

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1988-12-08

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACCOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

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COURT RESUMES ON 8 DECEMBER 1988.

MR CHASKALSON ADDRESSES COURT: The question what is an appropriate sentence is always a difficult question for a judge to answer. It is a particularly difficult question when the sentence has to be imposed in a case, a political case, concerned with conflict between the state and its citizens which has its origins in legitimate and deeply felt grievances attributable to the way that the state is organised, and that is the situation in the present case. The grievances are of long standing and are well known and they have their roots (10) deep in the history of South Africa and they arise out of the fact that for centuries the majority of the people of our country have been denied access to the levers of political power and as a result have become an under class excluded from the main stream of society and subjected to humiliation and discrimination. And it was inevitable that in the course of time there would be resistance to these policies and it was also inevitable that those who resisted would be brought into conflict with the state, and it is that which has led to the present case, to four persons having been convicted of (20) treason and seven persons having been convicted of terrorism. The convictions of the four stand on a different footing to the convictions of the seven and there are also differences between each of the four and each of the seven which may have a bearing on the sentences to be imposed. We will deal with these differences later but first we want to deal with the context within which we submit the sentences on the accused fall to be assessed. Now the indictment initially covered the period January 1983 to April 1985 and although the period of the indictment was subsequently extended to cover certain (30) specific/....

specific incidents which occurred after April 1985 all the accused were in custody by then. The last of the accused to be arrested were accused nos. 19, 20 and 21, and they were arrested on 23 April 1985. So we have to take ourselves back to that period and to the country at that time. Now that time was a time of political ferment which was precipitated by the constitutional changes proposed and later implemented by the government, against fierce opposition from practically every political movement within the black community. Your lordship has found that the opposition commenced prior to the launch-(10) ing of the UDF and that it was a central issue around which mobilisation for the UDF took place. The issue was indeed taken up by the UDF and its affiliates after the launch in August 1983, as it was by the National Forum and its affiliates. Your lordship has heard that there was also opposition from homeland leaders, from intellectuals and from smaller political groupings as well and the reason for that opposition was clear. At a time when existing structures were being changed and a new dispensation was being created black people were being told by the government in no uncertain terms that (20) there was to be no place for them in the new order. In passing sentence on the accused we ask your lordship to think back to that time, to January of 1983, and to the message that was being communicated to the black community by what was implicit and explicit in these proposals. They were being told that the laws that weighed so heavily upon them were to remain unchanged, that the hated pass laws were to be not only retained but were to be made more stringent by the imposition of fiercer penalties, that the migrant labour system that had devastated families and impoverished people(30) living/....

living in rural areas was to continue and was to become more rigid by reason of the greatly increased penalties to which employers of unregistered workers would be subjected. The education system, which had been a source of so much anguish to the black community and had given rise to so much conflict and to such deeply felt grievances was to continue as before, the restrictions against ownership and occupation of land would persist and above all the exclusion of blacks from the political process was to be entrenched in the new constitution. It could have come as no surprise to the govern-(10)ment that these developments would be resented and resisted. Certainly the response to its proposals should have left no doubt on that score. There was widespread press publicity detailing the protests against the proposed tricameral structure and the Koornhof laws, referring to the resentment that they had generated, there were mass meetings held around the country at which opposition to the tricameral system and the Koornhof laws was articulated and at which powerful calls were made for an end to apartheid and the introduction of a democratic government. The government chose to ignore these (20) protests and to proceed with its plans notwithstanding the almost universal resentment that they had generated within the black community. The conditions for heightened conflict were created. That is shown not only by the evidence of the accused, particularly accused nos. 19 and 20, but also by the evidence of Professor Gerwel, Mr Mabuza and Dr Van Zyl Slabbert. Conflict was predictable and conflict resulted and in those circumstances it would, in our submission, be simplistic to deal in isolation with the mobilisation of the mass opposition to the government and to the violence that (30) has/....

has been held to have been a component thereof and to ignore the underlying causes and other factors which led to such mobilisation and violence. Now in its judgment the court has referred to the frustrations, indignities and sufferings which have accompanied the political, social and economic plight of blacks and to the sense of rejection implicit in their being excluded from governmental decision making processes that affect their very lives. The nature and extent of the frustrations, indignities and suffering is apparent from the evidence and the grievances that have resulted from this (10) are characterised in the judgment as genuine and serious. Dr Slabbert, whose evidence on this issue was not challenged, said that they were serious and legitimate grievances affecting the economic, social and political conditions of the black community. He stressed their significance and importance as a cause of conflict and a source of polarisation and the extent to which these grievances are experienced and resented is demonstrated not only by the evidence of the accused but also by the evidence of witnesses called in mitigation, such as Mr Mabuza and Dr Motsuenyane. The finding that violence (20) formed part of the policy of the UDF is of course relevant to sentence and so too is the connection found to exist between the UDF and the ANC. But these are not the only factors in this case and they should not, in our submission, obscure other and important factors which are also relevant to an assessment, both of the sentence and for that purpose of the UDF. The evaluation of ideas, events and actions depends a great deal upon the viewpoint of the evaluator. You have heard evidence from Dr Motsuenyane, Mr Mabuza and Professor Gerwel, each from a different background, and each

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describing/....

describing the attitudes within different constituencies. If you add to their evidence that of the accused and other leaders of the black community who testified during the defence case you have here a comprehensive picture spanning a wide cross-section of opinion which portrays the freedom struggle in the ANC from the viewpoint of the black people in a way substantially different to that in which they are seen by most whites in this country. They see violence as having been adopted as a last resort. They see those who have done so and those who have associated themselves with the ANC (10) as being heroic and willing to make sacrifices to the struggle for freedom. There is of course no single way of looking at events. Different perceptions are usually the result of evaluations made in terms of different attitudes and different criteria and courts, whose task it is to uphold the laws of the land, cannot condone violence or refrain from punishing people who have broken such laws. But what they can do is to attempt to place themselves in the position of such persons and to ask the question why did this happen. Mr Mabuza answered the question this way, he said "apartheid is at the centre (20) of the conflict in our country and I think you have to live in a bantustan where people have been forcibly resettled on arid land, barren, where they can hardly subsist, where breadwinners have to migrate, become migrant labourers in order to feed their families, where families are broken, one has to live in a township ghetto and smell the stench and see the poverty that exists there to understand the civil unrest. One has to be subjected to the enforcement of laws such as the now abolished influx control law, the pass laws, the Group Areas Act, one has to be classified as a black and thus have his (30) destiny/....

destiny predetermined in terms of the Population Registration Act to understand the frustration, to understand the bitterness, to understand the powder kegs that have been placed by the apartheid policy in this country. So I see apartheid as being the centre and the cause of such violence. I, however do not condone it because I do not think it solves the problems." That passage is in volume 460 at pages 28 749 lines 4 to 21. There is also the fact that the UDF is much more than a violent organisation. It was a mass based organisation that articulated the aspirations of the black community, that gave them hope, that indeed put forth an idea of non-violence within the community as a means of solving problems and that had, that not only articulated the aspirations of the black community but which had an enormous following. That too is apparent from the witnesses we called to give evidence to your lordship in mitigation. Now these policies which were actively propagated and promoted during the period of indictment were indeed policies that enjoyed widespread support within the black community. That is shown by the evidence of Professor Gerwel, Dr Motsuenyane and Mr Mabuza. It also reached whites, as appears from the evidence of Miss Nadine Gordimer and offered hope to them as well. And the central policies, the central policies were these, the abolition of apartheid, the unbanning of the ANC, the release of Nelson Mandela and other leaders, the return of the exiles and the creation of a non-racial and democratic South Africa. Those were the central policies that it propounded and your lordship has heard evidence in mitigation from a diverse range of persons explaining the importance of those policies and the hope that they are perceived to offer for resolution

of conflict in this country. And it was on that basis that the UDF promoted these policies and encouraged reconciliation between whites and blacks and did so openly throughout the period that it was mobilising and organising resistance against the Black Local Authorities and the tricameral parliament. All this took place over a period of approximately a year during which none of the campaigns was violent and no violence occurred. Your Lordship has found that the campaign against the Black Local Authorities and that the campaign against the constitution did not involved violence. Now if the govern- (10) ment had responded constructively to these policies and to these calls that had such widespread support within the black community and had not chosen to push through its legislation against a strongly felt and clearly articulated opposition the course of events in 1984 and 1985 would almost certainly have been different. Dissent, based on legitimate grievances, will disappear or change its character if the grievances are addressed in whole or in part and in the complexity of causes that contributed to the unrest of 1984 and 1985 this failure on the part of the state and its officials to hear (20) the voice of the UDF and to respond to the political, social and economic grievances of the black community undoubtedly played its part. The making of a moral judgment is implicit in the process of determining an appropriate sentence. Given the legitimacy of the grievances of the black community and their long standing duration a question that has to be confronted before passing a moral judgment on the accused is what can a black person lawfully do that will bring about the fundamental changes which are necessary to redress their legitimate grievances. According to Mr Mabuza the answer (30)

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is very little indeed. His balance sheet after all these years of working within the government created structures, showed an ability to fend off the cession of his territory to Swaziland and the helping of two communities in the Eastern Transvaal to avoid being forcibly removed to KaNgwane. But he said he could point to little else and it was precisely because of that that he refuses to condemn persons who have turned to the armed struggle. And the same point was made by Professor Gerwel, and what they tell your lordship is that black people experience apartheid as being a violent policy (10) through which they through the force of the state have been denied a say in the running of the country and have been coerced into patterns of living that are totally unacceptable to them. According to Dr Slabbert the causes of violence are to be found in these and other structural conditions in our society. He identifies racism, economic inequality and the absence of political redress as the primary causes of politically motivated violence. And of course possibly the most important of all must be the absence of political redress because the structures of the political process are the in- (20)stitutionalised structures through which conflict is resolved. They are created and designed for that purpose and if one of the important, and indeed the biggest section, of our community is excluded from that institution it cannot serve the purpose for which it was intended. Now history provides many examples of people who, having been excluded from society at various times and at different places in the world have resorted to violence. There is also, there are also examples in our own history in this country of whites having turned to violence in order to redress grievances that they had, (30)

though/....

though they, unlike blacks who have taken a similar path, did indeed have the vote. And in the present case an important element, and indeed a crucial element in passing judgment on the accused is that there is no place in the parliamentary process for blacks and they can only seek to further their interests through surrogates or through protests or through extra-parliamentary actions and history has also shown that successive South African governments have been largely unresponsive to protests. So it is not surprising that there should be resort to extra-parliamentary action and (10) that there should also have been a resort to violence, should occasion no surprise. The universal declaration of human rights which was adopted by the General Assembly of the United Nations on 10 December 1948 in the wake of one of the greatest upheavals the world has ever known warns of this danger. Your lordship is conversant with this document. In its preamble it records that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and that it is essential if man is not to be com-(20) pelled to have recourse, as a last resort, to rebellion against tyranny and oppression that human rights should be protected by the rule of law. And your lordship knows that if one goes through the catalogue of fundamental human rights recorded in the charter that you will find that the most important of these rights have been denied to blacks in South Africa. The right to be governed by people of your choice, the right to own land, the right to freedom of movement and the right to full citizenship. The universal declaration was intended to provide safeguards against conflict. It reflects the wisdom(30)

of ages and the collective wisdom of the nations of the world and on Saturday of this week we will celebrate the fortieth anniversary of this document which has been assented to by all but two countries of the world. We ask your lordship to bear its terms in mind and its message in mind when you decided upon sentences to be passed. Dr Slabbert alluded in his evidence to the difficult role the courts have to play in a divided society and that is well illustrated by the present case. On the one hand there is the need for the court to preserve the integrity of the state, on the other (10) hand there is the deeply and sincerely held attitude within the black community that political leaders, including those who have accepted violence as a component of the struggle, are brave and respected people who have shown themselves willing to make sacrifices for their community. Dr Motsuenyane, in an eloquent and moving plea to your lordship, urged you to show understanding for the predicament of the accused and to pass a sentence that will promote reconciliation in our divided society. And there is good precedent for this for that is how our courts dealt with persons convicted of treason after (20) the 1914 rebellion. General De Wet, who was one of the leaders of the rebellion which resulted in much loss of life and damage to property, was sentenced to six years imprisonment without hard labour and a fine of £2 000. General Kemp, another leader, was sentenced to seven years imprisonment and to a fine of £1 000. General De Wet's case is reported in 1915 Orange Free State Provincial Division, 157. I do not have the reference for General Kemp's case because it is not reported.

I think the decision is fairly well known. I once had the reference to it in the Transvaal Supreme Court but it is (30)

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referred to in 1974 South African Law Journal at page 67. And it appears from that Law Journal article that General De Wet was released on probation in December of 1915 and that General Kemp was released in the following year. So in all they served less than two years imprisonment for leading that rebellion. Now the defence witnesses called in mitigation stressed the importance of reconciliation and the adverse impact that a sentence perceived to be unduly severe would have on that process and this is a factor, and we submit an important factor, in assessing the interests of society (10) which is one of the criteria to which the courts have regard in determining what an appropriate sentence should be, and society of course embraces all the people of the country. And your lordship will not be unmindful of the fact that you are a white judge sitting in judgment on black leaders who occupy symbolic positions within the eyes of their community, that you are required to pass sentence on persons who are perceived to be representatives of their people and to express their aspirations. They are all important figures in their own communities. The UDF leaders are national figures. The (20) Vaal accused include important local leaders, leaders of the youth and other sections of that community. They are not mavericks. They are respected people. In your judgment your lordship observed that we are living at the time of the birth of a new South Africa. Now the accused are not colluding with foreign invaders, nor are they supporting a foreign enemy. They are South African citizens anxious, indeed demanding to participate in the creation of that new South Africa. They are seen by their community as patriots struggling for freedom, for their people, in a society that will accommodate (30)

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all South Africans. They are respected leaders and they do indeed have an important role to play in the new South Africa. And the witnesses called in mitigation testified to that fact. It is ironic in a way that at a time when the release of old leaders seems imminent a new group of young political leaders is about to be sentenced. There is, in our submission, every reason for them to be dealt with in a way that will make it possible for them to play their part in the creation of that new South Africa. Now it is against that background that we would turn to deal with the position of each of the accused. (10)

I will deal with the position of accused nos. 19, 20 and 21 and my learned friend Mr Bizos will deal with the position of the other accused. And if your lordship has no objection I think I would like to continue and make my submissions to your lordship in regard to accused nos. 19, 20 and 21. Now they have all been in custody since their arrest on 23 April 1985. That means they have already been over three and a half years in prison. That is in fact longer than the period of imprisonment served by General De Wet and General Kemp. According to the judgment COSAS has been held to have been (20) the cause of the violence that occurred in seven areas. These are Attridgeville, De Duza, Grahamstown, Soweto, Tembisa, Tabong and Tsakane. In two areas, Mankweng and Craddock, the finding is that UDF affiliates were probably associated with the violence. In three areas, Graaf-Reinet, Huhudi and Worcester, violence is attributed to the overheating of the climate by affiliates of the UDF. In two areas, Leandra and Tumahole, violence is attributed to organisations that were not affiliated to the UDF but were closely associated with it. At Somerset East there was violence following a funeral (30) service/....

service at which the crowd is held to have been incited to violence and there was a finding that a UDF officer was present at the service and remained silent. And in Daveyton it is said that the UDF supported the struggle. Now the events are of course spread out over different periods of time. I do not want to go back and look at each of them in turn but most of these incidents took place after the detention of the leadership of the UDF in August of 1984, and at a time when the affairs of the UDF were disrupted by those detentions. Indeed accused nos. 19, 20 and 21 were all (10) detained during part of the period during which most of these events occurred. Accused no. 19 was in detention from 2 October until 10 December 1984. When he came out of detention he was involved in the Black Christmas campaign but the evidence shows, and I am not aware of anything contrary in the judgment, that there was no violence associated with this. The evidence also shows that the UDF stressed that the campaign should be conducted without coercion. Accused no. 19 then took a holiday and shortly after that he had to lie low because other leaders of the UDF had been arrested and it was con- (20) sidered unsafe for him to attend the office regularly, and this continued until 23 April 1985 when he was arrested. So it was a period of disruption of the organisation's activities, the loss of its top leadership and the inability of certain of the important officials to give their attention to the affairs of the organisation. It was a period when events began to take on a dynamic of their own. Accused no. 20 was in detention from 21 August until 10 December and from then onwards his situation was much the same as that of accused no. 19 save that he did not take a holiday. He was arrested on (30)

23 April 1985 as well. Accused no. 21 was a part time co-secretary of the Transvaal Region. He did not have his own office or desk at the UDF. He did not even have his own pigeon-hole. He went out of office on 9 March 1985 and he was also arrested on 23 April. Now some of the incidents attributed directly or indirectly to affiliates of the UDF occurred during this time or after the arrest of the accused. There is no evidence that any of the accused were direct participants in any of these events or at any occasion directly played any role which could be characterised as violent. (10) In none of the areas referred to were there any deaths. The damage that was done was in the main damage to immovable property. There was of course police action and certain protestors - and I have not examined that in detail - may have been injured or shot by the police during that period. Now the evidence does not show who was responsible for the deaths and damage in other areas and these events cannot be attributed to the actions of the UDF or its affiliates. Implicit in the judgment is an acceptance of the fact that there could have been other causes for such violence. Thus the finding that (20) in fifteen of the thirty-one areas mentioned in the indictment the state had failed to establish any linkage between the violence and the activities of the UDF and its affiliates. And there is, in addition, the evidence of Mr Mabuza that the violence in his region was not associated with any organisation. Indeed it was not suggested that the UDF had any affiliates in that area at all. The remoteness of the connection of the accused with the actual events which occurred in the areas where there has been found to be some linkage between the damage and the affiliates of the UDF is in our submission (30)

a relevant factor to be taken into account in assessing the sentence. There is also the fact that most of the speeches and writings that have been referred to in the judgment were the words and deeds of persons other than the accused. The accused now face punishment partly and in a significant extent, as a result of those words and deeds, when the persons actually responsible for them have been acquitted by another court and carry no responsibility. And the irony that those others should go free and that these three should be symbolically the ones to be punished will not be missed. (10)

Let me say a few words about each of the three accused on whose behalf I am now speaking. You have heard the evidence of the background of Mr Molefe. His is a story of a struggle in the face of the most appalling adversity. He triumphed when most would have failed. He has quite extraordinarily emerged as a man of great character, personality and of ability. And in all that he has emerged without bitterness or a desire for retribution. He is obviously a man of compassion with a sensitivity for the suffering of his fellow human beings. He has acted not in the furtherance of his own (20)

narrow interests but in the advancement of the cause of his people. And that of course is true of the others as well. Mr Lekota is a man with natural leadership qualities. He too has displayed a commitment to the creation of a non-racial democracy in South Africa. He is an eloquent speaker and the theme of racial reconciliation runs through his speeches. There is no trace of bitterness or of self pity in any of his speeches or writings. He has a vision of a different future for his people which he has pursued fearlessly and with determination. I asked Mr Lekota whether there was anything (30)

particularly/....

particularly he wanted me to say when I addressed you on his behalf and he replied that he would serve his sentence without any bitterness. Mr Chikane's involvement in the affairs of the UDF were at a lower level than that of the other two. He did not have the same high profile that they did and on the few occasions when he spoke publicly he showed himself to be a person anxious to resolve conflict. We have referred to these occasions in our argument at the end of the trial and there is no need for me to repeat them now. Your lordship will find the passages at pages 25 483 to 25 485 of the record. It (10) is a tragedy that our society should be one in which people such as these find themselves in conflict with the state, that this should have happened in the circumstances that exist in our country is perhaps understandable though nonetheless tragic. For they are people of courage and commitment. Their life is testimony to that and it is people such as them who throughout history have sacrificed their personal lives to the struggle for freedom. It is not surprising, therefore, that these three persons should have taken up the struggle of their people. And your lordship now has to decide how to (20) deal with them, to do so severely and cause dissent can affect perceptions and can bring out feelings which are latent within our society. To do so with understanding might help to lay a foundation for reconciliation and a lessening of the conflict. The choice is yours.

MR BIZOS ADDRESSES COURT: The seven accused found guilty of terrorism by your lordship are entitled, with the greatest respect, to have publicly stated what sort of terrorists they are. Your lordship has given an answer to that question on page 923 of your lordship's judgment. The indictment that (30) they/....

they could have faced or that they should have faced on your lordship's finding is an indictment which really should have been drawn in half a dozen lines. Your lordship's finding on page 923 could have formed the basis of that indictment. We find that accused no. 5, and your lordship deals on the same basis with the others, with the intent to induce the town council to resign or at least to repeal the rent increase organised a stay away and march which were aimed at bringing about and contributing to violence and that he encouraged others to participate. Consequently he is guilty of con- (10) travening section 54(1)(c)(2) and (4) read with 54(8) of the Internal Security Act read with section 84(1)(f) of Act 32 of 1961. This offence is called terrorism in the act. I read this deliberately in order to draw to your lordship's attention that none of the connotations of an emotionally charged word such as "terrorism" is really applicable to any of the seven people. I am not even going to try to tell your lordship what the emotions that are aroused by the use of the word "terrorism". But your lordship will, in our submission, take into consideration that this statutory terrorism of (20) a legislature in which the accused are not represented may be an ugly name to put on them but with the greatest respect your lordship will be careful not to allow the emotions that are aroused by the use of the word to misinterpret the real act of which they have been found guilty. The act is that they addressed meetings, they used strident language, on your lordship's finding, they called councillors insulting names and they took part in the organisation of a march which was destined, on your lordship's finding, to induce the town council to resign or to abandon the rent increase. We (30)

would/....

would submit that an analysis of section 54 of the Internal Security Act shows that even in the various types of statutory terrorism created this must be by far the least serious. What the section punishes is conduct which is intended to overthrow or endanger the state authority in the Republic. That is not the case here. Achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change in the Republic. That is not present in relation to these accused. (c) your lordship found to be present at the local level, to induce the government of the Republic (1) to do or to abstain from doing any act or to adopt or to abandon a particular standpoint and put in fear or demoralise the general public, a particular group or the inhabitants of a particular area in the Republic and to induce the said public or such population group or inhabitants to do or to abstain from doing any act. Now it is with that intent that the greatest punishment must be reserved for those who actually commit acts of violence under sub-section (1) which your lordship did not find in this case. Your lordship found them guilty of performing an act aimed at bringing about violence. (Your lordship did not find under sub-section (3) that there was a conspiracy among them and your lordship did find that they incited the performance of an act aimed at causing violence. So that in our respectful submission this is the least of the various permutations that the act actually, the least serious of the various permutations. Now what we are asking your lordship to take into consideration is this, that this indictment could have been formulated on a page or page and a half, particulars could have been requested, most of the facts in relation to the meetings having taken place and (30)

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the march having taken place and the accused having participated in that march would have been, as they were before your lordship, common cause and there could have been a comparatively short trial at which their guilt or innocence could have been determined as to whether or not they had that particular intent. That, however, was not to be. Your lordship had to listen to almost a dozen witnesses - and we would submit falsely deposing that the accused actually incited violence and that they actually committed acts of violence. Those allegations were not proved. It took the accused over three (10) years to disprove those allegations and that is a factor which in our respectful submission must be taken into consideration, not on the basis that it is inevitable that trials become lengthy but on the basis, we would submit, that reasonable foresight on the part of the state would have prevented this injustice being done to these accused from the Vaal. Speaking of foresight it is really the basis upon which the accused themselves have been convicted of contravening this section and what I would appeal to your lordship to take into consideration, the fundamental error that can be committed by (20) reasoning by hindsight. What happened in the Vaal is tragic, councillors were killed, dozens of people were shot by the police, the whole community was disorganised. But that is not the responsibility of the accused. This is one of the main reasons why Professor Helm was called. In order to persuade your lordship that blame has to be apportioned. But let me deal first with the question of foreseeability. There can be no doubt, on your lordship's finding, that this was the purpose of the march, that they intended to get to Houtkop in order to induce the councillors to resign or to reduce the (30) rental/....

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