

SOMERSET EAST

The further particulars to the indictment (p.80) allege that during 1984 to 1985 SEYUO (Somerset East Youth Organisation), COSAS and SERA (Somerset East Residents Association) organised and intimidation, violence and riots occurred.

The reference to SEYUO was a mistake. It should be read as SEYCO (Somerset East Youth Congress). The evidence and arguments approached it on that basis.

The unrest and violence is common cause. The state and defence versions differ on who was responsible and in some instances on what caused it. The state and defence heads of argument on this area alone run to some 145 pages. To deal in detail with all the arguments is impracticable.

In essence the issues resolve themselves upon findings on the credibility of witnesses. We set out our findings in annexure Z. They can be summarised as follows. - The defence witnesses Gqobane, Ngwalangwala, Mapela, Plaatjie and Mbotya contradicted each other on material points and were in conflict with the defence case as put to state witnesses to such an extent that even if they were the only witnesses one would be hard put to reach a reliable conclusion. Our assessment of the state witnesses ranged from good to impressive. We bear in mind that none gave an overview of the events, as each

testified about his limited experience, but they corroborated each other and the totality of their evidence gives a coherent picture of events in Somerset East. The defence directed most of its attack against sergeant Mguba. There are a number of valid criticisms against his evidence and these we take into account when assessing his evidence. We find, however, that he was honest and related past events to the best of his ability.

The state criticism of the defence witnesses was incisive. We do not set out all of it in annexure Z.

The Africans of Somerset East live in three townships: Old Location, New Brighton and Mmandi.

There was no political activity in the Black townships till August 1984. In July/August 1984 an element of vandalism became evident. Street-lights and water-taps were broken and roads obstructed by trenches or rocks. Late in August pamphlets of the UDF and COSAS appeared and placards advertising meetings, one to be addressed by Fazzie, vice-president of the UDF, one by Goniwe also of the UDF and one by Molly Blackburn of the Black Sash. After August 1984 there were instances of refusal to pay rent for which the local authority had to sue and obtain orders for ejection. This had not happened before.

Since September 1984 there had been a COSAS branch with Ntshudu president and Njenje organiser. Banzana was president of SEYCO (Somerset East Youth Congress). Njenje was also on the executive thereof and its organiser. Also in existence was SERA (Somerset East Residents' Association).

The defence submits that there was no evidence that the COSAS branch of Somerset East had any contact with COSAS regional or COSAS national or the UDF. This argument disregards exhs CA.43, CA.44 and CA.45 which show that the Somerset East branch of COSAS participated in the COSAS Eastern Cape Regional Council held at Katberg from 17 to 19 June 1985, where the call went out "Let us all unite in our schools and become uncontrollable and ungovernable".

The defence submission that there is no clear picture of the COSAS executive, in so far as it is based on a conflict between state and defence witnesses fails, as we have rejected the latter as wholly unreliable. The argument that the police evidence is to be rejected as it was based on what they were told by the said COSAS office-bearers about their executive positions is fallacious. Lieutenant Labuschagne was visited by a group of thirteen who informed him that eleven of them represented COSAS and the positions on the executive of some of them were given. Sergeant Labuschagne bears him out and is corroborated by exhs ABA.54 and ABA.55 which also prove the existence of a COSAS branch before 8 October 1984. Whether Panama Njenje organiser of COSAS was also a member of that organisation is immaterial.

In the second half of 1984 there was a school boycott in Somerset East. This was organised by COSAS. The reasons given were very superficial and it is clear that it was related to the general call by COSAS for a country-wide school boycott.

The SEYCO colours were the same as those of the ANC.

Sergeant Mguba testified that the three organisations held joint meetings in 1984. The defence evidence that SEYCO held only public meetings in December 1984 and January 1985 relies solely on witnesses we have found to be totally unreliable. The defence evidence is further that SERA was only formed in April 1985. Mbotsha who gave this evidence is corroborated by Rich who testified that he heard of SERA for the first time in April 1985. Mguba's evidence about the involvement of SERA in 1984 cannot be accepted. He is mistaken.

Placards advertising the meetings of these organisations ended with Viva SERA, Viva SEYCO, Viva COSAS and sometimes with Viva UDF and Viva ANC.

During 1984 people seen at the meetings of the organisations and connected to the UDF were Mathew Goniwe organiser in the Eastern Cape and Mbulelo Goniwe connected to the UDF Eastern Cape.

The organisations waged a campaign against the Black local authorities. First this campaign was waged by pamphlets and placards. Phrases used were that councillors oppressed the people, that the councillors were used by the Government to oppress the people, that they were puppets of the Government and sell-outs. The pamphlets were issued by the UDF. The placards were of SEYCO, SERA and COSAS.

In October 1984 unrest and violence erupted in the Black townships.

During November 1984 Banzana president of SEYCO attempted to book the community hall for a meeting of the UDF. Permission was refused as it was already booked and as he would not comply with the formalities.

Sergeant Mguba testified that in November 1984 a meeting was held in the community hall by SEYCO, SERA and COSAS. Banzana and Ntshudu were among the speakers. They told the audience that the council did nothing for the community and oppressed the people, that the councillors should resign and should they not do that they stand in front of the wheel of those people that bring about improvements and the wheel will bumb them. They demanded that the councillors should attend the next meeting of these organisations to resign in the presence of the community. They demanded that the people stop being friends with Black policemen and stated that anyone who is friends with sergeant Mguba or his family must cease to do so or they would be set on fire.

After this meeting councillor Njenje's backdoor was set alight and also that of councillor reverend Zantsi.

The following Sunday a meeting was held by the same organisations in the community hall. Councillors Njenje, Lottering, Dulwana and Kwatsha attended. Ntshudu told them to resign. Should they not resign they stand in front of the wheel of persons who attend to the rectification of the people's complaints (referring to the organisations). All the councillors said that they resigned. (This was in fact a simulated resignation).

The sole evidence for the state on what was said at these two meetings was that of Mguba. We set out certain criticisms of his evidence in annexure Z. We do not accept his evidence of SERA involvement. His evidence of threats against councillors and friends of the police was denied and stands alone. The defence submits that the meetings testified to by Mguba never took place. This would involve that Mguba invented both meetings as well as the evidence about the arson at the houses of two councillors and the simulated resignations of the councillors at the second meeting. This was never put to sergeant Mguba. When making his statement just prior to his testimony he had had reference to his pocket-book for the salient facts. Counsel did not call for the pocket-book and did not challenge the fact of the meetings. The simulated resignation of councillors was common cause though counsel left the time open. We find that the meetings did take place in November 1984 and that arson was attempted

in respect of two councillors before the second one, at which the councillors resigned. We make no finding on the contents of the speeches.

The fact that meetings were held as early as October 1984 and that pamphlets were distributed and placards put up is corroborated by warrant officer Du Pisani.

In fact the difference between the state and defence versions was not as wide as the defence makes out. The defence witness Gqobane testified that in November 1984 a mass public meeting was held by COSAS in the community hall where problems at school and in the community were discussed and councillors were called upon to account to the community if they could not solve the problems. They were powerless it was said.

During December 1984 there were slogans on the walls of the beerhall "ANC, UDF, ANC is alive, blood will flow".

During January 1985 a group of thirteen Blacks, most of them COSAS members, led by Ntshudu the president and Njenje the organiser came to see the station commander lieutenant Labuschagne stating certain grievances which he had to help solve to prevent riots. These included the removal of the beerhall from the Black area and the use of the building for a library, the cessation of police action (at the time the

Black townships were being patrolled because of sporadic stone-throwing), that councillors should resign and an alternative system that is suitable to Blacks be installed, that school grounds should be fenced and that they were unhappy with the school principals and some teachers. He told them he would give them an answer in two to three weeks' time.

In January/February 1985 a public meeting of SEYCO, SERA and COSAS was held in the big Apostolic church Mnandi. The main speaker was Mathew Goniwe of the UDF. He first spoke about COSAS and then about the formation of street committees which had to be formed to take over all duties of the councillors and of the police. Nobody should have anything to do with the police. Complaints were to be lodged with the street committee who would rectify them. He would explain to the executives of the organisations how to form street committees.

There is corroboration of the evidence about the contents of Goniwe's speech to be found in exh CA.38, the UDF's Isizwe of March 1986 p.5, wherein the UDF states that Cradock under the guidance of Mathew Goniwe had been one of the first townships to introduce street committees in the 1980's. From the evidence concerning Cradock we know that street committees had been formed by end January 1985. It is probable that Goniwe, the driving force behind them, would refer to this concept in Somerset East at the same time.

The defence witnesses attempted to convert this meeting into a prayer meeting by Dr Alan Boesak. This had never been put to sergeant Mguba who gave the evidence and one was left wondering whether the defence witnesses were referring to the same meeting. We have already stated that they were totally untrustworthy.

Thereafter the organisations did start the formation of street committees but in 1985 during the state of emergency their leaders were detained.

On 10 February 1985 lieutenant Labuschagne, the station commander, was revisited by the group led by Ntshudu. He informed the group that he had informed the higher authorities of the grievances and that some of them would have to be dealt with by the local authority. They left dissatisfied.

On the next day, 11 February 1985, a group of youths estimated between 100 and 500 strong led by Ntshudu of COSAS during school hours marched to the superintendent's offices. Their ages ranged between 15 and 25 years. They were chased away and attacked a truck and thereafter the house of the mayor and then the house of the chief administrator of the beerhall in Mnandi. Both were extensively damaged. The mayor fired at them with bird-shot. The police were also attacked by these youths.

On the evening of 13 February 1985 petrolbomb attacks were launched at the houses of the clerk of the council of New Brighton and a councillor of the old location.

On 14 February 1985 there were sporadic attacks with stones on the police.

On 18 February 1985 approximately 500 scholars marched to the local magistrate's court where cases of public violence were being heard. They were driven apart with sjamboks.

During the first part of March 1985 approximately 800 persons stoned a police patrol in front of the beerhall. Banzana requested five minutes within which to disperse the crowd and did so.

Banzana president of SEYCO was in close contact with the UDF. Not only did he arrange the funeral of Memesé where Goniwe of the UDF was the main speaker but in his diary (exh ABA.56) were found in March 1985 the telephone numbers of some two dozen important UDF executives and patrons.

On 3 March 1985 the vehicles of two Whites were attacked with stones and the Whites were injured. A police vehicle was also attacked later. The police had to use bird-shot.

On 15 March 1985 Banzana, Ntshudu and Njenje came to see lieutenant Labuschagne to ask a guarantee that the police would not take action during a funeral the next day. The lieutenant promised that there would be no police action should the funeral be peaceful.

This action by the leaders of SEYCO and COSAS, the banners in the funeral procession, the fact that Banzana of SEYCO and Calata of the UDF and CRADORA were Masters of Ceremony and the fact that the main speaker was Mathew Goniwe of the UDF all lead to the conclusion that this was a UDF, SEYCO and COSAS political funeral.

On 16 March 1985 the funeral of Deborah Memese was held. Before the funeral approximately 4 000 people gathered in the street in front of the beerhall and the house of the deceased. There was singing of freedom songs and shouting of slogans and waiving of fists. Banzana asked the police to withdraw. The police refused as the houses of policemen and councillors were patrolled at the time. Banzana was informed that the people had nothing to fear from the police provided the funeral was peaceful.

Sergeant Mguba gave the following version of the events at the funeral: Mathew Goniwe of the UDF arrived with Elizabeth Sibanda also known as "Mama General" of Cradock. The procession to the church was led by Goniwe. It contained banners of SEYCO, SERA, COSAS, UDF and CRADORA. In the church Elizabeth Sibanda spoke. She stated that she was a member of the ANC and had been on Robben Island. She stated that no work was being done in Sommerset East. She saw that the beerhalls were still there and that the municipal offices were still standing. All that had been done away with in Cradock. Despite her years on Robben Island her feelings had not changed. After the burial the procession was led to the deceased's house by Mathew Goniwe. At the deceased's house the crowd was again addressed by Elizabeth Sibanda. She said "Here are the beerhall and municipal offices. They are nice. What do you do here in Somerset? You say you work!" Thereupon the beerhall was attacked with stones and set alight and thereafter the administrative offices and the home of the care-taker of the beerhall and the cafe adjacent to the beerhall and the house of the clerk of the Administration Board were attacked and set alight. Then also the butchery of sergeant Mguba across the street. The police had to use tear-gas. All this happened in New Brighton. Thereafter in Mnandi two houses of councillors and the vehicle of one were set alight. The crowd erected road obstructions in New Brighton, Mnandi and the main streets by means of motor-wrecks, poles, burning tyres and refuse.

The defence witness Gqobane adds that in the church Mathew Goniwe spoke about the history of the ANC, the freedom struggle and the need for the people to unite in the United Democratic Front. If one adds to this the fact that neither the deceased nor her parents had anything to do with the organisations it is clear that the funeral was taken over for propaganda purposes by the organisations involved.

The defence disputes the fact of the banners, the contents of Elizabeth Sibanda's speech in the church and the fact that she spoke after the funeral. The defence says the riots were caused by the police using a sneeze machine prematurely.

A political funeral without banners is like an egg without a yolk. The probabilities heavily favour the version of sergeant Mguba. In fact his evidence on this point was never challenged during his very lengthy cross-examination. The defence seeks the cause of the riots in the premature use of the sneeze machine. The probabilities are against the defence. Labuschagne promised that the police would not take action against the mourners provided the funeral was peaceful. This promise was kept. Despite fist-waving and freedom songs the police kept a low profile before and after the funeral till the mourners arrived at the home of the deceased. Why would they suddenly take action and use a sneeze machine if all is peaceful? Why if the police caused the people to be angry was the attack directed at the beerhall, administrative offices and house of the care-taker thereof? (The cafe was adjacent and probably was swept up by the attack).

Sergeant Mguba is supported by warrant officer Du Pisani and lieutenant Labuschagne. All three say that the attack on the beerhall followed after the mourners had arrived at the deceased's house and that the sneeze machine was deployed only after the attack on the beerhall. The last-mentioned two policemen were good witnesses. As stated the defence witnesses were very poor. Gqobane, Mrs Ngwalangwala, Mapela and Mbotsha contradicted the defence version as put and also each other.

The version that the riots were caused by the sneeze machine is rejected as false. We accept the version of sergeant Mguba that the speech by Elizabeth Sibanda was the battle-cry that started the riots. Elizabeth Sibanda arrived at this funeral with Mathew Goniwe of the UDF and was clearly his companion. The UDF, COSAS and SEYCO were in charge. In the absence of any disclaimer of responsibility we find that Elizabeth Sibanda who spoke twice did so under the auspices of the UDF and the other two organisations and with their concurrence.

Since 16 March 1985 the roads were obstructed with telephone poles, wrecks, trenches, burning tyres, planks with nails in and heaps of burning rubbish. This obstructed the movements of the police.

On Sunday 17 March 1985 the house and truck of sergeant Mguba were attacked with stones and damaged, the administration offices and bottle store were attacked and the bottle store was set alight and looted, a vehicle of the Administration Board was set alight as was a

class-room of the senior secondary school in Mnandi. The police had to take action and one person was killed and one injured. During the night of 17 March 1985 a store next to the administration offices was burnt down.

After 17 March 1985 violence flared sporadically. Stones were thrown at police vehicles, private vehicles and the houses of police and councillors. The store of the council was burnt down.

On 19 March 1985 post-office vehicles were attacked in Mnandi and set alight. An attempt was made to set fire to the consulting rooms of a doctor who had refused to treat those injured in the unrest.

After 19 March 1985 things returned to normal. In April 1985 there was still sporadic stoning of private vehicles on the main road, which had to be closed. Whites were injured in the process.

In April 1985 five leaders of SERA visited the township superintendent in New Brighton saying they wanted to discuss matters with him and help him. They said that they were self-appointed. They did not want an appointment with head office and he refused to talk to them.

Between March and May 1986 the councillors who had simulated resignation in fact resigned.

Though COSAS was affiliated to the UDF there is no evidence that SERA and SEYCO were.

We conclude as follows in respect of Somerset East:

1. In 1984 COSAS and SEYCO were active in Somerset East inter alia waging a campaign against councillors to bring about their resignation.

2. In January 1985 COSAS and SEYCO held a mass meeting where Mathew Goniwe of UDF proposed the formation of street committees in Somerset East to take over the duties of councillors and the police.

3. In January 1985 COSAS demanded from lieutenant Labuschagne inter alia that councillors resign and as they were dissatisfied with his reply to their demands on 11 February 1985 marched in force to the mayor's office where his vehicle was attacked and after that his house and other property related to the council and councillors. The police were also attacked.

4. At the funeral of Deborah Memese arranged by COSAS and SEYCO on 16 March 1985 where Mathew Goniwe of the UDF was the main functionary, his companion Elizabeth Sibanda incited the crowd to violence against council property. Four days of rioting followed.

5. COSAS was affiliated to UDF and the president of SEYCO had close links with the UDF. The UDF can be directly linked to the violence in Somerset East.

DELMAS TREASON TRIAL 1985-1989

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