

TSAKANE (BRAKPAN)

The further particulars as amended (p.77) allege that since October 1984 to July 1985 the ad hoc committee of Silverton (sic) and COSAS, Tsakane organised and riots, violence and intimidation occurred.

The state evidence which we accept is that during the period October 1984 to July 1985 there were active in Tsakane COSAS, TSYCO (Tsakane Youth Congress) and the Silvertown ad hoc Home Seekers' Committee, referred to as the ad hoc Committee. Silvertown was a squatter area. COSAS issued handwritten pamphlets against the local government and against school attendance. They also claimed that children should get a postponement of exams. The most active of the organisations were COSAS and the ad hoc committee. This evidence has to be qualified to an extent. The ad hoc committee did not exist for the whole period. It came into existence in January 1985 when the Development Board threatened to evict squatters who had settled in Silvertown awaiting their turn to obtain four-roomed houses. The board wanted them to settle at the site and service scheme.

There was a big dispute between the state and defence on whether COSAS existed in Tsakane in October 1984. The defence witness Maseko stated that it was founded in January 1985. P Diale testified that it did not exist in 1984. Mkhonza supports that evidence to an extent.

These witnesses were found to be untrustworthy for reasons set out in annexure Z. The state evidence of sergeant Coetzer and captain Labuschagne, who gave general evidence, Mr Rossouw who stated that COSAS existed since October 1984 and warrant officer Nkosi who testified that on 24 October 1984 Vusi Diale the chairman of COSAS was buried, is supported by the tone of the funeral oration of Mkhonza. Exh DA.183.

We accept the evidence of the state witnesses and find that COSAS existed in Tsakane during the relevant period since at least October 1984.

Riots started on 4 October 1984. They climaxed in March or April 1985. The main targets were the Development Board and councillors. The South African Defence Force was called in after buses had been stoned. The riots coincided with the commencement of a school boycott on 4 October 1984. We reject as false the evidence given by Maseko about the cause of the boycott. The only grievance he could think of was corporal punishment and that cannot be the cause of a simultaneous boycott by all secondary schools lasting from 4 October 1984 to January 1985. The probable cause was the COSAS inspired national boycott.

On 4 October 1984 Vusi Diale, chairman of COSAS, was shot. The circumstances were not mentioned in court. Warrant officer Nkosi gave the date of the funeral as 24 October 1984. P Diale and Mkhonza said it was held on 13 October 1984. Nothing turns on this difference.

From the funeral oration one gathers that he met his death in a violent way in mass student action. He is depicted as a hero and leading activist. Against the background of the boycott and the riots the speech is inciting. It supports violent resistance against the security forces and liberation by the masses. The seeds of war have begun to germinate in the fertile soil of the students' grieving hearts, it ominously records. See also exh CA.35.

After the service the procession was led by two banners in front of the coffin, one depicting an AK.47 rifle and the other a red flag with hammer and sickle. The existence of these banners was disputed. We find in favour of the state that they were displayed. We discuss the merits of the witnesses in annexure Z.

After the funeral there were riots. The houses of policemen were burnt, the mayor's house was set alight, buses were attacked with stones and could not enter the township and all the beerhalls were set alight.

The highly successful stay-away on 5 and 6 November 1984 called by COSAS which we have discussed elsewhere was also a success in Tsakane.

The intention of the Development Board that squatters at Silvertown were to move to the site and service scheme led to a raid by officials in the early hours of 12 February 1985. A number of people were arrested and taken to the administrative offices. A crowd led by the ad hoc committee gathered there and while they were there between seven and ten shacks were demolished. The people left the Development Board offices and within an hour there was an attack on the single quarters of the Development Board approximately one-and-a-half kilometres away. The premises were seriously damaged and an attempt had been made at arson. The defence witness Mkhonza denied that the ad hoc committee was responsible. We cannot make a finding in this respect.

The leader of the Tsakane Youth Club which had been founded in April 1984 was in March 1984 threatened that his mother's house would be burnt down should he not resign. The threat emanated from COSAS leaders. He did so on 19 April 1985 and on that same day the club which had 212 members dissolved. The reason for the enmity from the side of COSAS was that this club had been on a friendly footing with the council and Development Board.

According to three state witnesses the funeral of eight youths was held in Tsakane in April 1985. (Mkhonza gives the date as 18 May 1985 and says that they were not youths. This had never been put in issue.) They had been killed by hostel dwellers in retaliation to an attack on the hostel's beerhall previously after a funeral. The funeral of the eight was organised by a crisis committee of COSAS, TSYCO and the ad hoc committee. There were COSAS and TSYCO speakers at the ceremony and Mkhonza of the ad hoc committee was Master of Ceremonies. Freedom songs were sung. UDF, TSYCO and COSAS banners were in the procession. After the funeral the single quarters of the council police were set on fire by the mourners.

On 14 May 1985 the funeral of Andries Raditsela was held. It was attended by 5 000 to 7 000 people. There were banners of FOSATU, MAWUSA, COSAS, TSYCO and UDF. There was a big white banner with a red AK.47 rifle depicted on it as well as the words stubbornness, revolution, the people shall govern and Beiroet. Exh AAY.58. It was followed by the Russian flag, red with hammer and sickle. There was a very heavy police and defence force presence at and after the funeral and there was no disturbance. In the early morning before the funeral there had been three bomb explosions in the White townships of Brakpan at the South African police offices, at the magistrate's offices and at the commissioner's offices. Andries Raditsela was the main shop steward of the Chemical Workers' Union.

It is common cause that during the period October 1984 to July 1985 stones were thrown at houses as well as a hostel and a main sub-station. Police quarters were stoned. The technical workshops were stoned and set alight. Six beer depots were set alight. Buses were damaged. Police vehicles were damaged. Buses and offices were stoned and burnt down. Trade vehicles and businesses were looted. AAS.3 p.5.

The councillors resigned. The chairman of the council on 9 May 1985 and the rest on 20 June 1985. The chairman's resignation followed shortly after his house was petrolbombed. The two businesses of the previous chairman Mr S C Masila were burnt down. There was no council left and the township was directly administered by the East Rand Development Board.

There is documentary evidence that the UDF had a link with Tsakane.

The UDF Transvaal report to the NEC dated 5-November 1983 (exh E.2) found in the offices of Afrascope Johannesburg on 9 October 1984 records that the UDF conducted a workshop in Tsakane. This was probably with a view to the Black local authority elections.

Exh C.118 an emergency UDF working document under the letter-head of the Transvaal regional office dated 25 September 1984 found on 15 February 1985 in possession of E A Saloojee national treasurer of the UDF in Johannesburg mentions the UDF's victories of the past few weeks and in the light of detentions and suppressive measures suggests the immediate establishment of inter alia an East Rand Area Committee including Tsakane amongst other townships, with assignment the community, worker and student struggles.

As area committees consist of affiliates this presupposes that the UDF presence in Tsakane be effected there through its affiliate COSAS.

The area committee was in fact formed, as is recorded in the minutes of the REC Transvaal of 11 October 1984 (wrongly dated 11 September 1984). Exh S.10. On 7 December 1984 the Evaluation Commission reported to the REC that the East Rand Area Committee was not functioning and that it was hoped that it would begin functioning before the end of the year. Exh S.17.

Exh W.62 p.3 SASPU National October 1984 found on 19 February 1985 with Constance Hlatswayo of Alexandra, assistant secretary of AYCO, a UDF affiliate, and therefore an active supporter, is admissible under section 69(4) for the limited purpose of the Internal Security Act charges. It prima facie indicates that the Tsakane schools boycott was part of the wider boycott by COSAS.

The "occurrence book" of the Transvaal UDF (exh AM.15 p.20) records under the date 12 October 1984 that a UDF speaker is requested for the funeral of Vusi Diale. (There is no evidence that this request was complied with).

Exh C.110 a report "The UDF and the Black Local Authorities" dated February 1985 found in the UDF's offices in Johannesburg records that the mayor Mr S C Masila and the deputy mayor of Tsakane resigned in December 1984. It states that the resignation of councillors of Black local authorities in the Transvaal has been an important victory for the Front and its affiliates in local areas.

The state referred us to a number of documents that are not admissible for their purpose. They are exh W.32; exh W.21 and exh C.133. Exh AAC.55 p.12 does not advance the state case.

We come to the following conclusions:

1. COSAS was active in Tsakane at least since October 1984.
2. COSAS organised and executed the effective school boycott which lasted from 4 October 1984 to January 1985.
3. The violence coincided with the school boycott.

4. The violence was mainly directed at specific targets - councillors and their property, public transport, the Development Board's property and the police.

5. There was an agitation against councillors and the councillors resigned after having been attacked.

6. Events where COSAS played a role (apart from Raditsela's funeral where there was an extraordinary security force presence) were followed by or led to violence: the school boycott; the stay-away; the funeral of Vusi Diale; the funeral of the eight.

7. COSAS was prominent where there were inciting words or deeds: Vusi Diale (its chairman) was shot during riots; Mkhonza's speech at Diale's funeral; the banners at his funeral; the banners at the funeral of Raditsela.

8. COSAS threatened to burn down the house of the leader of Tsakane Youth Club and so effected its dissolution.

9. COSAS' actions and attitude are in line with the general findings we have made about that organisation namely that it was revolutionary.

10. It has been proved that COSAS had a hand in the violence in Tsakane. The argument of the defence that the boycott ended in January 1985 and the violence continued well beyond that date and that therefore COSAS could not have been involved is rejected. We do not find that only COSAS organised and only COSAS members perpetrated the violence. Obviously a lot of township loafers would participate. The fact that the boycott is at an end does not mean that COSAS members cannot participate in violence. They in fact participated in the funerals as is evident from the banners.

11. The UDF had an active interest in Tsakane. This was exercised through its local affiliate COSAS.

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