

KWA THEMA

The further particulars to the indictment (p.78) allege that since October 1984 COSAS organised, attacks were launched at policemen's houses and rioting, violence and arson occurred.

There was only one witness. It was warrant officer Nkosi. His evidence stands unchallenged. To an extent he relied on information which is not before court to determine who called meetings in the township. We will disregard that portion of his evidence.

In October 1984 there was no civic association in Kwa Thema. Active were the UDF by means of pamphlets and COSAS, AZAPO and AZASM.

There was peace in Kwa Thema till October 1984. Thereafter beerhalls were damaged with stones. Liquor stores were damaged and an administration building was set alight. Houses of police officials were set alight through petrolbombs and the inhabitants were injured. Stones were thrown at schools and a school was set alight. This much is common cause. It seems that it started on 2 October 1984 when a baker's van was attacked by youths and the driver lost control killing three and injuring six. On that day there were attacks on the civic centre and the town council offices. The police reacted and a number of people were shot. From October 1984 there were riots. The targets were the police houses, of which six were set alight on 6 October 1984, the house of the mayor, which was petrolbombed on 16 October 1984, and

three large and four smaller beerhalls which were all set alight on 16 October 1984. After the petrolbombing of the mayor's house two councillors resigned.

A pamphlet (ABA.64) issued by the Transvaal Stay-away Committee was distributed at bus stops calling for a stay-away on 5 and 6 November 1984. On those days people were prevented from going to work, physically being beaten with sjamboks.

On 6 January 1985 a meeting was held by pupils. Some from Tsakane and Duduza also attended. Pepsi Mahlangu was chairman. He was also the chairman of COSAS. (This information was given by warrant officer Nkosi in reply to a question (122/6092 line 22) which answer is not transcribed but which we recorded). The evidence of warrant officer Nkosi that it was a COSAS meeting is therefore in accordance with the probabilities. After this meeting buses were stoned by the pupils.

Most active in the township of Kwa Thema was COSAS.

On 22 January 1985 there was a meeting of parents and children called by COSAS, according to pamphlets. It was chaired by Cyril Jantjies an activist who attended COSAS, UDF and AZAPO meetings. Its purpose was that Bantu education be scrapped and that the scholars get a greater say in the running of the schools. Police were forced to

leave the meeting and were called dogs. Freedom songs were sung and there was dancing. The children were wild. Speakers were from AZAPO and COSAS.

Apart from the above the state relied on a number of documents.

Exh C.118, an emergency UDF working document under the letter-head of Transvaal Regional Office dated 25 September 1984 and found on 15 February 1985 in possession of E A Saloojee, national treasurer of the UDF, in Johannesburg, mentions the UDF's victories of the past few weeks and in the light of detentions and suppressive measures suggests the immediate establishment of inter alia an East Rand Area Committee, including Kwa Thema amongst other townships, with assignment the community, worker and student struggles.

As area committees consist of affiliates this presupposes a UDF presence in Kwa Thema. The obvious candidate is COSAS.

It is significant that shortly before the violence started in Kwa Thema the UDF takes a particular interest in the "struggles" there. The area committee was in fact formed as recorded in the minutes of the REC Transvaal of 11 October 1984 (wrongly dated 11 September 1984). Exh S.10. On 7 December 1984 the Evaluation Commission reported to the REC that the East Rand Area Committee was not functioning and that it was hoped that it would begin functioning before the end of the year. Exh S.17.

SASPU Focus of November 1984 (exh W.21) found with Edward Motobatsi of the zone 7 area committee of the VCA on 20 March 1985 is admissible under section 69(4) of the Internal Security Act as Motobatsi is by nature of his office on the probabilities an active supporter of the UDF. The article on the stay-away of 5 and 6 November 1984 (p.2) sets out that it was called by thirty-six progressive organisations in Transvaal in solidarity with boycotting students. It brought together the UDF, COSAS, FOSATU and other organisations in common mass action. The agreement to call the stay-away had been entered into on 17 October. Over 400 000 pamphlets were distributed and it was so successful that in Kwa Thema Putco carried only 100 passengers instead of the normal 35 000 per day.

Exh ABA.49, a UDF pamphlet calling for attendance at memorial services on 16 June 1985, inter alia at Kwa Thema, we have discussed when dealing with Duduza and also the defence submission on its admissibility. This inciting pamphlet shows that the UDF was involved in Kwa Thema.

The defence argues that exh ABA.64, issued by the Transvaal Stay-Away Committee, is irrelevant as it is produced by a committee which is not an affiliate of the UDF. That is not an answer. There is evidence (apart from exh W.21) with which we dealt elsewhere that the UDF's affiliates were part of this committee and COSAS was its main-stay. As such this document is relevant. It reads inter alia:

" Your sweat, toil and energy has been abused for ages and centuries. For decades and generations. Blood of your children has been shed in vain and shame. Rise, you the oppressed and the down-trodden. Wake up, you the oppressed and the exploited. Stand up, you the deceived and the fooled."

It ends with: "Power to the people".

This is inciting language coming on top of the riots and arson in Kwa Thema.

We have dealt elsewhere with exh AB.7 document 6 on which the state relies. It was not found in Kwa Thema and does not refer to that particular area. It is not necessary to discuss it here.

We reach the following conclusions on Kwa Thema:

1. The UDF affiliate COSAS was active in this township during the relevant period and since September 1984 the UDF involved itself with this area.

2. Who perpetrated the violence cannot be determined. This applies also to the enforcement of the stay-away and the stoning after the COSAS meeting.

3. The school situation was not adequately dealt with in evidence and no link has been established between that and the violence.

4. The violence followed the well-known pattern of attacks on the persons or property of councillors, administration board and police.

5. In the prevailing climate of violence the contents of the pamphlet of the Transvaal Stay-Away Committee (exh ABA.64) and the UDF pamphlet (exh ABA.49) was wilful incitement to violence.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

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DOCUMENT DETAILS:

Document ID:- **AK2117-K2117-L9-11**

Document Title:- **Kwa-Thema 607-612**