

ACCUSED NO 14 (PELAMOTSE JERRY TLHOPANE)

The allegations against accused No 14 in the indictment as amplified by further particulars are that at the founding meeting of the VCA on 9 October 1983 he was a cheer-leader of freedom songs and ANC slogans and made a speech calling on the youth to participate in the liberation struggle. In March 1984 he was elected to the COSAS Vaal branch as organiser. In June 1984 COSAS organised a commemorative service which he addressed, inter alia popularising violence by Black youths and calling for youth action. He identified with the aim of the UDF to overthrow or endanger the government by violent means by co-operating with the UDF and as member of a body affiliated to the UDF and which actively co-operated in the Vaal Triangle against the government and Black local authority to destroy the latter. Accused No 14 was part of the management structure of the VCA which affiliated to the UDF and thereby became part of the UDF Transvaal and participated in its meetings, planning and organisation. These are the allegations against accused No 14.

It was admitted that accused No 14 was the organiser of the Vaal branch of COSAS as alleged.

The witness ic.8 testified that accused No 14 led the singing of freedom songs at the founding meeting of the VCA on 9 October 1983. In cross-examination it was put to him that accused No 14 had been

outside the meeting selling newspapers. Accused No 10 and accused No 9 testified that they had not seen him at this meeting.

The evidence of the witness ic.8 is uncorroborated. We cannot make a finding in this respect.

No evidence was led on accused No 14's alleged involvement in the June 1984 COSAS commemorative meeting.

Accused No 14 elected not to give evidence. This was probably a wise decision in view of the documentary evidence found in his possession.

The documents show that accused No 14 actively pursued the objectives of COSAS. We mention a few:

A COSAS Transvaal regional meeting report dated 6 April 1984 states that reports on the boycotts throughout South Africa were given and discussed. The meeting decided to support them with a solidarity day. Exh AB.32. The policy document and constitution of COSAS. Exhs AB.33, C.103 and AW.28. COSAS pamphlets in solidarity with the Atteridgeville/Saulsville students and the struggles of other students in South Africa and their demands for inter alia SRC's. Exhs AW.3 and AW.5. AZASO News for 1983 stating "... united mass action where required is the only weapon we have in our hands".

Exh AW.6. A notice by the COSAS regional secretary calling for two delegates to a meeting on 6 October 1984 to review and define the role which workers can play in the students' struggle and how effective can a boycott be used. Exh AW.7. (This meeting was the prelude to the stay-away of 5 and 6 November 1984.) A COSAS pamphlet stating inter alia that the resistance and struggle against the education system finds organisational expression in such groups as COSAS. Exh AW.10. A draft constitution and income and expenditure statements and other documents of Speak indicating close involvement. Exhs AW.11 and AW.16. Notes for a report by accused No 14 on the 1983 congress of COSAS signed by him as chairman. The Vaal branch reported. Students' participation in the struggle was discussed under the heading "Political Education". The COSAS theme for 1984 was "United action for democratic education". Exh AW.18. Notes on poster design. Exh AW.25. A notice of the TIC to commemorate June 16 and the hanging of three terrorists. Exh AW.32. A Jodac pamphlet in remembrance of women in prison convicted of treason or terrorism. Exh AW.36.

In view of his position in COSAS and the documents found in his possession it can be found that accused No 14 fully endorsed COSAS policy which we have discussed elsewhere in this judgment.

That is, however, not the charge against accused No 14. The charge is not related to the education field. It is focussed on the Black local authorities. There is no evidence of involvement of accused No 14 with the VCA or in this field. There is some evidence of COSAS involvement with the VCA as we have discussed elsewhere. No witness suggested that COSAS was the dominant factor in the Vaal, 1984 riots and Nor was it suggested by the defence in argument that COSAS was involved at all in the riots. The argument was that possibly it was all the work of the ANC. As the indictment does not spell out any role for accused No 14 in the events of 3 September 1984 and there was no evidence of any, we need not make any finding in this respect.

The state has failed to prove its case against accused No 14.

He is found not guilty and discharged.

DELMAS TREASON TRIAL 1985-1989

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