

Reverting to the question of the stay-away, boycott and march it should be borne in mind that these were important events and word of them would spread fast amongst activists. They would naturally have their proponents at a public anti-rent meeting in Sharpeville and the fact that these matters were discussed there cannot lead to the conclusion that there was a prior arrangement between the organisers of the meetings in Sebokeng and Sharpeville that this would be on the agenda.

We cannot find that the meetings of Sebokeng and Sharpeville were orchestrated.

About the meeting in the Anglican church of Bophelong on 26 August 1984 no evidence was led by the state.

The defence called a witness, Miss Ncetywa. The people were very angry, they called the councillors puppets and said that the councillors should resign and not be replaced. They wanted to destroy the council system. There is no evidence of incitement to violence.

The meeting of 28 August 1984 called by the residents was not attended by the councillors.

The councillors called a meeting on 29 August 1984 in Bophelong which was totally disrupted. We could not establish who was responsible. The disruption cannot be directly linked to the VCA. The state submitted that the anger of those causing the disruption was caused by the general climate of hatred against the councillors created by the VCA.

There are indications that the VCA was not very active in that township. We know that the Bophelong Civic Association existed in the beginning of 1984 and was an area committee of the VCA, but there is no evidence that it called the meeting of 26 August 1984 or that any of its committee members attended the meeting of 29 August 1984. There is no evidence that accused No 3 was involved as had been alleged in the further particulars to the indictment (para 29.4.1).

The allegation in the further particulars (para 29.4.1) that accused No 22 together with Esau Raditsela and others disrupted other meetings by singing freedom songs, was not proved.

We conclude therefore by saying that the state has failed to prove that there was incitement to violence at VCA meetings prior to the riots in September 1984.

We revert now to the line of reasoning which we set out above which has to be followed if the state is to succeed against the VCA leadership.

The next question to be answered is that posed as para 7(g), namely whether the VCA as part of its campaign against Black local authorities organised the stay-away and march with the object that this would lead to violence.

We find that the VCA organised the stay-away. The attempts of the defence to make it appear as if the stay-away and march call was made spontaneously from the floor at these meetings we reject. There is no evidence who proposed the stay-away at the meeting of 25 August 1984. The evidence of accused No 5 was that he does not know. We doubt this. His evidence that it was not discussed who would organise the protest meetings which were to be held in the Vaal or how the stay-away would come to the notice of all in the Vaal, indicates that this was a matter which was planned beforehand and later executed by the VCA. The chairman at this meeting was Esau Raditsela.

Masenya testified that it was accused No 17 who at the VCA meeting of 26 August 1984 at the Roman Catholic Church Small Farms proposed the stay-away. Accused No 9, accused No 8 and accused No 17

all said that the people should first go to the homes of councillors to enquire why the rent is so high and then to Houtkop. This evidence was never challenged.

Mahlatsi testified that Esau Raditsela who had left this meeting for other meetings at Sharpeville, Bophelong and Boiphatong (Tsirela) returned later and reported on resolutions taken there on the stay-away and march. The latter would be met at the crossroads after they had been to the houses of the councillors to indicate to them to resign and to invite them to join the march to Houtkop. This evidence was not challenged by the defence during his cross-examination.

As stated there was no state evidence about the meetings at Sharpeville and Bophelong on 26 August 1984. There is no evidence that Raditsela did attend them. He did in fact attend the meeting at Boiphatong on that day.

Accused No 10, accused No 8 and accused No 5 testified that Maruping from the floor proposed the march at the meeting at Small Farms on 26 August. Maruping was a member of the VCA Action Committee of zone 3 together with accused No 10 and accused No 8. He had distributed pamphlets advertising that meeting two days prior to it. If he in fact was the first one to mention a march to Houtkop (which we do not necessarily accept) it is inconceivable that it had

not been discussed beforehand with Esau Raditsela. The same resolution was passed at Boiphatong where Esau attended.

The fact that Esau Raditsela the leader of the VCA was absent during the most important part of the meeting of the VCA in Small Farms on 26 August indicates that he had more important work to do elsewhere. (Thereby we do not mean acting as a driver for Edith Letlaka as the defence submitted). He was busy assuring that the other protest meetings all resolve to stay away on 3 September and march to Houtkop. He left Sebokeng in the hands of his able lieutenants, the committee members.

At Boiphatong the initiative came from one Sotsu of the Boiphatong Civic Association, a branch of the VCA, which had become dormant. The wider Boiphatong Residents' Committee was formed which called the meeting on 26 August 1984. Sotsu addressed it and left for a meeting in Bophelong (he said). Edith Letlaka and Raditsela proposed the stay-away. The latter and various other speakers said that the councillors should be met at Houtkop on that day.

The pamphlets for this meeting were VCA pamphlets drafted and supplied by Esau Raditsela. Exh AT.5. We reject accused No 11's attempt to explain this away. We also reject his belated attempt to introduce Spokes Mbele as the proposer of the motion on the march. Mohapi's evidence is in line with the probabilities.

We find that the idea of the stay-away and march originated with the VCA and was executed by them. Whether the UDF had a hand in its conception we cannot determine. There is no direct evidence of it.

We find that the stay-away and march were part of the VCA's campaign against Black local authorities, which was an extension of the UDF's campaign.

Was the object of the VCA that the stay-away and march would lead to violence?

The stay-away by itself would not necessarily result in violence, provided it was entirely voluntarily and not enforced against the wishes of those who wanted to go to work. Interference with public transport and the prevention of the use thereof by commuters had the potential of violent confrontation.

Nobody could have predicted with any measure of certainty that there would be no public transport on 3 September in the Vaal because the Vaal Transport Company and all taxi's would voluntarily refrain from doing business. A letter to the Vaal Transport Company asking for a boycott on that day could not have been expected to have success. It is a big public utility company which would lose a vast amount of income should it withdraw its buses from operation. In fact the events on 3 September show that the Vaal Transport Corporation did not do so voluntarily.

Speakers who emphasised at meetings on 26 August that there would be no public transport and that no vehicles would enter the ~~township (except ambulances)~~ could therefore only have meant that there would be enforcement of the stay-away resolution. This would or could entail violent confrontation.

That this was foreseen is evident from the question of the taxi owner at the meeting of 26 August 1984 at Small Farms who asked about the stoning of taxi's that would ply their trade, and accused No 5's advice to him to stay at home.

It is also borne out by the events on 3 September.

The stay-away could never have got off the ground without cessation of public transport. To give an assurance that there will be no transport entails prescience of its forceful disruption.

We deal now with the protest march.

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-L12-7**

Document Title:- **Stay-away 845-851**