

ACCUSED NO 9 (TEBELLO EPHRAIM RAMAKGULA)

The allegations against accused No 9 set out in the indictment as amplified by further particulars are as follows. He attended the VCA launch on 9 October 1983. In December 1983 an Action Committee was formed in zone 7 on which he served. This Action Committee arranged the mass meeting of 19 February 1984 where accused No 9 spoke. He was involved in the organisation of the protest against councillor Rabotapi's victory feast on 12 May 1984. On 5 July 1984 he attended a VCA zone 7 Area Committee meeting. After accused No 7 and No 17 and Esau Raditsela attended the UDF general council meeting of 4 August 1984 they reported back to a meeting on the UDF resolution on what should be done should the rent be increased. After the increase of the rent became known an emergency meeting was held by the zone 7 Area Committee at the house of accused No 17. Accused No 9 attended and it was decided that a mass protest meeting would be held on 26 August 1984. On 20 August 1984 accused No 9 attended a zone 7 Area Committee meeting. Accused No 9 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 9 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.

It will be noticed that there is no allegation pertaining to his activities on or after 26 August 1984. These were, however, fully canvassed in the evidence by both state and defence witnesses without objection either at the time or in argument from the defence side. We will have regard to all the relevant evidence.

Accused No 9, an auto electrician, is illiterate in the official languages but has some reading and writing knowledge of Southern Sotho. He regarded the councillors as self-enriching and refused to vote in the council elections. He attended the VCA launch on 9 October 1983. He lives in zone 7 and attended six area house meetings arranged by Edith Letlaka since January 1984. Some meetings of the Vaal Organisation of Women (VOW) were also held in his house since January 1984.

He spoke at the mass meeting on 19 February 1984 and was elected on the zone 7 Area Committee of the VCA together with Esau Raditsela, Edith Letlaka, accused No 17 and accused No 7.

He organised and participated in the demonstration against Evaton's 80th anniversary celebrations (called in the indictment Rabotapi's victory feast) on 12 May 1984, holding a placard.

Accused No 9 attended zone 7 Area Committee meetings on the rent issue on 4 and 11 August and together with Edith Letlaka he arranged for the printing of the pamphlet advertising the mass meeting of 26 August 1984.

There is no evidence that he attended the joint meeting on 24 August 1984 of zone 3 and zone 7 activists.

He distributed pamphlets advertising the mass meeting of 26 August 1984 in the Roman Catholic Church Small Farms and attended it.

On 1 September he attended a committee meeting of zone 7 and on 2 September accused No 9 and accused No 17 paid a brief visit to the joint meeting of committees of the VCA while driving around advertising the stay-away and march. Later that day accused No 7 allegedly informed accused No 9 that he was to be one of a delegation to hand over the memorandum of grievances. We have dealt with the memorandum before and have a question-mark over this evidence.

Accused No 9 was one of the leaders of the protest march on 3 September 1984 and set up the placard carriers.

He attended the urgent meeting with Frank Chikane at the home of accused No 6 on 4 September and on 6 September he attended a meeting in Johannesburg with Frank Chikane, he says. Accused No 6 and No 11 state that he was at a meeting with Chikane on 7 September.

Accused No 9 and No 7 distributed the pamphlet (exh AN.15.7) advertising the meeting of 9 September 1984.

It will be noticed that there is no evidence of a report back of a UDF resolution by Raditsela, accused No 17 and accused No 7. There is no proof that apart from the occasional speaker accused No 9 had knowledge of UDF involvement in the Vaal. He is semi-literate and would not have read much. We do not find that accused No 9 saw the stay-away and march as part of a UDF campaign against Black local authorities to render the Republic of South Africa ungovernable by mass action. His would be a limited perspective and a local objective namely to get rid of the town councillors. He cannot be found guilty of treason.

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 9's particular position in the leadership of the VCA and his activity surrounding the stay-away and march 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, No 7 and No 8.

We find that accused No 9 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 participate. Consequently he is guilty of contravening sections 54(1)(c)(ii) and (iv) read with section 54(8) of the Internal Security Act read with section 84(1)(f) of Act 32 of 1961. He is found guilty of terrorism in terms of section 54(1) of Act 74 of 1982.

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