

ACCUSED NO 16 (THOMAS MADIKWE MANTHATHA)

The allegations against accused No 16 set out in the indictment as amplified by further particulars refer to his inciting speech at the meeting of 19 August 1984 in St Cyprians Church Sharpeville. It is further alleged that he was a representative of the Soweto Civic Association on the UDF Transvaal general council, a member of AZAPO and of the Soweto Civic Association and that he was a member of the Committee of Ten of the latter organisation which affiliated with the UDF on 20 August 1983 and became part of the conspiracy, became a member of the Transvaal general council and NEC and participated in its planning and discussions. He identified with the aims 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 actively co-operated in the Vaal Triangle against the government and Black local authority in order to destroy the latter.

We have found that accused No 16 at the mass protest meeting on 19 August 1984 in the church of accused No 3, St Cyprians Anglican Church Sharpeville, during a speech in which he vehemently attacked the town councillors said words to the effect that they should be killed if they refuse to resign. They should be attacked with stones and set alight. It is clear that the intention was that the councillors should be intimidated into resigning or be killed. Consequently accused No 16 is guilty on the alternative charge of

terrorism in terms of 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.

What has to be determined is whether accused No 16 is guilty on the main charge of treason. Soweto Civic Association.

We have found that the UDF leadership had the aim to destroy the Black local authorities by mass action which would include violence and render South Africa ungovernable. The question to be answered is whether accused No 16 was aware of that aim and identified therewith.

Accused No 16 was a member of the Soweto Committee of Ten since 1977 and the secretary of the Soweto Civic Association since its inception till December 1984. The Soweto Civic Association was one of the founder members of the UDF. Its chairman and vice-chairman were involved with the UDF Transvaal region before the UDF national launch on 20 August 1983. Accused No 16 himself attended a UDF Transvaal GCM on 21 May 1983. (The attempt by accused No 16 to evade the issue of affiliation was transparent.)

As vice-president of SASO in 1974, member of the NEC and publicity secretary of the Black Peoples Convention till 1977, Master of Ceremonies at the funeral of Biko and member of the Committee of Ten, he will be the one person in this case who would be

fully acquainted with political trends and objectives. He was at the launch of the VCA on 9 October 1983. He advised the Sharpeville residents on their future course of conduct on 19 August 1984. He arrived in the Vaal during the first day of the riots on 3 September 1984. Accused No 19, general secretary of the UDF, was with him on the executive of the Soweto Civic Association. Address for persons set out by

We refer again to some of the documents discussed more fully when we dealt with the alleged peaceful profile of accused No 16 in the context of the meeting of 19 August 1984 and some documents referred to in annexure Z. The documents of the SCA workshop of June 1984 found in his possession (exh AM.24 p.11) state that the Black workers who are the most oppressed and exploited will lead the struggle. It should not be spontaneous but organised mass action. Organisations should channel the discontent of the people, raise their consciousness and organise the people around their daily problems. The same thoughts can be found in a document entitled "State of the SCA" prepared by accused No 19. Exh C.16. Eighteen participants from seven branches of the SCA attended the Daleside workshop for civics where it was stated that the next task was to destroy the Black local authorities. Exh U.4(b) and (c). Accused No 16 must have been aware of this. Exhs AL.13 and AL.149 found in possession of accused No 16 are the notice of the protest conference and rally of all civics on 12 August 1984 and a position statement prophesying that blood will flow after August 1984. Their author is

Frank Chikane, vice-president of the UDF and with accused No 16 on the executive of the SCA. It was adopted by the SCA.

It is inconceivable that accused No 16 was unaware of the revolutionary policy of the UDF in respect of Black local authorities. He was an untrustworthy witness for reasons set out by us in annexure Z.

That he goes along with such policy is clear not only from his speech on 19 August 1984 but also from the documents found in his possession and the paper of which he was a co-author with Lybon Mabasa and another. Exh B.6. We have referred to some of these documents before.

It is also clear that accused No 16 is squarely in the Black Consciousness camp and does not feel comfortable being too openly associated with the UDF. That probably gave rise to his fencing about the affiliation of the SCA to the UDF. It is also evident that accused No 16's inciting speech was delivered in a Black Consciousness environment.

Accused No 16 denied being a member of AZAPO. That is of no moment. He goes along with their policy. We have found that it is revolutionary.

It is not necessary to decide whether he is a member of AZAPO or whether he spoke on 19 August 1984 in furtherance of the UDF's campaign against Black local authorities. It is not even necessary to decide whether he was part of a UDF conspiracy, though everything points to it. He is found guilty for his own misdeeds, not those of others. He attended a mass meeting on 10 February 1984 where he said

What he said was not said in jest. His perspective is not limited to local affairs. He had no business in the Vaal. He had intimate knowledge of the 1976 Soweto uprisings. A call for mass protest action and the killing of councillors could only be the starting bell of a revolt. We find that he had the requisite hostile intent against the government of the Republic of South Africa. It is common cause that he as a citizen of the Republic of South Africa owed allegiance to it at all relevant times.

We find him guilty of treason.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

©2009

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AK2117-K2117-L13-14

Document Title:- T.M.Manthatha (Acc. No.16) 981-985