

ACCUSED NO 6 (MORAKE PETRUS MOKOENA)

The case alleged in the indictment as amplified by further particulars against this accused is that he was the secretary of the ~~Evaton Rate Payers' Association (ERPA) and its representative on UDF~~ Transvaal general council meetings. He identified with the UDF's aim 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 the Black local authority to destroy the latter. He was part of the management structure of ERPA which was affiliated to the UDF and thereby became part of the UDF Transvaal and participated in its meetings, planning and organisation. A condition of its affiliation was that it undertook and was obliged to execute UDF policy, campaigns, resolutions and projects. He organised together with the VCA area committee of zone 7 against the victory feast of councillor Rabotapi by distributing pamphlets, making announcements on a public address system and holding a placard demonstration. On 8 July 1984 he attended a meeting of the VCA and ERPA members in his home where participation in the million signature campaign of the UDF was discussed and decided upon. These are the allegations against accused No 6.

The following facts are undisputed. Accused No 6 was the secretary of ERPA which affiliated to the UDF only in April 1984, though it was much older than the UDF itself. The issues of ERPA were the problems of Evaton which differed materially from those of Sebokeng. Evaton was freehold. Government policy at the time was to convert it into leasehold by purchase or expropriation of the land, followed by subdivision and redevelopment. This would terminate the property rights of the Black landowners. It was to be expected that this justified grievance would give rise to bitter opposition. This replanning of Evaton was the theme of ERPA meetings. They were not much concerned with national issues. ERPA was opposed to the Evaton town council which was regarded as totally ineffective and as in favour of the replanning scheme. The incumbents were called puppets.

By 1984 when it affiliated to the UDF ERPA had a long history of legal political dissent on the local level. It had not made much headway and it was thought that the UDF could help. Therefore they joined. The UDF was, however, too busy with matters far more important than the replanning of Evaton.

Accused No 6 attended the UDF Transvaal general council meetings of 30 June (exh Q.2), 14 July (exh R.2) and a meeting after 11 September 1984 of which the register (exh 26) does not give the date. He represented ERPA.

Accused No 6 for ERPA organised a public meeting on 6 November 1983 where two UDF speakers spoke. It was in support of a boycott of the elections for the Evaton town council.

Accused No 6 attended a mass meeting of ERPA on 8 April 1984 in the Roman Catholic Church Small Farms against the replanning and against the town council.

He helped to organise the demonstration on 12 May 1984 against the 80th anniversary of Evaton (called Rabotapi's victory feast in the indictment) and made the placards.

In July 1984 he was part of a group working with the VCA to hold a million signature campaign blitz.

Although Esau Raditsela borrowed his loudspeaker on 25 August 1984, presumably to advertise the meetings on that day and the next day, accused No 6 did not attend them. ERPA held its own meeting on 26 August 1984 in the Roman Catholic Church Small Farms, chaired by accused No 6, where neither the stay-away nor the march were discussed.

Apart from a fleeting visit to Esau Raditsela an hour before the march started accused No 6 stayed at home on 3 September 1984.

It is clear that there was no identity of interest between ERPA and the VCA and that accused No. 6 did not identify with the VCA. His quarrel with the Evaton town council preceded ERPA's affiliation to the UDF and cannot be said to have been part of a UDF campaign against Black local authorities. It was merely a spill-off of the replanning issue. His participation in the million signature campaign cannot be said to have been more than legitimate political expression. There is no proof that he saw it as part of a grand design to get the masses involved for ultimate mass action.

His attendance at the UDF general council meetings coupled with his close association with the UDF after 3 September 1984 raises an eyebrow.

On 4 September 1984 Frank Chikane vice-president of the UDF Transvaal attended an urgent meeting at his home. The following day he telephoned Chikane about the pamphlet. On 5 or 6 September he attended a meeting at the home of McCamel with members of the VCA executive where a committee was formed, later known as the Vaal Information Services. Its aim was to render assistance. McCamel was not prepared to serve on it. Thereafter accused No 6 travelled to Johannesburg with members of the VCA executive to obtain pamphlets from the UDF. Exh AN.15.3 was obtained. It was not used as it did not advertise a meeting and the telephone numbers were incorrect. Accused No 6 had no objection to the false claims that the

destruction in the Vaal was "caused by Boers and the Community Councils". "Let us not destroy our peoples properties who has done nothing. Power is ours. Power is ours."

On 7 September he again went to Chikane for pamphlets and to explain to him about the meeting at McCamel's residence. VCA executive members were present.

ERPA and the VCA issued a joint pamphlet (exh AN.15.7) emphasising their resolve to stop the Lekoa town council from functioning.

Accused No 6 was the Master of Ceremonies at the funeral of Joseph Sithole on 23 September 1984.

The state has to prove that accused No 6 was aware of the UDF's aim to make South Africa ungovernable through mass action against Black local authorities and that he identified therewith. The fact that accused No 6 did not attend meetings where the stay-away was advocated and did not participate in the march indicates that he did not at the time see this as part of a UDF action against Black local authorities, or if he did regard it as such, that he did not go along with it. This reasoning neutralises the effect his close association with the UDF and VCA after 3 September 1984 and the contents of the pamphlets may have.

In the result we find that the state has not proved its case
against accused No 6. He is found not guilty and discharged.

The prosecution of ...

of ...

DELMAS TREASON TRIAL 1985-1989

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