

ACCUSED NO 19 (POPO SIMON MOLEFE)

ACCUSED NO 20. (MOSIUOA GERARD. PATRICK LEKOTA) and

ACCUSED NO 21 (MOSES MABOKELA CHIKANE)

These accused were the national general secretary, national publicity secretary and Transvaal joint secretary respectively of the United Democratic Front.

The allegations against them in the indictment and further particulars relate to their participation in UDF meetings of executive committees, general councils, secretariats, mass meetings and the like. We will not tabulate them. The participation of the accused is in any event largely common cause. There is no dispute about the fact that they performed the normal duties attendant to their posts. Many of the things the accused said and did have already been discussed in this judgment. That need not be repeated here.

From our finding that the UDF in the period of the indictment was a revolutionary organisation whose policy of mass action against governmental institutions included the violent option and was intended to make South Africa ungovernable, it follows that its leadership is guilty of treason. That includes accused No 19, No 20 and No 21.

The defence argument is that we cannot determine the exact scope of the conspiracy and when the agreement which created it was entered into, and that therefore the complicity of the accused must be in doubt. This argument has no merit in the case of these three accused. We need not determine the number of conspirators or which affiliates conspired and which not in order to have certainty about the position of these accused.

We have found that the dominant leadership of the UDF were members of the conspiracy. We need not go further than that. It would serve no purpose to make findings in respect of persons not before court, where it is not necessary.

What is absolutely certain is that accused No 19, No 20 and No 21 are amongst the dominant leadership and were amongst the conspirators. That follows not only from their position as executive officers of the UDF, but also from other facts some of which we will discuss later.

It was submitted by defence counsel that one cannot attribute to each accused knowledge of all that has been said around South Africa and of all publications of affiliates. That is true, but the evidence establishes a pattern of propaganda, thinking and action of which the accused formed an integral and important part.

Defence counsel further submitted that if the date of commencement of the conspiracy is not 20 August 1983 as set out in the indictment, it has a profound effect on the admissibility of documents. This submission would not affect the propaganda material of the UDF as that is real evidence. It applies only to so-called executory statements. It merely means that statements held admissible as executory statements and made after 20 August 1983 and before the conspiracy came into being, are only admissible if the existence of the conspiracy at the time they were made is established. This problem does not arise here. The accused were insiders from the outset. The conspiracy existed since before August 1983. There was a conspiratorial core inside the UDF apple from its conception.

It should not for a moment be thought that the accused were mere scribes. They were leaders in their own right. All three made important inputs and performed invaluable work in the execution of the policy of the UDF.

We give a detailed evaluation of the credibility of their evidence in annexure Z and we come to the conclusion that their protestations of innocence cannot be believed. They were not credible witnesses.

We highlight some of the more conspicuous activities of these accused.

Accused No 19 is a very intelligent, likable man, well-spoken with a retentive memory. He is also a committed activist of long-standing. In 1976 he was headboy of his school in Soweto and was detained for seven months. Thereafter he took a serious interest in politics and became involved with the Black Peoples Convention. After it was outlawed he participated in the formation of AZAPO in 1978 and in 1979 he was elected chairman of the Soweto branch. He became a member of the Committee of Ten of the Soweto Civic Association in December 1982. By that time he had ceased to be a member of AZAPO as he had changed his political thinking. He became a supporter of the Freedom Charter. In January 1983 after the anti-SAIC conference he was approached and became deeply involved in the preparations for what later became the UDF. At the national launch in August 1983 he became its national secretary.

His speeches show that he has strong ANC leanings.

He advised on the formation of SOYCO and addressed that meeting on 31 July 1983. Exh V.25. On 18 September 1983 he addressed the UDF meeting in the Roman Catholic Church Small Farms on the UDF. He was chairman of the UDF meeting on 22 September 1983 in solidarity with SAAWU in the Ciskei where he called for "one of our greatest songs" whereupon a song about guns followed and requested silence in memory of Yusuf Dadoo. Exh V.2. He read messages of support at the UDF AZASO meeting on 3 November 1983 on the student deaths at Ngoya. Exh V.3. On 16 June 1984 he addressed the COSAS AYCO commemorative

service in Alexandra where a placard of an AK.47, the words of Solomon Mahlangu and an ANC flag were displayed and where he spoke on the history of the ANC. He spoke at the fourth annual congress of the AZASO on 6 July 1984. Exh V.11B. He attended the TIC meeting of 18 July 1984. Exh V.14. Accused No 19 spoke at the Northern Transvaal rally of the UDF. He was a speaker at the ASRO meeting of 17 February 1985.

Accused No 19 travelled extensively for the UDF. He was also closely involved with Tumahole round about the time of the rioting there. He wrote a letter (exh AM.27) on behalf of the Civic Association on 16 July 1984 and on 19 July 1984 he granted the witness ic.17 an interview which led to the latter's resignation.

On 14 August 1984 shortly before the riots in the Vaal he sounded the prophetic ominous warning in a circular to the churches of "the bloodbath that this new constitution will cause". Exh AL.159.

He actively participated in the UDF NGC of 6 and 7 April 1985 where the UDF pledged to challenge the state. His attempts to down-play his role are rejected.

What is obvious about his evidence is that in respect of meetings where embarrassing things were said or done and which meetings he could not deny having attended, he stated that he had either come late or left early and so attempted to avoid responsibility.

Accused No 20 is an intelligent, articulate man with a tendency to be verbose. He is a good public speaker. His forte is South African history. He is a committed activist of long standing. He attended the University of the North at Turfloop where he was in the SRC in 1972 and was suspended for student activities and refused re-admission. He was organiser of SASO. He took up various types of employment and was convicted under section 2 of the Terrorism Act 83 of 1967 in December 1976. (The defence led this evidence. Accused No 20 testified that no violence was involved.) While a student and in SASO he subscribed to the Black Consciousness philosophy.

He was imprisoned on Robben Island after his conviction where he was initially jailed with Mandela and the other Rivonia trialists. He learnt on the knees of Mandela about the history of oppression of the Black people. And he learnt his lessons well.

Accused No 20 says that he has become a Freedom Charter supporter but has not abandoned Black Consciousness philosophy. He merely changes the meaning of the latter term.

He was released on 20 December 1982 and in approximately March 1983 joined the Release Mandela Campaign in Natal. He testified that initially he was lukewarm about the UDF but the Transvaal and Western Cape regions of the UDF nominated him for publicity secretary and at the national launch and conference which he attended he was elected. In fact he chaired the press conference before the launch.

Accused No 20 is strongly pro-ANC and is a revolutionary. Exhs AB.21 and AB.39. He was fond of addressing youths about the history of resistance in South Africa (exhs C.52 and W.14) and on occasion referred to Umkhonto we Sizwe as "our own Umkhonto". Exh V.16 p.33 and cf exh V.12 p.50. His speeches at the public meetings of which we have evidence often lauded the ANC and were often revolutionary. By that we do not mean that accused No 20 at these meetings called for immediate violent action. He was more subtle. His aim was to promote the ANC with his audiences and create a revolutionary climate as a basis for future action.

Accused No 20 addressed many public meetings. In July and August 1984 he spoke at the following: The fourth annual congress of AZASO in Soweto. Exh V.11B. The UDF Don't Vote Rally in Kimberley.

Exh V.16. The NIC meeting in Ladysmith. The UDF One Year Rally in Port Elizabeth. The TIC meeting in Lenasia. Exh V.14. The HUYO meeting in Vryburg. Exh V.12.

Other meetings which accused No 20 attended and addressed are the UDF NIC meeting in Durban on 14 November 1984. Exh V.20. The MSC meeting in Thabong in 1984 and others. The minutes of the NEC and REC (Transvaal) show that he spoke in the Western Cape, Boipatong, Regina Mundi in Soweto, Sharpeville and Tembisa as well. Often he addressed COSAS. Exhs S.20 and C.52.

Accused No 20 delivered one of the keynote speeches at the NGC of the UDF in April 1985, where the theme was "From protest to challenge".

It is clear that accused No 20 is where the action is. On the day of the riots in Tumahole in July 1984 he was there. On 18 February 1985 he spoke at the political funeral of a riot victim at Seisoville wearing a UDF T-shirt. After this funeral there was rioting. He spoke at the political funeral of a riot victim in Thabong on 11 August 1984. Violence flared thereafter. These matters are discussed under the named townships.

Accused No 20 stood for the total isolation of South Africa internationally. Exh W.2 p.10.

Accused No 20 was a mendacious witness and we reject his protestations of innocence.

Accused No 21 is an intelligent, sharp and well-spoken person. He is knowledgeable on the UDF.

Accused No 21 was involved with the UDF from the outset. He was the secretary of the interim committee that existed before the Transvaal UDF was formed. He was there elected secretary on 21 May 1983. He testified that he was not re-elected on 9 March 1985 and that after that date he was no longer involved with the affairs of the UDF. We have only his word for that. He still fully endorses the UDF policy.

He did not have as high a profile as accused No 19 and No 20 but that he was one of the leaders is evident from the fact that he chaired the general council meeting of the UDF (Transvaal) on 25 February 1984 and 14 July 1984. He was also on the NEC of the UDF and on its national secretariat. He was joint regional secretary for the Transvaal.

Accused No 21 was also on the Education and Training Committee of the UDF. Its function was inter alia propaganda and the training of activists therein. He was co-ordinator of the Treason Trial Support Committee. He was on the executive of Africa News Association (Afrinews) publishers of Eye and he attended UDF Transvaal general council meetings.

He was closely involved with the organisation of the Northern Transvaal and the Northern Transvaal rally. He addressed the Northern Transvaal conference of the UDF on 3 February 1985 as well as a workshop at Turfloop.

Accused No 21 organised the Daleside workshop on civics in April 1984 where it was stated that the next tasks were to destroy the Black local authorities. Exh U.4. He also spoke at the education workshop on Black local authorities at Kagiso in November 1983.

Accused No 21 was a member of the media committee of the UDF Transvaal according to accused No 10. Accused No 21 denies it but admits that he was involved in a workshop on the MSC booklet exh W.52.

Accused No 21 was employed by CRIC (Community Resource and Information Centre) as a field-worker since 1980, but in fact worked for the UDF.

He was also on MAC (Mamelodi Action Committee). This is the civic association in Mamelodi where he lives and he represented it on the general council meetings.

In 1981 a copy of Sechaba, journal of the ANC, was found in his possession.

Warrant officer du Toit testified that as unrest in schools in Pretoria increased after the founding of the UDF and accused No 21 was reportedly involved it was decided to call him in to be warned to desist. This was done in the offices of the security police in Pretoria in the second half of 1983. Warrant officer du Toit asked him about his involvement with the schools as he was not a member. Accused No 21 replied that he had been appointed organiser by the UDF and that he would have to encourage the pupils to boycott classes till their demands were met. Warrant officer du Toit testified that he took accused No 21 to captain Loots after this conversation. Captain Loots testified that du Toit told him in the presence of accused No 21 that he had learnt from accused No 21 that he was the organiser of the UDF and that he concentrated on Black education. As the Black education system was not seen as free and democratic, an attempt would be made to force the government to look at the education system through class and/or school boycotts.

Accused No 21 denied that he had been fetched to the security police offices and denied that this conversation had taken place.

The two police officers corroborate each other and they are also to an extent corroborated by the fact that accused No 21 was deeply involved with COSAS and the schools. The fact that he was Master of Ceremonies at the funeral of Emma Sathekge who had been killed during school unrest evidences this. We have carefully considered the defence criticism of their evidence and find that it has little weight. Accused No 21 was an untruthful witness for reasons set out in annexure Z. We find that the state has proved this conversation.

The fact that the UDF later publically may have added its voice to that of the frustrated parents who wanted their children back at school does not alter the picture. The UDF could not be seen in the Black community as advocating a school boycott. It would lose the support of senior citizens. In the UDF propaganda before court, of which we have read thousands of pages, we find no clear call to COSAS to stop its disastrous boycott tactics. Throughout COSAS is given tacit support or approval.

The minutes of the GCM Transvaal of 14 April 1984 (exh P.1) reflect that accused No 21 explained "UDF individuals merit" in the schools boycott and that he was appointed to a commission with Frank Chikane and a COSAS member to investigate.

Accused No 19, No 20 and No 21 as we have seen, all actively identified with and executed the policies of the UDF. They were part of the leadership of this organisation. We have found that the leadership of the UDF during the period of the indictment had and executed a policy of mass action by violent means against government institutions in order to render the Republic of South Africa ungovernable.

It is common cause that the accused as citizens of the Republic of South Africa owed allegiance to it at all relevant times.

Accused No 19, No 20 and No 21 are found guilty of treason.

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-L13-16**

Document Title:- **Molefe, Lekota, Chikane(Acc. Nos. 19-21) 994-1006**