

ACCUSED NO 7 (TSIETSI DAVID MPHUTHI)

The indictment as amplified by further particulars alleges against accused No 7 that he was a member of the VCA Area Committee of zone 7, that he attended a number of committee and mass meetings of the VCA and spoke at some and that on 19 February 1984 he told a meeting to get rid of councillors. He attended a training course at Daleside from 27 to 29 April 1984. He was part of the zone 7 Area Committee that organised against the victory feast of councillor Rabotapi. 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 a 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. He was part of the management structure of the VCA which was 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 him.

Accused No 7 was not involved with the formation of the VCA. Esau Raditsela approached him in December 1983 to join the VCA. They both resided in zone 7 Sebokeng as did Edith Letlaka and accused No 17.

Accused No 7 went to house meetings at the homes of Esau Raditsela and Edith Letlaka where the formation of an Area Committee was decided upon. A public meeting was held on 19 February 1984 in the Roman Catholic Church Small Farms and accused No 7 was elected vice-chairman. With him on the committee were Esau Raditsela, Edith Letlaka, accused No 9 and accused No 17. Miss Letlaka was the chair person. At this meeting accused No 7 spoke. The witness ic.8 testified that accused No 7 said that they must boycott the high rent and high bus fares and fight for their rights. This was not challenged. When accused No 7 testified he gave a different version. He said he had referred to lack of leadership and that the councillors were not trustworthy. We need not decide this issue.

Accused No 7 attended the Daleside workshop of the UDF held from 27 to 29 April 1984. In attendance were also Esau Raditsela, Edith Letlaka, accused No 17 and Matlakala Moeng from the VCA. The report on the workshop states: "The next tasks are to destroy the Black local authorities and to strengthen our civics". It is not surprising that accused No 7 attempted to convince this court that he and accused No 17 stayed at Daleside for such a short period that he missed the session where this was discussed. Accused No 17 did not give evidence. Accused No 7 was a wholly unreliable witness. We set out our reasons in annexure Z. We reject his version as false. It is noteworthy that the leadership of the VCA which was most involved with the organisation of the stay-away and march attended the

Daleside workshop "to look at the road ahead for civic organisation in the continuing struggle against the local authorities". Exh U.4(a), (b) and (c).

Accused No 7 helped organise the protest against the celebrations on the 80th anniversary of Evaton (called in the indictment Rabotapi's victory feast). It was a peaceful demonstration. The wording of the placards is indicative of their feelings against councillors, who were called disciples of evil. Accused No 7 participated in the organisation of the UDF's million signature campaign blitz in July 1984 in the Vaal.

Accused No 7 attended the UDF Transvaal general council meetings of 14 July 1984 and 4 August 1984 on behalf of the VCA. He attended a house meeting of the zone 7 Area Committee on 11 August 1984 on the rent increase. A mass meeting was decided upon. The date was set at 26 August 1984.

On 24 August 1984 accused No 7 attended a joint meeting of the zone 7 committee with VCA members from zone 3 at the house of accused No 17. Edith Letlaka chaired. Arrangements for the mass meeting were discussed. Accused No 7, No 17, No 10 and other persons were appointed speakers. Accused No 7 later distributed pamphlets advertising this meeting.

There is no evidence that accused No 7 attended the meeting on 25 August 1984 in zone 13 Sebokeng.

Accused No 7 did attend the meeting of 26 August 1984 in the Roman Catholic Church Small Farms but did not speak as he came late.

On 1 September 1984 he attended a zone 7 Area Committee meeting where the advertisement of the stay-away and march was discussed. It was decided to use a loudspeaker mounted on a motor-car.

On 2 September 1984 accused No 7 attended a meeting of the various committees of the VCA at the Roman Catholic Church Small Farms and that evening informed accused No 9 of the decisions. The purpose of this meeting was to plan the march. Accused No 8, No 7 and No 11 who attended stated that it was proposed that a memorandum of grievances be prepared and that this was done. It was to be presented at Houtkop at the end of the protest march. It was not produced in court. The accused who gave this evidence were unreliable witnesses. We have grave doubts about the existence of this memorandum. We make no finding in this respect.

The said accused say that accused No 7, No 8, No 9, No 11, Esau Raditsela and Ernest Sotsu were appointed at this meeting to hand over the memorandum which was left in possession of Esau Raditsela.

There is only the evidence of accused No 7 on his movements on 3 September. He admits participating in the march. His version is that he left it and rejoined it at the post-office. This evidence removes him from the scene of the intersection and the vicinity of the murder of councillor Motjeane. He was an untrustworthy witness and this appears to be an attempt to absolve him from responsibility. We make no finding in this respect.

He attended the meeting on 4 September 1984 with Frank Chikane at the house of accused No 6 and distributed the pamphlet exh AN.15.7 advertising the meeting of 9 September. There is no evidence of further political activity on his part.

Two questions have to be answered. Was accused No 7 aware of the UDF's aim to destroy the Black local authorities by mass action and render South Africa ungovernable and did he identify therewith? Did accused No 7 foresee that the stay-away would be enforced by and the march followed by violence and did he endorse it?

We find it proved that he knew that the UDF aimed at the destruction of the Black local authorities by mass action. We are not convinced that he would have seen this aim in its proper perspective namely the endangering or overthrow of the government of South Africa. He is a man who though politically very activist does not have much learning and would not do much reading. He would

probably have a limited perspective and mainly local objectives.

Primarily that would be to get rid of the town councillors. The state has not convinced us that the first question has to be answered affirmatively.

Since February 1984 accused No 7 closely associated with Esau Raditsela with whom he attended house meetings, mass meetings, the Daleside workshop and the UDF general council meetings and with whom he protested against Evaton's anniversary and organised the million signature campaign blitz and the stay-away and protest march.

We have found that the leadership of the VCA was bent on the demise of the Black local authority and that its methods included mass action and that it accepted that violence was an inevitable and necessary component thereof. In view of accused No 7's particular position in the leadership of the VCA we have no doubt that he foresaw that the stay-away would have to be enforced by coercion to be effective and that the march would lead to violent confrontation with the police and that he endorsed this.

It follows that the same reasoning and result applies as in the case of accused No 5.

We find that accused No 7 with the intent to induce the Lekoa town council to resign or at least to repeal the rent increase, organised the stay-away and march which were aimed at bringing about or contributing to violence and that he encouraged others to

Consequently he is found guilty of contravening section 54(1)(c)(ii) and (iv) read with section 54(8) of the Internal Security Act 74 of 1982 read with section 84(1)(f) of Act 32 of 1961. This offence is called terrorism in the Act.

## **DELMAS TREASON TRIAL 1985-1989**

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