

ACCUSED NO 15 (SERAME JACOB HLANYANE)

It is alleged against accused No 15 in the indictment as amplified by further particulars that on 26 August 1984 at the mass protest meeting in the Roman Catholic Church Small Farms he was elected to the VCA zone 3 Area Committee. On 3 September 1984 he and other activists of the VCA led and controlled the masses in the march which led to the riots. He identified with the aim 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 which actively co-operated in the Vaal Triangle against the government and Black local authority to destroy the latter. Accused No 15 was a part of the management structure of the VCA which affiliated to the UDF and thereby became part of the UDF Transvaal and participated in its meetings, planning and organisation. These are the allegations against accused No 15.

There is no evidence of a connection between accused No 15 and the UDF and this aspect need not be further discussed.

The evidence is that accused No 15 attended a VCA house meeting in the house of accused No 10 in zone 3. He was there mandated together with accused No 18 and Selebalo to draft a petition to be placed before the mass meeting of 26 August 1984. It was not drafted.

On 26 August 1984 accused No 15 attended the mass meeting. He did not play any leadership role or speak but was elected treasurer of the zone 3 Area Committee.

He attended the meeting of all committees of the VCA on 2 September 1984 to organise the stay-away and march. Accused No 7 testified that accused No 15 was there appointed as one of the drafters of a memorandum. We have already dealt with this aspect.

On 3 September 1984 accused No 15 arrived early at the Roman Catholic Church Small Farms. He and others prepared placards for the march. His case was that thereafter he marshalled people at the start of the march.

When Mahlatsi heard shots he left the march in the vicinity of the intersection, ran into the veld and stayed there a while. Thereupon he met accused No 15 there who told him that he had also fled because of the fighting. They both went home.

That is the sum total of the evidence against accused No 15. He did not give evidence.

It may be useful to compare the position of the treasurer, accused No 15, with that of the other members of the zone 3 Area Committee of the VCA. Accused No 8, the chairman, we have found

guilty for the reasons set out. Accused No 10, the vice-secretary, we have found not guilty as he was absent during the relevant period and we did not find it proved that he endorsed the stay-away and march. That leaves reverend Mahlatsi, the vice-chairman. The coercion accompanying the stay-away was not canvassed with him. On his own evidence he foresaw the possibility of violence on the march. His evidence is that violence was advocated at the meeting of 26 August 1984 and by Esau Raditsela before the march started on 3 September 1984. We have found that the state has not proved beyond reasonable doubt that violence was in fact advocated. This does not imply a finding that Mahlatsi did not foresee violence. Had Mahlatsi been an accused he would have been convicted on his own evidence.

About the other members of the zone 3 Area Committee we know little. Dibate, Oliphant and Marupeng did not testify. We need not fathom their thought processes.

It may be recalled that McCamel, the dormant chairman of the VCA, on 1 September 1984 warned Esau Raditsela that the march would lead to violence and that he refused to have anything to do with it.

We know very little about accused No 15 as he failed to testify. He must be better educated than many in the VCA as he was elected treasurer of the zone 3 committee and allegedly twice appointed to draft a petition. He may have a timid nature as is evidenced by the

fact that he fled from the march, but it may be that the actual confrontation with the ghastly murder of councillor Motjeane revolted him. We do not know whether he witnessed his death.

We bear in mind that accused No 15 thereafter disappeared from the VCA scene. He was not part of the meetings with the UDF and others after 3 September. There is no evidence that he attended the funeral of Joseph Sithole on 23 September 1984. He seems to have had enough after his short burst of political activity during August/September 1984.

Accused No 15 did not deem it fit to explain to the court that he did not foresee what McCamel and Mahlatsi said they foresaw.

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. We find that accused No 15's actions and his position in the leadership of the VCA lead to the inevitable conclusion that he made common cause with the others and endorsed their actions well knowing the possible violent component of what they were about to do. The fact that his was a minor role may be taken into account when a suitable sentence is determined. It does not affect his guilt.

We find that accused No 15 with the intent to induce the Lekoa town council to resign or at least to repeal the rent increase participated in and endorsed the decision on the stay-away and helped organise the march, both of which were aimed at bringing about or contributing to violence and that he encouraged others to participate. He admitted that he was a representative of the Secretary

Consequently he is found guilty of the crime 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.

## **DELMAS TREASON TRIAL 1985-1989**

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