

THE INDIVIDUAL ACCUSED

To determine the innocence or guilt of each individual accused the starting-point should be the policy and actions of the organisation to which he belonged or with which he associated. Thereafter his knowledge of such policy and actions should be determined and lastly whether he identified therewith.

This approach naturally leads to a grouping of accused into categories. They may be loosely classified into the UDF group, the Black Consciousness group and the VCA group. Under the first group we classify those accused who were officials of the UDF. They are accused No 19, No 20 and No 21. The Black Consciousness or Sharpeville group consists of accused No 1, No 2, No 3 and No 16. The VCA group comprises the rest. The latter can again be subdivided into those that participated in the march and those who were absent.

We have found that the UDF's policy for the destruction of the Black local authorities by mass action included the violent option and that the VCA carried out the UDF's campaign against the Black local authorities. We have found that the VCA was bent on the demise of the Black local authority, the Lekoa town council, that its methods had as main component mass action and that it accepted that violence was an inevitable and necessary part thereof. We have found that the VCA leadership foresaw that the stay-away would have to

be enforced by coercion to be effective and that the march would lead to violent confrontation with the police.

We have thus far used the vague term VCA leadership. We have now to determine what role each accused played and what his knowledge of the above facts was. This has to be determined beyond reasonable doubt.

In this respect it is important to determine to what extent each accused liaised with the UDF itself. The attendance-register (exh 26) shows that Esau Raditsela attended all UDF Transvaal general council meetings (except February 1984) where the VCA was represented, since December 1983. The attendance of the other accused was as follows: 30 June 1984 accused No 6 and No 17; 17 July 1984 accused No 6, No 7 and No 17; 4 August 1984 accused No 7, No 8 and No 17. All accused attended on behalf of the VCA except accused No 6 who was the representative of Evaton Rate Payers' Association. At the special general council meeting of 8 August 1984 there was no VCA or ERPA representative.

It should be remembered that in this period the decision was taken at the general council to establish area committees as a priority and matter of urgency (exh Q.1) and that a meeting of civics was called for 12 August 1984 by Frank Chikane against the Bantustan system and Black local authorities. Exhs AL.13 and AL.149. Blood-shed was predicted after August 1984.

It is in this period that the VCA arose from its slumbers. Its first public meeting on 25 August 1984 was a meeting where the VCA, UDF, COSAS and RMC were on the programme as speakers. Exhs AN.17.1 and AN.17.2. There the resolution for a stay-away which led to the riots was adopted.

The stay-away and other protest action was wholly in accordance with the UDF strategy of mass action against Black local authorities. It would be strange indeed if the delegates of the VCA to the general council meetings of the UDF over this period were unaware of this policy. The VCA put into practice what the UDF had long been preaching.

DELMAS TREASON TRIAL 1985-1989

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