

The Activities of the Organisations in the Vaal Triangle

We have dealt in a previous chapter with the Vaal Triangle, the formation of the Vaal Civic Association and the fact that with the announcement of the rent increase it sprang to life in August 1984. As we have mentioned a number of meetings were held peaking at the end of August 1984 and ending with a protest march on 3 September 1984.

We set out the state case in detail as it appears from the indictment. There is no need to repeat what was said. We have to determine to what extent the state has proved its case. The state alleges that the incitement to violence and insurrection took place at various meetings. It is therefore necessary to evaluate the evidence led in respect of each meeting.

When doing so it is proper in our view when determining the probabilities to bear in mind the pattern of political meetings of the UDF affiliates generally at the time, the contents of UDF literature and the type of songs sung. The Vaal Triangle did not exist in a vacuum, it was very much a vibrant part of Black South Africa. Nor does Lekoa consist of isolated compartments. What political activists do in Sharpeville and Boipatong would soon be known to activists in Sebokeng and Evaton and vice versa.

It will immediately be obvious that in respect of certain material allegations in the indictment no evidence at all was led. In other respects the state evidence fell far short of what one would have expected to substantiate that portion of the indictment. One can but speculate about the reason. We were informed that a material witness had disappeared without trace and that another had been killed. If and to what extent witnesses had been intimidated we do not know. That there was intimidation is evident from the evidence of the witness ic.17. The case has to be decided on the evidence before court.

Apart from the Vaal Civic Association there were a number of other organisations in the Vaal Triangle. They were not as prominent as the VCA and some of them do not merit more than passing attention.

The first is AZAPO'S Vaal Branch. It was formed in May 1980. Accused No 2 was its chairman since October 1983.

Accused No 2 says that its method was peaceful protest. It held monthly meetings and commemorative services commemorating Sharpeville 21 March, Soweto 16 June, Biko 12 September and the banning of all Black consciousness organisations 19 October.

Accused No 2 says that there were AZAPO branches in Sebokeng, Bophelong, Boipatong and Sasolburg but not in Sharpeville. This evidence conflicts with exh AP.14 which are notices drawn by accused No 2 himself and calling a meeting in the Anglican Church, Sharpeville of the Sharpeville branch.

Accused No 2 says that the AZAPO membership in the Vaal was approximately 200 in August 1984 of whom only two resided in Sharpeville.

Though AZAPO was against the rent increase it did not attempt to ascertain from the councillors the reason therefor.

AZASM (Azanian Students Movement) the scholars organisation of AZAPO existed in the Vaal. According to accused No 2 it was more popular in Sharpeville and Sasolburg and had no connection with Vaal AZAPO. It was formed in the Vaal at the end of 1983. It did not hold separate meetings but they were invited to AZAPO meetings.

Accused No 2 says that this organisation was not active in the Vaal. There is however an indication that some of its members might have been (exh AS.3 pp.3 and 4) but there is no evidence of this.

The Vaal COSAS branch was formed in October 1980 after a call at a commemorative service in March of that year. Accused No 5 was its chairman till the beginning of 1982 when his brother took over and accused No 5 became the publicity secretary. At the end of 1983 Alex Skosana took over as chairman.

COSAS had a central committee and about 400 members at six senior schools. It worked for the formation of SRC'S at schools.

We know very little of its activities. In October 1980 it planned a march to the administrative offices against a rent increase. Some of its members held the march after the executive abandoned the idea, says accused No 13.

In 1981 on the eve of a COSAS commemorative service some COSAS members set buses alight.

There was a COSAS speaker on the programme of the Boipatong Youth Organisation (exh A7.10 - drafted 21 January 1984).

It is reported as having spoken out against councillors (exh AAQ.12) and that its activists were detained (exh AS.3 p.4).

Accused No 2 testified that COSAS Vaal had problems with AZAPO Vaal since May 1984. Accused No 5 stated that in 1984 there was a quarrel between Jacob Mosangane of COSAS and Esau Raditsela of the VCA about SASPU publications. This led to COSAS refusing VCA audience at the 16 June 1984 commemorative meeting.

Accused No 5 further stated that COSAS played no role at the meetings of VCA in 1984.

We have grave difficulty with this in the light of exhs AN.17.1 and AN.17.2, placards advertising a meeting in the Anglican Church zone 13 on 25 August 1984 where UDF, RMC, VCA and COSAS are advertised as speakers. Furthermore there is the unchallenged evidence of McCamel that at five mass meetings of the VCA there were COSAS banners.

The reliance of the VCA on the co-operation of COSAS at the time of the march is evident from Esau Raditsela's remark when he returned just prior to the march, that COSAS were ready.

It is improbable that COSAS, being what it was, would sit still while a stayaway and protest march was in progress.

There was a great dispute between the state and defence on the existence of Vaal Youth Congress (VAYCO).

Accused No 5 testified that at the COSAS congress of May 1982 in Cape Town it was decided that non-scholars could not be members of COSAS any more. A committee was formed to enquire into the formation of a youth group. Inter alia accused No 5 and accused No 13 who both attended this congress lost their membership.

Accused No 5 had to wait from May 1982 to April 1983 to get the green light for the formation of a youth group in the Vaal from one Mandla, a member of the said committee. This is odd. If it is true it indicates that the youth movement in the Vaal was neither spontaneous nor autonomous. In fact the witness ic.8 was told in February 1983 at a COSAS meeting by accused Nos 5 and 13 that (VAYCO) is a branch of COSAS which is active in politics and for non-schoolgoing youths. This witness was supported herein by exh CA.24 SASPU National November 1983 p.9 wherein we find the statement "the Port Elizabeth Youth Congress (PEYCO) was established earlier this year as part of COSAS' policy of creating regional youth organisations".

We were told that the call for a youth group in the Vaal was made at the 16 June 1983 commemorative service and a meeting was held on 18 June 1983. A working group consisting of accused No 5 and others from zones 3, 7, 12, 13 and 14 Sebokeng and Evaton actively organised for a youth organisation during June/July 1983.

Accused No 5 says he let his plans rest while the VCA was formed and started again in June 1984. Exhs AN.4 and AR.4 were then sent out. He says that attendance was poor and VAYCO was never formed.

He may be correct that it was never formally launched. In November 1983 it probably did not yet exist. See exhs V.3 p.18 and CA.24 p.9.

Joshua Raboroko (a reporter of the Sowetan) testified however that in 1983 word got around that VAYCO was going to be launched in 1983.

In fact accused No 5 and Vilakazi did not stand for election to the executive of the VCA at its launch in October 1983 as they had to organise the youth. It is unlikely that he would have done nothing before and after that date.

William Maine of Evaton, a member of Evaton Rate Payers Association, had heard of the existence of VAYCO.

In June 1984 there was a letter (exh AN.4) sent by the Sebokeng Working Group of zone 13 calling for a meeting to decide on action for the launch of VAYCO.

That VAYCO did come into existence (whether it was formally launched or not) is likely. The SASPU National November 1983 exh CA.24 (found in possession of previous accused-No 18) reports that in 1983 over 20 youth congresses sprang up.

At the funeral of Joseph Sithole in September 1984 a VAYCO zone 14 banner was displayed. See exhs AAU.2, 3 and 5.

In a document found in the UDF offices, Johannesburg, entitled Vaal Case Study (exh AN.8 sheet 2 page 7) it is stated that Joseph Sithole had been a member of the Vaal Youth Congress. Accused No 5 says that he has no knowledge of this. This cannot be true.

M.S. Vilakazi (the former accused No 18) testified that accused No 5 and he were the leaders of the youth, but that VAYCO was not formed. I T Poonyang testified that he had been present when this said banner was made for the purpose of that specific funeral and that though a youth organisation was envisaged it was not formed.

We have dealt with these witnesses in annexure Z and have stated our reasons for finding that they are wholly untrustworthy.

To this we can add that the press statement of the Transvaal Area Committee of the UDF [exh AB.7(6)] names VAYCO as one of the organisers of the stay-away of 5 and 6 November 1984.

At the ERPA meeting of 26 August 1984 accused No 5 promised the support of the youth. This he could hardly do if there was no existing organisation.

It would be very unlikely that no youth organisation existed in Sebokeng whereas in the adjacent (and less important) townships such organisations did exist.

At an anti-election rally of the VCA on 27 November 1983 youths held placards and a banner of the Bophelong Youth Congress. Councillors were called oppressors. Exh CA.8. There had been active organisation for a youth organisation in Bophelong since June/July 1983. See exh AN.9 and exh AN.10.

Accused No 11 testified that he had never heard of the Bophelong Youth Congress. There was however the Bophelong Youth Association.

Accused No 11 testified that the Boipatong Youth Organisation was formed during the first week-end of January 1984. He was one of its leaders. See exhs AN.9 and AN.10.

Accused No 11 attended the Wilgespruit Seminar of 14 and 15 January 1984 (exh AT.7) on behalf of the Boipatong Youth Organisation. They inter alia discussed how to organise and mobilise the youth and the role of the youth in the liberation struggle. This theme was introduced by Dan Montsitsi. (We have examples of the type of revolutionary speeches he makes in exhs V.4, V.10 and V.25).

Boipatong Youth Organisation (BOYO) existed despite the fact that it was not publicly launched till May 1984 according to accused No 11. We have only his word for it. On the programme for the launch was a COSAS speaker, UDF speaker and a speech by accused No 11 on SRC's and one by Curtis Nkondo on education. Exh AT.10. These topics at a meeting for the non-schoolgoing youth are out of place. No explanation was forthcoming from accused No 11.

A joint committee existed of the Bophelong Youth Organisation, Boipatong Youth Organisation, Bophelong Civic Association and Boipatong Civic Association. This committee wrote a letter on 7 February 1984 to Lebogang School and in May 1984 to the Administration Board on the closing of school halls. Exhs AN.9 and AN.10.

On the programme of the meeting of 26 August 1984 of the Boipatong Residents Committee (a branch of the VCA) a student representative is a speaker. Exh AT.6. This would probably be a COSAS speaker.

In the notice of the Boipatong meeting of 26 August 1984 children were also invited. Exh AT.5.

The notices setting out the resolutions of meetings held in August compiled by Esau Raditsela, vice chairman of VCA and distributed by accused No 11 in Boipatong (exh AN.15.1) (AT.12) state that they are resolutions of children, etc.

On the basis of the above we find that there existed in the Vaal a number of youth organisations for non-schoolgoing youths. This includes Sebokeng. Whether it was formally constituted as VAYCO is immaterial. Accused No 5 was the leader of this grouping in Sebokeng and accused No 11 was the leader in Boipatong. These youth groups worked in close association with the VCA and Boipatong and Bophelong Civic Associations.

The birth of these youth organisations, when regard is had to the time thereof, fits in with the call of the UDF for the formation of such organisations and with the same call of the ANC.

The Raditsela's listened to Radio Freedom of the ANC. It is probable that Dorcas Raditsela heeded the call of the ANC in its New Year's message of 8 January 1984 to organise the women. Exh ABA.35 p.11. The speech by accused No 17 would fit in with this.

Evaton Rate Payers' Association (ERPA) was established in 1978 after the election of the community council.

After the VCA launch of 9 October 1983 speakers of the UDF were invited to address an ERPA mass meeting on 6 November 1983. There it was decided to affiliate to the UDF. Exh M.2. Though the formal application was only lodged in June 1984 (exh O.2) ERPA was in the UDF fold since November 1983. It conducted the million signature campaign of the UDF and attended its general council meetings. Exh 26.

It worked in close association with the VCA. When a demonstration was held in May 1984 against the Evaton Community Council's celebration of the 80th anniversary of Evaton, a joint committee of ERPA and the zone 7 Area Committee of VCA organised it. It was chaired by Esau Raditsela vice chairman of VCA. The latter printed the pamphlets and obtained the participation of the youth. The tone of the demonstration was set by the placards made by accused No 6 which had the wording "Don't feast with the disciples of evil".

Vaal Organisation of Women (VOW) was founded in January 1984 by Esau Raditsela, Dorcas Raditsela and Edith Letlaka. Dorcas Raditsela who was married to the vice-chairman of the VCA, Esau Raditsela, became its chair-person.

At the inaugural meeting Amanda Kwadi of FEDSAW spoke about the history of women in the struggle and Edith Letlaka of the VCA spoke on rents and that women should identify with their menfolk in the problems. Aubrey Mokoena of the Release Mandela Committee spoke on political prisoners and gave his usual recital to the tune of Senzeni Na. The organisation resolved to affiliate to FEDSAW and through it to the UDF and to work with the VCA.

It held house meetings and affiliated to the UDF on 30 June 1984. Exhs Q.2 and S.9.

It organised around issues that affect women. They also started a programme on child care and adult literacy and a bulk buying scheme. They worked closely with the VCA on the rents issue. Exh U.5(a).

It was also politically inclined. Rina Mokoena stated that accused No 17 addressed them stating that after unity Tambo and Mandela would help them by building factories. This evidence was not challenged.

The witness ic.25 testified that Nhlapo and Matlawe of ERPA advertising a meeting of ERPA some two or three weeks prior to 3 September 1984 by public address system, threatened to kill Councillor Diphoko. On 3 September they had a hand in his killing. The defence led evidence that these persons were no longer members of ERPA at the time.

Accused No 6 was the secretary of ERPA at all relevant times.

At all relevant times ERPA was intimately involved with the Vaal Civic Association and this involvement and co-operation existed even after the riots had begun. Exh AN.15.7.

We were told that the call for what became the Vaal Civic Association was made at the 16 June 1983 commemorative service by Philip Masiya secretary of the Orange Vaal General Workers' Union supported by Esau Raditsela, accused No 22 and others. Exh L.7.

We know that in January 1984 M S Vilakazi, formerly accused No 18, one of the founders, was found in possession of exh CA.22, a pamphlet of the ANC calling for a boycott of the Community Council elections. It called for the formation of a front against the community councils. It also called for the

formation of committees at local, regional and national level. He also possessed Mayibuye No 9 of 1982 subtitled The year of Unity in Action-(exh CA.21) wherein the said call is also made as well as the statement that the youth is the task force of the people. (The phrase unity in action occurs in the draft resolutions of the inaugural meeting. Exh AN.13.

We also know that the UDF Transvaal had recently been launched. That would have been the talk of the townships. It called for the formation of civics and uniting them in one front.

It is probable that one or both of these calls were the reason for the formation of the VCA.

On 18 June 1983 a meeting of interested persons took place and the Vaal Action Committee was formed. Among the leaders were Esau Raditsela, Dorcas Raditsela, Edith Letlake, accused No 5, No 18, No 22 and Johnny Motete. The VAC did a survey to determine the need for a civic and the grievances of the community. Its meetings were chaired by accused No 5, Dorcas Raditsela and Johnny Motete. It met every Wednesday at Esau Raditsela's house and every Saturday at the Roman Catholic Church Small Farms. Pamphlets for the launch of the Vaal Civic Association were printed by MARS, an affiliate of the UDF. The VAC selected its own candidates for office on the executive of the VCA and prepared resolutions to be passed at the launch.

Accused No 5 was at pains to establish that there was no UDF involvement in the launch of the VCA. He stated that the VCA resolved not to affiliate to the UDF as they would be too busy with the organisation of the civic.

We reject this evidence. There is clear evidence of UDF involvement in the preparation for and the launch of the VCA and a close relationship between the two thereafter.

The report by McCamel to the Transvaal General Council meeting of 15 October 1983 (exhs L.2 and L.7) states that the VAC consulted members of the UDF and also of the Soweto Civic Association on the proposed civic.

The minutes of the UDF Executive Committee of 15 September 1983 report that a meeting of the UDF is planned in Boipatong for 18 September 1983. Accused No 20 and Bokala are the speakers. Exh S.1.

At the Transvaal GCM of 17 September 1983 the secretaries reported that briefings had been held with people in the Vaal and that over the next few weeks meetings would be addressed in Evaton, Boipatong and elsewhere. Exh K.1. At this meeting Curtis Nkondo was appointed vice president responsible for education. That was also his theme at the VCA launch. At this meeting it was also decided to embark on a

joint campaign of Solidarity with the South African Allied Workers' Union (banned in the Ciskei) and "our people in the Ciskei". At the VCA launch a resolution in these terms was adopted.

On 18 September 1983 a UDF meeting in the Vaal arranged by Sahluko and Photolo was held, addressed by accused No 19 and Bokala of the UDF. Esau Raditsela was present. On the proposal by accused No 19 for the formation of a UDF Area Committee accused No 22 stated that they were busy with the launch of the VCA and did not want to divide their attention.

McCamel was told by Esau Raditsela when approached to become Master of Ceremonies at the launch of the VCA that the UDF assisted them with placards as they had no money and that the Soweto Civic Association gave advice. The day before the launch Curtis Nkondo and Raditsela came to McCamel's house to prepare the programme. This Curtis Nkondo is generally regarded as one of the senior leaders of the UDF.

At the launch of the VCA Edith Letlaka proposed and motivated affiliation to the UDF. This was adopted. It should be remembered that she was one of the leaders of the VAC.

The witness ic.8 held the view that the origins of the VCA were defined by the placards in the church hall at the launch on 9 October 1983 namely of COSAS, RMC and UDF.

The VCA did not pay for the poster exh AN.5 issued by the VAC for the founding meeting.

The only three invited speakers at the launch were from the UDF - and all were very senior executive members. Their participation was prominently advertised. Exhs AN.3 and AN.5. Dr Motlana, true enough, is also a member of the Soweto Civic Association and its Committee of Ten but his UDF connection is plain.

After its launch and even before its affiliation to the UDF the VCA reported to that body through its chairman McCamel on 15 October 1983. On 12 November 1983 when it formally affiliated it reported on its activities in connection with Black local authorities. Exhs L.4, L.2, L.7 and M.2.

The VCA actively participated in the General Council Meetings of the Transvaal UDF where national political issues were dealt with. Exhs N.1 and N.2. It was not merely concerned with local civic matters. It saw itself as part of the overall liberation struggle of Blacks in South Africa.

This is evident from the resolutions passed at the launch and from the subjects discussed at UDF General Council meetings which they attended.

The secretary reported to the GCM of 10 December 1983 on the UDF campaign against Black local authorities stating that it was conducted in almost all areas in the names of the affiliates and that the UDF played the role of providing information, general co-ordination, assisting organisations in planning activities and producing publications. DESCOM (another affiliate) assisted the VCA in tracing its members who were arrested on voting day. Exh N.3.

On 14 January 1984 VCA reported to UDF on its progress in Bophelong, zone 7 and zone 12 Sebokeng. Inter alia it mentioned that it had formed a youth congress in Bophelong and that plans were afoot to form a parents' action committee and SRC in the Evaton, Sebokeng, Bophelong and Boipatong areas. An appeal was made to the UDF "to help orientate these committees in order to tackle school matters effectively". The report thanked the members of the UDF for their help from time to time especially comrade Curtis Nkondo "who is an inspiration to the Vaal Civic Association". The report is signed by the chairman of the VCA and ends with "the struggle continues". Exh 0.3.

It should be noted that the parents' committees and SRC's were part of the UDF's education strategy and the formation of youth organisations part of its overall strategy.

The VCA's total distrust of the government which it called undemocratic, illegitimate and its attitude of non-co-operation is evident from exh 0.4 the VCA's mandate to the UDF meeting on the Coloured and Indian referendum.

The VCA reported to the UDF on 20 January 1984 about its activities and vicissitudes and the arrest of seven members of Bophelong Youth Congress. It complained that the expected UDF speaker had not turned up. Exhs T.19 and T.20.

On 27 to 29 April 1984 five of the VCA leadership attended a UDF Education Committee workshop for civics at Dale-side. They were Esau Raditsela, Edith Letlaka, accused No 7, accused No 17 and Matlakala Moeng. The aim of the workshop was "to evaluate the anti-community council campaign and to look at the road ahead for civic organisation in the continuing struggle against the local authorities". Accused No 21 was one of the organisers. The report on this workshop states: "The next tasks are to destroy the Black local authorities and to strengthen our civics". It stated that struggles of the civics should be united with those on the youth front, the women's front and the union front in a common attack on oppression and

exploitation. The links between these fronts of the struggle should be symbolised by using speakers representing the fronts on platforms. Exh U.4(a), (b) and (c).

It will be noted that this was the pattern in the VCA meetings.

McCamel testified that at the VCA public meetings there were banners of UDF, COSAS, Release Mandela Campaign and VCA. UDF literature was sold by a committee under Thembekile Sahluko. This literature was SASPU National, Speak and Work in progress. There were also booklets of the Black Sash. He further testified that the UDF printed VCA pamphlets free of charge. By reason of its affiliation to the UDF the VCA was obliged to report to it on its activities and to participate actively in all UDF events and campaigns. The VCA did in fact take up the million signature campaign and participated in the People's Festival. It had the obligation to send two representatives to general council meetings in Khotso House, Johannesburg and there report monthly. It also was obliged to notify the UDF of meetings of the VCA to enable the UDF to send a representative. Members of the VCA were sent to the UDF affiliate MARS for instruction in printing and drafting of pamphlets and Esau Raditsela and accused No 17 attended a leadership course of the UDF at Daleside. The VCA sent accused No 10 as its representative to the UDF annual general meeting in Port Elizabeth.

At the general council meeting of the UDF (Transvaal) which No 6, No 17 and Esau Raditsela attended on 30 June 1984 the secretarial report read by Valli contained the phrase: "The dummy Black local authorities continue to face the wrath of the people". The "White minority rulers and the surrogates" are referred to as "our enemies". Exh Q.3.

On 5 July 1984 the UDF Evaluation Commission (Transvaal) sent out a circular stating that at the GCM of 30 June 1984 it was decided that a series of area committees should be established as a matter of priority and a matter of urgency. The Vaal was one of the six areas. For this purpose meetings would be held from 9 to 16 July 1984. Exh Q.1. (See also exhs R.2, S.10, S.11 and AX.14 p.41 on this aspect.)

On 14 July 1984 a special general council meeting of Transvaal UDF was held. VCA and ERPA attended. Its purpose was to discuss the anti-election campaign. The meeting also dealt with other matters. Under the topic 'activities in African areas' the vice president Frank Chikane spoke on the need to develop a strategy for the African areas. It was decided that he and accused No 21 would consult with various organisations on possible action. A joint planning council was formed consisting of representatives of inter alia the Vaal affiliates. Exh R.2.

On 2 August 1984 Frank Chikane acting on behalf of most of the civic organisations in the Witwatersrand called a protest conference and rally for 12 August 1984 of civic organisations and representatives of rural and resettlement areas. The aim was to "raise the voice" of those affected by the Bantustan system and the Black local authorities. Exh AL.13. It was stated that this meeting would "turn the tide against this evil system and the participants thereof" (referring to the Tri-cameral parliament). A draft position statement was sent out. Exh AL.129. We revert to it later when accused No 16's actions are discussed. It predicts bloodshed after August 1984.

We have no evidence that the Vaal civics attended this conference. No doubt the VCA leadership would have kept itself informed. It had delegates at the GCM's of 14 July and 4 August 1984 (but not at the special GCM on 8 August).

At the meeting of 25 August 1984 in zone 13 Sebokeng where the plan for the stay-away originated there were UDF, COSAS, RMC and VCA speakers advertised. Exhs AN.17.1 and AN.17.2.

At the VCA meeting of 26 August 1984 the singing of freedom songs was led by two youths, one wearing a UDF and the other a COSAS T-shirt.

After the riots started there was close co-operation between the VCA and the UDF.

On 4 September 1984 the committee of the VCA went to Johannesburg to report to Frank Chikane and a committee of the UDF.

A pamphlet exh AN.15.3 was prepared with the emblem of the UDF, blaming everything on the boers and community councillors. Those needing help were referred to the VCA and UDF. (Accused No 10 says that this pamphlet was not issued, but not because of these facts).

On 7 September 1984 the VCA again met the UDF.

In a notice issued by ERPA on behalf of VCA calling a public meeting for 9 September 1984 it is stated that lawyers can be consulted at the UDF. Exh AN.15.7.

The UDF kept close contact with the Vaal during the riots. The Occurrence Book kept by the UDF Transvaal (exh AM.15) notes on 13 September 1984 that the UDF is to arrange speakers of UDF, SCA, SOYCO and FEDSAW for the funeral of riot victims. A meeting in zone 3 Sebokeng is noted for 14 September 1984 and UDF speakers are required for three later mass meetings in the Vaal in January 1985.

A week after the riots started Peter Mohapi was taken by accused No 11 and Sotso to an attorney in Johannesburg and was told that Boipatong Residents Committee falls under the VCA which falls under the UDF. After their arrests this attorney paid their bail. It is probable that this was arranged by the UDF.

At the Regional Executive Council meeting of the UDF Transvaal on 15 November 1984 Frank Chikane reported that the structures in the Vaal were being revived and that ten volunteers were needed. Exh S.15.

Accused No 20 on 10 January 1985 issued a press statement on the Vaal rents issue. Exh AN.14.

Apart from these contacts one can point to similarities of method and aim between the UDF and the VCA.

The VCA members who attended the Daleside workshop on civics in April 1984 took good note of the advice to link together different speakers on platforms like students, workers etc to symbolise the links in the struggle. Exh U.4E p.9. All meetings were structured like this. This accords with the Transvaal programme of action of the UDF September-November 1983 wherein it is stated that maximum unity of worker community student women youths and religion should be sought. Exh AM.1.

The first issue of UDF News Transvaal of some 250 000 copies, focussed on the Black local authority elections. It was widely distributed. The probabilities are that that included the Vaal and that the VCA participated. Exh N.3 (T.17).

The VCA plans to form a parents action committee and SRC in various areas in the Vaal are in conformity with UDF strategy discussed elsewhere in this judgment. Exh 0.3.

Some of the resolutions adopted at the launch by the VCA on 9 October 1983 follow the UDF pattern. Exh AN.13. The education system, Black local authority system, Koornhoff Bills, President's Council proposals, homelands system, Ciskei Government, banning of SAAWU are dealt with. A resolution was immediately adopted to join the UDF. This indicates that the VCA was not just a locally orientated rate payers association.

The programme of action of the UDF Transvaal for September, October and November 1983 (exh C.120 (K.2), AM.1) was followed to the letter. It called for the establishment of area committees in all areas. (In this context an area committee could be a civic or youth organisation). It called for local mass meetings in all areas to be held before mid-October. It required that current problems be linked to the Black local authorities and constitutional proposals.

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In the Vaal the VCA did all this. After its affiliation it was by paragraph 5.2 of the Working Principles committed to the UDF's programme of action. Exh A.1.

The secretary of the UDF, Transvaal notified the affiliates to attend the meeting on 12 November 1983 as "the GCM is an important decision-making and co-ordinating structure". Exh M.1 (see also exh E.4 p.5).

Affiliates conducted UDF campaigns in their own names. This includes the campaign against Black local authorities in the Vaal. Exh N.3. The UDF conducted workshops in the Vaal and regarded the mass meetings there as part of their campaign. Exh E.2.

In the light of the foregoing UDF statements that it formed and strengthened the VCA are not surprising. Exhs T.25 p.2, AJ.39 p.5 (T.13).

In a document dated February 1985 entitled UDF and the Black Local Authorities, found in the UDF's offices Johannesburg (exh C.110 pp.6 and 17) it is stated that the campaign of the UDF against Black local authorities resulted in the creation of inter alia the VCA and an annexure sets out that the progressive organisations in Lekoa joined together and called meetings during August 1984. They were VCA, Sharpeville

Anti-Rent Committee, VOW, COSAS, AZAPO, Orange Vaal General Workers' Union, and Engineering and Allied Workers' Union.

In "REPRESSION IN A TIME OF REFORM" a publication of the UDF and other organisations, of November 1984 (exh W.60 p.24) which is a survey of events since August 1984, it is stated that the said organisations of Lekoa and the UDF came together to oppose the increases.

In a document entitled "VAAL CASE STUDY" (exh AN.8 sheet 2) found in the UDF offices Johannesburg the same statement is made.

Accused No 9 says that at area committee level in zone 7 the doings of the VCA Top Management and of the UDF were never discussed and no advice was received. He says that there was no reference to the UDF or the arrest of its leaders at the meeting of 26 August 1984.

Accused No 7 says that the UDF did not fund the zone 7 committee.

Accused No 20 says that the UDF had nothing to do with the Vaal. That was the issue of the Vaal.

Accused No 21 says that there was no liaison between the UDF and the Vaal bodies on the rents issue in the period June 1984 to 26 August 1984 when he was detained and no discussion about it in the UDF and that there was no area committee of the UDF in the Vaal. The UDF paper (exh U.10c) on the structure of the UDF evidences that an area committee was in fact formed in the Vaal, though probably after October 1984. Exh AX.14 p.41.

In the light of the facts set out by us the evidence of these accused has to be rejected. There was at all relevant times a close relationship between the VCA and the UDF.

There was a close relationship between the VCA and COSAS.

One of the initiators of the VAC was accused No 5, past chairman of COSAS in the Vaal and brother of the then incumbent chairman.

At the launch of the VCA a COSAS banner was displayed. Curtis Nkondó told the youth to form SRC's. At later meetings there were also COSAS placards and other placards were held by COSAS' youths, inter alia by their chairman.

Esau Raditsela utilised the youth to hold placards at the Evaton 80th anniversary celebrations on behalf of the VCA and ERPA.

COSAS helped with the pamphleteering at VCA meetings and there were generally speakers from COSAS.

posed of 10 organisations from the area. The organisations were

On 9 October 1983 the VCA was mandated to work with "Genuine People's Organisations", of which COSAS is one according to accused No 10.

The resolutions of the VCA meetings of August 1984 are resolutions of residents, children, parents and workers. Exhs AN.15.1, AN.15.2, AN.15.4, AN.15.7. The children are led by COSAS.

A joint meeting was held by the UDF, RMC, VCA and COSAS on 25 August 1984. Exh AN.17.1 and AN.17.2.

McCamel was told by Esau Raditsela on 1 September 1984 that COSAS would have their scholars at the march the following Monday. COSAS had notified the scholars not to go to school.

-The Rev Mahlatsi testified that Esau Raditsela waited for COSAS to help him with the placards on the march and that obstructions were placed in the road by "these COSAS children" who were part of the march.

During the unrest a Transvaal Stay-away Committee was formed which organised the stay away on 5 and 6 November 1984,

which led to further rioting and deaths. Its pamphlets were inflammatory. Exh Z.1: This committee was inter alia composed of organisations from the Vaal. --The initiative of the stay-away came from COSAS Transvaal region. Exh AB.7(2). A press statement by the Transvaal area of the UDF (exh AB.7(6)) mentions by name as organisers of the stay-away inter alia the VCA and VAYCO and all COSAS branches in Transvaal.

Despite the fact that some of these documents were found in the UDF offices Johannesburg the accused were at pains to dispute that their organisations were involved. Accused No 20 even disputed that there existed a Transvaal Area Committee. Here he conflicts with the evidence of Dr Motlana who said it consisted of UDF affiliates. (See also exh J.1 para 4.1).

We reject the denial by accused No 8 that the VCA was not part of the organisers of the stay-away. This stay-away cannot be seen in isolation. It followed the same pattern as that of 3 September 1984. It was as effective in the Vaal.

In fact accused No 10 testified that after the riots COSAS and VCA had a close working relationship because of the crisis situation.

We reject the evidence of accused No 5 that there was no connection between COSAS and VCA. We find it has clearly been proved that a close working relationship existed since the launch of the VCA.

The defence tried to make out that AZAPO and the VCA did not sit at the same fire. -Accused No 10 and No 2 for example said that there was no co-operation.

The two bodies could, however, not have been as incompatible as they would have us believe. The witness ic.8 was a member of the executives of both. He testified that AZAPO Vaal decided on 10 June 1984 to co-operate with COSAS, UDF and VCA to show 'the system' their unity to "disturb all things that have to do with the local authorities". Thereby he meant to work for the resignation of the councillors and the total abolition of the Black local authorities. This is in conformity with the overall agreement that AZAPO would co-operate with the UDF against the new deal, provided it did not compromise its principles, as testified to by Lybon Mabasa. On the local level the principles could not be compromised as NUSAS and the Black Sash were not involved.

Accused No 10 attended the funeral of Jabu Tshabalala of AZAPO in May 1984 and participated in negotiations between AZAPO and taxi owners. He stated that AZAPO was a "genuine people's organisation". The VCA was mandated on 9 October 1983 to work together with such organisations.

The UDF Transvaal General Council Meeting of 14 April 1984 which was attended by Esau Raditsela and Mike Kgaka of the

VCA decided to participate with AZAPO for tactical reasons (probably in a commemorative service). Exh P.1.

As we have seen, after the riots various reports stated that AZAPO, VCA, UDF, COSAS and others co-operated in opposing the rent increases. Exhs W.60 p.24, C.110 p.17, AN.8 sheet 2.

The defence denial of co-operation between the UDF and AZAPO is therefore suspect.

In order to gauge the bona fides of the subsequent actions of the VCA it is useful to look at its policy and modus operandi.

Accused No 10's evidence was the most comprehensive. The VCA saw all local problems (called issues in this case) in the light of the general political issues which were seen as the causes thereof, for example the Group Areas Act and the Separate Amenities Act. It was formed to deal with local issues and also general political issues affecting Black people. They saw their problems as arising from apartheid and therefore the correct thing to do was to join the UDF against apartheid. The government and Black local authorities were part of the apartheid system. The VCA was part of "the national struggle for total liberation".

The Black local authorities were unacceptable because they were offered as a substitute for real political power and because the Black people were not consulted, according to accused No 10. The campaign against the Black local authorities was part of the campaign against the constitution. The councils were linked to the Koornhof Bills and the constitution by the VCA. The attitude of the VCA towards the government was one of non-co-operation boycott politics.

At VCA public meetings speaker after speaker would call the councillors dishonest. (Accused No 10 could only name 4 out of a total of 37 councillors who were regarded as dishonest). The accusations were generalised and gross.

In pamphlets they were called unjust, puppets and self-enriching. Exhs AN.15.4 and AN.15.8.

It was falsely stated by accused No 10 that the councillors were not democratically elected and that the Lekoa Town Council could not draw its own budget.

The councillors were repeatedly called oppressors, puppets and sell-outs.

It was policy to have nothing to do with the councillors and the council. The VCA wanted to do away with the council but had no vision with what to replace it.

In its public meetings the VCA stressed local grievances and strongly blamed the councillors for all of them. Yet that was merely a convenient stick. When it was itself mandated to do something about them it did nothing. The meeting of 9 October 1983 instructed the VCA to see the Administration Board about roads, houses and rent. Nothing was ever done.

In zone 7 there were bad roads, inadequate street lighting, the need for a crèche and some houses had no electricity. Yet the zone 7 Area Committee which was elected on 19 February 1984 never discussed these problems. Edith Letlaka, its chair-person only once saw the superintendent for an extension of payment of rent for one person.

The meeting of 19 February 1984 had instructed the committee to look into the problems of rent, locking up of houses, roads and lack of playgrounds for children. Nothing was done, as accused No 9 had to admit.

McCamel stated that the VCA wanted to destroy the Black local authority system. It did not want to take it over. After it was destroyed the government would have to talk to the community about its complaints. They did not discuss what would happen should the councillors refuse to resign.

It is not surprising that Esau Mahlatsi, the mayor of Lekoa, in August 1984 approached the local magistrate to prohibit the meetings of the VCA on the basis of inflammatory speeches.

It was put to McCamel that the boycott and consequent elimination of the Town Council would not cause disruption as the administrative boards would take over, but he did not know this. This approach seems to be an afterthought on the part of the accused.

In the first week of rioting when in Lekoa the ruins of the houses of the councillors were still smouldering and the murdered councillors had not yet been buried the VCA and ERPA through the good offices of the UDF Khotso House, Johannesburg issued a pamphlet emphasising their support for the community's struggles to stop the Lekoa Town Council to function in the Vaal Triangle. Exh AN.15.7.

A previous pamphlet by the VCA, allegedly not issued because of its omission to mention the meeting and ERPA and incorrect telephone numbers given thereon, had blamed the boers and community councillors for the destruction in the Vaal Triangle and called on the people not to destroy "our people's properties who has done nothing". Exh AN.15.3. This pamphlet was also collected at the UDF, Khotso House.

After the riots started Esau Raditsela and Sotso supported by accused No. 17 on 7 September 1984 expressed their resentment that McCamel had set up a committee of priests to help the needy. The VCA wanted to be solely in charge.

After the riots the VCA discussed help to the community but not to the councillors or their next of kin.

One is struck by the attitude of hatred and utter callousness the leadership of the VCA displayed towards the councillors. We did not hear that one word of sympathy for the councillors had been expressed by them. Nor did we hear any in court.

In passing we must refer to the question whether the VCA which according to the accused represented all the people of the Vaal was really democratic and whether its claim had substance. It had no constitution and no membership. It had no executive except for an interim one pending acceptance of a constitution. Its leadership took no steps to finalise a constitution and have it adopted. Taking all their meetings together only a small fraction of the inhabitants of Lekoa attended. The leaders of the VCA took decisions without consulting their committees and when decisions were made they were not carried out. Accused No 10 says that there was no discussion of the rent increase by the executive of the VCA till the end

of August 1984. Accused No 9 says only Edith Letlaka knew how many contributors (called members) area 7 had. Other speakers were invited to the meeting of 19 February 1984 than those decided upon by the area 7 committee. Exh T.19. The witness ic.8 was appointed chairman by Edith Letlaka without prior knowledge of her committee. Accused No 9 had no knowledge of zone 7 ever giving a mandate on the Coloured and Indian elections as represented in exh 0.4, he says. A large number of Lekoa witnesses had never heard of the VCA before the riots.

We conclude therefore that the VCA was neither democratic nor representative.

It seems that a fair conclusion on the VCA operations in Lekoa would be: never before have so many been manipulated by so few.

To complete the background against which the probabilities of the case against the accused have to be assessed the characters of the three leaders of the VCA will be sketched.

Lord McCamel is a charismatic man who was well-known in the Vaal as a Master of Ceremonies at functions. He was a part-time minister of a church. He was drawn into the VCA at a late stage probably because of his proficiency as Master of Ceremonies and as his popularity would be a drawcard. At the launch he was elected chairman.

He became inactive from March 1984 due to his employment situation. As the moderate on the committee he was by-passed in August 1984 and he also refused to participate in the march which he foresaw would lead to violence.

There was a fundamental difference of approach between him and his vice-chairman Esau Raditsela who was supported by the majority of the committee. McCamel wanted to confront the councillors with the local problems in order to get them solved. Raditsela refused to talk to them as that would mean acceptance. Raditsela's attitude was "the councillors should be exposed for what they are". He said he wanted "action" but did not define the term and nothing about the grievances.

Esau Raditsela who was in his thirties was the founder of the VCA and its vice-chairman. Since March 1984 he was its de facto leader. He was a radical who in 1983 and 1984 frequently listened to the ANC broadcasts on Radio Freedom and commented approvingly on the ANC's progress. He also listened to the freedom songs played on that programme. He gave McCamel the frequencies. In the same period he played a tape of a speech by Oliver Tambo and freedom songs to McCamel and Edith Letlaka.

In January 1984 the police found in his possession two tapes (exhs 35(1) and 35(2) transcript V.28) containing revolutionary freedom songs and speeches of the ANC probably taped from Radio Freedom.

In the light of the above it is not strange that at the launch of the VCA the speeches included the history of the struggle and the creation of the ANC and freedom songs. McCamel testified that the freedom songs sung at VCA meetings were those of Radio Freedom.

When McCamel asked him on 1 September 1984 whether the councillors had been notified that they were to be at Houtkop when the march arrived there, his reply was that they had been notified and if they did not come "Gabashwe". This means "let them die". It can also mean "Go to hell". He further stated that if the councillors would not be prepared to resign or meet the people, the councillors would see what happened - "hulle sal voor moet staan".

In planning the formation of the VCA at its launch and thereafter Esau Raditsela was greatly assisted by Curtis Nkondo who, as appears from his speeches and the books found in his possession, is a Marxist.

The witness ic:8 testified that in January 1984 Esau Raditsela told him "all hell is going to break loose in South Africa". McCamel did not hear this, but may not have been present. Accused No 10 denies it.

Esau Raditsela when addressing the meeting of the committees of areas 3 and 7 on 24 August 1984 told them not to be afraid of arrest. At this meeting the theme for the meeting of 26 August 1984 was determined as the increased rent and that councillors should resign as they were misappropriating the people's money for their own profit. This was false.

When the riots had started Rina Mokoena met Esau Raditsela in zone 11 where there was a large crowd. He was carrying a person that had been shot. It was not far from Ceasar Motjeane's burning house. This evidence was not challenged.

On 7 September 1984 in the office of Frank Chikane of the UDF Esau Raditsela told McCamel that they started the riots - referring to the VCA.

After the riots started Raditsela fled the country:

Edith Letlaka was a co-founder of the VCA and the chairperson of its area 7 committee. She was very active in that capacity and as co-founder of the Vaal Organisation of Women. She proposed and motivated affiliation to the UDF at the launch of the VCA. In August/September 1984 she still played a very active role.

Rina Mokoena testified that when the riots had just begun she met Edith who told her they had now broken the beerhall in zone 7 and were going on to zone 3. This evidence was not challenged.

Edith fled from the police after the march.

It is clear from the above that in mid-1984 radicals were at the helm of the VCA.

It is against the background of what we have set out above that the meetings of the VCA and the march have to be assessed.

It should be borne in mind that the state case against the accused involved in the Vaal (hereinafter called the Vaal accused) is that what they did was done in furtherance of the UDF's campaign to utilise government policy and legislation on Black local authorities to incite the masses to violence, with the intention that the Republic of South Africa would become ungovernable in order to lead to a violent revolution.

It is the state case that this conspiracy consisted amongst the members of the action committee before the Vaal Civic Association was formed and amongst the management of the VCA thereafter.

This presupposes knowledge ab initio on the part of the accused of the conspiracy, membership thereof and the intention as set out. This the state did not prove.

Reverend McCamel, a state witness, who was chairman of the VCA since its inception, denied any knowledge of a conspiracy and of an intention to incite to violence or make our country ungovernable. And although one may truly say that McCamel hunted with the hounds and ran with the hare, skillfully avoiding either to bite or to be bitten, that does not help the state. McCamel went further and stated that there was never any talk of violence - either at committee meetings or at public meetings of the VCA. They also had no contact with the ANC.

McCamel became inactive early in 1984, but at least up to that time he refutes any suggestion of a conspiracy on the part of the management of the VCA.

His evidence does not stand alone. The witness ic.8, called by the state, who was on the committee of the VCA since its founding as representative of Sharpeville, made no mention of a conspiracy. The matter was not canvassed with him at all. One would have expected the state to do that if he supported their version. This witness was, however, very inactive in the affairs of the VCA and only attended public meetings.

Reverend Mahlatsi, a state witness who attended meetings of a provisional committee of the VCA in zone 3 from 16 August 1984 together with inter alia accused No 8 and accused No 10 and was elected on the zone 3 area committee on 26 August 1984, was not asked by the ~~the~~ state about the conspiracy. We conclude that nothing of the sort was discussed in his presence. In fact in cross-examination he stated that he thought the VCA was a lawful organisation acting entirely above board.

The Vaal accused all denied that the alleged conspiracy existed.

It was further submitted that the UDF was not uppermost in the thoughts of the leaders of the VCA as the arrest and detention of a number of prominent UDF leaders on 21 August 1984 was not even mentioned at the meetings of the VCA held shortly afterwards. The rent increase required all their attention. This is not entirely correct. At the Boipatong meeting of 26 August 1984 prayers were offered for them. Exh AT.6.

In order to prove a conspiracy in which the management of the VCA participated, the state sought to rely on the following line of reasoning:

1. The UDF conspired to overthrow the state by mass action rendering the country ungovernable.

2. One of the methods was its campaign against the Black local authorities.
3. Some leaders of the VCA attended seminars where this was discussed.
4. Some leaders also attended general council meetings of the UDF, Transvaal and a national general meeting of the UDF in Port Elizabeth.
5. The VCA management was therefore fully aware of the aims of the UDF to destroy the Black local authorities by violent mass action.
6. The VCA adopted and executed the UDF campaign against Black local authorities.
7. The events bear this out:
 - (a) The VCA was formed as part of a UDF plan to found civics in order to broaden its base of mass support and influence with the masses.
 - (b) At its formation and throughout its existence the VCA had close links with the UDF.

- (c) VCA meetings were conducted in the UDF pattern: Freedom songs were sung; Amandla was shouted; all sections of the community were represented by speakers; grievances were harped upon and everything was related to apartheid and the usual topics; the history of the freedom struggle and the creation of the ANC, education, SRC's and Black local authorities, featured at the launch.
- (d) The VCA sharply and excessively and often falsely blamed the councillors and incited the populace against them.
- (e) The VCA strove for the resignation of councillors.
- (f) The speakers at VCA meetings called for violence against councillors and their property.
- (g) As part of its campaign against Black local authorities the VCA organised a stay-away and march with the object that this would lead to violence.
- (h) After the Vaal had erupted in riots the VCA reported to the UDF.

- (i) It persisted in its strident denunciation of the councillors and Black local authority system and in fact blamed the riots on the councillors.
- (j) Raditsela admitted to McCamel responsibility for the riots.
- (k) The VCA never deplored or disclaimed responsibility for the violence against councillors even though the stay-away and march organised by it had prima facie brought it about.
- (l) It stridently attacked the security forces that had been brought into the townships to restore order and stop the murders, arson and pillage and called for their immediate departure.
- (m) The violence in the Vaal was not spontaneous. It was organised.
- (n) The stay-away was enforced by well-directed organised groups of youths who paralysed public transport in the Vaal.

(o) The VCA was the main if not the sole politically active organisation in the Vaal. It organised the stay-away and march. It follows therefore that they organised or had a hand in the organisation of the violence.

The line of reasoning set out does not lead to a conclusion that the whole management of the VCA though aware of a UDF campaign against the Black local authorities was also aware of the intention that it should lead to mass action bringing about the violent destruction of the council system. That conclusion can only be arrived at if there were evidence that this was discussed at the particular meeting or seminar which the representatives of VCA attended and that they reported this discussion to their committee. There is no such evidence.

Can it then be said that a clique within the management structure of the VCA had such nefarious intentions and conspired to execute them?

Counsel for the defence submitted that as with the UDF likewise with the VCA it was not the state case in the indictment that some members of this body were conspirators and the others not. We have dealt with this argument elsewhere.

Before the question posed by us is answered a finding of fact is necessary on point 7(f) above. Did speakers at various VCA meetings call for violence?

The witness ic.8 testified that at the launch of the VCA on 9 October 1983 one Elliot Shabangu told the audience that if they participated in the election for town councils they would help the revolution. Apart from the fact that this evidence does not make sense and that a misunderstanding is therefore not excluded, this witness stands alone on this aspect.

He also testified that at the meeting of 27 November 1983 in the Roman Catholic Church zone 12 Sebokeng Curtis Nkondo in his speech said that Whites should be allowed to join their organisation as they could be used to kill other Whites. Also on this aspect his is the sole evidence.

We set out our approach to his evidence in annexure Z hereto. This evidence is disregarded. It was refuted by other witnesses who attended these meetings.

It is a strange feature of this case that these and other material allegations were not set out in the indictment. We deal with this aspect and its affect on our approach to the evidence of the important state witnesses in annexure Z.

DELMAS TREASON TRIAL 1985-1989

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