

7. This explanation of the term "relevant education" in exh A1 p 28 and exh C5 para 3.3 is incomprehensible. It is clear he is evading the real answer. The explanation of democratic education is equally murky. In re examination he was led to refer to exh AB28 para 6 which still does not give a concrete answer.

7.1 This was not raised in argument by the state on the court.

7.2 The question of what constitutes "relevant education" ^{and "democratic education"} although initially raised by the prosecutor was actually pursued by the judge.

Lebota Vol 287 p 15859 & 10 - 15869 & 22

7.3 It is not clear what the judge means when he states that Lebota was evading the real answer. What is the real answer? The court asked "Might 'relevant education' not mean education bringing into context the struggle taking into account the history of the Black people?"

Lebota Vol 287 p 15864 lines 5-7.

Lebota seemed to interpret relevant education as education which prepares one to be efficient in the labour market.

See Re ex Vol 299 p 16886 & 2 - 16888 & 12

The state suggested that relevant education meant the history of the ANC. Lebota denied this

but explained why it was relevant to him
Lehota Vol 287 p15865 l15 p15866 l16

7.4. Lehota was also cross examined about 'democratic education'. He essentially regards education which results from a democratic society as democratic education

Lehota Vol 287 p 15866 l17 - 15869 l 22.

7.5 It is submitted that it is unfair to characterise his answers as "incomprehensible". They might lack precision but that is not a basis for suggesting evasiveness.

8. He falsely professed ignorance of whether there had been elections in the Ciskei at its independence. The extreme language used in exh A1 p28 could not be substantiated.

8.1 This was not raised in argument by the state or the court.

8.2 Both issues were raised by the court in cross examination.

8.3 Re: elections

Lehota Vol 287 p15870 128 -15871 130

He was specifically asked whether there were elections. He said he was not sure of the facts. He was in jail at the time of independence. It is not clear why the court characterized his answer as "false".

8.4 Re: extreme language

Lehota Vol 287 p15872 117 - 15875 18

The phrase in question was that the "racist Botha, Naledi and Koozobef clique intentionally created the Ciskei to persecute the oppressed people of that part of the world".

The judge's attitude was that if you use strong language you must be able to substantiate it.

- (a) This is an extraordinary approach to political language, and simply not in keeping with political debate.
- (b) Lehto said that he did not have the facts to substantiate the claims he was not saying there were no facts to back it up.
- (c) Lehto said he might have used different language - "I certainly would have used different language here" - p 15874 & 6-7
- He then said that he assured the court that "the majority of the people feel this way" to which the judge retorted "Well it may be that they feel that way because they are told that these are the facts".

8.5 There was no proper investigation of matters pertaining to Ceceki in the trial. The State certainly did not attempt to rebut the claims of atrocities in that region.

9. This explanation of the conditions for a national convention in exh H 1 para 10.2 is in conflict with the terms of the document. (He says the conditions are meant to be gradually made effective by means of a controlled process. This is not what the document says)

9.1 This was not raised in argument by the state or the court.

9.2 The defence put up argument on the national convention.

9.3 The court's approach presupposes the correctness and accuracy of what is stated in the minutes ^{to} the exclusion of the evidence of those present at the meeting who testified to the discussion that took place.

(a) The minutes were typed from Mofe's notes and were not correctly put together.

Mofe Vol 269 p 13298-115-25

(b) Para 3 of the minutes reflects that the issue was to be forwarded to regions for discussion and that firm decisions would only be taken thereafter. Lebo Vol 287 p 15917 lines 1-18

(c) There was evidence that the UDF was seeking acceptance for the principle of a national convention and that the details had not been worked out.

(d) There was also evidence that non-compliance with the prerequisites or minimum demands would not necessarily invalidate the whole process.

(e) The whole process would take time

"So it takes a period of time...

It is a very sensitive issue. It involves a lot of people, it involves a huge country and one has to be very careful step by step ... it cannot just run... as fast as one wants. We may even begin the process that at some point we pass into history and others have to continue to finish it. The important thing is to begin to find the process to begin the process

Lehota Vol 287 p15902 lines 17-30

See also p 15910 lines 10-18

10. His explanation that the resolution on Namibia (encl A1 pp31) refers only to SWAPO internal is false. See the wording of paras 2 and 6 thereof.

10.1 This was not raised in argument by the state on the court.

10.2 A similar criticism is directed at Mofe (para 15)

10.3 Although the point was initiated by the State the specific point on which the adverse credibility finding is made was raised by the judge.

Lehote Vol 288 p 15977-11 - 15978-226

11. His tendency to make sweeping statements which he cannot substantiate is evident from his allegation that the government turned and twisted the law to get its Black supporters elected. This he could not substantiate when questioned.

11.1 This was not raised in argument by the State or the court.

11.2 The issue did arise in cross examination and was pursued by the judge.

The finding by the court is not entirely fair:

Lekoto Vol 289 p/6025 & 9 ff.

- a) Lekoto did state that when it suits the govt. even those convicted of political offences can be elected to local authorities. He immediately gave an example of Mr. Dube, formerly on Robben Island who was elected to the Lomankhulu Community Council
- b) The judge then intervened and suggested that this might have been the result of an omission in the election regulations - either by mistake or intentionally
- c) Lekoto conceded this possibility and stated that perhaps he should not be dogmatic on the question
- d) The judge said that he would not debate the issue but had certain doubts that "the law is twisted and turned to suit the whims of the government when people are eligible or not eligible for elections in certain bodies".
- e) Lekoto then stated that he would not say it is a matter of fact but one of perception.

12. When cross-examined on exh AE10 to make the amazing statement that he did not know of the revolutions in Russia, China, Nicaragua, Mozambique and Zimbabwe were violent.

12.1 This was not raised in argument by the state or the court.

12.2 The matter did arise in cross-examination by the State and was pursued by the court
Lehato Vol 289 p16067-119-16069 line 10

(a) Lehato was first asked whether he agreed that all the revolutions referred to ~~and~~ were violent. He then asked, which ones and the prosecutor mentioned the Russian Revolution. He said he did not know.

(b) He conceded that the people did take up arms in Zimbabwe

(c) He stated that in Mozambique "it is again true that a struggle was waged there"

(d) He did not know about the Chinese revolution.

(e) In the course of his answer the judge intervened to remind him of the question to which Lehato replied that he had not read on these revolutions.

The judge's characterization of the evidence is not strictly correct.

13. He was at first evasive on whether his draft letter on ABS2 was in favour of an economic boycott or not.

13.1 This was not raised in argument by the State or the court.

13.2 It was raised in cross examination by the State and there was a very precise question put by the judge.

Whether Vol 290 p 16105 & 14 - p 16109 line 9.

13.3 The basic question was that since the letter concerned a sensitive issue it was necessary to consult with lawyers and the DEC (a) The question was put by the State as to whether the ~~letter~~ letter reflected USF policy and whether the USF supported a boycott of South African products

p 16106 line 4 and line 28

Debate said the USF had not taken a decision on this topic

p 16107 lines 6-9

b) The judge then asked the question whether it could not be said that the author had in mind a boycott. ~~Debate~~ contended this

p 16108 lines 9-12

c) The judge then said that "cannot used this draft to attempt to show that you were in favour of an economic boycott of

South Africa"

p16108 lines 13-14

13.6 It seems therefore that a distinction has to be drawn between UDF policy on the issue and Sebata's own views. This distinction seems to have been blurred by the court and it is not fair to accuse Sebata of evasion.

14. In the light of his historical knowledge his disclaimer of knowledge of Dr. Yusuf Dadoo's high position in the ANC and SACP is clearly evasive.

14.1 This was not raised in argument by the State or the court.

14.2. The matter was raised in cross examination by the State

hebate Vol 290 p16130 lines 1-30

It was put by the State that Dadoo "was also a member of the South African Communist Party, one of the leaders".

Lehato said "That may be so. I have no personal knowledge"

p16130 lines 1-3

It was again put that after he left the country he joined the ANC and became president of the SACP. Lehato answered:

" I have no knowledge of that. Frankly I have no personal knowledge of that. That may be so. I am not contesting that. I do not know whether he is connected with the South African Communist Party and all those things"

p 16130 lines 25-30

The State did not dispute or challenge the truthfulness of these answers

15. Accused No. 20 was evasive and untruthful about the author and nature of exh C106 and about who delivered the keynote speech at the April NAC. Accused No 19 testified that Gerrit Nelson delivered the keynote speech and that this was probably it. Compare also exh C106 with C102. It is unacceptable that accused No 20 does not know who delivered the keynote address in the place of Dr. Cosvadia.

15.1 This was partially raised by the court in argument when it was suggested that it was strange that LeBata was not present during the keynote speech.

15.2 This is fully dealt with in the notes on exh C106.

16. He is blatantly untruthful when he states that he does not know why Martha Maklongu was elected as a patron of the UDF. She was a nonentity.

16.1 This was not raised in argument by the state on the court.

16.2 This was raised in cross examination by the court

Lebata Vol 290 p 16156-112 - p 16158-117

16.3 It is not correct that Lebata stated that he did not know why Martha Maklongu was elected as a patron:

Court: What are the leadership qualities of Mrs Martha Maklongu?

Lebata: Well, she only enjoys respect within our community because she lost her son and as far as I know... (court intervenes)

Court: Many women have lost their sons

Lebata: Well, I do not know any other reasons. I do not know exactly what her position is within her community here in Frelonia, but as far as I know she has been respected largely because she lost her son

The judge later asked who her son was and Lebata said it was Solomon Maklongu. He stated that "any mother who has lost a son in those circumstances could have been chosen"

16.4 To describe Mrs. Mahlongu as a "nonentity"
is humiliating and insulting.

17. Witness accused No 19 told us that Jabulani Ngcobo (referred to by Prof. Mohamed in exh C26) was an ANC member who died in Swaziland in December 1984, accused No 20 professes to have never heard of him. This is rather improbable.

17.1 This was not raised by the state or the court in argument

17.2 This was raised in cross-examination by the state

Lehete Vol 290 p 16160 lines 13-15

17.3 Lehete was asked who Jabulani Ngcobo was and stated that he did not know. He was not challenged on his answer nor was he taxed on the supposed discrepancy between Mokhele's knowledge and his own knowledge. The judge assumes that it is probable that Lehete would have no some knowledge as Mokhele concerning a reference to a person in a speech by Prof. Mohamed. This is inherently improbable!

18. It is striking that accused No. 20 disclaims all knowledge of documents found in WDF offices in Khatua House when they might give rise to embarrassing questions. See CrA AE 23. He also says he knows nothing of the rally in northern Tronwood referred to in exh AE 23. This is strange. He is the national publicity secretary.

18.1 This was not raised in argument by the State or the Court.

18.2 This is a generalised observation (repeated in point 35) but with only one example referred to.

Whether or not the observation is justified depends on a number of factors:

(a) Where was the document found? The State did not distinguish between the national office and the Tronwood office.

(b) What does the document relate to? Could it be a regional matter or a national matter?

(c) When was the document found?

18.3. Exh AE 23 is an undated message from the University of the North's Women's Club written on a scrap of paper. It is hardly the sort of document which commands attention.

Khatua was questioned about the document. He said he did not know it and his answer was not challenged.

Khatua Vol 291 p 16181 lines 5-22.

18.4 He disclaimed knowledge of a UDF Rally in the Northern Transvaal and said he was not informed about it. He could not recall the Rally being discussed at any meeting at which he was present. He was not confronted with the minutes of a meeting which might have pertained to knowledge on his part.

Lehota Vol 291 p 16181 line 23-16182 line 15

18.5. The fact that Lehota was ^{Nationalist} Publicity Secretary does not mean that he could be expected to know everything that was happening in the entire organisation.

19 He contradicted himself on the existence of the West Road area committee of the UDF when cross examined on exh AA1

19.1 This was not raised in argument by the State or the court.

19.2 It was raised in cross examination by the State.

Lekota Vol 291 p 16185 18-16187 217

19.3 The court's finding in this regard is not at all clear. Lekota was asked if Amanda Kwozi was a member of the West Road Area Committee. He said "I do not know if she was a member of the West Road Area Committee. As far as I know she stays in Soweto and if this West Road Area Committee covers Soweto it may well be that she was a member of that committee. But to the best of my knowledge she was not"

p 16188 lines 21-27

This answer clearly implies the existence of the West Road Area Committee.

He was not taxed on any contradiction relating to the existence of such a committee.

20. He denied that 16 June celebrations were used to mobilise the people for the liberation struggle. This denial is false. See edns ABA 51 and ABA 69

20.1 This was not raised in argument by the court or the State

20.2 This was raised in cross examination by the State
Lehaka Vol 291 p 16235 l 2 - 16237 l 4.

20.3 Exh ABA 49 was found in the front week of June 1985
Muller Vol 115 p 5786 l 23-29

Exh ABA 51 was found in Dudaqa in June 1985
Muller Vol 115 p 5787 l 20-22

20.4 Exh ABA 51 is a COSAS publication.

20.5 It is quite unfair to accuse Lehaka of a false denial based on publications which come into existence after his arrest and about which he clearly could not be expected to have any knowledge.

21 The denial knowledge of the fact that Francis Board, patron of the UDF had been a member of the ANC and ANC Women's League and had been imprisoned for five years. This was false as in exh A1 p58, published under his overall direction, these facts are stated boldly.

21.1 This was not raised in argument by the State or the court.

21.2 This was raised in cross examination and although initiated by the State, was pursued by the judge
Lebata Vol 291 p16261 l6-16265 l 12

21.3. It is difficult to understand why his denial is characterized as false and not simply a matter which he could not remember. When the topic was introduced Lebata had no hesitation in agreeing that some patrons were serving prison terms because of their patron's ANC connections.

p16261 lines 17-22

21.4 Before Lebata was specifically questioned about Francis Board the prosecutor made it clear he was referring to exh A1

p16262 lines 20-21

21.5 What possible motive would Lebata have for falsely denying knowledge of something so easily capable of verification?

21.6 When the judge suggested it was strange

That he did not know these facts he
gave an explanation and accepted
full responsibility for what was written
even though he was not involved in
the actual drafting of the document.

p16266125 - 16265112

22. Accused No 20's statement that the UDF did not say that the government is illegitimate is a play with words and is false. It is their usual terminology in the documentation. Exhs C41(k), C53, C102 p6, C109, C116, J9, A369, AD2, T25 p2

22.1 This was not raised in argument by the state or the court

22.2 This finding is extremely difficult to understand
In which Sebata stated:

"We would have criticized the government as being illegitimate not of being unlawful but illegitimate in the sense that it did not represent the majority of the people, it was a government that was placed there by a minority section of the population of our country"

Sebata Vol 285 p 15659 lines 2-6

Makhele evidence was to the same effect

22.3 He was later asked the following whether the UDF challenged "the legitimacy of the government through the MSC campaign". He said that he could not recall the MSC forum saying that the government was illegitimate but "elsewhere officials of the UDF did say the government was illegitimate in the sense that this government ... is not based on the will of the majority of the people of our country"

Sebata Vol 292 p 16333 lines 26-16334 lines 8

See also Vol 298 p 16817 lines 2-10

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