

TRUTH AND RECONCILIATION COMMISSION

UNITED DEMOCRATIC FRONT SUBMISSION

DATE: 06/05/98

HELD AT: CAPE TOWN

CHAIRPERSON: I would like to formally open the proceedings of this hearing which is held under the auspices of the Human Rights Violations Committee which is part of the Truth and Reconciliation Commission.

I want to in particular welcome former leaders of the United Democratic Front and to express the appreciation of the Commission that they are here today.

As is well known the UDF is no longer in existence and the extraordinary difficulties of trying to bring together a properly representative panel can be imagined. All of the delegation are occupying very senior posts with very heavy work loads and come from many parts of the country. We are very grateful that you are here and that you are willing to assist the commission in its work.

I want to say also, a word of welcome to members of the media as well as members of the public. Almost all the work of the commission is held in public, deliberately so not only because of transparency but also because through the media many many others who can't be here today and from all over the country can participate in the life and work of the Commission, and once again we extend our warm appreciation to the media for the coverage that they have given the work of the commission

thus enabling this to be not some small hole in the corner operation but something which can be experienced by the entire nation.

I want to welcome also Mr Mpshe who is on the staff of the

Commission. I don't know if you can see him gentlemen, but he is right in the middle there, he will be assisting us a little later on with the questions that will be put to you also Professor Villa-Vicencio who is the director of our research department who has done together with his staff a lot of the preliminary work and he is joined by one of our other researchers Mr Chief Mabasela and we are glad that he is here to assist us as well.

In welcoming you here today I want to stress that the objective or the objectives are very straightforward and simple. We want to hear from one of the most prominent role players during the time of conflict in our country on it's own perspectives itself understanding and how they saw their own role in the period of extreme conflict in our country which resolved finally through negotiation politics to a new democracy.

In the second place it is our responsibility to gather information not only on organisations, political and otherwise but also on the context within which the actors played that role and in addition to that where gross human rights violations may have taken place and to place these on record and to reflect as broad a perspective as possible in our final report which will be given to President Mandela and then obviously to Parliament and finally to locate responsibilities and accountability. It's one of the great strengths of our new democracy that there is an attempt always to be accountable and we as a Commission are accountable to the country and those who appear before us of course are no exception to that.

I would like to introduce the panel, immediately on my right is Mr Dumisa Ntsebeza, who is the head of our investigative unit, but also is acting deputy chairperson in the absence of Archbishop Tutu. Immediately on my left is Ms Yasmin Sooka, who is the deputy chairperson of the human rights committee and obviously a commissioner based in Johannesburg.

On the far left is Ms Glenda Wildschut, commissioner and a member of the Reparation and Rehabilitation committee.

My name is Alec Boraine acting chairperson of the Commission in the absence of Archbishop Tutu who of course is the chairperson.

Finally let me say again to those who are attending this we are not a court of law but we do attempt to maintain the decorum of normal court proceedings. So far in two years of public work we've not had any major problem, we've had our difficulties but we've never had to close the proceedings and we've never had to stop those proceedings and I am sure that today will be no exception. We will follow then the normal rules and procedures of dignity of a hearing which is extremely important in the life of our nation.

Amongst the visitors today is Mrs Wanda Begamasco who is actually now living in the United Kingdom and we are particularly delighted to see her not only because it is good to have someone like her here but also she just happens to be the mother of Madelaine Fullard who is one of our star researchers and we have many I want to assure you, on the Commission.

So with that introduction I am going to ask my colleague Yasmin Sooka to administer the oath. I'm assuming that all of you will take the oath in that all of you will probably take part in the proceedings during the day so if you would please stand for the administering of the oath.

MS SOOKA: Could I ask you one by one to place your full names on the record please. Could we start over there, Mr Moosa.

MOHAMMED VALLI MOOSA: (sworn states)

MURPHY MOROBE: (sworn states)

MASUA GERARD PATRICK LEKOTA: (sworn states)

POPO MOLEFE: (sworn states)

AZHAR CACHALIA: (sworn states)

CHAIRPERSON: Thank you very much. We will now proceed, we will have a short break at eleven o'clock and then again at one o'clock if we have not completed the business before us. I understand that you have a submission which you will want to read into the record and I am not sure who is going to do that, Mr Molefe.

MR MOLEFE: Well I will do so but before I read our executive summary to this submission I would like Mr Murphy Morobe to briefly outline how we would like to approach today's business.

MR MOROBE: Thank you chairperson, on the onset I must just make an apology for the slight delay in my arrival here this morning, as you know putting a submission like this and having to contend with someone like Mr Lekota is not very easy, he would always raise arguments five minutes before the time but since we thought it was for the general good of the process we thought, I'm sure you would also agree and understand that perhaps it was a necessary injunction on his part.

The way we intend to approach this, we basically sort to stick as much as possible to the general thrust and trend of the questions that were submitted to us. Now what we have here in front of us is individuals who play roles within the UDF at certain points in time. Mr Molefe and Mr Lekota were the secretaries, general and the publicist secretary of the UDF at one point and when they departed on account of being charged in the Delmas trial, myself and Valli took over in those respective positions and then Mr Cachalia has been treasurer, he is the one that escaped detention for most of the time but spent a lot of time underground with us.

Now the approach that we are going to take, Mr Molefe will basically take us through a summary of the document mainly which we have before us and then because we have actually surmised, and just from the questions posed and also from the responsibility of the commission recognise the fact that in particular the issues relating to the questions of violations and the questions of political responsibility, particularly germane and central to what the commission has to conclude on and we are going to, once Mr Molefe has concluded that part, ask Mr Cachalia to, in fact Mr Terror Lekota will come in to add anything that needs to be added on that aspect in terms of the origins and autonomy of the UDF on questions on structures and control but some elements of that will be carried over into the next part where Mr Cachalia will deal with violations in questions of political responsibility because there is a very clear relationship between what happened in the initial stages and what subsequently happened because if you look at the genealogy of the process some things become more pronounced at certain points and time of the life of the organisation.

So our own existence through the genealogy, in fact will also give expression to the extent to which we also experienced, participated in and in fact influenced some of the events at that time. Through that we hope that we will be able to assist the commission just to also have the sense of this organisation in motion and in terms of the issues that it dealt with and in terms of the challenges that it was faced with and eventually the end of its period when it closed.

Now once that is done we can then open up for general discussions and I am sure that Valli will also be able to come in at different points otherwise more than that the process will be on your hands but I should also mention, Mr Chairperson, that we are here, I know in certain areas people would mistake us as representing the UDF, I think we are here to represent experience at certain points in the history of our people we are not representing the UDF per se because as you said yourself the UDF has ceased to exist.

This is important because we do not want our presence here to be misconstrued as anything else other than us as individuals who were involved at the time, coming forward to assist the commission as best as we can in terms of our recollections and in terms of what we can reconstruct to help you get in fact to some of the conclusions you need to get to at the end of this process. So we do so with the understanding that there are many more people, if given the chance, given the resources and given the time would have liked really to be part and parcel of putting and making an input like this because of their association with the activities of the organisation, so I am basically saying, that yes we did occupy key positions in the organisation and for that I think we perhaps are better placed to be able to answer some of the questions you have to the extent possible but also recognise that giving some of these points I've made earlier we would have liked to actually canvass opinions as broadly as possible

so that at least our input is as expansive as possible and we do thank the commission of course for some of the documents that were made available to try to assist us.

Now the documents itself and the presentation might come across as being fairly general in certain respects but the fact is you have us here and I think our task would be to try to give as much substance to some of those general points that you have raised because we will use that as a general pointer of the thrust of the inputs that we would like to make and at the end we take this as a conversation because you will also be helping to prick our brains to probe some of the past events that might have slipped our minds in the drafting of this submission, I thank you.

CHAIRPERSON: Thank you very much Mr Morobe, can I just make only one comment before asking Mr Molefe to read into the record the executive summary and that is that we are entirely at one with you that obviously there are many many more people who were directly and indirectly involved in the UDF during its life and history and I want to publicly state here that if there are those who have additional information or who wish to send in submissions they will be considered like we've received many other submissions from many other sources not only people who have appeared before us. You will obviously give the main input but I place it on record, if there are those anywhere in the country who were involved who may have documents, may have speeches who may have statements, may have records we would welcome that because we would want to get as full as picture as possible. Thank you for that word, Mr Molefe.

MR MOLEFE: Thank you very much Mr Chairperson. Before I proceed with my input I think it is appropriate that we recognise the presence amongst us of one of the stalwarts of our struggle in

the Western Cape Comrade Johnny Essal who is sitting here with us today.

Now chairperson and members of the Truth and Reconciliation Commission, we are formally thus of the now disbanded United Democratic Front, we have no doubt that there are many UDF activists that support us who would have wanted to contribute to this submission. We regret that this was not possible but we trust that opportunities for further submissions will be created should the need arise.

This submission is a sincere attempt on our part to answer questions about the UDF activities and whether these activities contributed to gross human rights violations during the mid nineteen eighties. We believe that the actions of individuals and organisations associated with the UDF should be evaluated against the background of the UDF vision, mission strategy and tactics and the political and social and economic

context of the period between 1983 and 1990. May I pause to welcome Mama Sisulu former president of the United Democratic Front.

CHAIRPERSON: Thank you very much and of course as a Commission we would like to welcome her very warmly as well, there is no name in front of you but you don't need that we are very

pleased to see you.

MR MOLEFE: The UDF's origin can be traced to various attempts to redress the political and social economic grievances of the majority in apartheid South Africa. The UDF drew on historical precedence of mass popular organisation sponsored by various liberation movements amongst whom the ANC was the most prominent. Following the banning of the liberation organisations the apartheid government continued to disregard the legitimate aspirations of the people.

During the nineteen seventies there was renewed resistance by the Durban dock workers and the student uprising in Soweto. These dramatic events were followed by a political lull in the nineteen eighties, renewed mass struggles were embarked upon. There is no doubt that UDF activists were inspired by the popular struggles of the nineteen fifties, nineteen sixties and nineteen seventies.

The leadership of the UDF had amongst them persons for whom the congress alliance campaigns were a living memory and those who were the next generation of ANC members and supporters. The UDF sought to popularise the freedom charter as it reflected the popular political and social economic aspirations of the majority of the people. The UDF adopted the vision of a non racial, non sexist unified democracy in which the aspirations of ordinary working people could be met.

The mission of the UDF was to galvanise mass popular aspirations towards the creation of a participated democracy and the bringing about of the decent living conditions by forcing political change through mass struggle. In view of the UDF's vision and mission the leadership and activists of the UDF set themselves the task of creating and bringing together under the same umbrella, local and regional organisations that would articulate the grievances and aspirations of people drawn from the various sectors of the South African society. The UDF was launched with support of some six hundred organisations in 1983. The objective was to translate these grievances and aspirations into campaigns which would mobilise on an ever growing number of people through various alliances into active opposition to apartheid institutions.

The storage of the UDF was thus to win the confidence of the majority of South Africans especially the oppressed and to draw them into mass action so as to force political change by depriving the rulers of apartheid South Africa of all the legitimacy and support they needed to maintain their power. In view of its strategy the UDF created national and regional structures through which the activities of local affiliated organisations could be co-ordinated. The UDF activists were required in terms of the UDF's working principals to account to the general membership through these regional and national structures.

It was envisaged that the initiative for creating and pursuing campaigns would be bottom up and accountability would be exercised along the same lines. It was not possible to sign up as an individual member of the UDF because as a matter of policy membership was restricted to organisations in line with the strategy of mass organisation and action. The principal decision making powers were vested in the primary local organisations on which the UDF was built. Policy decision was made by the national and regional annual general conferences which also elected the national and regional executive committees. Operational and day to day decisions were made by the executive organs which were accountable to national and regional general councils respectively. The UDF also had a national working committee which facilitated decisions of general councils between the national conferences, supervised the work of the executive committees and monitored adherence to the UDF's general working principals.

The UDF also recognised and supported joined action with organisations outside its self on the basis of tactical alliances. Membership of an affiliate of the UDF was not a requirement engaging in joined action or an alliance. However the UDF insisted on joined campaigns between persons affiliated to accountable organisation structures. In some instances these campaign allies consisted of formally constituted organisations and in others there were a variety of ad hoc action committees.

Now in view of the above the UDF relied on persons being members of its affiliated allies for insuring control and accountability with respect to individuals and groups participating in its activities. As is well known the ANC was a prominent but band ally of the UDF. In the latter part of its life the UDF consulted and agreed on campaigns with the then band ANC while maintaining distinct organisational structure and accountability, I may say also maintaining autonomy. The UDF was formed and operated in a context of an illegitimate and a repressive political regime. The apartheid rulers responded to the UDF through a combination of repression, disinformation and selective social economic reforms.

Now the prime objective of the selective reform was to remove the so called spoiled sports in order to limit and emasculate the political appeal of the UDF. The regime

social economic reform strategy entailed an attempt in giving credit to unrepresentative community councils of black local authorities in the various urban and rural centres. These reforms included so called improvements in social amenities and other living conditions. The common tactics associated with the social reforms were intended to prop up collaborationist leaders and followers. Social economic reform was supported by attempts by the regime to stamp out genuine opposition through detention, imprisonment, banishment, burning and murder. The state created an extensive network of informers and other clandestine collaborators some of whom were deployed as agent provocateurs and dispensers of political disinformation.

The regime had a campaign to murder or provoke the murder of activists these actions were systematically disguised by blaming such murders on political rivals within the same organisations or from another organisation. Agent provocateurs were deployed to spread false rumours amongst angry and embittered young activists that their comrades were informers. It was expected that these young activists who had recently experienced acts of brutality at the hands of the state security forces would then be provoked into revenge attacks on other former comrades. These acts of brutality and disinformation campaigns by the security forces created a climate of mistrust and intolerance for suspected informers and collaborators especially amongst youthful activists.

The UDF had in its ranks people of different ages and various levels of political maturity which influenced the manner in which they were able to handle political diversity and relate to suspected informers.

The lack of political maturity was reflected in fear and intolerance of political differences and persisted despite concerted efforts by the UDF to remedy the situation through political education. The militaristic culture especially amongst the youth merit the militarization of the South African state and society. This phenomenon provided fertile grounds for forced recruitment into organisations and campaigns initiated by the UDF and for the attitude amongst activists that, if you are not with us you are against us.

The dominant political image in the mid to late nineteen eighties was that of entails contest between people's power and apartheid power. In this context many activists interpreted statements by the UDF and its allies making reference to breaking down apartheid to mean that this should be done by means of violence. The UDF was confronted with growing anger and impatience on the ground, its leaders expressed their support for the use of force in self defence against agents of apartheid state. This was particularly the case where physical attacks were carried out against leaders and activists and where violent attempts were made to disrupt UDF meetings, in this context the UDF faced the dilemma of seeking to conduct a peaceful struggle under

conditions which gave more credibility to violent confrontation on one hand and where on the other the UDF lacked the capacity to exercise the kind of control which is peculiar to command groups or military organisations.

It was against this political economic and social context that the UDF initiated and implemented a number of campaigns which were the pillars of the UDF strategy of mass action.

The submission sets out in greater detail the key UDF campaigns, the context, circumstances within which the campaigns were conducted and the implication for violation of human rights. The mass campaign served to articulate aspirations and further the objectives of the UDF, raise political awareness and to build organisation and cohesion between affiliates. These campaigns were widely supported and through these campaigns it extended its influence and it was known to be the broadest coalition of anti apartheid forces in South Africa. Some of the most well known campaigns were the tricameral elections campaign which was supported by millions of people who boycotted the elections and signed a petition rejecting tricameral system which was known as the one million signature campaign. The call to whites campaign to redress the fears of white South Africans that they would be dominated by blacks, education crises campaign, campaign around whites only referendum and the conference for a democratic future to mention but a few.

The campaign against the black local authorities launched in 1985 was particularly significant as it provided the impetus for the declaration of the 1985 state of emergency. The black local authorities were fiercely opposed by local constituencies as there were propped up by means of force and through selective allocation of resources and social amenities. The scheme was unworkable as it placed a financial burden for services on residents and it gave rise to internal physical clashes between unpopular councillors and the UDF and local constituencies. Straight brutality and the systematic detention and banning of UDF and other leaders created the space for uncontrolled acts of violence by angry mobs of especially young people in various areas. The restrictions imposed on the UDF under the state of emergency hampered the UDF in its ability to moderate, prevent or curtail the activities of angry activists and supporters during this period. It is in this context that various gross human rights violations were committed against some components of the mass action campaigns and supporters of the state. The activities of the UDF and its allies described above while making invaluable contribution to the democratisation of the South African society had many regrettable, unintended consequences.

These unintended consequences could in some instances fall within the definition of gross violations of human rights such as assaults loss of life and causing extreme fear amongst perceived and real opponents of the struggle for freedom and democracy. In

dealing with these painful events the leadership of the UDF does not intend to indulge in debates about whether or not the UDF activities were a direct or indirect cause of such gross human rights violation. Each case of gross human rights violation would have to be evaluated on its merit. This submission attempts to provide a brief overview of the context and circumstances in which gross human rights violations may have occurred. We do so in the hope that this will help to make it possible or easier to understand the sad events against their complex background. This will hopefully make the motives of the perpetrators understandable and will also encourage them to fully disclose their role and their understanding of that role at the time when they played it.

In our apportion in blame we believe that the government is in prohibiting democratic activities must bear the primary responsibility for the violence which ensued during this time. After all the right to peaceful protest is an unalienable universally recognised human rights but we do accept a measure of moral responsibility for the fact that marches, mass actions were embarked upon when there was always a danger, whatever precautions we may have taken civilians may be injured during such protest, we feel however that we would have abdicated a greater moral responsibility if we sat back and simply acquiesced in our own oppression.

In conclusion we wish to express the UDF's deep regret for any gross violation of human rights which were erroneously committed in its name and its sometimes justifiable failure to prevent or remedy them.

Lastly we hope that the positive contributions of the UDF and its supporters will not be forgotten but will be drawn upon to strengthen the process of reconciliation with full disclosure of the truth about our painful past.

CHAIRPERSON: Thank you Mr Molefe, Mr Lekota.

MR LEKOTA: Thank you Mr Chairperson, I think in adding to what the premier has already said, perhaps I would like to start by acknowledging some of the individuals that we drew a lot of inspiration from as part of the context in which the struggle was being waged that time. The men and woman who had constituted symbols of leadership which we desired for the future of our country. Many of these individuals are not with us now, very happy though of course our former president comrade Mama Sisulu is here. Comrade Ghumede who was co-president of the UDF at that time is not very healthy now and so he cannot join us this morning. Now our third president comrade Mpetha is now late, has passed away but we must acknowledge these individuals and then I would like to remember some of the individuals who were patrons of the front, men and woman who distinguished themselves in various ways in their walks of life, who were not of course in executive positions of the Front but

against whom we measured the correctness or otherwise of our activities against their own judgement. These are individuals we approached and requested to act as patrons. There were therefore individuals whom we could approach in some critical moments for some advice. Mr Chairperson I am advised by my colleagues that I should shift my chair so that we can also welcome Mr Stone Sizani who just arrived.

CHAIRPERSON: We welcome Mr Stone Sizani and invite him to take his place with the delegation, thank you very much, you're welcome, Mr Lekota.

MR LEKOTA: Mr Chairman I wanted to raise, just put on record the names of Frances Baard, the late Helen Joseph, I add the names of Dr B Asmadia, Dr Alan Boesak, Archbishop Desmond Tutu, the other names that I leave out, as I have already said and I do want to underline this because we placed this also on record at the Delmas trial, these were individuals who had no responsibility for our activities at all.

Now in the executive summary we have set out the origins of the Front, I do want to underline this point that it is important from the point of view of context to understand that the United Democratic Front was not the beginning of the struggle for freedom and democracy in this country, therefore that the UDF emerged against a background of an ongoing struggle.

At that time many of those of us who became part of the UDF had been part of other formations, some had come from prison already others had gone for detention and came back so this context is important and yet in spite of all of that, when the government of that time stated that it was striking out on a new path of opening up, of seeking a new deal for the country we accepted this with open arms believing firmly that government would listen to moderate voices coming from within our communities and I must say moderate in that sense because other formations that had gone before had already, even being driven to taking up arms so we must be seen in the context as a formation that emerges attracted by the sweet sounds that were coming from the lips of those who were in power and also the strategy of putting up the UDF as a formation was not new in the history of this country, it had been tried out in the struggle against heads of bills of 1935 the all African convention essentially was an approach more or less similar.

The United Front formation of the closing years of the thirties as the second world war started had also been a similar kind of attempt. So once again we gathered to say to the government, the laws, the constitution that you are putting forward is unacceptable.

Mr Chairperson in doing so we adopted a declaration that constituted the foundation of the United Democratic Front, whatever activity was undertaken by the United

Democratic Front was aimed at an objective set out in the declaration of the United Democratic Front. That declaration in its resolving part stated, we commit ourselves to uniting all our people where ever they may be, in the cities and country sides, the factories and mines, schools, colleges and universities, houses and sports fields, churches, mosques and temples to fight for our freedom. We pledged to stand together in this United Democratic Front and fight side by side against the governments constitutional proposals and the quarrel of bills that was the resolution. All the campaigns that we have referred to in our submission must be understood against that foundation document. The question, Mr Chairperson may well be raised, whether given developments, the risks of human rights violations that occurred should not have discouraged us to take the route we took.

I think we should just briefly state that the goal of freedom and democracy for us was far more important and suddenly we would have been less than human had we a quest in our oppression in the conditions that existed. We think we did our best to act responsibly as citizens and we believe that everything that had been done and that did occur could not have been done in a better fashion and suddenly now we hold the view that the role of the United Democratic Front contributed to the fruits of democracy that South Africans are now enjoying. I thank you sir.

CHAIRPERSON: Thank you Mr Lekota are there any other additional comments before we ask Mr Mpshe to take over, Mr Morobe.

MR MOROBE: As I have indicated that Mr Cachalia would need to take us through the violations aspects and then from there we can then proceed to Mr Mpshe.

CHAIRPERSON: Mr Cachalia.

MR CACHALIA: Thank you Chair, I think the way we've dealt with the violations is really in a sort of question and answer form where you've asked the questions, the commissioner has asked the questions and we've tried to provide brief answers. I have no doubt that each of our answers are going to generate further questions but with your permission what I suggest we do is, and for the benefit of everybody else I guess just to read the questions briefly and our response if that is alright with you I'm sure that immediately after the tea break you can then take us through further questions and the rest of our delegation will be very happy to answer them.

CHAIRPERSON: Please continue along those lines Mr Cachalia that seems sensible.

MR CACHALIA: Thank you then chair. The first cluster of questions deal with the issue of political tolerance and the issue is here that in as much as the UDF and the ANC argued, the state was guilty of political intolerance and the violent suppression

of decent, was the UDF not to some extent also guilty of a measure of intolerance? Now in line with our founding statement it was UDF's policy to be tolerant of all political and different views pursuant to this policy it attempted to effectively unite all forces who were genuinely opposed to apartheid. Since its inception the UDF sought to bring together the broadest possible coalition of anti apartheid organisations under a single banner and it was known to be the broadest coalition of anti apartheid forces in South Africa's history.

The coalition was brought together on the basis of a shared commitment to ending apartheid and actively striving for a non racial democracy where we all had the vote. Membership was therefore inclusive based on a very broad set of principles. However the UDF worked actively with some organisations who were opposed to apartheid but which did not affiliate to the Front, examples of such organisations for example were the Federation of South African Trade Unions, the Council of Churches, the UDF also sort to co-operate with other political organisations which had fundamentally divergent political points of view such as AZAPO the IFP and INYANZA. It is however true that there were public occurrences from some UDF leaders and particularly from our youth and student sectors which revealed attitudes of intolerance. This had to be seen against the background of a climate of suspicion and intolerance that was created by the regime.

Chairperson people who are constantly fearful of attack or arrest, not surprisingly develop attitudes that are not only intolerant but also undemocratic in such a climate. An example of this I think was in December 1986 when false pamphlets issued by the state in the name of the UDF called upon AZAPO members to be eliminated, this caused considerable tension between our organisations at the time. Another example was in the UDF's relationship to Inkatha. Initially the UDF adopted a somewhat ambivalent attitude to Inkatha, on the one hand there was a strong view within the UDF that we should not work with those such as Inkatha who worked within bantustan structures.

On the other hand the UDF refrained from making any public criticisms of Inkatha so as not to antagonise the thousands of what we believe to be honest Inkatha supporters who genuinely wanted change. The violence which exploded in Kwazulu Natal area and intensified in the later nineteen eighties fuelled intolerant attitudes on both sides. The UDF leadership recognised the danger in these developments and with both these organisations attempts were made to resolve these conflicts through discussion and negotiation. Political education of UDF activists was another means through which the tendency towards political intolerance was addressed. Political education programs pointed out the dangers of factionalism among our affiliates and emphasised the need to find potential areas of unity with non affiliated anti apartheid organisations.

I want to quote from a statement from one of the UDF publications at the time, it read as follows:

"As far as other political tendencies are concerned our most serious consideration should be those which have a mass base. By now we should be able to be realistic about the areas and nature of co-operation which is possible. It is our task to ensure that we and those non affiliates never lose sight of the fact that the apartheid state is the enemy and if any ideological differences do exist we should respect those and not allow it to undermine the potential areas of unity".

The Commission then asks us whether it is true that such political intolerance provided fertile grounds for the emergence of vigilante groupings? Again Sir it is important to emphasise that the emergence of vigilante groupings was in the main part of a state strategy to suppress the democratic movement. We don't want to go into the detail it was very, we believe well covered and explained in the ANC submission to the commission in 1996 on pages 36 and 37. In general, vigilantes represented conservative forces in black communities who benefited from apartheid such as councillors and their friends. These people were obviously threatened by the struggle for a democratic order and were therefore susceptible to be recruited as apartheid vigilantes. There were however isolated instances of political intolerance on the side of UDF aligned youths which also fuelled vigilante activity. These tended to occur where UDF structures were weak and where the leadership was unable to enforce the necessary discipline. This can be illustrated by an incident in the squatter camp in Cross Roads where a consumer boycott of goods took place in 1986. The boycott was physically enforced by UDF aligned youths which resulted in tensions between the community and consumer boycott activists. The situation was then exploited by a Cross Roads war lord called Mbongwana who was assisted by the security forces in mobilising residence against the youths and their allies by physically attacking them.

In summary it would be inaccurate to assert as a general proposition that political intolerance on the part of some UDF affiliates provided a fertile ground for the emergence of vigilante activities in the nineteen eighties. It is true however that there were instances where a measure of political intolerance on the part of our members may have contributed to this phenomena. We then sir, deal with the question of a tax of perceived informers, collaborators and peoples justice. The question you ask us is whether the political vilification of community councillors in the earlier UDF campaigns did not lay the basis for the wave of physical attacks on them and other perceived collaborators in 1985 and 1986 in particular? We say that the basis for the physical attacks on community councillors arose from popular anger to what the

councillors stood for and what they were actually doing such as increasing the rentals to finance bankrupt councils and evicting people who could not pay their rentals.

A study by Nicholas Huissen notes that it was in this context rather than in the straightforward political campaigning that physical attacks on councillors and on their property were launched by angry crowds of residents. Political reservations about community councillors would not have touched ordinary residents and not the worsening economic situation forced residents into direct conflict with community councils. Allegations of corruption levelled at community councillors became numerous and wide spread at the time so the UDF's legitimate criticisms of the role of the community councillors in maintaining black local authorities may have contributed to popular anger but in the circumstances we believe that this was fair and robust criticism and protest.

Is it not true, you ask, that many of those who became victims of UDF supporters were not really dangerous enemies but rather the most accessible and least able to defend themselves such as the wives, girlfriends and children of councillors and policeman? We accept that some of the victims of township violence, we don't have the figures you have the figures with you, but we accept that some of these victims would have been the wives, girlfriends and children of councillors and policeman. It was probably mob violence rather than the deliberate targeting of such people that resulted in many of them becoming victims. It is very difficult however to say how many of these attacks were initiated with a clear political motive and even more difficult to attribute these to UDF members and supporters but you go further and say that you have many statements concerning many UDF supporters who were wounded or killed while engaged in attacking persons regarded as collaborators. Should these UDF supporters you ask in such instances be regarded as victims as defined by the TRC Act? It is a difficult question. We say that we have little hesitation in regarding such people as victims of apartheid. The definition of a victim in the TRC act however is wide enough to cover people who were wounded or killed while attacking people who were regarded as collaborators.

It is our view that the TRC should not as a matter of principals exclude persons from being defined as victims merely because they were engaged in offensive actions. However the fact of each case would have to be analysed carefully so as to establish whether there was a clear political objective associated with the act in question.

You then under the set of questions finally ask whether collaborators had the right to defend themselves, their families and property? And really our answer quite simply is, yes the right to self defence is an inherent right.

The next cluster of issues deal with the issue of necklacing in particular, again Chairperson I should refer you in particular to pages 77 and 78 of the ANC's first submission in 1996 and then it's further submissions at pages 11 to 12 which really sets out, we think very well the whole context within which this took place and we are not going to repeat that here we will simply answer the questions fairly briefly.

Firstly was the issue of necklacing discussed by the UDF national executive committee during the nineteen eighties? We've looked at the minutes, we have not been able to find a specific example of this but we say that the issue would have been discussed within the structures of the UDF and its affiliates given the fact that it had received considerable publicity at the time. Our position was that we disapproved of this practice and condemned its use on several occasions. This was communicated through the media and no doubt in discussion among affiliates.

You then asked how the UDF responded to the well known statement by Mrs Mandela regarding the use of matchboxes and necklaces for the goal of liberation? Sir there is no record of a formal response from the UDF to this statement, but I can recall that it was a statement which caused acute embarrassment for us because the government at that point used the statement extensively to try and portray the struggle in a negative light, while it is interesting that at the time when comrade Oliver Tambo gave a full interview distancing the ANC from necklacing, the government chose to prohibit the publication of that particular statement in the media at that time. So yes it caused embarrassment to us but we did not specifically speak out on it.

Then you ask what questions around the UDF course of action

regarding necklacing, in particular what steps did the UDF take to curb the escalation of the problem? We say that the UDF had very little direct control over the development of this phenomenon, its capacity and ability to intervene was limited due to the negative impact to the state of emergency on our organisations. We made public statements distancing ourselves from the conduct.

Then you ask whether the UDF, what we did about these violations that were committed by its supporters, were any instructions issued regarding these attacks and were any disciplinary actions taken against persons or affiliates? Sir we have really no accurate information at the time and even now as to who was committing these acts, the only information at our disposal was anecdotal. It was also unclear to what extent there was a clear political motive behind the development of this phenomenon. The UDF support during this period was much wider than its membership and therefore its span of control of its supporters was weak and even non-existent during the period in question. We were hampered by a lack of resources and clearly did not command the resources of machinery of the state. The emergency made it virtually impossible for us

to function and leadership locally, regionally and nationally could not operate openly and were not able to intervene and monitor the situation effectively. The problem was compounded by the fact that there were official restrictions on the reporting in the media of such incidence after 1986 unless such reports were officially sanctioned by the government and that is an important point to emphasise.

Despite the repressive conditions under which we operated at the time we still attempted to address the escalation of the problem, we spoke out against it but I think we must concede that we did so somewhat belatedly. There were never instructions from the UDF regarding these attacks we have no information as to whether such instructions were issued by any of the affiliates however or whether in individual cases disciplinary actions were taken.

There is then a set of questions dealing with our failure to condemn. Was the UDF leadership reluctant to intervene, afraid to intervene or unable to intervene, if so should the violence be explained in terms of mob violence or random acts by crowds who were stirred up? The UDF we say was not reluctant to intervene, it was hampered by the restrictions on its ability to operate freely and only by its limited capacity. I should at this point, point out, Chair that we did face a genuine dilemma and I have alluded to the fact that we had no accurate information but we felt that those who were committing these acts may be supporters who were not directly under our discipline and I think we have to capture what was happening at the time. For our publicity secretary to issue a statement in the media saying UDF condemns necklacing, in many instances we felt these people had been brutalised, young kids who have emerged from detention and our problem was it may make some people look good, it may make the organisation look good if you condemned it but in effect if you were not able to create any sort of disciplined intervention that would not be heeded and in fact those people, the limited influence that we may have had over them would have been lost. So I think we had to take that into account and from our point of view that was a genuine dilemma. We would be happy to engage into further discussions with this later on. We did in general at the end condemn such killings and did not silently condone it not withstanding the dilemmas that we faced.

Would an ordinary UDF member you ask, or supporter have any reason to believe that such practices were not approved of. If such members or supporters apply for amnesty for having committed such acts saying they acted in the name of the UDF, does the UDF think they should be granted amnesty?

We say that an ordinary member or supporter ought to have known that the UDF's policy was one of non violence as this was public policy. There were occasions when some activists of the UDF and occasionally even agents provocateur made reckless statements that did not accord with our policy and this could have contributed to some

members or supporters even being confused or unsure as to what our attitude was to these practices.

We do not believe however that the mere assertion by an amnesty applicant, that he or she was acting in the name of the UDF, should entitle as a general proposition to such a person being granted an amnesty. The applicant would have to prove why he or she believed that violent act was carried out with a clear political objective and that the behest of the UDF or one of its affiliates.

At the same time however we want to emphasise that the fact of a necklacing, even though gruesome should not disqualify a person from being granted an amnesty.

Around questions of support to violators you ask us whether by critically supporting those who had been convicted of certain offences, some of those who were on death row, did the UDF not lend legitimacy to such actions and was this not **post facto** endorsement of the violations. We say that these actions were legitimated by the fact that the apartheid government had not allowed any peaceful or democratic which fundamentally challenged its basis.

The right of the State to prosecute our people, coupled with the absence of any real legitimacy for the judiciary was seriously questioned by us. The support that the UDF rendered to such people then exhibited an understanding as to why they had either consciously resorted to such actions or found themselves sucked up in violent situations.

While this did not amount explicitly to an endorsement as such, we do accept that it is difficult in practice to draw a line between rendering support on the one hand and an endorsement on the other.

The next cluster of questions deal with the enforcement of resistance strategies. You ask us whether - and the broad questions here pertain to implementation, monitoring and enforcement of labour and consumer boycotts, how do we explain these acts and was the UDF involved in physically enforcing boycott strategies? If not, who were the people who did so?

The second and related question is whether any actions taken - were any actions taken to get enforcing boycotts to stop such activities? Again, these acts took place against a background of an emergency when most of the UDF's leadership was in detention or on the run. The acts were committed by youths acting on their own even though some may have believed that this was being done in the interests of the struggle.

It is probably safe to assume that many of these youths had been severely traumatised by their detentions and resorted to these acts really as a result of their own experiences that they had gone through in the previous one or two years.

The UDF often emphasised its opposition to this form of coercion and there were instances when activists who had acted in a disreputable way was subject to disciplinary action. A UDF publication at the time described the problem in the following way. I have not doubt that comrade stone would be able to expand on this, but the UDF publication said:

"But as the struggle has intensified so has the opportunity, so have the opportunities arisen for unorganised youth to parade as comrades, highjacking cars or demanding money in the name of the struggle. The solution to such problems lies in political education and organisation. Marshalls or members of organisations who have mistreated people are also disciplined. In Port Elizabeth members of PACO were isolated by being pretenders from attending meetings and from wearing a PACO T-shirt"

Which emphasises what was the most severe penalty we could impose at the time.

"The extent to which discipline can be enforced depends on the level of organisation. In some areas, especially where detentions have removed the more senior leadership of civic structures involving all the people are weak, discipline is a more serious problem"

Sir, you then go on to popular justice where we look at people's courts as quote: "organs of people's power" and your questions are twofold. Were people's courts organs of people's power as articulated by the UDF? And secondly, the issue of necklacing, burning and certainly many other violations including lashings took place at the behest of people's courts? You ask whether there are instances where the UDF intervened and halted the operation of people's courts.

People's courts were a spontaneous development in out townships and a response to the virtual breakdown in any form of state authority. The formation of people's courts as quote: "organs of people's power" never became official policy of the UDF. We did however see it as a potentially positive development in that these courts could resolve community problems such as petty cases of assault or theft without having to rely on the State.

We sought to direct this development by emphasising that such courts should be under proper political discipline and refrain from engaging in acts of violence. On of the UDF publications at the time conceptualises and describes people's courts in the following way:

"In Uitenhage for example, on the basis of a well development organisation at an area committee level the youth under the discipline of community organisations now maintain ordinary law and order functions previously the domain of the apartheid police and army. Peoples volunteers, the amabutu, now investigate crimes related to people's complaints. They are strictly instructed to use no violence against the people and that their political task is to help in resolving disputes and thus to build unity within their community. Similar local of organisation in places like Attridgeville, Fort Beaufort, parts of Port Elizabeth, Cradock, Queenstown and Kagiso form a basis for a people's system of law and order. Our people's courts are not meant to punish people but rather to politically educate people for active involvement in the national struggle against apartheid. There would have been instances where UDF at an area level rather than a regional or national level intervened to halt operations of people's courts that were functioning like kangaroo courts"

We then, before the last section of the political climate and the responsibility, deal very briefly with inter-organisational conflicts. And you ask whether we can explain conflicts that occurred between the UDF and AZAPO in Soweto, the Eastern Cape and Paarl and other places from 1985 to 1989.

And secondly you ask what steps were taken to resolve the matter and to prevent bloodshed? Were UDF affiliates disciplined or expelled or any individual members disciplined?

Again Sir, there is very extensive documentation that you already have, puts ...[indistinct] in both submissions from the ANC and again we are not going to repeat that but merely to try and point to examples of the way this matter, how we understood it and how we dealt with it.

Looking at the Eastern Cape is one example. We say that in mid 1985 there were a proliferation of violent clashes between supporters of the UDF and AZAPO in the area. These occurred at the time, you must remember, the murders of the PEBCO 3

and the CRADOCK 4 had occurred. It was widely believed at the time that they had been murdered by the State, a belief that was to be proved true more than a decade later. There was a climate of great fear and suspicion.

At the same time the black consciousness group in the Eastern Cape was led by the self-styled Reverend Ebeniza Maklena. The organisation which he led was called the: "Ama Africa National Front" and was closely linked to AZAPO. He was widely believed to be working for the State and fermenting violence in the area. He was subsequently expelled from AZAPO. We believe that he was principally responsible for the violent clashes that occurred between the UDF and AZAPO in the Eastern Cape. Indeed his Ama Africa National Front was indeed set up by the State to counter the influence of the UDF and you have the documentation to show that.

The State repeatedly distributed leaflets all around the country in the names of various organisations with the aim of causing confusion and fermenting violence between the UDF and AZAPO. Unfortunately we say that this sometimes succeeded in doing precisely that. We issued statements condemning them as the work of the State and appealing to our affiliates to be vigilant of this. We wrote letters to AZAPO and met with its leadership in an effort to stop the problem from escalating. We were not however able to find a record of any disciplinary action which may have been taken against any member of an affiliate within the UDF.

With reference to Inkatha you as that we answer in the following way: We say that the relationship that the UDF had with Inkatha was an ambivalent one. On the one hand we were opposed to what was considered to be Inkatha's collaboration with the State, while on the other hand we were reluctant to criticise it because of its considerable rank and file support.

But as the first clashes between UDF and Inkatha supporters took place, starting with the Engoia massacre at the University of Zululand where UDF supporter were attacked and killed by Inkatha supporters. Increasingly hostile statements were then issued by both sides which resulted in further polarisation on the ground, which in turn resulted in further clashes.

It was against this background that the UDF leadership was concerned about the conflict and certainly did not encourage it. But it is true that the linkages between the leadership and rank and file structures in the townships of KwaZulu Natal were weak. The UDF sought to resolve the problem with Inkatha by peaceful means and its leaders played a key role in trying to get peace initiatives off the ground.

In the Natal midlands we worked with the Chamber of Commerce to try to broker a peace deal while in other parts of Natal the UDF supported Cosatu and worked with

the churches in trying to find mechanisms for dispute resolution. That was in the later '80's.

Again we must remember that this occurred in a climate where the State deliberately sought to build support for Inkatha while at the same time making it impossible for UDF leaders to operate, by detaining and banning them. There's extensive documentation on the State's covert support for Inkatha at the time.

The full machinery of the State, particularly the KwaZulu police was used to bolster Inkatha in its effort to physically annihilate the UDF's presence. The full array of both legal as well as illegal means was used to achieve this objective. It is therefore not surprising that we were not able to make very real progress towards finding a peaceful solution with Inkatha before 1990.

The last question Deputy Chair, relates to political climate and responsibility. And you ask I think the probing question which says that former government officials have acknowledged that the use of certain language provided a reasonable basis for those at lower levels to infer that killing was acceptable, does the same reasoning not hold for the UDF?

We say that the usage of militant language within the front took place against a background of increasing struggle and general escalation in violence. We were concerned about this development and discouraged the use of militant rhetoric. There are publications, political education publications for example of the UDF which emphasise that because of our security concerns activists were discouraged from sounding very revolutionary all over. We felt that their emphasis should be on disciplined organisation building.

But I think, having looked at this question hard and for a long time among us, we conceded that the language used by some of us from time to time could have provided the reasonable basis for some of our members to infer that violence and even killing was acceptable.

The next set of questions with a political responsibility for comrades. Does the UDF accept responsibility for this particular socio political grouping, amorphous as it may be? You say that further several persons have applied for amnesty for violations, claiming broad UDF endorsement of their actions. How do we as a leadership view such claims?

You ask further whether the UDF can claim credit for organising and mobilising people and then deny any responsibility for actions arising out of this process of mobilisation. I think we want to state simply Sir, that we accept both political and

moral responsibility for the actions of those who genuinely considered themselves to be our comrades even though they were not accountable to the structures of the UDF.

We accept that in organising and mobilising our people for freedom, some of these comrades committed acts which violated our policies but these were the unintended consequences which inevitably resulted from our campaigns.

We say that the TRC in evaluating the amnesty applications should view their actions with sympathy and understanding of the political context within which their actions occurred. We also wish to submit that the sympathy and understanding should be extended, not only to the members of the UDF but also supporters who believed that their actions were contributing to the struggle for freedom.

The last set of questions deal with mass actions. And you ask whether the UDF should not have foreseen the violent consequences of such actions? Was it not obvious you ask, that the State would act against unlawful initiatives? Should the blame be squarely put on the actions of the security forces and is there any responsibility that the UDF can claim in this regard?

Civilians were placed in situations where they were obviously injured.

We say that for the UDF mass action was our most viable and effective weapon in advancing our struggle. When organising marches we often took into account the danger that the security forces would attack us. We were not reckless in organising many of our demonstrations. Within the limits of our capacity we tried to ensure that marches proceeded as peacefully as possible, organising marshalls from our structures to assist in crowd control.

In organising these marches we also tried to take into account the unpredictable behaviour of the security forces and therefore took as many precautions as possible. While it was obvious however that the State would act against unlawful initiatives, it was not always obvious that they would respond violently to a peaceful demonstration.

There were occasions when prominent clerics for example were part of that demonstration and then they backed off when they felt that they were able to move in without the glare of the media as an example, and then they may have broken up the demonstration violently.

So in apportioning blame in this area, clearly the government which prohibited democratic activity such as protest marches and the security forces that violently broke up demonstrations must bear the primary responsibility for the violence which

ensued during some of these actions. After all the right to peaceful protest is an inalienable universally recognised human right. But we must accept that there is a measure of moral responsibility for the fact that marches and mass actions were embarked upon, where there was always a danger whatever precautions we may have taken, that civilians may be injured during such protests.

We feel however, that even though there is a moral responsibility that we accept for it, that we would have abdicated as comrade Terror has pointed out, a greater moral responsibility if we sat back, acquiesced in our own oppression and applied really the peculiar logic which says: the State would be unhappy if we organise a march so let's not organise the march.

In conclusion we do say and we say this in all sincerity and honesty, that we do deeply regret the loss of life and the trauma that many people suffered, not only members and supporters of the UDF but those who were our opponents but we regret any loss of life and injury that resulted in the cause of us waging our just struggle.

Chair, that ends our questions and our answers. We'd be happy to take questions at this point and which comrade Popo will direct us to answer, thank you.

CHAIRPERSON: Thank you very much. It does look as though it's right on 11 o'clock and it may be a good moment to break at this stage. If that's acceptable to the delegation we will adjourn and then try and be back by twenty past eleven, thank you. ...[inaudible] that tea for the delegation will be made available, tea or coffee. Regrettably we don't have a cafeteria for everyone else.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: We resume the hearing with a delegation from the former United Democratic Front and I'm going to ask Mr Mpshe to lead us please. Mr Mpshe?

ADV MPSHE: Thank you Mr Chair and members of the panel and our leaders herein present. Mr Chair, I want to kick off by saying that we appreciate the response, the manner in which most of the questions have been answered. When we put questions to the delegation it is not because we doubt or we do not accept the answers given to the questions but we are simply continuing in the debate so as to get clarity on some of the issues.

I have indicated in chambers Mr Chair and the panel, that the questions that will ensue from our side will be based on the submissions as read onto the record today. So I

want the delegation to understand our questions in that light, that the simple assignment is to find clarity. I will kick off Mr Chairman, starting from page 8 as this is the portion that was dealt with by the comrade.

We agree Mr Chairman, that the UDF then had a problem or rather to call it a disciplinary problem due lack of capacity. They could not, because of certain factors mentioned in their submission, discipline the members as well as the supporters of the UDF. But I have three questions to pose in this regard and the questions are:

Was this incapacity of UDF to exercise adequate control, a matter of concern to the UDF?

The next question will be - I don't know Mr Chairman, if the delegation would want me to elaborate on the questions or just to put the questions as they are and they will response to them? Some of them are self explanatory with the minds of the delegation, that is I do believe they do understand what I am talking about.

CHAIRPERSON: Mr Molefe?

MR MOLEFE: Chairperson, we would suggest that Advocate Mpshe proceed with his questions, where we do not understand the questions we will give an indication.

CHAIRPERSON: Thank you. Perhaps it may be easier too if you took clusters of questions and once you've dealt with a particular subject we could pause and then we could listen to the replies and take them further if necessary. Is that agreeable? Right, please proceed Mr Mpshe.

ADV MPSHE: Thank you Mr Chair.

The next question then would be:

What active steps were taken to remedy the situation?

And here I want to refer the delegation to page 9 as well as page 10 of the submission. At page 9 I'm referring t paragraph 2 of the submission and page 10 I'm referring to the very last paragraph:

"before attacks on perceived informers"

that very last paragraph and the last sentence.

And the last question on this cluster Mr Chair will be:

Was the popular forms of undisciplined activists which contributed to making the country ungovernable at least tolerated by the UDF? If not tolerated, was it not encouraged? In other words, this move of making the government ungovernable, was it tolerated by the UDF or if not tolerated, was it encouraged to continue?

Then in the same breath:

Would the apartheid government have surrendered power without: "the undisciplined mass mobilisation"?

MR MOLEFE: May I request that the last question be repeated and clarified as it is not quite clear.

CHAIRPERSON: Mr Mpshe?

ADV MPSHE: Mr Chairman, in clarifying it, there was this move of the movement or organisation, that the government should be made intolerable or ungovernable and in making it ungovernable, mass movements or mass actions had to take place and in the midst of these mass actions some of the acts that were regarded as being perpetrated by the undisciplined members would inevitably take place. Now my question here is:

Did the UDF tolerate this mobilisation?

MR MOLEFE: The question is still not clear.

CHAIRPERSON: Shall I try to ...[intervention]

MR MOLEFE: Is it proposed that the UDF set out deliberately to organise undisciplined mass action? We don't quite understand the question.

CHAIRPERSON: Can I just try? I think ...[intervention]

MR MOLEFE: In that we are being asked to say whether we tolerated or not.

CHAIRPERSON: I think the question is really on whether the UDF did not want this to happen but insofar as it did happen, tolerated the excesses not the actual policies or the strategies but the excesses because of the end goal? And that was to change and transform government. I think that's more or less what ...

ADV MPSHE: Thank you Mr Chairman, that is the intention of the question.

CHAIRPERSON: With those questions - you had a last part to the question which related - or is that sufficient?

ADV MPSHE: That is sufficient for now Mr Chairman.

CHAIRPERSON: Would you care to respond to those now, it may be easier I think. And if so, who would like to do that?

MR MOLEFE: Well I'd like to request that Mr Valli Moosa deals with the question relating to making the country ungovernable.

CHAIRPERSON: Was he deliberately responsible?

Mr Moosa, would you like to attempt that?

MR MOLEFE: And the rest of the questions be dealt between him and Mr Morobe.

MR MOROBE: Chairperson, I think just to help Mr Moosa, because this question is to the first question that was asked about incapacity and as to whether that was a matter of concern because some of consequences that arises from the concerns of the last question would be seen to be a direct consequence or how that actually panned out.

Now at some point in the history of the UDF we had made a recognition that the organisation was growing at such a pace and such a rate, that we were drawing so many new members into the organisation and the whole question of organisation became a central focus for our concern and consideration because we realised that whilst at the core we had a very strong body of disciplined and committed activists but we had a very strong sense that on the edges we were beginning to pull in other people who were not necessarily of the same schooling politically and of the same commitment but the part of the process is they'd been drawn into the movement.

The question was, how do we deal with this because this concerned us greatly and at the time being incapacitated by various detentions, arrests and burnings, we had to then proceed by approaching this in the only way which the UDF tended to do, by taking a political approach to it because we did not have the equipment and the machinery to put people in jail or to lock people up, so we thought that we had to approach this politically.

And hence if you look at the slogans, the slogans that the UDF designed at some of these points were also intended in some way to begin to address these questions. We had a slogan that said: "From Protest to Challenge". Now that in itself had a very strong element of confrontation in some ways but we also realised that that part of the slogan had drawn so many people into the organisation that our documents - some of it you would have already amassed, we would have documents that actually detailed

the political content that we wanted to put into the slogans, where we then actually said - I think in one of the conferences, the 1986, we came up with the slogan: "From Protest to Challenge, from Mobilisation to Organisation", where we underlined the importance of organisation as a key disciplining element of the **modus operandi** of the organisation, because with organisation comes greater political education, comes greater infusion on disciplined modes of engagement by our activists.

And the approach then was to say: we have to actually take this across the lengths and breadths of the country and to our affiliates so that that must inform their perspective and their points of departure so that any measure of what people do would then be based on the understanding of that context.

So it is then in that sense that when one proceeds to deal with questions relating to the popular forms of undisciplined activists, as it was said, who contributed to making the country ungovernable, as to whether that was tolerated and encouraged, that one then has to understand that in the context of our own recognition of this dilemma that was facing the organisation and what we might then do to actually begin to correct it.

So for me, that gives you a context of our initial concerns and our initial consideration as to how we might want to go about it. Perhaps Mr Moosa might add then on the question relating to ungovernability and undisciplined activists who contributed to making the country ungovernable.

CHAIRPERSON: Thank you Mr Morobe. Mr Moosa?

MR MOOSA: I think one must make separate points here. That there may well have been undisciplined persons who were engaged in actions to make the country ungovernable but not all actions aimed at undermining the ability of the apartheid regime to rule were a result of undisciplined actions. I think that one must distinguish between the two.

And a call to make the country ungovernable and to render apartheid unworkable was not necessarily a call to chaos. So I think we must distinguish between the two. In some cases you had a situation where a maximisation of chaos was viewed as rendering apartheid unworkable. We of course never held that view and that is why we had the slogan which said: "From Mobilisation to Organisation".

We were always of the view that organisation was the key to success and the key to a heightening of the struggle. We did not want to find ourselves in the situation where the leadership of the liberation struggle was unable to direct the struggle and to martial those who were engaged in the struggle but we certainly were of the view that the point had been reached where it was becoming more and more possible in the '80's

to render apartheid unworkable, to make it more and more difficult for the State to rule in the old way. And perhaps the most stark example of that was the defiance campaign in the late '80's where we had embarked upon a campaign to defy apartheid laws.

And you may recall that large numbers of person needing, black persons needing medical attention presented themselves as patients to white hospitals, people organised to bathe on beaches that was not allocated for their skin colour. Some of those person you associated with very well. That was all part of the defiance campaign. We wanted to show demonstrably that the apartheid regime had in fact lost the ability to rule the old way, that it was possible more and more to defy the regime and to render apartheid unworkable. And in that sense I think that ungovernability is not necessarily the same as maximisation of chaos.

CHAIRPERSON: What I'm going to do is, after each cluster of questions have been posed by Mr Mpshe and the answers have been given, is to refer to my colleagues if they wish to add anything at all. Mr Ntsebeza?

MR NTSEBEZA: Perhaps one wants to also get a sense of - I think one accepts that there was the agenda to render the country ungovernable and I think the liberation movement did not and ought not to apologise for that, it was part and parcel of dealing with a regime that was unacceptable.

I think the latter part of his question was seeking to know to extent there is considered that there was an element which together with the liberation movement was engaged in maximisation of chaos as you put it, but which quite clearly was not necessarily part of the liberation movement.

Now, to what extent did that element contribute to the success of the political agenda, in other words what sort of percentages can you say? Was it more the undisciplined section or more the disciplined section directly under the control of the political leadership of the liberation movement, that you can credit for having brought about the ungovernability of the State?

MR MOROBE: Chairperson, by and large the struggle certainly during the period of the existence of the UDF was being, I would say guided by organised disciplined groups of people, institutions and organisations that were clearly politically motivated and that worked within the broad strategy of the liberation movement.

And the indication of this really has been the success of some of the biggest mass campaigns that this country had ever seen, and that could only have been done if your forces were well organised and disciplined I would say and therefore some of the

campaigns which Popo spoke about. But throughout the period and even throughout the period of the banning of the UDF when euphemistically operated as the MDM for example, that we were able to continue to organise mass campaigns that captured the imagination of the people.

Quite often, where there was chaos which communities responded to negatively we believe would have been the work of the enemy and agents of the enemy, we ourselves certainly discouraged that.

CHAIRPERSON: Mr Lekota?

MR LEKOTA: Mr Chairperson, if I may just add to this reply. It is important to understand that in all regions and localities where we had affiliates, the leadership of those affiliates took responsibility and we are accountable to the National Executive ultimately for the activities of our membership there.

It will be seen for instance, if one looks at the second founding document of the UDF, the working principles of the UDF, it says quite clearly and I quote"

"All regional formations and member organisations shall have complete independence within the umbrella of the United Democratic Front provided that actions and policies of members are not inconsistent with the policy of the UDF".

So any affiliated organisation was guided first of all by the generally accepted non violent policy of the UDF and the pronouncements of the leadership at national and provincial or regional levels and so on reached membership via established organisational leadership in those areas.

So to a very large extent few activities took place in the regions, in the areas in which we had affiliates without control of accountable leadership. Thank you.

CHAIRPERSON: Thank you.

MR CACHALIA: If I may just add to the answers already given. I think when we deal with the question of ungovernability of South Africa and the inability of the apartheid system to continue operating in the same old ways, our analysis of the situation should not be a simplistic one where you look at the liberation movement on one side or the UDF on one side and the regime on the other. There is a whole complex of factors which contributed to the ungovernability at that time.

And if we may just highlight some of them. Firstly contradictions had begun to sharpen within the apartheid system itself but also contradictions between the National Party led government and the private sector, business, a bit capital in South Africa. You would recall how the rubicon speech of PW Botha also contributed to that, when the whole world was waiting on him to give a message of hope and he gave something that devastated virtually the whole world and it was the business sector that said it's time for him to go.

He had problems with his own ministers, like Pik Botha and others. But also the international community had begun to intensify the isolation of South Africa. They had run into problems with regard to their ability to pay international loans.

You would recall that he then imposed a moratorium on the payment of loans to foreign banks and so on. At that stage I think he was required to pay about 12 billion and he said: "We are not going to pay it". He delayed it for about six months or so.

Now you had all these contradictions, you had contradictions of your junior partners in that government, Labour Party Allen Hendrickse and others, beginning to defy apartheid, marching on the beaches and saying we're not going to respect this apartheid rules anymore. So there was a whole complex of these contradictions which really contributed to the ungovernability of that time.

But I think I must also say that - by the way, the UDF never adopted a policy of making the country ungovernable but certainly we were when it was becoming more and more difficult for apartheid to continue governing.

But we may also say that we are being asked, is it the element of undisciplined action or the elements of disciplined action which contributed maximally to making it difficult for the regime to govern. I would say it would be the elements of disciplined action which contributed to that because you cannot sustain mass action which is not disciplined, it cannot be sustained. In due course it falls apart.

You can sustain it only if it is tied to disciplined organisation and thus the UDF continually insisted that we could not rely on spontaneous actions, we needed to have our people mobilised, disciplined and give them political education so that they do not engage in acts of bravado where they simply want to confront a heavily armed enemy without being able to read moments when it is dangerous to take certain actions.

CHAIRPERSON: Thank you.

Mr Mpshe, won't you go down to the next cluster of questions?

ADV MPSHE: Mr Chair, I will do so but Mr Chair I wonder whether the other questions that I posed have been answered. If the Chair was aware of the answers that came from the delegations, they concentrated on the ungovernability and did not respond to the first three questions that I posed.

CHAIRPERSON: Why don't you re-state them?

ADV MPSHE: Which comrade Popo had allocated to certain members of the panel. I will repeat them Mr Chairman, for convenience.

CHAIRPERSON: I think Mr Morobe answered the first question about the concern of lack of capacity to deal with those problems but the other more precise question you posed I think was, what active steps were taken in the limited capacity one did have at the time to meet the situation. Am I right?

ADV MPSHE: That is correct Mr Chair and that is when I referred to page 9 and page 10 of the submission.

CHAIRPERSON: Could we have a response to that please?

MEMBER OF DELEGATION: Chairperson you must know that one of the key objectives of the regime at the time was to continually incapacitate the UDF, continually do so.

We had tens of thousands of our activists detained without trial during the period from around 1985 to 1990 and this is no exaggeration. Just about anybody in any position of leadership, at a national, regional or local level had ended up in prison. So incapacity certainly was a matter of concern.

We had taken tremendous risks ourselves to continually build the capacity of the UDF. In fact Murphy, Morobe and I were arrested in Port Elizabeth in 1987 I think it was when just about every one of our activists, virtually even rank and file were in prison in the greater Port Elizabeth area and we had gone there to revive our structures in order to build capacity and we ourselves got arrested in the process of doing that. So we had taken great concern but we never ever pretended to be the leaders of the liberation struggle, we were the leaders of the UDF, not the leaders of the liberation movement which was much bigger than the UDF, which is a huge big thing and beyond our capacity to control. We had no ambition to do it.

In fact our view was that the ANC led the liberation struggle and was at the helm of the liberation movement, so what we attended to was UDF structures which were, had perhaps a great impact but a limited impact within the entire liberation struggle and

liberation movement if one may say so. We did not attempt to do everything that we were not able to do as such.

We were also mindful of the struggle intensifies and as has happened in struggles elsewhere in the world, you will have more and more independent action on the part of masses. That people more and more were displaying a characteristic that they did not need an instruction from anybody to fight the enemy but people felt duty bound to fight the enemy so they did not wait for an instruction to say: "May we launch a campaign, may we march in our own area and may we organise a consumer boycott" or something of that sort. So there was quite a lot of independent action but even that generally organised independent action.

CHAIRPERSON: Mr Mpshe?

ADV MPSHE: Thank you Mr Chairman. Mr Chairman, in concluding this aspect before I move to the next cluster, just for the sake of absolute clarity Mr Chairman, I'm making a follow-up on the question of ill disciplined activists.

I would say here in retrospect, what is the attitude then of the delegation or the UDF leadership to these young men or to these young people who were sometimes referred to as the young lions? Does the former leadership accept these young men, own them who made this country ungovernable or were they outside of the bounds of what the UDF regarded as acceptable?

If I have to clarify this, we do have this young men Mr Chairman and members of the panel, amnesty applications have been filed by these young men and the TRC and perhaps Amnesty in particular does not have a way of dealing with them, especially when one has regard to what has been said in the submissions, that the question of ill discipline was not - if I may use my words, a sanctioned one but it happened due to the incapacity referred to.

Now my question is based on the question of whether they own these young men who some of them or the majority of them are in jail or do they regard them as people outside or people who acted outside the boundaries of what UDF would regard as acceptable.

CHAIRPERSON: That's a pretty tough question, who would like to answer that?

MR CACHALIA: I would just like to ask for clarity because you seem to be suggesting in discipline, I don't know what you mean my undisciplined action firstly. Maybe you should clarify what you mean by that because in general the generations of young people from 1976 onwards have been, are amongst I would say, should be

amongst the most admired citizens of this country. They laid down life and limb to wage the struggle. What do you mean by undisciplined, young lion is not necessarily synonymous within discipline.

Generally the young lions were doing a wonderful piece of work I think. None of us would have been here - maybe should just clarify what you mean so that we can deal with the answer more carefully.

CHAIRPERSON: Mr Mpshe?

ADV MPSHE: Mr Chairman, I'm referring here to actions that were taken by these young activists. Somewhere in the submissions - I cannot lay my hand on where this was actually referred to, where it was said that some leadership in certain regions or areas came out with statements that would be regarded as irresponsible and this led to these young men or these young activists acting in an unacceptable manner.

To quote but one: let's take the consumer boycotts that took place then where a person would be seen walking out of OK with an OK plastic, who would be made to eat the soap and to drink the jik, I wouldn't call that a disciplined action at all and this is what I'm referring to.

MR CACHALIA: Chair, if I could try and explain this, I think we have set it out in our submission. I think the way we approached this question is like a father, like parents would approach let's say, an aberrant child, that child is part of your family, these were people who were oppressed people, part of this history.

Now, if a child misbehaves and hopefully disciplines that child and shouts at the child and does what is possible within the limits of that family alright, but they don't disown those people. For us to disown those people, for us would - in a sense it would mean that we don't understand the history of these people tended to do these sorts of things.

So they were undisciplined in some instances. When they did that they were not acting within UDF police but we own them, they are part of us and they are part of our history and we accept them as part of our family.

CHAIRPERSON: Thank you. Let me try to explain our dilemma, and I understand what you're saying entirely. Our dilemma is, if a person applies for amnesty and says that the actions that they took - and let's go way beyond consumer boycotts, let's talk about burning somebody to death, necklacing, which people are applying for amnesty now and we heard your comments about that. If they claim that they were doing this as membership or part of their membership of UDF and you are saying to us that that was not your policy but you understand or that you cannot disown them, if doesn't

help - and I'm not saying you should help, I'm not saying you have to, but it doesn't help the Amnesty Committee to decide whether or not this was simply unbridled rage without political motive, education, structure, discipline or whether they saw themselves genuinely as part of a UDF structure which was trying to make the country ungovernable because the present governors were unacceptable. That is why we were asking the questions about means and ends, does the end justify the means. You're saying to us: "No, it doesn't but we lacked the capacity to control".

Our dilemma, which Mr Mpshe I think put very well, is when we listen to the applications from these people we've got to understand in what context way we're doing this, whether we're doing it because they were members of the UDF, did that kill that Councillor because they believed the UDF had that approach. That is our dilemma and that is why we are pushing this, not because we want to go on and on and on but because we are aware of our responsibility to a whole lot of people who are in jail.

MR NTSEBEZA: Can I just add on that and say, maybe you are attempting to answer that on page 13 of your submission, the very last sentence in the 1st paragraph, well not paragraph yes, where it starts:

"An ordinary member or supporter"

I think that is where you are dealing with this phenomena but I'm interested in your last sentence where you say:

"At the same time however, the fact of a necklacing, even though gruesome should not disqualify a person from being granted an amnesty"

Now maybe as I understand it you are attempting to answer exactly the question that Doctor Boraine has put but perhaps you want to contextualise that and say in what way you see a person who had applied for amnesty for a necklacing can be granted amnesty. What factors do you think should be taken into account in that event.

MR MURPHY: Chair, I'm sure most of us would like to say something on this but I think we start from the point where we say that the fact of a necklacing should not exclude somebody. Now we are now talking about, we're making some fairly general points. The Amnesty Committee is going to have to test whether a person was acting indeed with a political objective. Part of that would be to analyse what this activist or this person did over the last, let's say, one year.

Was the person marching in campaigns, was the person doing different sorts of things or did this person say one day: "Hey, now is the time to go for this guy. I haven't liked his face for the last six months and now I'm going for him". So you would have to test that alright?

What we are comfortable in saying is that if a person says he understood UDF policy, even though he may be wrong, but if he understood UDF policy to include attacks on individuals which may involve necklacing, we would say that that given the time and some of the statements that were generally being made would not have been an unreasonable inference to draw as a general proposition. Thereafter you are going to have to look at the facts individually.

MR MOOSA: If I may just add to that. You know we had always said to ourselves that nobody can administer a revolution in its minutest of detail and we didn't want to do that. Everybody had a right to engage in the struggle, they didn't need the permission of anybody. It was also not feasible for a group of people, two or three, getting together and say well we're going to necklace so and so, he's an impimpi. To say: "Shall we write to Oliver Tambo and ask him can we do so, this is the basis on which we suspect that he's an impimpi. This is the date on which and how we are going to do it" or write to the UDF head office or wherever.

It didn't happen in that sort of way. Many people rightfully assumed that it was their duty to engage in the struggle and they didn't need anybody's permission. Some of the persons may say that because they were members of an organisation affiliated to the UDF, because you are asking them difficult questions, you are asking them: "On whose authority did you do this?, Where was the line of command, which organisation did you belong to"?

They didn't carry cards of the ANC you know, they weren't card carrying members of the ANC, who was? So they were card carrying members maybe of a youth congress or a student congress or a civic organisation or of women's organisations so they say: "Well we belong to the UDF".

"Who in the UDF instructed you"?, they say: "Well this is how we understood". And I think they would be quite right in saying that they had understood the general strategy of the liberation struggle, that of launching attacks on the apartheid system.

The UDF of course would be quite correct in saying that all of our policies were non violent ones, we had no violent campaigns. We only had non violent campaigns so we were quite right. So one could - if one is to be very technical one would find a contradiction in that regard but if one has to look at it in a broader perspective there wouldn't really be that contradiction. And I think the only test that you would have to

come to is whether such an act was conducted within a cause of perhaps petty theft, maybe to steal somebody's motor car and somebody gets killed and then say that that was an act of struggle, that may not have been. I think that is what really the amnesty process would have to test or whether it was in the minds of the persons a **bona fide** act or struggle.

CHAIRPERSON: Mr Ntsebeza wants to follow that up.

MR NTSEBEZA: Thank you, thank you Valli. Would your admitted non response - and I'm not studying the Winnie Mandela trial all over again, hearing, wouldn't your admitted non response with our mystics and these ...[indistinct] I mean, here is an activist who hears a leader of the stature of Mrs Winnie Mandela, saying the sort of thing that she said and you on your own admission did not have a uniform ...[indistinct] I mean the ...[indistinct] I've heard is that as comrade Dazakachera said they were quite embarrassed by this but there wasn't sort of: "Listen, hear what she has said, that is not our policy".

Now wouldn't that in the end have re-enforced in the mind of an amnesty applicant like he has, the fact that even political leaders at that level had indicated that this is the way to go. And what, with the benefit now of hindsight would you say the Amnesty Committee should do in that regard? Should they take that into account, to disclaim it as having been policy of the UDF?

MR MOLEFE: Well I think firstly we must refer the Commission to the points made in our main submission. Firstly that we have said that the regime itself was encouraging these acts of violence but secondly, that there was a deliberate and conscious decision by the regime to block any public statements made about necklacing.

It's very difficult for us to say: "Ex-President Oliver Tambo, the late President Oliver Tambo made a statement", whether it was closer to the time when Mrs Mandela made her statement or not, it's very difficult to say so but there was a deliberate attempt to block that.

Secondly, ...[intervention]

MR NTSEBEZA: Comrade Popo, just on that point without cutting you short, your mouths were not gagged, you were inside the country, you were the political leadership, you could have made a pronouncement on that particular point.

MR MOLEFE: Let me go on. The second issue is that comrade Winnie Mandela at that time was not operating within the discipline of the UDF, she was not active in the

UDF, she was not in the UDF at that time and therefore it would have been difficult for the UDF to take any steps to try and discipline her. She was not on any structure of the UDF.

Of course we are saying in our submission also that we have no recollection of any statement issued. It may well be that the leadership at the time felt that we have previously issued statements on this issue, it is adequate.

MR MOOSA: If I may just add, if the question is whether such persons could have inferred from the statement of Mrs Winnie Mandela at the time, that this is what is considered to be not only legitimate but required actions in the cause of the struggle then I would say: yes, I'm quite certain that some people would have inferred as such because Mrs Winnie Mandela was a prominent person, a prominent activist, certainly a prominent revolutionary.

As comrade Popo says quite clearly she was not in the structures of the UDF, she was not a patron of the UDF, she never served on the National Executive Committee or anything of that sort.

We were also not apartheid policemen by the way, it was not for us to go around and say: "Well don't you attack the regime in this way, do it within these bounds". We were not - we were really, we had our own programme of action and we were dedicated to doing that really, not telling people, trying to be watchdogs over others. And that is why - I think the point I make about the liberation struggle and the liberation movement being broad, I think is an important one.

And quite often the person on the ground engaged in action may not have in his or her own mind the fine distinction between one or the other, between how exactly structures work and how exactly decision making processes take place.

CHAIRPERSON: Mr Lekota?

MR LEKOTA: Mr Chairman, may I draw your attention to page 11 of our submission:

"Questions: Necklacing in particular"

Bullet number one and bullet number two is what I want to draw your attention to. We say there quite clearly that:

"The UDF disapproved quite clearly of this practice and condemned its use on several occasions. This was

communicated through the media and discussion among our affiliates. With regard to this issue there can be no doubt, we are very explicit on it. Secondly, the general policy of the United Democratic Front was always understood to be non violent, it was generally so"

The reason why it was important for us to indicate to this sitting the persons who constituted, for instance a few people like Doctor Beyers Naudè, like Francis Baard and so on.

These individuals who endorsed the UDF unendorsed it on the understanding that the general policy of the United Democratic Front was non violent and one must now take into account that the repressive actions of the regime, quite often people marched towards the municipal offices to protest peacefully and the march would be announced in advance, all preparations would be done, people get to the municipal offices and suddenly the police would shoot them. In a moment of desperation, of provocation, where some people lives, people acted immediately on the spot without having planned anything.

This cannot in my view be called ill discipline because it's not some plan to do this, it's a reaction provoked by circumstances on the spot there and there. This I think, if one was listening to an amnesty application, one would consider this kind of thing. If an applicant proved: "I was a member of an organisation that was a civic organisation that. I joined this march after meetings had been held and the whole community understood that. Parents, grandparents and grandchildren went into this march understanding that this was a peaceful protest to go and say: "This is what we're not happy about".

There is nowhere adults - Mr Chairperson, I may say to you, there is nowhere that adults who are normal human beings want and will go towards a situation that they understand is likely to cause loss of life just like that. Only mad people do these kinds of things. There were theories at that time where some people said we must encourage the killing of people by the State, that people would be even more committed to the struggle if the State came heavier on them. We dismissed this, we told people all the time: "No normal human being will walk into the fire, they'll walk away from it".

You've got to conduct a struggle in such a way that people, you understand who you are, it's lives that are at stake. So that was the general background and this general background is important to keep in mind.

The third point I'd like to add to the answers my comrades have already put forward. We were not the only voice commenting on the South African struggle at this time,

we were not the only political formation that were being heard. And quite often State machinery and even the media gave vocal, a clearer sound to reactionary elements that were, in fact advancing theories that were dangerous to our struggle. So there were other organisations.

One has got to see and understand the role of the UDF and its pronouncement within the context that it was a voice amongst voices, each one of them contesting to be heard, each one of them claiming to lead, none of which, including ourselves had had an opportunity to prove at the ballot box who had more support than who. And therefore some of the actions that happened, in the minds of ordinary human beings who are not studying political organisations and making all the analysis we are busy with in this room, some of the people heard the sound and said the movement says we must do this and they did that.

And some of the people who heard those sounds were in the UDF. I may just say to you and take you into confidence, in prison Mr Chairperson, we had people that arrived in scores and comrade Murphy here next to me and comrade Popo here, you know we had lots of people that came there. Outside they were understood as activist, arrested for this and yet when they got there you found that they didn't belong to any organisation, they started their campaign organising. We wanted them in out organising and somebody wanted them somewhere there, so we wanted them in our organisation so that we could groom them, teach them the policies more systematically. Outside prison there were no conditions like that.

So I think that in listening to those amnesties the consideration that must be taken is this context is these individuals who have come from that situation, who didn't go to school like us and didn't have the time to research the documentation we have done and acted on whatever information or half information reached them.

It is for that reason that we say we accept political and moral responsibility. We cannot say these people have nothing to do with us. We organised them, we led them. When we were taken into prisons they were left without leadership and many of them, angry even at our arrest, did things which were irrational. And I think that it will help the Amnesty Commission, Committee rather, to place itself within those conditions within this country at that time, not today, we have brought order as a result today. But back 10, 15 years ago we would not even have been able to talk to you like this.

And therefore in the light of that - and I would like to say by the way, even if some of the people have been convicted, the Judges who found them guilty, did they take into account the issues we are raising with you now? Were those sentences in any event ultimately appropriate if you take into account the mitigation that we are putting forward to this Commission was not placed there.

And maybe you may have to consider as a Commission whether the amount of time those people, if they can prove they belonged to organisations, you maybe have to take into account whether the time they have already done in jail is not more than enough, is not more than equal or sufficient for the crimes they're supposed to have committed. I thank you.

CHAIRPERSON: I want to give Miss Jasmine Sooka an opportunity to respond so that we don't get too far away from some of the points that we made, and I'll come back to you straight away.

MS SOOKA: I think the difficulty that we actually sit with is that there's a peculiar group of young people who don't fall within any particular structure, the ANC hasn't really taken responsibility for them. And many of them claim in their amnesty applications that they acted on the instructions basically of the UDF and the range of acts for which they apply for amnesty basically relate to killing.

I think the drinking of fish oil, the forcing of people to eat soap powder, many of them regard that as not falling within the ambit of the Act. And you say at page 11 of your submission that, sorry at page 13 of your submission that:

"We do not believe that the mere assertion by an amnesty applicant, that he or she was acting in the name of the UDF should be entitle such a person to be granted an amnesty"

I think the parameters, and we need to hear that from you given the background that you've sketched and the context, you say the Amnesty Committee should look at these actions. Part of our problem is we didn't design the Act and the Act clearly states that you have to prove that you acted with express or implied authority.

Now if you look at your submission, the overall thread that runs through it is that you talk about peaceful process and you concede of course that a climate could have been created in terms of which people obviously acting below could perhaps understand that to mean that necklacing, killing of councillors, that sort of thing was condoned and think that's what Mr Mpshe was trying to elicit from you.

What would you consider to be the boundaries in terms of which the Amnesty Committee should find that someone was in fact carrying out or could have been found to have been carrying out the instructions of the UDF because that's the difficulty that they sit with.

CHAIRPERSON: Mr Morobe?

MR MOROBE: I wanted to raise a matter which could have been useful earlier, before Miss Sooka's input now. However, just to deal with the point that she was making now. In terms of express authority from the UDF, I think our submission puts it quite clearly that that would not have been possible, that doesn't obtain at all but it certainly does leave you with the consideration of implied authority in this particular instance.

And even your own submissions eludes as much, that there is a strong case that can be made for a number of those cases, for them to have implied such connotations to statements that could have been made either considerately or even recklessly for that matter but of course even reckless becomes a mood point in the contents of our known affinity, to be poetic when we speak on public platforms to give things in fairly expressive and flowery language to try to present across a strong message.

I could argue that matches and necklaces does not necessarily force anyone to go and do anything in particular but in the context of the time it could actually suggest implied you know, acquiescence to particular acts because necklacing and ...[indistinct] could be an expressive and a motive way in giving expression to your anger to the way in which you want an issue to be taken up strongly.

So clearly in fact in our case it does leave us only with that particular option, considering that there isn't any express authority. There's never been express authority from the UDF for anyone to do the kinds of acts that constitute gross violations of human rights.

But the point I wanted to make as well is that, what hasn't come out in our input today is the whole question of necklacing and the role of the previous regime in the promotion, perpetuation and execution of some of these acts.

There are submissions that I think have come before the Truth Commission already that do indicate that irrespective of who started the first necklace and who learnt from who, because once the one happens the whole thing takes another spiral, it begins to feed into each other.

Then you had at the time, if you recall, the National Management Strategic entity and centres, the JMC's of which Mr Roelf Meyer was actually the Chairperson at the time, and they actually got involved expressly in activities that sought at some instances to emulate whatever activities and so on the ground and begin to reintroduce them and make people come in and get involved in activities that will be seen almost as if they are sanctioned by an organisation.

I don't know how the Committee is going to be able to distinguish between those particular acts because some of these people who are applying for amnesty in respect of this matter, some of them might have been caught in some of those false flag operations that the State had actually engineered at that time.

Now for us it's difficult to actually be able to separate the two but clearly we tend only to be guided by the broad thrust and sweep of our basic policy but only leave room sufficient enough to accommodate those people who would have been caught in this move and where they would have interpreted their own actions, almost if they were sanctioned by the organisation given the fact that impimpis were not liked in the township.

And even at times when we didn't make too much noise about necklacing it was perhaps because, who was killed, an impimpi. Now if you look back at what the consequences of activities of impimpis had been amongst our communities, you could argue that theirs have been much more grossly, perhaps much more gross than what has actually happened to them.

You can take the operations of the SADF into neighbouring territories, the role of impimpis at that time. So clearly there are instances here, perhaps there are quite a ...[indistinct] in the applications that we have, where the application of implied authority could be gleaned from, given the fact that the very same people that were acted upon, especially in the context where this could be clearly defined as being either informers of operatives of the previous regime could be seen as being amongst a cluster of people or institutions that were on the opposite side of the liberation movement.

CHAIRPERSON: We've spent quite a lot of time on this particular question but I think it's an extremely important one. Would I be correct in saying that in general the whole question of implied authority could be summed up in your statement on page 16? This is under the section D:

"Political Climate and Responsibility"

and it begins with the words:

"We concede"

It does seem to me that that is an extremely important concession in the light of our, and sums up for all us I think where you are, would you agree?

Mr Mpshe, you must be despairing of us because we keep cutting right across you. I'm sure you would have done a much better job but we feel deeply about these issues. Could you go on then to some of the other questions and focus on the ones that you think are absolutely crucial?

ADV MPSHE: Thank you Mr Chairman, I will do that but Mr Chairman I still want to look into the question of necklacing, particular on page 11 Mr Chairman. I am aware or I've heard the members of the delegation have responded to some of the questions I was going to raise but allow me to single out some of them just by way of clarity. I will not repeat what has been said or ask of them to do that.

On page 11 Mr Chairman, under the question:

"Was the issue of necklacing discussed by the UDF National Executive during the 1980's"?

and the answer there:

"The issue would have been discussed within the structures of the UDF and affiliates".

Now I'm concerned Mr Chairman, by the statement:

"The issue would have been discussed"

Now I should not be understood to be, in any fashion or in any way derogative of the delegation but if one says:

"It would have been discussed"

and this comes from the very then leadership of the UDF, it leaves me with a question mark because one would have expected the leadership to say: it was discussed or it would have been discussed and this is the way in which it was discussed.

Perhaps to trigger their memory, with respect Mr Chairman, the delegation will well remember or recall when Archbishop Tutu openly condemned these sort of actions and even threatened to withdraw his support for the UDF because of these actions. Perhaps this will trigger something in the minds of the delegation as to what actually was being discussed about this issue by the UDF.

CHAIRPERSON: Mr Cachalia?

MR CACHALIA: If I could just make a point that on the triggering the memory my recollection is that the Archbishop was very concerned about what had happened but had made no references to the UDF at all. In fact he threatened to leave the country but that's another matter.

Why we say: "the issue would have been discussed", remember the difficulty, as Mr Boraine has indicated, we had limited documentation. We were under a lot of pressure and the documentation that we went through to find out minutes, we weren't able to find a specific agenda item which said: "5 April: necklacing" alright? But given time and given the fact that it had such currency we'd be surprised if we hadn't discussed it.

I can recollect anecdotally some discussions and so on that we had, that's why say we would have discussed the issue. And then it follows that generally - because remember our publicity secretary at that point, Mr Morobe would not have issued statements just on his own bat and he issued statements around necklacing because there was a clear UDF position on it and that is why he issued those statements so that is the only point we are making.

Some of my colleagues in the police service seem to have some of the documents that I'm looking for and they haven't given it to me.

CHAIRPERSON: Mr Morobe?

MR MOROBE: Chairperson on the same page 11 immediately below the question under concern, the point is made there that the UDF disapproved of this practice and condemned its use on several occasions. And this was communicated through the media and discussion amongst our affiliates.

I personally was the subject of many an interview at the time, where this issue was constantly raised through the media and for us that was one opportunity which we had through which we could communicate our attitude to this particular act.

I think an important thing - when I spoke about false flag operations earlier on which I really want to bring up to the fore here, is that there is a reason why this particular issue of necklacing began to loom large in everyone's mind. In my recollection it wasn't as if everyone, someone was necklaced every second of the day in South Africa at the time.

It is an issue where one must understand in the context of struggles for liberation, that struggles for liberation always have to contend with the activities of collaborators and impimpis who communicate information to the enemy. And in struggle for liberation

all over the world, we are no exception. There's various ways in which people who engage in those activities get dealt with.

Now, the question for me is, we're talking about necklacing here, there's many other people who have been shot for precisely the same act for which these others who were necklaced have been suspected for. And the issue here is not so much the act, it's more to do with gruesomeness of the act, such that it became the one that attracted and drew the attention of people.

Even when we saw it in the earlier stages of it and not making too much noise about it, it was probably because we also were involved in the struggle and we basically saw this as a phenomenon in the context of ongoing struggles and people responding in ways commensurate to their own relative experiences or what they felt to be responsibilities.

Now clearly, in some ways maybe there is some degree to which people who are revolutionaries begin to develop a certain degree of dispassionateness - Terror will correct me if that's not the right word, with my English master you know, there's a degree of passion or lack thereof that actually comes into the way in which people engage with activities and events.

We would actually be able to say and I think we do make the suggestion that perhaps if we had said something earlier, things would have been different in respect of the many victims of this particular method of killing.

Now the question for me would be, if they were shot through a sniper's bullet it would have been a much more preferable way for them to have gone rather than necklacing but perhaps that is not really the issue that you have to deal with.

The point here is that here was a particular method that was applied. At some point in the history of our country it actually reach such proportions of, certainly through the media and certainly as eventually fed by the State, by the apartheid government because at that time there was a whole notion of black on black violence. And black on black violence was at the core of the JMC strategy to actually ferment the perception that there is this ongoing thing in the township and people are just killing themselves and that they are barbaric.

Now the extent to which a lot of these things can be directly linked, to even influences of what UDF policy might be also becomes a mood point that needs to be looked into. And it will probably be difficult because the chances are that even the operatives who got involved in those things would be in such a position that they would never be able to make the connection between an inference that they've drawn from what they

perceived to be UDF policy or an instruction that actually was generated from the JMC's and eventually got to them as an inference of what UDF policy actually is. Things became that complex in that point in time.

CHAIRPERSON: Thank you. Mr Mpshe?

MR MPSHE: Thank you Mr Chairman. Mr Chair, I'll move directly to page 14 under the heading:

"Enforcement of Resistance Strategies"

This has to do with the discipline - once more I'm sorry to be taken this panel back but I'm following the submission as it. I think it was Valli who read this portion as to discipline - I'm on page 14 paragraph 3 Mr Chairman and the panel, where he stated that marshalls or members of organisations that mistreat people were also disciplined.

And the type of discipline he mentions, like in Port Elizabeth members of PACO are isolated by being prevented from attending meetings, from wearing a PACO T-shirt. Mr Chairman, I do not want to be understood to be saying that more than this could have been done for the sake of discipline but I'm saying, was this really sufficient by way of discipline, just to tell a member that we bar you from wearing a PACO shirt. Couldn't the leadership have done something more that that given the circumstances under which this activist acted and what they did then?

CHAIRPERSON: Mr Moosa?

MR MOOSA: Perhaps if you just take yourself, put yourself in the South Africa of the period of which the UDF was active, 1983 August to 1990 - Popo, when did you close it, February, March? Somewhere around there. If you take yourself in that period I think that, I don't want to say you may not have asked that question but frankly what were we expected to do?

In that short period of time Terror spent 5 years or so in prison for the 7 year period during which UDF was active, so did Popo, I was in prison about three times during that period, I don't know about Murphy. We were banned when we were not in prison, other times we were on the run and there's nothing special about us. Most UDF activists were in that position, thousands and thousands of people, not just because we were in the leadership.

Frankly there was - if we were able to do this in some instances I think it is a marvel that that even happened.

CHAIRPERSON: Mr Lekota?

MR LEKOTA: Mr Chairperson, let me just add something that must help Mr Mpshe understand this question here. There is such a thing which is called: "lebulo" you know, in the African community, which means you form a pier group out of that. Now if your pier group excludes you there's nothing more painful. You've got to understand that at that time to be a comrade, to be a member of the movement, to be a member of any organisation in your community that was seen as an organisation looking for freedom, was very special status.

To wear the T-shirt of that movement, to be trusted by the community was very unique. This kind of thing you don't get anywhere else. It's like when you came from jail the regime might say you're a terrorist or something like that. At that time within our communities you were a very special hero. In fact communities organised welcome things for you like this. So this was not a small punishment this, to say you may not wear a T-shirt of the movement. It meant you were a danger to the community and in fact if people speaking to police they might demand what you were discussing with the police.

So you have to understand that not wearing the T-shirt as the magnitude of the punishment that it represented. And also because this punishment became important because we had begun, our movement had begun to identify at that time some individuals who were agent provocateurs. That the regime was buying T-shirts of the movement, giving it some informers of agent provocateurs to go into the ranks and do this.

And so when you were told not to wear a T-shirt it could well have meant that you were in fact an agent provocateur, you were working for the other side. I leave that to your imagination, to see what the consequences might have been. Not instructed by the organisation your home could have been burnt down, other things could happen, were beyond our control but just that was not small. Now the other conditions have been sketched out.

CHAIRPERSON: Thank you. Mr Mpshe?

MR MPSHE: Thank you Mr Chair. Mr Chair, the question I want to pose is still on page 14 under:

"Popular Justice"

I am well aware Mr Chair, that the submission does not include what I'm going to ask but I thought that this could be thrown in since it deals with the people's courts and the

organs of people's power. It's the issue of the killing of the so-called or the alleged witches.

You will recall Mr Chair and members of the panel as well that this was rampant, particularly in the Northern Province and also in some parts of the country. Does the leadership perhaps have any input to make on this question of witches, as to whether it was in the realm of that mass action? I know it is not in the submission but I think they may be able.

CHAIRPERSON: Mr Molefe?

MR MOLEFE: No, I think we'll ask Murphy and Valli to deal with this matter.

CHAIRPERSON: Right, let's hear about the witches. Mr Morobe?

MR MOROBE: They come from the Northern Province.

MR MOOSA: I think the question of witches, perhaps if I recall the kinds of discussions which we used to have in the UDF, perhaps in ways that are more significant than dealing with the question of the necklace **per se**. This is one issue that had pre-occupied us in several meetings of the UDF if you consider that at any one of our meetings we would have representatives coming from the Northern Province in particular.

They would not open their mouths in the meetings without starting with the problems of witches because it was such an endemic thing in terms of tearing society apart in the community, in that it also created difficulties for them to be able to do normal and ordinary political work.

Some of us even had a suspicion that some of our comrades who came to these meetings actually believed in this witchcraft story because you know, we come from Johannesburg, lightning is lightning, it gets conducted down to the ground and you dissipate it but not in the Northern Province.

Now this was then an issue that confronted us with that magnitude and I'm aware that there had in fact been significant attempts by our activists in the Northern Province in villages, going to some of the villages to have meetings, meeting with some of the chiefs and so on and in instances trying to come to the assistance and aid of some of the women.

In most instances it tended to be women who were the victims of much of this particular problem there and so whilst we had no particular policy on witchcraft, I

think there was a recognition that witchcraft is one of those skills of our community, the Northern Province being one.

And clearly, our recognition was that no matter how many statements you can issue in the press about people stopping this particular thing, the only solution to this is education. Now we know as well as we all do that in terms of the profile for education the Northern Province is one of the worst provinces especially because it's the one province where the majority of its citizens by far compared to any other province is women and children. They have the highest concentration of women and children in the country.

I'm not saying that therefore there is a link in women and witchcraft but I think that their relative status in that community and the fact that there must be a history behind a lot of these things. And the absence of education is a major problem. And hence one of the challenges for us as the UDF at the time was what projects or programmes we can actually support in those communities, that could begin to help people get around this difficulty.

Indeed it is something that even today it's a phenomenal that had nothing to do with the period of the UDF. It could be that the advent of politics and when politics get mixed up with witchcraft as well the concoction can be worse than a molotov cocktail I think.

CHAIRPERSON: I think you've answered the question. I'm not sure we need to ask anyone else to elaborate unless you want to, thank you. Mr Mpshe?

NO SOUND

MR MPSHE: ... the beginning of the submission. Having been told or knowing the UDF as a remarkable high profile organisation we've not been told whose idea this was. I recalled Mr Chair, when reading certain documents, that Doctor Allen Boesak was mentioned in passing, OT was also mentioned in passing but the delegation has not indicated to us as to whose idea was this.

Now we want to know whether this arose just spontaneously as it was eluded that this was the position insofar as the speech at the rally by Doctor Allen Boesak is concerned or was it something that was externally imported or conceived? Thank you Mr Chair.

MEMBER OF THE DELEGATION: Chairperson, I'm sure that you will not be obsessed with the question of whether the idea of the UDF was first thought up in

Lastex(?) or in Moscow or in Beijing or some place like that. I'm sure you would not be, as was the obsession in the past.

The real fact of the matter is that if you ask this question of each one of us quite separately as we sit here which one of us, you are likely to get a different answer. And if you ask the broad membership of the UDF you are also likely to get many different answers to this question.

One cannot give a technical sort of answer to what is really a political philosophical question that is being asked and we would need quite a lot of time I think for all of us to talk at length. Simplistic to say Allen Boesak stood up and said: "Why don't we form a front" and therefore we formed it. Simplistic say Oliver Tambo said in the January 8 statement of that year: "Let us get together, churches and youth and women and intensify our onslaught against the enemy".

You know I think that one cannot really give an answer in that way but I want to suggest that perhaps the question, it's not such an important question. It doesn't matter to us if somebody says it was a plot hatched in Moscow, we've never worried. It doesn't bother us, it's fine if that's what - so we haven't bothered ourselves to write lengthy thesis' on this.

In fact in the UDF National Executive we never discussed substantially the question, it wasn't an issue. Thank you.

CHAIRPERSON: Let me just make one comment which may save us some time. First of all, you must not read any implication into the question, we are totally open minded about this. It was simply - any organisation has origins and so on usually. But would I be correct in saying that the UDF was an idea whose time had come and therefore it was happening all over, certainly that's my recollection from someone who saw it at a distance.

MR MOLEFE: Yes, that's certainly what I was going to say, that it was an idea whose time had come and that's why it then germinated. We can give a number of examples of incidents where efforts were made to build such united fronts.

There were people all over the country, the ANC in exile was talking about a united front and so on. If we take a specific example of the Western Cape you would recall that after a flurry of organisation had developed all over the country and in particular in the Western Cape the need to co-ordinate the activities of those organisations, to build a powerful anti-apartheid block are rows.

Thus you had in the Western Cape what came to be known as the Disorderly Bills Action Committee opposed to all those many laws that the apartheid government was Coroner(?) bills and you name them. In Soweto people were building a co-ordinating structure, it was called the Under-Community Council's Committee welding together brought a range of organisations at local level. You had previously had other structures like the Antisake(?) committees which campaigned against the Indian councils around 1981.

We had for example, if you look at their records of the UDF, found that as early as 1981 we made a call and specifically I was addressing the National Council of the South African Council of Churches and that speech would indicate that we were calling for a broad front as early as that whose composition would be similar to that that the UDF later came to be. Now Oliver Tambo and many others, Dr Neville Alexander was making those calls all round. The Black Consciousness Movement was setting up what came to be known as the National Forum Committee.

So all over the country people were talking about the need to build this united front but the course, the time for that idea had not yet matured, in the earlier period it did not really happen but by 1993 the thread of destroying the unity of the people had become so great that it became possible for the UDF to be called. So what one could say is that indeed there was a convergence of views between those who organised inside the country and what the ANC was calling for and many other people all over the world and whether we answer the question, where it originated or not, does not help us to address the question as to whether there has been a gross violation of human rights or not, it is just part of the history.

CHAIRPERSON: Thank you Mr Molefe, Mr Mpshe.

MR MPSHE: Perhaps Mr Chair I need to respond to this and say that it should be understood that our task in asking some of these questions, particularly the last question I asked, is to understand the evolution of resistance, Mr Chairman, not necessarily to put the Delegation on the spot about the origins of the UDF. We're asking the delegation to help us to understand the significance thereof. It is our task Mr Chairman once more, when we include this in our report, to include it with clarity because it is only people who are involved in leadership who can best help us to write a good report. The idea was not at all, with due respect to put anybody on the spot and to blame this as whether important or not important; this is a fact finding mission or exercise. Mr Chairman I don't know whether we're going to adjourn for lunch or continue thereafter if..

CHAIRPERSON: I need some guidance here, there are a number of questions which the Commissioners still want to put, there are one or two still that Mr Mpshe has I

think, it may make good sense to break and renew our work at a quarter to two in the hope that we may be finished by three. I know you have some problems but let's hear from you Mr ...

MR MOLEFE: Well we would be happy to continue with the questions, we do have a request from Comrade Valley Moosa but he needs to be released at lunch time and I think we had said that as soon as that time comes he may just peacefully walk out to attend to his business, but from our side we would be ready to continue with the questions and maybe complete and break after we have finished the questions. And may I while I am still given this opportunity to assure Advocate Mpshe that we've got no qualms with the questions that the Commissioners are putting to us, they must feel very comfortable and they may ask also as robust questions as possible. They must not feel that we would feel offended, I think we accept the bona fides of the Commissioners in raising all sorts of questions.

CHAIRPERSON: Thank you.

MR MOLEFE: Whatever comments we make is not because we think the questions should not have been asked, we too are merely expressing our opinions and the weight that we attach to those questions. Please don't feel offended.

CHAIRPERSON: I assure you we won't, thank you Mr.. could you just give me a moment to consult with my colleagues? The good news is that we think we should try and finish and not worry too much about lunch and we will continue, we understand Mr Moosa's difficulty, if he has to go. You've already said if he does it in a disciplined way and is responsible for his actions we don't mind for him to leave as well.

I'd like to welcome the Archbishop. The Archbishop has tried to interfere but I have resisted his - there's just another job that we've got during lunch time but I have instructed him to do that, so we can continue; it gives me great pleasure to say that.

Mr Mpshe you say that you only have one more question, why don't you put that and we will give the Commissioners an opportunity and then close.

MR MPSHE: Thank you. The one question that I have Mr Chair is not explicit from the submission but on is able to draw an inference thereof on page 14 under the popular justice, the peoples' courts as organs of peoples' power, particularly paragraph three thereof where mention is made of the Amabutu. Now my question is were these Amabutu, if my understanding of Amabutu is correct as meaning also SDU's, and I want to believe that my understanding is correct, were these SDU's, were they set up at the recommendation of the UDF and what happened in the 1990's to these structures? That is the question.

CHAIRPERSON: Right thank you Mr Mpshe, would you like to answer that one Mr Cachalia?

MR CACHALIA: Chair if I could just say that on the point of that Amabutu did not necessarily mean in the mid '80's SDU's. SDU's was really a later development. Amabutu's were in a sense groups of young activists in our communities who saw themselves as in a disciplined way carrying out what the instructions of the leadership would have been. In the case in point we refer to them particularly as peoples' volunteers investigating crimes relating to peoples' complaints. I think it's only really in the early '90's with the developments of what happened at that point that you see the development of SDU's and SPU's.

CHAIRPERSON: Thank you, do you want to follow that up?

MR MPSHE: That SDU as it developed then, would I be wrong if I say that was actually the birth of the later SDU's, because if one looks at what the Amabutus were doing and what SDU's were doing, to a certain extent there is some commonality. Would my inference be incorrect?

MR CACHALIA: Chairperson you may find a bit of difficulty here with answering that question. Actually none of us I think are really experts on this question. I don't see any of us sitting here with sort of direct knowledge involvement or being involved in an SDU, organising an SDU or, it's really, I don't know how competent we are actually to deal with that. We can say it's not as though there was any sort of UDF manual which said how you go about setting up an SDU, what are the rules and how you compose it those sorts of things. They were phenomena that were taking place, I don't want to say in an unorganised way but certainly not something that we can be very helpful about, I think ourselves. I don't know if you want to add to that.

MR SIZANI: First of all I want to agree that Adv Mpshe is right when he says you can draw inferences of similarities in actions of Amabutu and SDU's, in particular that aspect of them that tended to defend the community from attacks. We in the Eastern Cape in particular, we didn't have a phenomenon called SDU's, but we obviously did have Amabutu and Amabutu in particular, I'm sure the Commissioners have received a lot of information both from submissions from families of those comrades who disappeared or were killed and perhaps from your own investigations, in particular in the Eastern Cape where there was a concerted effort by the regime to target certain houses of political leaders and activists. The tactics that they were using for instance, if I may quote just a few examples were to, if a group of Amabutu were sitting assembled around a particular house like the house of Comrade Ngoyi or Comrade Fazi or Mama Quina and so on, they would come and disperse them with tear gas or water canons and following that dispersing they would then come and attack and burn

the house and so on. Amabutu were vigilant in searching for imminent attacks and possible arrival of Amaafrika or the SADF or the police, and Amabutu in that sense, yes were protecting the community and were seen to be volunteers in defence of the community.

But there was an aspect of Amabutu that tended to also link and liaise with community structures like street committees and area committees in order to investigate. For instance in the Eastern where we saw at some point at some time in the Eastern Cape a most marvellous experience which I would really want to relate, where shebeens were seen to be sources of violence and rapes and sometimes even murders and there was an instruction from the residents' association to close them at nine, so that after which you would not find the rapes and the murders and the steeling and the burglaries. The Amabutu monitored that situation and reported to the street committees and area committees and it was a marvellous experience, I must repeat, to relate but was also another aspect of Amabutu which for me is written very little about by many people who did the investigation of this particular phenomenon.

For instance there was a time when stabbings in the township was rife, a source of deaths over weekends; you must recall that the newspapers over those days usually gave statistics on Mondays about how many deaths occurred over the weekends and stabbings were one of the sources of deaths. There was a sort of declaration by the residents association to declare the carrying of knives, almost like the current government declaring the carrying of dangerous weapons in public banned, those days the carrying of knives was banned. The Amabutu carried out that particular instruction by monitoring the actual carrying of knives because the phenomenon of carrying of knives in most cases was in fact among the youth and therefore Amabutu being young were looking after their peers, like Comrade Terra was explaining here the phenomenon of being part of the peer group and if you were to be found to be infringing on those rules, you were isolated out and being part of those people who had disciplined to protect the community.

Yes Amabutu were a very very good phenomenon which if we were to emulate now, well yes because the subs is encouraging community policing where the community participates in rooting out crime, protecting children from being raped, from protecting women from being abused and even stopping houses from being burgled; by the community looking out for those potential perpetrators of this kind of activity.

I'm saying that Amabutu played a very particular significant role during those days which the current government wants to emulate in different form.

CHAIRPERSON: Thank you. I think the key sentence on page 14 which will stand in the record, the formation of peoples' courts as organs of peoples' power never became

the official policy of the UDF. It could well be that there were people who indifferent in both camps but it wasn't part of the official policy as you stated and I think that that's important for us.

MR SIZANI: The point to beg though Mr Chairperson around that was that the guidelines which guide the feelings of the UDF were such that if you engaged in activities and campaigns that were not contrary to the policies of the UDF, the affiliate would be allowed to perform those functions and in this case street committees and area committees were assisted by Amabutu to advance orderliness within the community despite the fact that it may not have been an official policy of the UDF.

CHAIRPERSON: Thank you I'm going to serve other questions that commissioners may want to ask; this is your final word Mr Mpshe and please keep it brief.

MR MPSHE: Yes Mr Chairman I was going to ask for indulgence just to follow up on that. A simple question Mr Chairman, what happened then to this structure of the Amabutu during the '90's when the MK came in, and that was my final question?

CHAIRPERSON: Mr Sizani are you able to answer that? What happened, did they disappear?

MR SIZANI: Many Amabutu, there was a submission that many Amabutu, whoever was seen to be a leader of whatever kind in the community were arrested and detained during 1986 and 1990 and many people were released thereafter and there was a particular reason why these formations had to come to rise and when there was no such a reason after 1990, they ceased to exist in that particular formation and some people thereafter formed SDU's which were never a phenomenon in the Eastern Cape but in the East Rand, and some SDU's were incorporated in the police in the East Rand in particular.

CHAIRPERSON: You make a very good case for the revival of some form of community policing all over the country, am I right?

MR SIZANI: Yes I am a very strong advocate of Street Committees and area Committees even now and I would really feel if this country would see the reduction of crime on a large scale, the government would be advised to revive those structures in a different form. Maybe the government would not do that because that's an area of civil society to embark on and the organs of civil society are reluctant to embark on that kind of voluntarism which is a pity, it's regrettable that they are doing that. I would advocate that those structures are in fact a very very good phenomenon in our history that needs to be revived.

CHAIRPERSON: May I just comment that part of our responsibility is to make recommendations and I think having listened to what you have said, we would want to at least consider very seriously including in our recommendations something along those lines. Thank you very much. MS Wildschut.

MS WILDSCHUT: Mr Chair my question is around the complex notion of victimhood. Many of the people who in terms of the act would be regarded as victims have decided that they would not be coming to the Commission. They see themselves as people who deliberately joined in the struggle or were part of the UDF and so on and would not want to come to the Commission to be seen as a victim but rather as a survivor or victor, and yet many of those persons carry the scars of being involved in the struggle and are in fact in need of some intervention, and the last discussion moved a bit in the direction of recommendations and I wondered whether you have any thoughts on how one would want deal with those peoples' trauma, the result of the trauma that they have been involved with as a result of being in the struggle and being members perhaps of the UDF or of these paramilitary formations?

A side question to that is, many of those people who were part of these paramilitary formations in fact do not qualify for any of the other state compensations that have been put in place. For example the Special Pensions Bill, they fall between the cracks in a way and they haven't come to the Commission, they cannot be declared victims, yet they are people in the community who are needing some kind of intervention and we're having a problem with that.

The second aspect of my question is related to the issue of militarisation and in your submission you refer to the issue of young people being more and ever-increasingly militarised by state-sponsored violence so that the cycle of violence and militarisation continues. And I'm keen to understand what ideas you have about how we can go through the process of demilitarising, in other words incorporating people back into society who in a sense are very highly militarised and think in a militarised way and how we can in a sense demilitarise their activities and incorporate them back into society.

CHAIRPERSON: Thank you, anyone like to respond to that.

MR MOLEFE: Comrade Stone will attempt a response at a number of those questions.

CHAIRPERSON: Mr Stone.

MR STONE: I'm interested in the first part of the questions because it continues to be a serious concern for us. I was interested in your assertion about the non-ability for

young people to qualify for special pension as one serious concern, that even the current government is concerned about which they are not able to overcome and in fact this is a trap which leads many young people to feel very angry about because the fact that they are unable to get any joy from the Commission, they are not able to get any joy from the Special Pension, not able to get any jobs on the market because they are not trained to be marketable, nor are they able to find use in society as they were during those days when they were Amabutu and were used to protect society and society looked after them without even compensating them for their activities, and all those societal arrangements which were formal and non-formal have now disintegrated to an extent that they find themselves almost like despondent. I would want us to search on this particular phenomenon and find a solution perhaps through your forms of recommendation, make a submission in the way it has to be dealt with because it is phenomenon that needs to be dealt with.

But I would want to make a particular point regarding how the youth of this country really finds itself out in the limbo and how perhaps we need to begin to challenge this particular phenomenon. The aspect which I'm interested in is three-fold and it is beginning to be dealt with by the Special Pensions concedes to the fact that those young people below the age of 50 who are unemployed; for instance I remember on the island were 14 year-olds who would not be 50 today and would not qualify and in 1976 there were 8 year-olds that were in detention and some of them missed out in education altogether and therefore they would not qualify for any form of either the TRC or the Special Pension or any other form and yet they have no marketable skills whatsoever. I hear from the Minister of Labour that the Job Summit would include some aspect of a mass public works programme that would seek to engage the communities in mass infrastructure in rural areas in some sense creating jobs but by it's very nature a public works programme is not a sustainable job creator, it is a seasonal and therefore a temporary aspect of this then but some processes could add on to such a phenomena when the government is able to lay it's hands on resources to enable itself to create those kinds of jobs. But we're at a loss of any sustainable mass method for government to create those jobs and retrain the young people and even the service corps is not able to absorb these young guys which is a very serious concern for me.

The other aspect of this would be the creation of industry, training institutions. Unfortunately it apparently focuses on employed young people who must be trained for the requirements of the industry and the jobs and it does not focus on unemployed precisely because of the constraints of resources. Again in this particular phenomenon I would want an investigation to broaden just focusing on employed ones but to include the unemployed young people.

The third phenomenon is the advent of their rural development strategy of our government because it focuses on young people and women in the rural areas. There is a phenomenon currently on an exodus into the urban areas and shanty areas which does not give people jobs. That feeds into crime and other forms of social ills and if there is a concerted effort by government to move this tide by creating activities directed at rural development and programmes perhaps it will begin to address some aspect of this particular aspect. But unfortunately young people do not see agriculture and other forms of rural infrastructure activities as an enjoyable or attractive aspect of job creating, but perhaps we need to try and go that particular route, thank you.

CHAIRPERSON: Thank you very much for a very useful contribution. Ms Sooka.

MR SIBANYONI: I just would like to go back to the questions that were actually sent to yourselves and it's not something you've actually touched upon in your submission, that is the relationship between the UDF and the ANC underground internally as well as externally and I think that we alluded to it at the time of the hearing into the Mandela Football Club and you talked about the fact that Mrs Mandela was not actually part of the UDF, and I wonder if you could just elaborate on the kind of relationship that existed at the time; that's my first question.

The second one relates to the conflict between organisations and particularly the UDF and AZAPO, I know you've dealt with it here in your submission but I think we're also interested in when we talk about reconciliation there is an immediate assumption that it's between white and black but the reality now is that in townships people who were previously enemies now have to live together and whether you've got any kind of comment or suggestion to offer on that aspect.

CHAIRPERSON: Thank you there are two questions. Mr Ntsebeza would like to piggy-back and then you can answer all three. I'm only allowing him one question.

MR NTSEBEZA: Ja it's actually on this UDF/AZAPO conflict and especially from the perspective that Yasmin has indicated about reconciliation. You see much of the conflict, I think it is clear between organisations, this interorganisational conflict was also informed by as we now know the intervention at a covert level by state agencies. If you look for instance at the so-called Cradock Four phenomenon, even though for most people it was largely clear who had been responsible for those deaths, you will recall that those deaths at some stage were showed to be presented as a consequence of this AZAPO/UDF conflict to a point that in the first inquest there was a moment of discomfort when the lawyers representing the families were seemingly wanting to take that line until there was intervention by an AZAPO lawyer and it became clear that that itself was giving impetus to the conflict and trying to sustain it because certainly from that first inquest the people in AZAPO took the view that it was

interesting that it appeared for political mileage, even the presentation of the conduct of the inquest by the family lawyers seemed to suggest that they are...(indistinct) into this whole thing. Now my question was, to what extent were the leaders conscious, because I think you deal with it here, and in some of the replies it was dealt with in the context of the joint management things which were propagating this whole thing about black on black violence, but in particular in the UDF/AZAPO, to some extent PAC or whatever other organisation, to what extent was the leadership conscious of this manipulation of the political gain by state authorities and to what extent did they then try and keep the perspective then, and now that it becomes clear that there may have been a misunderstanding of the role of other organisations in that conflict, is there anything that is being done today to try and deal with those situations where it is clear some misunderstanding did take place about the role of other organisations in the conflict? And do you have a sense of whether there is reconciliation or reconciliation is possible in those circumstances?

CHAIRPERSON: Well there you have it, who wants to start? Mr Morobe.

MR MOROBE: Yes the question of the relationship between the UDF and the ANC seems to have been trying to pull together this submission. There's one word that has been hanging at the back of my mind which one activist once put up when we had earlier debate and discussions about the struggle and the movement and I think the word was **sybiotic** that was used about this. But there is no line that one is able to draw because as we said earlier on that the UDF came at a particular point in time in our struggle in 1983 but the struggle has been there, the struggle has been going on, in fact we come to a particular point where the ANC had been in existence since 1912, at a point where the PAC had been in existence, at a point where we had SASO, we had the BPC, we've had a whole range of organisations up to 1983, so there was no particular vacuum **per se**, there was in fact activity on the ground. So what clearly established the relationship between the UDF and the ANC in 1983, it was largely in terms of the basic principles in which the UDF was formed in that the UDF declaration if read against for example against the Freedom Charter, there is no, in fact, express exclusion of one document from the other in terms of a basis for people to come together and engage in struggle.

So that sets the first level of the relationship between the two organisations. But importantly as well, there was a clear understanding of the tactical requirements of the time in terms of how we might and should constitute an organisation like the UDF at the point in time in our history in 1983 where organisations like the ANC and the PAC were banned and that the positioning of this organisation had at least formally been of such a nature that it does not expose individuals of the organisation to the adverse actions and reactions of the state by being brazen and beat your breast etc and declare that you are ANC or work with the ANC etc; there was a specific constraint

historically but actually in short that was not possible. But technically and strategically it made sense and it was the right thing for us to do that we establish the UDF in the way in which it was established and clearly defining that required distance between the underground organisation, the ANC and in fact those organisations that would operate above board.

Now this was 1983 and even then the UDF had not adopted the Freedom Charter, the Freedom Charter was not the key document of the UDF but as you would recall, that as the struggle progressed, as more and more people took part and as more and more activities of the UDF became also what one would call an incubator for activities of the ANC as well to take off, there began to be increasing interaction between UDF activists and even ANC operatives because the atmosphere and the climate was being created, it made it possible for the underground forces to operate in such a way and the only way underground operations could be executed was in the context of existing conditions where there were organisations and there were people because the people become the life blood for this.

Now the relationship therefore was at that level one that was based on a confluence of ideas and identities politically given the history of the struggle and where we were in point and time but it was a very distinct understanding and separation of structures and accountabilities and responsibilities here and that we sought to retain and guard very jealously, not because it was opportunistic but because it was right given the history and because it was right given the nature of the organisation that the UDF because the UDF was not only a front that was made up of ANC supporting organisations and some of the organisations in the UDF were not necessarily ANC and it had to be structured as broadly as possible to be able to be accommodating.

When we began the UDF we began it with as broad an invitation of forces as possible in Cape Town, even AZAPO, those organisations that belonged to the National Forum were part of the organisations that were earmarked and invited to become part of the front. Eventually we ended up with for example organisations like Inyanza etc who had been involved in the Bantustan system before, so we had looked at this as a much more broad organisation and it could therefore not be at the ANC because the ANC was a different structure, it operated under very stringent underground conditions, very strong central control etc of operatives and operations and we were much more, we were on the opposite side in terms of structure, a front, affiliates maintained their autonomy, we basically agreed on basic key campaigns and these campaigns eventually became campaigns that the ANC could associate with because, as Oliver Tambo on January 8th, 1983 made the call as well for people to form fronts of this nature and we responded to some of these calls. We responded to our own intuition, innovation and experience of the moment that we had to form the front. So the UDF therefore have that relationship.

Now our face and a number of our patrons and key people in the UDF ended up tended to be ANC members or some ANC operatives, former ANC members that had been in prison for many years. I was on Robben Island myself with Ter and others, there was the ANC there, we came out in 1982 and many of us came out in '82 in fact. There is the historical confluence of forces, many of the people who went to jail in 1963 for 12/15/18 year sentences came out at the same time as those of us arrested in 1976 in our thousands, many went in for 5 years, 6 years, 7 years; what the regime hadn't bargained for was to have a situation where all of those sentences mature at the same time. This was about 1982/83 etc, so the UDF became a natural home in terms of it's moment and its mode of existence for people to actually get in there.

So that's the extent of our relationship with the ANC. I mean one could go further in terms of further contact later on in the year because we're not anti ANC, ANC would see us as an ally in the struggle and would seek ways to cooperate with us in such a way as not to expose the UDF.

Now I don't know whether someone wants to deal with the conflict - Valley might be leaving now, I would like him to take on the UDF/AZAPO conflict and then he can just add onto that.

MR MOOSA: Well if I can just say that as Murphy has mentioned that at the time of the formation of the UDF it invited specifically AZAPO to become part of the United Democratic Front and I personally was involved with discussions with the leadership of AZAPO in 1983 in Johannesburg. We of course did not succeed in that attempt. I think enough has been said about the role of the then state in the conflict or perceived conflict between our own organisations. But what needs to be said is that certainly at a leadership level there had always been a cordial relationship between ourselves and the leadership of AZAPO, an all time cordial and one of communication.

In 1988 the anti-apartheid conflicts were being before organised and an invitation had been extended to AZAPO. Of course it was banned at that time by the regime. Then in '89 we had the conference for a democratic future in Johannesburg, it was a conference we had wanted all organisations to attend, it was co-convened by amongst others, AZAPO, the MDM I think, it couldn't have been the UDF because it was banned, the same thing at that time probably, COSATU, NACTU, the religious formations and we conducted that conference jointly with AZAPO and I think that would have been a powerful manifestation to everybody, certainly the membership of the two organisations that while we may differ, we do regard each other as being part of the liberation family. We of course endorsed the Harare Declaration at that conference. After the unbanning and with the beginning of the negotiations we then attempted to form and we did form what was referred to as the Patriotic Front. There again we had communication with AZAPO, invited AZAPO to become part of it and

the PAC of course, we did not succeed but certainly those invitations had been extended and everybody had known publicly and I would like to believe that now the UDF does not exist, but in whatever we are doing, you will find that our own conduct wherever we are, and I don't want to mention specific examples ...to everybody that we don't regard members or former members of AZAPO, that in fact we regard them as friends and I think our conduct does show that in the manner in which the people we work with, the people we associate with, the manner in which we are constructing the institutions of state etc. Thank you Chairperson.

CHAIRPERSON: I would like to in conclusion of this hearing thank the many people who made it possible including members of our staff who've worked long and hard, members of the public who have attended, participated by their attendance, members of the media who will report on this across the nation. I'd like to thank Mr Mpshe in particular and our research department, those responsible for the transcripts, the many people who make this possible, but most of all I obviously would like to thank the delegation of former UDF leaders and now leaders in their own specific fields.

I think one of the points I would like to underline is that there was never any suggestion in our mind, either in this hearing or any other hearing that people had to come and explain their mistakes, their successes, that's not really what we're about. What we are trying to say is that hindsight is not an empty academic gesture, it's a deliberate attempt to reflect on one's own history so as not to make the same mistakes again, to learn from that history in order that the future and even the present can be enriched by it. This is not the occasion for me or anyone else to try to assess the contribution that the UDF made in the lead up to negotiations and democracy but I think that without any fear of contradiction there is no doubt that the coalescing of forces, the co-ordination are the commitment in the leadership and in the membership of the UDF who played a very significant role in transforming this country and I think that's a very important reason why you ought to be part of the TRC hearings. You have already made it clear that possibly because and in the main because of the nature of the conflict, the ambiguities and the contradictions of that conflict, that there are many things that perhaps one could have done better like all of us in every organisation I know of and I think that as we move into a future which is full of threat, full of crime, full of dislocation, full of baggage, full of challenge, the courage and the leadership of yourselves and so many of those that you represent are going to be called in again and are being called in again, and we want to thank you for what you did then, what you are doing now, for your willingness to be absolutely frank in terms of omissions and commissions and that this will help us in the way we are trying to read the past so that we can make some small contribution as a Commission to the future. Your presence has helped us enormously, I hope you feel that this hasn't been a

waste of your own time and energy because I know the difficulties under which you worked. Thank you again and this Commission is now at an end. Thank you.

MR MOLEFE: Well we would be allowed just to make some concluding remarks?

CHAIRPERSON: Of course.

MR MOLEFE: As a self-appointed representative of this group here, may I in reciprocation express our appreciation for the invitation to address the Commission but also to assure the Commission of our full support in the work that it is doing and appreciation for the excellent work that you have done so far. Certainly you have uncovered lots of atrocities which clearly are gross violations of human rights and represent therefore a blight in what would have been a glorious history of struggle and we do think that the humble submission that we have made today will indeed assist the Commission to address a number of questions which were unanswered.

We also do think that it may assist in providing a framework from which you could begin to look at many cases of amnesty that you are dealing with from a different angle and thereby ensure that as part of our contribution to reconciling our people and building the nation. There are many people who are in jails who are uncertain about their future may in due course be reunited with their own families and we trust that having discussed all these experiences quite clearly would ensure South Africa does not regress again into a shameful of its history as we have experienced previously and that we, all of us chart a new path into the future and by so doing engender this spirit of new patriotism that our President Mandela constantly calls for.

On that note we want to really thank you for this opportunity.

CHAIRPERSON: Thank you very much, we are adjourned.

HEARING ADJOURNS