All eight the Rivonia trialists, Umkhonto we Sizwe members convicted of sabotage, were national patrons, as was Martha Mahlangu, a nonentity whose son had been hanged as an Umkhonto we Sizwe terrorist.

There were also Dorothy Nyembe who had harboured terrorists, ex vice-chair of the ANC women's league, who had spent eighteen years in prison and Francis Beard who had been a member of the ANC women's league and who had served five years. Helen Joseph had been listed under section 8 of the Suppression of Communism Act.

The three presidents were ex-ANC's. The national publicity secretary had served six years on Robben Island (this was mentioned as a plus point. Exh AJ.18.)

The Eastern Cape REC openly prided itself in the fact that its president, vice-president and publicity secretary had served long terms of imprisonment on Robben Island. Exh AAZ.6.

On the REC of Transvaal there were five members who had served substantial periods of imprisonment ranging from two to seven-and-a-half years after having been convicted of crimes ranging from sabotage and sedition to contravention of the Suppression of Communism Act - all ANC related.

There were also Curtis Nkondo, an ardent ANC supporter, bent on the destruction of the South African government. Exh C.130. The Transvaal president Albertina Sisulu is the wife of Umkhonto we Sizwe Rivonia trialist Walter Sisulu. She had also been an ANC member. Doctor Motlana was an ex-ANC youth league member.

The REC of the Western Cape boasted Curnic Ndlovu (also on the NEC) ex Umkhonto we Sizwe member who had served twenty years imprisonment, and two others who had been convicted for ANC terrorist activities and recruiting members for an unlawful organisation.

The Natal REC had as president an ex-ANC member and had two ex-convicts as members - one of them had served twenty years imprisonment for ANC terrorist activities as a member of Umkhonto we Sizwe.

Accused No 20 testified that the UDF in its publications which set out these details merely gave the backgrounds, that they were all leaders and that though they were criminals in the eyes of Whites they were not in "our eyes". We take it that he means the eyes of the UDF. This means that the acts of which they were convicted terrorism, sabotage, subversion and the like are not regarded by the UDF as crimes.

The particulars of their imprisonment were not given as mere background. They were given as a curriculum vitae to bolster their standing. In exh AAZ.6(vii) for example Fazzie's record in Umkhonto we Sizwe underground and twenty-one years on Robben Island is referred to as making him "a tested leader in the democratic movement of our time".

See also exhs W.44; W.51 p.8; AH.8 p.6; C.102; C.96; C.95 p.3; C.130; A.1 p.5, p.54, p.55, p.56, p.58; AAF.6 p.7; AAG.2 p.13; W.19 p.8; W.34 p.10; AAE.31 p.18; W.71 p.5; AAF.5 p.5; AAF.5 p.6; AAE.16 (front); C.94 pp.2-3; AAE.7 pp.20-21.

When we summarised the state case set out in the indictment we enumerated some seventeen issues on which the UDF allegedly waged campaigns.

There is a big dispute between the state and defence whether these were all campaigns. The defence regards campaigns as formally declared ones whereas the state uses the word in a more loose sense.

Whether the taking up of these issues were campaigns in a formal sense or not is in our view immaterial. The question to be decided is whether the UDF itself or acting through its affiliates issued propaganda by speeches or documentation on these issues for the purposes and with the aims set out in paras 50 to 65 of the indictment.

In this connection one has to sound a warning.

Discussion from public platforms or in propaganda leaflets by a political party or organisation of issues that concern the community is not per se treasonable. The fact that the ideas expressed are non-conformist or even weird and that the language is not that of a ladies' tea-party does not alter the position. The free expression and discussion of ideas is the essence of democracy. The courts have to uphold this right subject to such statutory constraints thereon parliament may have laid down.



It may, however, be that the manner of this expression or the frequency thereof or its relationship to campaigns by others leads to the conclusion that the democratic right of freedom of speech is abused for an ulterior purpose.

The state's case cannot be based on the subject-matter per se of the so-called campaigns, but it must from the relationship in time and wording prove that they were inspired and/or directed by the ANC. In other words it has to prove that the UDF was "harnessing the national sense of grievance" for mass revolt as the ANC had instructed.

It is common cause that the UDF used grievances to mobilise, organise and politicise the Black people. That is the way of politics. All political parties do that. Grievances are the life-blood of politicians it seems.

We have to bear in mind also that the nature of the composition of the UDF, that is a front around a central theme, would be conducive of variation in approach by the speakers at the UDF meetings and in the propaganda pamphlets of the various organisations.

At the UDF conference and rally on 20 August 1983 the following were the subject of thirteen resolutions indicating the issues with which the UDF would concern itself apart from the constitutional proposals and Koornhoff Bills: scrapping of the housing policy, women to join the UDF and organise; against militarisation conscription and

the army; workers should be organised in trade unions; must share the wealth of the country; the migrant workers' system and influx-control must be abolished; students and scholars were supported on the education issue; against the Ciskei; Bantustans; the cost of living; against detention; for the release of political prisoners and the return of exiles; on Namibia; against removals and group areas; against harassment and oppression and against imperialism.

Exh A.1.

Of these issues twelve had in some form been dealt with in the policy statement of the ANC on 8 January 1983. Exh AAH.2. A major portion of the policy statement was the call for "a campaign for the rejection and defeat of the enemy's counter-revolutionary constitutional plans" and a campaign to defeat the Orderly Movement and Settlement of Black Persons Bill (one of the Koornhoff Bills).

This was the pivot of the UDF.

The ANC NEC policy statement of 8 January 1984 (exh ABA.35) called for the destruction of the organs of government, for strategic reasons to commence with the Achilles heel of them all - which was most open to a united and determined mass offensive - namely the community councils and thereafter the administration boards.

In its first meeting thereafter the UDF NEC on 24 January 1984 (exh F para 5.2) minuted that consultation was necessary amongst organisations which campaigned against administration boards, Black local authorities and/or community councils to ensure ongoing work on this front. At this stage the Black local authorities' elections of November 1983 had been held and the new Black local authorities of which the community councils formed part were functioning. There would be no new elections for a number of years.

The first half of 1984 saw vehement attacks at meetings and through propaganda material upon the Black local authorities, emanating from the UDF and its affiliated civic organisations. We discuss the UDF's campaign against the Black local authorities elsewhere.

The latter half of 1984 saw stay-aways, rent boycotts and marches. In these activities the UDF affiliates played a major role. These were followed by riots and violent attacks on councils and councillors to the extent that the army had to be called in. Many Black local authorities were put out of action.

In this respect, therefore, the ANC was successful. An indispensable element in this success was the UDF and its affiliated organisations, so the state argues.

The ANC policy statement of 8 January 1984 called for destruction of the power of apartheid and the creation of conditions in which the country becomes increasingly ungovernable.

The 1976 riots in Soweto had shown that to get the schoolchildren on the streets was one of the surest ways of ensuring those conditions.

The UDF NEC on 21 January 1984 (exh F para 5.12) decided that regions should consider the role of the youth organisations, monitor their growth and give recommendations to the general secretary.

There was at all times close co-operation between the UDF and COSAS its affiliate. Exh J.2.

The UDF involvement with the youth and education is discussed elsewhere.

The large scale schools unrest in 1984 leading to repeated confrontation between scholars and police and action by youths against local authorities should not be disregarded.

When we deal with the unrest in the different towns in South Africa we will indicate to what extent the UDF and its affiliates were involved.

Apart from what we have stated the ANC policy statement of 8 January 1984 dealt with many issues which had been set out in its 1983 policy statement and had also been the subject of resolutions at the UDF launch as set out in exh A.1.

The ANC NEC policy statement of 8 January 1985 (exh AAH.3) triumphantly declared that they had made significant progress in forging a mighty peoples movement, the second of the four pillars of its strategy set out in its previous policy statements, and had registered great success in raising the united mass action of the people to higher levels. Impressive strides had been taken upon the path of the destruction of the organs of government and of rendering South Africa ungovernable. It claimed the credit for the boycott of the parliamentary elections and the Transvaal stay at home (probably 5 and 6 November 1984) organised by the workers which paralysed industry and commerce. The ANC praised the student and working youth as the pride of the nation for swelling the ranks of the mass movement by joining the struggle in hundreds of thousands.

This is a reference to the schools boycotts. The ANC declared that the youths thereby earned the honour of being called "THE YOUNG LIONS".

The first NGC of the UDF was held on 5 to 7 April 1985. It passed eighteen formal resolutions which it published as part of a booklet on the proceedings. Exh C.102.

The pith of each of these resolutions is ANC policy and in all but one case (that on citizenship) they were dealt with in the ANC's policy statements of 8 January of the years 1984 and 1985. Exhs ABA.35 and AAH.3.

The subjects were:

detentions and the Pietermaritzburg treason trial

the banning of ~~the UDF~~ and its affiliates in the Bantustans

the UDF's international contacts must be used to isolate the South African government

support the front line states

the goal of a single progressive trade union federation

organising the unemployed

to fight increases in rent, transport fares and the price of food, fuel and other essentials

forced removals

establish rural organisations

the withdrawal of the SADF from Angola and Namibia

that the SADF be disarmed

that nobody join the army

that the SADF and all security forces be disbanded

stop support for groups (called terrorists) like Unita

organise the women and join all women's organisations together

attack the Black local authorities and cause their collapse

establish the formation of community organisations which must become the alternatives to the local authority system

against the Tri-cameral parliament, Bantustans and other apartheid structures and the incumbents thereof who are the enemies of the people

call the South African government illegitimate

attack the imperialist countries led by the Thatcher and Reagan governments and the United States policy of constructive engagement

call for disinvestment and support the USA disinvestment campaign

attack the Reagan administration's reactionary foreign policy and its subversion of "progressive states and movements" (read "Marxist" here)

oppose the South African government's participation in the international youth year and support national and regional IYY committees of democratic youth organisations and call on them to work in close liaison with UDF

popularise the Education Charter Campaign and encourage the formation of parent students committees

support Swapo in Namibia

isolate South Africa from international sport (as part of the general isolation - the fourth pillar).



These resolutions were not empty gestures. They were preceded and followed by intensive propaganda and organisation. A few examples will suffice. The propaganda material before court is too much to deal with in detail.

The ANC policy statement of 8 January 1983 stressed that Whites should seriously weigh the implications of being part of military aggression against neighbouring countries. The ANC policy statement of 8 January 1984 called on White youths to refuse to join the army.

The UDF NEC dealt with this issue on 11 September 1983 (exh D.1), 5 November 1983 (exh E.1), 20 January 1984 (exh F) and 1 June 1984 (exh G) and the NGC in April 1985. It was an important matter to the UDF.

Having regard to the UDF's composition - the overwhelming majority of its members being Black organisations and very few White organisations - the issue seems to have been given disproportionate attention. Apart from loose statements, there was never any serious proposal for conscription for non-Whites.

The ANC 1984 policy statement declared that resistance against bus fare increases in Mdantsane in the Ciskei must be transformed into a nationwide offensive against the Pretoria regime's Bantustan policy.

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On 22 September 1983 already the UDF held a public meeting at which accused No 19 was chairman where the theme was the so-called crisis in the Ciskei which was extended and linked to the homelands policy. We deal with this elsewhere. Exh V.2.

A draft resolution found in the UDF offices Johannesburg does exactly what the ANC policy statement proposed. Exh AC.4.

The UDF issued propaganda material against the Ciskei accusing its government of the gravest atrocities and holding the South African government responsible therefor. Exhs AC.1; AC.2 and AC.5.

The UDF further vehemently attacked the so-called Bantustans and coupled them with the issues of removals and relocations.

Accused No 19 testified that the homeland leaders were regarded by the UDF as the enemy and were called puppets and that their destruction was called for. (He said that that was meant in a political sense).

The ANC and the UDF used the same language. Comrade, peoples power, power to the people, peoples government, regime (for the South African government), enemy (for the South African government and the state), puppets (for councillors and homeland leaders), exploited, oppressed, democratic and other numerous examples spring to mind.

An excessive use by both organisations of the word "democratic" is evident. The ANC uses it in its Marxist/socialist sense. The UDF has never defined its meaning. It is a word with a beautiful sound. It pleases everybody. To liberal supporters of the UDF it will mean a western democracy. To the Marxist element in the UDF it is the essence of the Peoples Democratic Republic of South Africa (or AZANIA).

To illustrate this we quote from Frank Talk July/August 1984 p.8 (exh B.28). It is the official journal of AZAPO (which as we have stated is not in the UDF camp):

"There is nothing wrong in using the terminology of 'democracy' and 'national self-determination' if one understands them in their revolutionary senses. A struggle for full democratic rights must be linked to a socialist revolution. Victorious socialism must practice the fullest democracy."

The view that socialism is the democracy of the majority was expressed at a UDF workshop in January 1985 by Laloo Chiba. Exh C.97.

In the ANC terminology of the witness ic.11 "democratic" meant all progressive minded organisations in South Africa - all people looking forward to freedom of the oppressed and exploited of South Africa. In short, democratic is those in favour of liberation.

In many UDF speeches and documents it is used in this sense.

Accused No 11 says the word democratic was used with the meaning "according to the principles of the Freedom Charter" at a Wilgerspruit workshop in January 1984. Exh AT.19.

According to exh AE.10 - the proceedings of the AZASO women's conference - the "national democratic struggle" "is democratic because it takes up the interests of the majority of the people in South Africa who are workers". (The conference papers are Marxist revolutionary).

The words "the people" should also be defined. •

In ANC terminology it means all opposed to the so-called rulers of South Africa i.e the so-called oppressed and exploited Blacks.

In UDF terminology it means exactly the same. The official document on the UDF NGC of April 1985 (exh C.102) speaks of two camps in our society - the people and the enemy. "The people" means the oppressed and their supporters like Nusas, Black Sash and Jodac. (See the statement and secretarial report p.10. See also exhs C.97 p.14; C.8 p.5; V.20 p.5 and AB.2 p.3).

The evidence of accused No 19 that "the people" refers to all the people in South Africa is in the light of the vast documentation of the UDF just not true.

It is with this in mind that the excessive use by the UDF and its affiliated organisations of the phrases "peoples power" and "power to the people" should be interpreted. (See for example exhs Z.1; AA.1; AM.41; AM.51; ABA.51; ABA.57 and ABA.63).

The question "how do the masses become effectively historical forces for change?" and the phrase "the masses are the makers of history" in Curnic Ndlovu's paper to the NEC of the UDF on 10 November 1984 (exh J.3 p.2) accused No 20 could not explain adequately. It reeks of the ANC's Marxist phraseology.

The use of the unusual phrase "to face the wrath of the people" is a further case in point. The ANC policy statement of January 1984 used it and so did accused No 19 in his secretarial report to the UDF GCM on 30 June 1984. In both documents the phrase was directed at the Black local authorities. Exhs ABA.35 and T.20.

We have mentioned but a few examples of the use of the same phrases and words by the ANC and the UDF. There are many. There was long cross-examination on this. It is to be found in volume 267/14435 et seq and volume 290/16171 et seq.

The UDF throughout its existence popularised the ANC and its leaders through speeches, songs and slogans.

There is ample evidence of this in the tapes and videos before court. A long list of instances where ANC leaders were popularised by the UDF in songs and slogans was put in cross-examination to accused No 19. It can be found in volume 270/14649 et seq. Many songs and slogans connect the UDF, the ANC and Umkhonto we Sizwe. A list thereof can be found in volume 270/14656 et seq.

Freedom song sheets were printed with the UDF logo or name thereon. They were found in 1984 in Grahamstown (exh AAY.9) and Graaff Reinet (exh ABA.5). Freedom song sheets were found in UDF offices and in possession of Prof I Mohamed. Exhs AG.24, C.122 and C.125.

At this stage a few words about freedom songs are apposite.

Singing has always been an important part of the culture of the Black people of South Africa. It is to be expected that songs are sung at political meetings and that they will be "freedom songs".

Some of these songs date from the Soweto uprisings of 1976. The evidence of the state and defence witnesses demonstrates clearly, however, that from 1983 the freedom songs sung at commemorative services and political meetings of the more radical Black opponents of the government changed. Songs were sung that had never been heard before. (See the evidence of Rev Mahlatsi, O S Matloko, Dr Ellen Khuzwayo, Leonard Mosala, K V Namane, F S Mgudlwa, S S Tsotso, E Tsagane and accused No 7.)

These songs were broadcast on Radio Freedom, the ANC Radio Station in Lusaka. The majority were ANC songs. They were sung in ANC camps where some were composed.

At political meetings of the UDF and its affiliates they were sung to popularise the ANC leaders, relate historical events and praise the ANC and Umkhonto we Sizwe its military wing. Mostly they were spontaneously started by the audience, often they were called for by the convenors of the meeting, but always they were sung with their full approval.

Freedom songs were an integral part of these meetings. The UDF called upon audiences to sing freedom songs to rededicate the people to the struggle. Exhs V.3 p.3, V.4 p.6, V.12 p.17.

The songs sung at these meetings praised Mandela and Tambo, the deeds of Umkhonto we Sizwe - like the bombing of the supreme court and SASOL - were sung, they promised to catch the boers and their children across the river (with the implication that they would be killed), the boers were called dogs who had taken the land from the Blacks and should return it, the coming of Mandela's soldiers was called for, Mandela wants soldiers for freedom, Tambo is in the bush training the soldiers, bring the guns, bring the Bazookas and others.

About the songs of ANC violence sung at UDF meetings, some of which were called for by the chairman, accused No 19 says that they have been sung in the townships over the years. This cannot possibly be true. "The supreme court is on fire" and "Sasol is on fire" must of necessity be of recent origin. We also have evidence of defence witnesses, political activists, that these songs were unknown to them as late as 1982. See the evidence of Dr Ellen Khuzwayo and Leonard Mosala. Accused No 7 testified that as late as 26 August 1984 he was not familiar with the freedom songs most frequently sung like "We are Mandela's soldiers", "Hlanganani Basebenzi", "Senzeni na" and "Siyaya ePitoli".



In so far as the song "Tambo is in the bush training soldiers" is concerned Leonard Mosala testified that it cropped up after 1976 especially amongst young people. Many state and defence witnesses, ordinary people, had not heard freedom songs sung prior to meetings of UDF affiliates.

The statement by accused No 19 that the songs were not seen as promoting violence is puerile.

A song like Senzeni na which is very popular has a religious origin. In 1976 the words became secularised and after the riots it became "The White people are dogs, they will die being dogs". The version "Boers are dogs" is the official UDF version. So is the song "We the black nation cry for our country. The Boere must leave our country". Exh C.139.

A point is made by the defence that the police never objected to these songs. That is not the evidence. Colonel (now brigadier) Viljoen did so at the funeral service of Sithole and in many of the magisterial restrictions on funerals of riot victims a prohibition on the singing of freedom songs was a condition (which was mostly simply ignored).

Accused No 19 testified that freedom songs are not taken literally in the Black community. They are simply part of the culture. We have shown that the latter statement is not true. Their use is limited to a radical section. We accept that these songs are not taken literally, but they are often used to popularise the ANC and its revolutionary violence and to create malice against government figures and the Whites.

Not once did any UDF office-bearer or for that matter anybody at these meetings in the least disapprove of their use.

We heard evidence that "Mama General" Sibande at Somerset East openly bragged about her membership of the ANC while in the company of Mathew Goniwe the UDF regional representative who officiated at the funeral of Deborah Memese (of COSAS) on 16 March 1985.

At the funeral of Bongani Khumalo (secretary of COSAS in Soweto) on 26 September 1984 which was attended by Frank Chikane and Dr Motlana of the UDF there was an banner with an AK.47 on it and shouts of Oliver Tambo and an Umkhonto song "Kill the boers". Exh V.27.

At the 16th June 1984 commemorative service of COSAS and AZAPO in Alexandra Mathilda Gizela of Alexandra Women's Organisation urged women to harbour guerillas and accused No 19 spoke of the history of the ANC on behalf of the UDF. There was a placard in the hall of an

AK.47 and the inscription "Solomon Mahlangu: Tell my people to continue with the struggle". An ANC flag was held at the table and ANC slogans were shouted.

The speech found in possession of Louis Mnguni, chairman of MACA, patron of MAYCO, convenor of the UDF probably delivered at the launch of MAYCO on 16 October 1983, refers to the revolution and the death of Solomon Mahlangu the ANC terrorist. Exh ABA.45.

As if afraid Mandela may deviate from ANC policy accused No 20 in an anticipatory press statement on 31 January 1985 reacted to the state president's offer to release Mandela stating that Mandela would not foreswear violence. Exh AG.4.

The UDF also gave Mandela a platform for his reply on 9 February 1985. Exh AG.5. It further translated and widely distributed Nelson Mandela's statement. Exh C.41(1) and (2).

The UDF in an attempt to clear Mandela's name issued a challenge to Sath Cooper of AZAPO on 26 July 1984. Exh AG.6.

The UDF christmas-card (exh AAC.52) bears the slogan "an injury to one is an injury to all". This is SACTU's slogan adopted in March 1955. Exh AAC.55 last page. SACTU is an ANC trade union body.

The Natal Indian Congress calls Yusuf Dadoo of the ANC and South African Communist Party "our leader". Exh AG.12.

The AZASO Newsletter in a plea to save the ANC six sentenced to death, claimed that people convicted of treason should be given prisoner of war status. Exh W.65.

The speeches of Prof I Mohamed of the UDF NEC and the Transvaal REC are strongly pro-ANC. Exhs C.23 and C.26.

So is the Transvaal Indian Congress which according to the defence is of the same origin as the UDF (at its anti-SAIC conference). The TIC is also pro-SACP. Exhs C.71 and AG.12.

At the launch of the UDF the speeches of F Baard and A Mokoena were also strongly pro-ANC. They were published as part of the official documents. Exh A.1 pp.38 and 43.

Accused No 19 says that it was not the programme of the UDF to popularise the ANC. The answer is that a tree is known by its fruit.

There is other evidence of a connection between the ANC and the UDF.

Accused No 20 referred to Umkhonto we Sizwe as "our own Umkhonto" in a speech at a UDF rally on 28 July 1984. Exh V.16 p.33.

Prof I Mohamed spoke on behalf of the UDF at the funeral of Jabulani Ngcobo, an ANC member who had died in Swaziland on 30 December 1984. It was a revolutionary speech. Exh C.26.

In what was probably the keynote speech by Curnic Ndlovu at the April 1985 NGC of the UDF (exh C.106) we find that the comrades are greeted in the name of the convicted ANC leaders and in the name of "many others who continue to contribute to the struggle for liberation from outside our borders".

In a funeral oration for Bertie Gonsalves (exh AG.20) accused No 20 praised the deceased, Brian Mazibuku and Griffiths Mxenge - all ex ANC or ex Robben Islanders - as the extended family of freedom fighters.

In a statement to City Press on 3 September 1983 (exh AG.23) Prof Mohamed, then on the REC of the UDF Transvaal, called Oliver Tambo "the leader of the vanguard movement of our country".

Accused No 19 and No 20 on 4 July 1984 sent a letter of condolences to the parents of Jeanette Schoon, who had been killed in

Botswana, "on behalf of the UDF and freedom fighters of our country elsewhere". Exh AG.29.

In the UDF News of August 1984 (exh W.44) Mandela, Sisulu and the other Rivonia trialists were described as "the hopes of the UDF".

At the Soweto Youth congress launched on 31 July 1983 (exh V.25 p.26) Archie Gumede then president of the UDF Natal called on the youth to "do more than sing about Oliver Tambo, bring our leaders back".

ANC literature was found hidden in the UDF office, Johannesburg. This remains unexplained. It was also found in possession of Louis Mnguni, chairman of MACA and convenor of the UDF Northern Transvaal and in possession of accused No 21 (though in 1981).

It is important to note that throughout its copious praise for the ANC and its leaders the UDF never deplored its course of violent revolution.

This then is the state case on the UDF-ANC connection.

We turn now to the defence answer thereto.

The defence case in answer to that of the state on the ANC connection is as follows:

The idea of a united front is not new. As long ago as 1943 there was a call for a United Front of the People. Exh DA.102 p.12. Advocate B M Kies called on Africans, Coloureds and Indians to unite.

United fronts have also been part of White politics.

Accused No 19 testified that in the early 80's there was a revival in Black politics. AZAPO, the Soweto Civic Association, the ad hoc committee Anti Community Council's Committee, COSAS, FEDSAW, AZASO and the General Allied Workers Union were founded. In 1980 a joint demonstration was held by a number of these organisations against the rent increase in Soweto.

In 1981 an ad hoc committee was formed to organise protest against the Republic celebrations. A number of organisations of different outlook participated. At the conference of the SACC in 1981 accused No 19 called for a broad united front of the exploited and oppressed against the exploiters and oppressors. Exh DA.13. To this end an ad hoc committee was to be formed.

An ad hoc anti community council's committee comprising various organisations was formed to organise an election boycott of the com-

munity council elections to be held in 1982. (These were postponed to 1983 because of the introduction of the Black Local Authorities Act). This committee held meetings in Soweto and received a lot of publicity.

In approximately 1982 the DBAC (Disorderly Bills Action Committee) was formed in the Western Cape by trade unions, civics, rate payers organisations and students organisations. Its object was to agitate against the Koornhoff Bills.

In 1982 Dr Neville Alexander (using the nom de plume Stuurman) published a booklet entitled Let Us Unite in the Year of the United Front wherein he called for a united front.

In 1982 the Koornhoff Bills and Tri-cameral parliament proposals were widely debated and there was deepfelt anger in the Black community as they had been excluded. The Labour Party's decision on 4 January 1983 to participate in the Tri-cameral parliament caused wide publicity and soured a number of relationships.

On 6 January 1983 a journalist at the Cape Times D H Kemp was instructed to interview Dr Alan Boesak who had come to his editor's office. This interview was published the following day in that newspaper on the first page. It is exh DA.202. The title is "Boesak calls for United Front". Kemp had asked Dr Boesak whether he foresaw a united front by community organisations and churches against the Labour Party's participation in the constitutional scheme. The answer was that he thought that a united front against the proposals would be



possible. There was no call by Dr Boesak. The title of the report was misleading.

This report was published in a number of other newspapers.

At the Transvaal Anti SAIC meeting on 23 January 1983 Dr Boesak reportedly called for a united front. We have no direct evidence of this meeting. It is however, the official UDF version. Exhs W.52 p.4; A.1 p.2 and p.36; C.54.

Accused No 19 who was not there also gave this version.

"Speak" of January 1984 reviewing the events of 1983 (exh W.69 p.8) stated that the Transvaal Anti SAIC committee congress of 23 January 1983 "decided to revive the Transvaal Indian congress and Alan Boesak supported by Thomazile Gqweta and Essop Jassat called for the formation of a United Democratic Front".

We heard evidence that Gqweta, president of SAAWU, reported to the ANC's SACTU at ANC houses in Lesotho in July 1984, visiting Lesotho on a false passport.

Dr Jassat, president of the Transvaal Anti SAIC committee, at the TIC (Transvaal Indian congress) meetings of 8 February 1984 and 18 July 1984 in his introduction of speakers emphasised the fact that they had been on Robben Island (exh V.9 p.7 and 28; exh V.14 p.22).

On 9 March 1985 the secretary of the Transvaal UDF reporting to the AGM stated that "the conference of the Transvaal Anti SAIC committee provided the opportune moment to issue the call for united action". Exh T.25.

The TIC has according to accused No 20 always subscribed to the Freedom Charter. The congress which decided to form the UDF was therefore (if we leave the question of violence aside) a political bed-fellow of the ANC.

At the meeting of 23 January 1983 a resolution to form a united democratic front was drafted. Exh C.49. It was widely debated in the months thereafter.

A consultative committee was formed to determine the depth of support.

UDF Transvaal and UDF Natal were formed in May 1983.

In the beginning of 1983 AZAPO attempted to create a joint front of diverse organisations in a National Forum. It did not become viable and accusations were levelled against Dr Boesak that he had hi-jacked AZAPO's idea. Exh W.9 p.9.

On this question of the origin of the United Democratic Front the following facts can therefore be summarised.

The idea of a united front was not a novel one.

The ANC had espoused the idea of regional and national co-operation of local civic organisations already in mid 1982. Its policy statement of 8 January 1983 would have taken at least several weeks to prepare. It would when broadcast have been widely listened to by radicals in South Africa and debated thereafter. Especially as it was the clearest call to date.

Independent of the ANC the idea of a United Front had also been mooted in South Africa in 1982. By 1983 political temperatures had sharply risen and it would be natural for groupings opposed to the government to seek to band together.

Dr Boesak was not called to testify. We cannot find as a fact that he did call for a united front or that Gqweta and Dr Jassat supported him on 23 January 1983. Even if we accept that, this evidence leaves open the question whether they were acting in response to the ANC's call of 8 January 1983 or not. That has to be determined in the light of the totality of the evidence.

What is striking is that the defence has sought to rest its case on this important aspect on the sole evidence of a journalist who did not attend the meeting of 23 January 1983.

It is probable that many of those who did the preparatory work for the launch of the UDF and those who joined them later knew of the ANC's call.

The ANC claimed fatherhood of the UDF. It also spoke of "the crying need for an unabating drive for drawing more people into the fold". Exh AAG.1 p.27.

Accused No 20 denied that the UDF had anything to do with these statements and said that the UDF could not be held responsible if the ANC praised it. He referred to exh DA.65, a press statement of 5 December 1983, wherein he had reacted to a statement of support from the ANC by declaring that the UDF had no links with that organisation.

We have mentioned the disproportionate number of ex-ANC's and present and ex-convicts who are patrons of the UDF or hold executive positions in that organisation. Accused No 20 stated that the reason for this was that at the launch of the UDF they had to accept the choice of the people when electing patrons - or abandon the UDF. The Rivonia trialists were all convicted under the General Law Amendment Act of 1962 of conspiracy to sabotage, he said. Their conviction was not a pre-eminent factor in the perception of the community. They were heroes. He could, however, not explain why Z Mthopong of the PAC who was also on Robben Island was not made a patron.

Accused No 20's explanation that the patrons were elected because they were the heroes of the people does not pass muster as far as the nonentity Martha Mahlangu is concerned. Her sole claim to fame is that she is the mother of a convicted and hanged ANC terrorist and murderer.

As far as the UDF's leadership is concerned, accused No 20 testified that the old guard who were in the ANC before it was declared illegal were the leaders. They did not take the path of violence but remained in South Africa. It is only natural that they should be elected as leaders.

Accused No 20 further emphasised that the patrons outside gaol preached non-violence. Patrons are however not on the executive and do not determine policy.

In answer to the state case that the campaigns of the UDF and those of the ANC dovetailed, the defence argument is that issues which were the subject of agitation of both the ANC and the UDF were vital issues to the Black community and one would expect any political organisation to nail them to its mast.

There is much force in this argument. About some of the issues other organisations were concerned as well. We think of the issue removals and resettlement about which the Surplus People's Project and many other organisations agitated. And not without success. The policy of removals was scrapped, but there had been many years of protest and much bitterness.

The issue of cost of living is a natural to be taken up by womens organisations and therefore also by politicians. So is women's rights. Detention without trial one would expect to be an issue. Housing, constitutional matters, education and group areas spring to mind. There are others.

(What strikes one however, is the disproportionate emphasis by the UDF on some when compared to others that are more important to the Black community. Examples are the meagre attention to housing when compared to conscription or the Ciskei.)

The Black Sash, a White female political pressure group, took up issues like the constitution, the Orderly Movement and Settlement Bill, housing, women, militarisation, education, Ciskei, Bantustans,

removals, group areas, cost of living, detention, political prisoners and exiles and commutation of death sentences. It co-operated as closely as possible with the UDF. It is strongly opposed to violence and the Freedom Charter and its policy of nationalisation. It called for a national convention to formulate a new constitution, but did not have secret pre-conditions. Its documents were circulated to the UDF and some of its affiliates and it would appear that they were stimulants to the political thinking of many activists.

The defence pointed out that the UDF was not alone in calling for the release of Mandela as part of the solution to our constitutional dilemma. Some homeland leaders did the same. Exh DA.79. They did, however, not campaign around it. Some did also call for the unbanning of the ANC, as did others. Aubrey Mokoena the Release Mandela Campaign's most active leader was a member of the UDF's national executive.

What remains somewhat of an enigma is why the UDF, if it was formed just to oppose the new constitutional proposals and the Koornhoff Bills (as is alleged), would concern itself with and often campaign around such a wide spectrum of issues - all happening to be ANC issues as well.

If the answer is that it was merely done to gain support amongst the masses one wonders at the choice of subject. The lowly educated Black workers at which the propaganda and agitation would be aimed would have no interest in Namibia, Swapo, conscription, imperialism, South African defence force, the international isolation of South Africa and only limited interest in Ciskei, Bantustans, exiles, detention and political prisoners.

Of course these were all matters which concerned the intellectuals - but this small group was in the UDF camp already.

Accused No 20 testified that the UDF was unaware of ANC campaigns as its publications were banned in South Africa and were never available to them. This is nonsense. As we have shown an ANC publication was found hidden in the UDF office in Johannesburg and one was found in possession of accused No 21. The erstwhile accused No 18 also had some of them. Exhs CA.21 and CA.22.

The use by the UDF and the ANC of identical language and phrases cannot be explained away. Accused No 20's explanation of the socialist phrase "the leadership of the working class" in the UDF resolution on workers (exh A.1 pp.25 and 27) is nonsensical. See also exh C.4 p.4.



On the use of the words "year of united action" in the message of the United Nations published in the UDF's papers of the launch (exh A.1 p.12) which is a reference to the ANC's 1983 year of united action, accused No 20 was evasive. We do not accept that he did not know of the ANC's year of united action. Nor do we accept his ignorance that 1982 was the ANC's year of unity in action - which he professed when cross-examined on Frank Chikane's message in "Speak" (exh W.69(1) p.7) where the phrase unity in action is used.

The defence placed before court exh DA.48, an article by Dr Ndlomo of Inkatha, to demonstrate that that body used much the same political language as the UDF and the ANC. Phrases like liberation of the nation, liberation struggle, liberation movement, freedom fighters, oppressed masses, genuine peoples movement, tightly organised and highly disciplined people, comrade, sell out, puppet, stooge are used. It is stated at page 7 that there are no genuine political differences between Inkatha and the ANC. It is further stated that Inkatha sings freedom songs at funerals of ANC's and that ex-saboteurs are members of Inkatha:

It should be added that the article does not state that Inkatha subscribes to the Freedom Charter and that it several times expressly

states that Inkatha is non-violent, whereas the ANC is not. The statement that there are no genuine political differences should be read in the light of the examples following immediately thereafter - which indicate that a unitary non-racial democratic state in one geographical and political region is meant. One cannot read into it that there is a similarity of policy on political issues as between the ANC and the UDF.

Nevertheless, when documentation of the UDF and ANC are studied it should be borne in mind that the words set out above are not the exclusive political language of the UDF and the ANC.

We were urged by accused No 20 that when assessing the strong language used we should bear in mind the frustration of the Black communities. Language, he said, had become rough at meetings. We should attempt to grasp the levels of frustration.

Having listened to extensive evidence about grievances, many of them genuine and serious, we have a thorough understanding of the frustrations evidenced by some documents and speeches. This case is not about strong language.

The answer accused No 20 gave to the state's contention that it was UDF policy to popularise the ANC was that the ANC is part of South African history. The history of a people is a source of its inspiration. Why should Blacks be ashamed of their history? In speeches the history and therefore the ANC were referred to as background. The ANC history is documented in books freely available in bookshops.

We agree that a people without knowledge of its history is a people without a perspective on the future. References to the past often are integral parts of political speeches. That is normal.

That is, however, not the point. The references were not limited to history and to the ANC as it was before it was declared illegal and embraced violence. The history referred to was that of Black resistance against the state. The references to and praise showered on the ANC was unlimited. The slogans referred to the ANC without qualification. There was no disapproval of the ANC's course of violence. In fact poems and songs espoused violence. The violence of the ANC. To harp on the ANC in speeches in these circumstances can have only one object - the popularisation of that organisation. Had that not been the object one would have expected each speaker when referring to the ANC to state explicitly that he disapproved of the ANC's policy of revolution. This was never done.

It is clear from exh ABA.49 that the UDF set out to utilize commemoration services to mobilise the masses for the liberation struggle. Accused No 20 himself popularised 16 December - the day

which commemorates the commencement of Umkhonto we Sizwe's campaign of terror. Exh V.12 p.50 and 51 see also exh AE.8 p.4.

Accused No 19 contended that the imprisoned leaders of the ANC have great stature in the Black community. They are regarded as leaders. It is not the decided policy of the UDF to propagate them as leaders. It is the normal talk of the townships. He said that the Robben Island prisoners were not popularised as leaders of the UDF. This is a mis-statement.

The labour party in 1980 (when it was much more radical than at present) called Mandela their natural leader. Exh DA.34.

Calls for the unbanning of the ANC were not limited to the UDF. The Progressive Federal party did so on 8 February 1985 and Beeld Newspaper suggested talks with the ANC in December 1984. Exhs DA.31 and DA.32.

Accused No 20 also stated that the ANC was referred to as it had to be part of the negotiated settlement at a National Convention.

On affording Zinzi Mandela a venue to read Mandela's statement and on the distribution thereof, the case for the defence is that the occasion was the celebration of the award of the Nobel peace prize to Bishop Tutu - a mass rally in Jabulani amphitheatre. The UDF was requested by Mrs Mandela to grant her the opportunity. There was a lot of speculation about the possible response of Mandela at the time.

This is no answer to the state's contention that the UDF at one of its biggest rallies afforded Mandela a platform for a message that the ANC's armed struggle would go on and that he would be part of it. Nor is the defence reliance on the fact that in the eyes of a number of prominent people Mandela is regarded as the key to a solution of South Africa's problems an answer. Exh DA.94.

The defence case was that the freedom songs sung at the UDF meetings were just spontaneous songs by the youths and were the general songs of the townships that had existed for generations.

The facts are that these songs were an indispensable part of the programme of meetings and were called for by the leadership and that those praising the ANC's violence and military prowess had only been introduced by radicals in recent years. We have dealt with this elsewhere.

The state's contention that the UDF never condemned the ANC's course of violence is conceded by accused No 19. The ANC's violence is blamed on apartheid and alleged brutal repression by the government. The blame for the terrorist bombings is placed at the doorstep of the

South African government. Accused No 19 says that the UDF cannot and does not condemn the ANC for taking up arms. Asked whether the taking up of arms was justified he evaded the question, saying he did not know the circumstances and factors.

The defence says that chief Buthelezi in 1983 had condemned the constitutional proposals as a recipe for violence and had stated he could not condemn the ANC for their use of violence. This statement is based on a newspaper report in South Africa of what he purportedly said in the Netherlands. Exh DA.35. We have experience of newspaper reports. We do not know if he was correctly reported or later repudiated the report.

The defence stresses the public denials of the UDF of an ANC link.

One such denial is by Tswete the president of the UDF Border. Exh C.4 p.1,3. This same document however, contains phrases like "unity in action" and statements that whereas the Congress Alliance had a spearhead in the name of the ANC the UDF cannot boast such a fact. This is a glaring omission. It further speaks of the long march to a people's day of South Africa and the advancement of revolutionary work. In fact this same Tswete joined the ANC when he left South Africa in October 1985. Exh AAE.30 p.4.

There are a number of interviews with the press and some speeches where it was stated by or on behalf of the UDF that it had no connection with the ANC. Examples are exhs AD.15, AD.42, DA.65, DA.66 and DA.18. Accused No 19 pointed to exh V.18A p.33/34 and V.14 p.9, the transcripts of two meetings where Mrs A Sisulu and Cassim Saloojee allegedly denied the ANC linkage. What is strikingly obvious is that there is no direct denial. It is very vague and oblique. At the last-mentioned meeting accused No 20 asks the audience: "Are you turning your back on Kathadra? - An ANC leader. See exh V.14 p.20.

Hofman Galeng of Huhudi in exh V.12 p.54 told the meeting that HUCA had no links with the ANC. Mokoena stated the same at p.42.

Ms Laurine Platzky of NUSAS, Black-Sash, Surplus People's Project and the Western Cape region of the UDF testified that there had never been any mention of the ANC or the SACP and that there was no conspiracy. Her evidence is discussed in annexure Z to this judgment.

Accused No 19 stressed that the Federated Chamber of Industries, members of the National Party and The Commonwealth Eminent Persons Group had had talks with the ANC. This does not take the matter any further.

It is significant that the denials by the UDF of any ANC linkage as were their denials of violence were made in response to accusations by the government. In the absence of such denials government action would have been swift. As far as the Huhudi meeting is concerned the organisers expected that the meeting was being taped. That much is evident from the transcript itself.

Defence counsel sought to rely on an article by one Zakes Khulu in Dawn No 8 of 1983 (exh AAG.1 p.3) for the submission that the ANC did not see itself as the origin of the UDF. We do not read the article in this light. It refers to the enthusiastic welcome a call by Dr Boesak in the Transvaal anti-SAIC to form a United Democratic Front received. It states the UDF is an offshoot of grass-root revolutionary mass mobilisation. It states that a 1978 ANC initiative culminated in the historic anti-Republic campaign of 1981. The call by Oliver Tambo on 8 January 1983 for a United Democratic Front is referred to and in that context the UDF is called a powerful weapon in the national liberation struggle. "In reality in the UDF one can see the political and social edifice which also determines our forward drive to victory. Hence the ANC is obliged to support its (UDF's) actions politically and organisationally." "... The national liberation alliance headed by the ANC shall be able to guide the UDF only if we have our own underground structures within the UDF. These structures must be skilful, give the correct guide to the UDF and above all raise the tasks of the front."



We do not interpret the last-mentioned paragraph as a denial of an ANC origin for the UDF. That would negate the reference to the call by Oliver Tambo. In our view that paragraph intends to convey that as this is a mass organisation in which the election of (some) non-ANC members on the executive is inevitable, steps must be taken to retain effective control. The article does not support the defence.

Taking an overall view of the evidence for the state and the defence set out above we conclude as follows:

Talk about a united front has always been common among certain political groupings, including the ANC and the UDF constituent organisations. The idea of organising, mobilising and uniting workers', students', women's and other organisations in a front as a political power base against a government or for a particular political purpose is certainly not new, either in the rest of the world or in South Africa. Mr Kemp, an experienced journalist, suggested that he coined the phrase "united front" in a sort of journalistic shorthand when interviewing Dr Boesak. This is hardly credible. By the very nature of his work he would have heard or seen this expression many times. His interview with Dr Boesak is certainly neither the reason why the UDF was formed nor why that name was chosen.

To attribute the call by the NEC of the ANC on 8 January 1983 to an opportunistic adoption of the alleged call by Dr Boesak reported in the Cape Times on 7 January 1983, is to ignore not only the time factor but also the ANC's call for such a movement in 1982 under the slogan "unity in action".

The overwhelming probabilities are that the call of the ANC on 8 January 1983 was a major factor in if not the sole cause of the formation of the UDF. It was conceived at a meeting of ANC supporters. It accommodated in its ranks youth organisations which were revolutionary. At all its meetings the ANC was popularised by freedom songs and slogans. Its patrons were ANC's or ANC supporters. Its campaigns were materially the same as those of the ANC. It consistently failed to condemn ANC violence. Its policy was on all points the same as that of the ANC. Where the ANC had adopted a policy of violence, the UDF policy was always ambiguous leaving the door open to violent action.

The ANC, having set out to create a mass organisation in the form of a United Democratic Front, did create no other but claimed fatherhood of the UDF.

There are other facts which support our view as we have set out in this judgment.

We find that the state has proved that the dominant part of the UDF leadership acted as the internal wing of the ANC.

E. THE SITUATION IN THE REPUBLIC OF SOUTH AFRICA JULY 1984 - JULY 1985

The actions, public statements and documents of the United Democratic Front, its office-bearers and its officials have to be evaluated against the background of the then existing situation in our country. The period of violence which falls within the period covered by the indictment runs from July 1984 to July 1985.

We will discuss 23 places where violence occurred. To facilitate later reference we will refer to them alphabetically and not deal with the disturbances in chronological order. Nothing hinges on this. It was as a whole a violent period.

Of necessity we will attempt to be concise. Our comments on the witnesses who testified are set out in annexure Z to which reference should be made for a proper understanding of our conclusions.

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

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