

ACCUSED NO 3 (TEBOGO GEOFFREY MOSELANE)

The allegations against accused No 3 in the indictment as amplified by further particulars are that he was a committee member of AZAPO Vaal Sharpeville branch and actively supported UDF campaigns in the Vaal. He delivered an inciting speech at the memorial service for Steve Biko. He led the activists who disrupted the councillors' meeting of 29 August 1984 at Bophelong. He made his church available for AZAPO meetings inter alia on 12, 19 and 26 August and 2 September 1984 where he played a leading role. At some of these there was incitement to violence. It is also alleged that he attended the founding meeting of the VCA on 9 October 1983. This is the state's case.

The substratum for the case against accused No 3 is the alleged agreement of co-operation between the UDF and AZAPO in the Vaal to destroy the Black local authorities and accused No 3's alleged membership of AZAPO.

We have found that the agreement of co-operation and that the said four meetings in the church of accused No 3 were AZAPO meetings was not proved. We have found that the state's attempt to link the meetings in accused No 3's church organisationally to the VCA or UDF fails. It has not been proved that accused No 3 was part of a UDF VCA conspiracy to destroy the Black local authorities. He did attend

the launch of the VCA in passing but nothing turns on this. He did make his church available for AZAPO-meetings in general but this does not take the state's case much further.

~~Accused No 3 testified that he participated in the Bike memorial~~ service but denied that he had said anything objectionable. There was no other evidence on this.

There was no suggestion that accused No 3 had a hand in the disruption of the meeting of 29 August 1984.

This leaves the meetings of 12, 19 and 26 August and 2 September. Accused No 3 called the meetings which were held in his church. Though he was not chairman at most of them he was clearly in a position where he could control the proceedings. A word from him would have closed the meeting. One would therefore expect him to repudiate immediately any call for violence made at such meeting in his church or be seen to have acquiesced. The matter should be seen against the background of his unchristian attitude towards violence which we set out when we dealt with the meeting of 26 August 1984. It is evidenced by his remark that he does not care whether the VTC buses burn. They are not his.

We have dealt with these meetings and found that it was not proved that accused No 3 incited to violence. The last question which has to be answered is whether accused No 3 should have

repudiated accused No 16 and the woman when they incited to violence at the meeting of 19 August 1984. It was in accused No 3's church at a meeting which he had organised and one would expect him to do so immediately. That he did not do it is reprehensible. This applies particularly to the speech of accused No 16 who was the main speaker, whom accused No 3 had invited and introduced.

It was, however, a single occasion. There is no proof that accused No 3 had prior knowledge of the content of the speeches. ~~Accused No 3 did not afterwards clearly identify therewith.~~ We find therefore that accused No 3 cannot in law be held responsible for the inciting speeches in his church on 19 August 1984.

On 3 September 1984, the day on which the riots started, accused No 3 was not in Sharpeville. He was at the synod of his church.

He is found not guilty and discharged.

ACCUSED NO 4 (MOHAPI LAZARUS MORE) WAS DISCHARGED AT THE END OF THE STATE CASE.

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-L13-3

Document Title:- T.G.Moselane (Acc. No.3 909-911