

THE STATE CASE ON THE VAAL

In paragraph 67 of the indictment the state alleges that between 20 August 1983 and the end of April 1985 and in furtherance of the campaign to utilise government policy and legislation on Black local authorities and the Koornhoff legislation to incite, etc the Black masses to violence whereby it was intended that the Republic of South Africa would become ungovernable which would lead to a violent revolution:

- 1) activists of UDF and of an action committee existing in the Vaal Triangle inter alia comprising accused No's 2, 5, 12, 18 and 22 co-operated to create a civic organisation in the Vaal Triangle to take the initiative to organise, etc the Black masses in the Vaal Triangle to participate in insurrection, etc as part of the process to reject and destroy the legal structures of authority in the Republic of South Africa;

- 2) these activists actively planned and held a mass meeting in September 1983 in the Roman Catholic Church Small Farms Evaton in which accused Nos 2, 5, 12, 18 and 22 participated and where accused No 19 inter alia addressed the meeting, condemned legal structures of authority, popularised ANC leaders and freedom songs.

They resolved in principle to found a civic. It is alleged that the activists prepared and organised their mass meeting for the founding of a civic organisation and that accused No 12 went to Johannesburg for guidance. The action committee listened to ANC Radio Freedom, sang freedom songs and was exhorted to tune in to that station regularly to get clarity on the freedom struggle. It is alleged that on 8 October 1983 a meeting of the action committee in preparation was held and that a mass meeting followed on 9 October 1983 in the Roman Catholic Church, section 12, Sebokeng. Accused Nos 5, 12, 14 and 18 inter alia were cheer-leaders of freedom songs and ANC slogans and they popularised the ANC. Activists of the UDF made speeches attacking the legal structure of authority which had to be destroyed by the masses. Accused Nos 13, 14 and 22 made speeches and called on the youth to participate in the freedom struggle. Accused Nos 3, 5, 9, 10, 12, 17 and 18 attended or participated. Accused No 22 was the treasurer and No 10 an area representative. It is alleged that the Vaal Civic Association (VCA) which was founded at this meeting had as aims inter alia to fight for the destruction of legal structures of authority, that is local authorities, rejection of Black

councillors and boycott of the elections, rejection of the Koornhoff legislation, destruction of the Black homelands and rejection of the Ciskei.

Paragraph 68 alleges that between 9 October 1983 and the end of April 1985 the management of the VCA met and organised mass meetings, house meetings and door-to-door visits and that area committees were created in Bophelong in November 1983, in area 7 where accused Nos 7, 9 and 17 participated, in area 3 where accused Nos 8 and 10 participated. It is further alleged that accused No 22 liaised between the VCA and UDF. It is alleged that activists of the VCA disrupted meetings of candidates by singing freedom songs. A training course held by the UDF was attended in November 1983 by activists of the VCA inter alia accused Nos 15 and 18 who met at the house of Esau Raditsela and listened to Radio Freedom and sang freedom songs.

Paragraph 69 alleges that in the period December 1983 to the end of April 1985 the area 7 action committee conditioned the inhabitants, held small discussion meetings at which councillors were attacked and where it was decided that the Freedom Charter was the basis of freedom. Esau and Dorcas Raditsela explained that the revolution has come and the consensus was that the Freedom Charter claims could only be attained by revolution. A mass meeting of 19

February 1984 was publicised and signatures were collected for the million signature campaign by accused No 17. Freedom songs were sung, ANC slogans shouted and speeches made by inter alia accused Nos 7 and 9 inciting the masses telling them that they must get rid of councillors. The area committee for zone 7 was founded at the meeting and accused Nos 7 and 17 became members of the committee. The million signature campaign of the UDF was supported.

Paragraph 70 alleges that from 27 to 29 April 1984 accused Nos 7 and 17 attended a training course in the skills and method to incite, etc the masses to riots, to make the Republic of South Africa ungovernable at Daleside in Meyerton.

Paragraph 71 alleges that between October 1983 and the end of September 1984 activists of VCA and UDF assisted by activists of AZAPO including accused Nos 10, 8, 17, 9 and 7 were active in the Sebokeng area in furtherance of the aims of the ANC, SACP or UDF and the campaign against the government's policy and legislation on Black local authorities and the so-called Koornhoff legislation. House meetings were held at the house of accused No 10 and on 24 August 1984 activists from zones 3 and 7 held a joint meeting in preparation of a mass meeting.

Paragraph 72 alleges that in the period October 1983 to the end of September 1984 in Boipatong in the district of Vanderbijlpark activists of the VCA and UDF in furtherance, etc on the 15th August 1984 constituted an area committee for Boipatong of which accused No 11 was the secretary which committee met on 22 August 1984 to arrange a mass meeting. On 26 August 1984 the mass protest meeting was held in the Anglican Church, Boipatong. Accused No 11 was chairman. The speakers incited, etc the audience to violence, etc. They were incited to boycott the businesses of councillors, it was resolved that the masses/children stay away from work/school on 3 September 1984, that all businesses, buses and taxi's were to stop, that there would be a march to Houtkop and a claim was made that councillors resign. Freedom songs were sung and ANC slogans shouted.

Paragraph 73 alleges that in the period March 1983 to September 1984 at Sharpeville, district Vereeniging, activists of the VCA and UDF and activists actively supporting UDF namely AZAPO in furtherance, etc were active.

During the said period members of AZAPO organised and founded a branch of AZAPO in the Vaal. Accused No 2 was chairman and accused No 3 on the committee. AZAPO (Vaal) resolved to fight against and boycott the elections.

AZAPO organised the memorial service for Steve Biko where accused No 3 spoke stating that Steve Biko had been murdered by Whites and where a written speech of accused No 2 was read wherein he stated that AZAPO did not accept the Freedom Charter as AZAPO's aims coincided with those of the unlawful organisation the PAC and that both organisations stand for the total take-over of the government by Blacks and that they did not want any Whites in the land. Modise Lehoko made a speech similar to that of accused No 2 and attacked the government as thieves that stole the land from the lawful owners, the Blacks. On 11 August 1984 accused No 3 and others invited people to a mass meeting the next day in his church, the Cyprian Anglican Church in Sharpeville, at which mass meeting which was held attacks were made on councillors and Black local authorities, propaganda was made against the increased rent, a call was made for the audience to reject the councillors and that the councillors should resign and the government was criticised for not supplying more houses. The meeting resolved to call for the resignation of all councillors, to call on the residents not to pay the increased rent and that a next meeting would be held on 19 August 1984. This meeting was held, chaired by accused No 4 and the audience was politically incited, indoctrinated and/or intimidated to get rid of lawful structures of authority, property and councillors by means of violence even at the cost of human lives. Accused No 3 compared the position of the residents of

Sharpeville with the Israelites when oppressed by the Egyptians. Accused No 16 rejected the councillors and held them up as part of the oppressors stating that they should resign and that the residents should not pay the increased rent. He told the audience that they possessed the power needed but did not know how to use it, that it had become time to show the councillors their power and that they would do so. They would go to the councillors to ask them to resign and should they not listen then the residents, as so-called Black power, should murder councillors by burning them or stoning them and destroy their property. Accused No 2 rejected the councillors and identified with accused No 16's speech. Miss Myeza threatened that if anyone be seen buying at shops of councillors and not complying with resolutions of the meeting the masses would kill and murder them and burn their houses. They should not be afraid as the liberation struggle had started. Accused No 1 told the meeting that councillors should be forced to resign. They would show their power to the councillors by so-called "power in action". He called on the audience to unite and fight.

On 26 August 1984 at a mass meeting in the church of accused No 3 the masses were indoctrinated against councillors.

On 2 September 1984 at a mass meeting in the same church the audience was incited to united action against the councillors and lawful structures of authority. The councillors were branded as sell-outs. A boycott of their businesses was urged and a mass stay-away and march propagated.

Paragraph 74 sets out that in the period May 1984 to the end of September 1984 in area 7 of Sebokeng VCA, area committee 7 and ERPA resolved to organise against a victory feast of Rabotapi the councillor of Evaton, pamphlets were distributed and demonstrations held. On 5 July 1984 an area 7 committee meeting was inter alia attended by accused Nos 7, 9 and 17. On 8 July 1984 a meeting of members of VCA and ERPA in the house of accused No 6 took place which was attended by accused Nos 6, 7 and 17. A million signature campaign blitz for 14 July 1984 was decided upon.

In August 1984 accused Nos 7 and 17 reported back on a general council meeting of the UDF in Johannesburg which they had attended. They reported that that meeting had, as a result of the possible increase in rent, decided that something had to be done in the light of the success attained in Ratanda (Heidelberg) in opposition to the increased rent, that all affiliated organisations should actively participate, that councillors of the Lekoa town council should be requested not to continue with the rent increases and that should they continue they should immediately be required to resign as

councillors. Should they refuse to do so all residents in the Vaal Triangle should participate in a mass boycott and should they in fact resign the VCA should take over the control of the affairs of the residents of the Vaal Triangle.

After the rental increase became known an urgent meeting was held of the area 7 committee at the house of accused No 17 attended inter alia by accused Nos 7, 9 and 17 at which mass protest meeting for 26 August 1984 in the Roman Catholic Church Small Farms Evaton was decided upon and preparations were made for the propagation of this meeting. Esau Raditsela and accused No 7 emphasised that the resistance action which they intended should eclipse the success of the people in Tumahole.

On 20 August 1984 a VCA area 7 committee meeting was held at the house of accused No 17 and attended inter alia by accused Nos 7, 9 and 17 at which meeting Esau Raditsela reported that he and accused No 17 had attended various house meetings where they advocated mass meetings against the increased rent, that he had arranged with activists in zone 3 for a joint meeting of zones 3 and 7 on 21 August 1984 for the planning of a joint mass protest meeting on 26 August 1984 and on a proposed mass meeting by the zone 12 action committee on 25 August 1984 and a mass meeting on 26 August 1984 with COSAS.

Paragraph 75 sets out that during the period June to the end of September 1984 in zone 13 Sebokeng members of COSAS during March 1984 elected a new committee for the Vaal branch of COSAS in which accused No 14 served as organiser. COSAS organised a commemorative service in June 1984 at which accused No 14 inter alia was a speaker who defended violent action by Black youth and popularised it, condemned the present educational policy and spoke about police cruelty.

On 25 August 1984 accused No 5 distributed pamphlets advertising a meeting and addressed the meeting about the oppression of Blacks, the fight for liberation and for the destruction of councillors and Black local government. Accused No 1 as representative of AZANYA stressed there is no liberation struggle without casualties; even if they are shot dead they would go to Pretoria to claim their rights. He told them to unite against oppressors, united nothing can stop them. He demanded the destruction of the council and Black local government. Esau Raditsela propagated a mass stay-away and demonstration. Resolutions were passed for a stay-away, demonstration and resignation of the councillors and the boycott.

Paragraph 76 alleges that on 26 August 1984 a mass protest meeting was organised in the Roman Catholic Church Small Farms Evaton by activists of areas 3 and 7 of the VCA and UDF. It was propagated by a loudspeaker by accused Nos 8 and 10 and opened by accused No 8 who spoke against Black councillors and Black local authorities. He told the meeting that they had found a solution for the councillors and the increased rent. Freedom songs were sung and ANC slogans shouted. Accused No 5 spoke on behalf of COSAS and popularised the VCA and COSAS with the audience and emphasised that Atteridgeville school had been closed as a result of the attempts of COSAS to reject the prefect system and replace it with SRC's (Student Representative Councils). He denigrated the councillors and council system and incited the people to stay away from work on 3 September 1984 and participate in the march. Accused No 4 addressed the meeting as a member of COSAS and incited the audience to destroy and stone everything belonging to the Black local authority. Accused No 10 attacked councillors, demanded their resignation and pointed out that Ratanda, Heidelberg had successfully got rid of their councillors. A candidate Masenya was not allowed by the audience to speak. They shouted "Let's hit him, let's kill him". After he left the audience shouted "we don't want councillors with us, they are sell-outs, let's kill them, we must kill them". Accused No 17 explained the purpose of the VCA, claimed the resignation of councillors and incited the audience to stay-away action and the protest march.

Resolutions were taken in favour of the stay-away on 3 September 1984, no rent payments, a protest action on 3 September 1984, all businesses to close for 24 hours from 3 September 1984 and no buses or taxi's to operate on that day and that councillors should resign.

Activists were elected for the VCA area 3 committee, inter alia accused Nos 8, 10 and 15.

Paragraph 77 sets out that in the period 3 September 1984 to the end of September 1984 at Boipatong and Evaton the masses gathered in the quad at Boipatong and the Roman Catholic Church Small Farms at Evaton and proceeded to riots, disturbances and violence in the districts of Vereeniging and Vanderbijlpark, all in the furtherance of the conspiracies and/or the aims of the ANC, SACP and/or UDF and in the execution of the campaign of the ANC and SACP and/or UDF to utilise the government's policy and legislation on Black local authorities and the so-called Koornhoff legislation to organise, etc the Black masses in Black residential areas in the Vaal Triangle.

It is further stated that activists of the management or officials of the UDF or of the management of VCA, COSAS, VOW, ERPA, VAYCO and/or people which actively support UDF and VCA namely AZAPO and AZANYU and/or other organisations affiliated to UDF namely SCA, SOYCO, RMC and FEDSAW politically incited, indoctrinated and/or

intimidated the masses so that on 3 September 1984 they stayed away in great numbers from work and schools, businesses were closed and the masses gathered at planned assembly points.

On 3 September 1984 activists of Boipatong VCA committee including accused No 11 arrived at the quad to lead and control the masses. Accused No 11 made placards and hid them from the police.

A police vehicle was stoned. The masses moved from the quad to the house of councillor Mpondo which house was stoned and damaged and later burnt down.

Singing freedom songs the crowd burnt the house and truck and combi of councillor Nzunga.

When the crowd properly got going accused No 11 and other activists withdrew and let the crowd continue on its own with its destruction and violence.

On 3-September 1984 activists including accused Nos 2, 5, 8, 13, 15 and 17 as planned arrived at the Roman Catholic Church Small Farms to lead and control the masses.

At the church some of the crowd blocked the road with stones, they sung freedom songs and prepared placards stating that of the councillors should be murdered.

Led by Esau Raditsela and accused Nos 2, 5, 13, 15 and 17 the crowd singing freedom songs moved to the office building of the Vaal Transport Corporation and destroyed it.

Thereafter the rabble including the accused aforementioned attacked the house of councillor Ceasar Motjeane with stones, broke the fence and killed Phineas Mathibi and poured petrol over him and set it alight. They also killed councillor Ceasar Motjeane and burnt his house and garage and truck and car.

The rabble shouted that they would now go to other councillors.

After the rabble had been fully incited the majority of the activists withdrew.

The UDF phoned to get a report from Esau Raditsela and also reported that with the consent of the UDF people in London would hold a demonstration in solidarity with the Black masses in the Vaal.

The rabble continued with riots, etc till approximately the end of September 1984.

On 3 September 1984 the rabble including accused No 5 attacked councillor P Diphoko killing him with a stone and damaging his house and store in Evaton.

On 3 September 1984 the rabble attacked the house of councillor Jacob Chikane in area 14 Sebokeng with stones, killed him and set fire to his house.

On 3 September 1984 the rabble at Sharpeville attacked the house of councillor K J Dlamini, set fire to his house and car and set him alight and killed him.

In that period arson, looting, damage, road-blocks and attacks on the police were rife.

On 4 September activists from the Vaal including accused No 17 on instructions went to the UDF head office in Johannesburg instructed thereto by the UDF. They met Frank Chikane, Bishop Tutu and reporters and were instructed to take the injured to a central place. A press conference was arranged with the overseas press. A pamphlet was drafted by members of the Vaal Civic Association and Mathison Marobe instructed by Frank Chikane and Dr Saloojee, in

which the government and councillors were blamed for the riots in the Vaal Triangle.

UDF activists thereafter helped accused No 17 and others to evade arrest.

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