

As we have stated, during August and September 1984 a number of meetings were held in Sharpeville. The venue was St Cyprians Anglican Church and accused No 3 played a leading role. The steering committee was called the Anti-Rent Committee by the press.

The state submitted that the Sharpeville Anti-Rent Committee was not a church initiated committee but a committee initiated by AZAPO and the VCA.

As there was very little, if any, VCA activity in Sharpeville the state relied on an alleged VCA-AZAPO co-operation agreement to tie the events in Sharpeville to those in the rest of Lekoa. It alleged that the meetings in Sharpeville were in fact AZAPO initiated meetings.

The defence case was that the events in Sharpeville were entirely independent of the VCA activities and that the meetings were not AZAPO meetings.

It is necessary to decide these issues first.

We have previously stated that the denial by the accused of an AZAPO-VCA agreement of co-operation is suspect. We cannot put it stronger than this and cannot find that the state has proved that it in fact existed.

There was no direct state evidence on this point and the facts placed before us which tend to influence us in the direction of a finding that such agreement existed in the Vaal are not strong enough to support a finding beyond reasonable doubt.

The next question to determine is whether the meetings were AZAPO meetings. This hinges to a large extent on the question of accused No 3's membership of that revolutionary organisation.

The witness ic.8 testified that accused No 3 was a member of the AZAPO Vaal Triangle branch since its founding in 1983. It was founded in accused No 3's church. He stated that accused No 3 attended all public and committee meetings of AZAPO in the Vaal Triangle.

It is common cause that all meetings of AZAPO in Sharpeville inter alia those against the Black local authority elections were held in St Cyprians Anglican Church, the church of accused No 3, and also the commemorative service of March 1983 (commemorating Sharpeville 1960) and a Steve Biko commemorative service. The Black Consciousness rally of October 1983 which was to have been held in Regina Mundi Church in Soweto was after it was prohibited moved to the church of accused No 3 in Sharpeville where he opened it. All meetings held by AZAPO in his church which he attended he opened. He was particularly fond of that part of the scripture relating to the

oppression of the Israelites by the Egyptians, equating the former with the Blacks and the latter with the Whites. He had no objection to freedom songs in his church. He is an adherent of the Black consciousness philosophy and believes in Black theology. He was a friend of the late Steve Biko, the Black consciousness leader, at college and vice-chairman of its SASO branch. During his parish days in Soweto he was a member of the care-taker committee which took over after the detention of the Committee of Ten. In March 1982 he delivered a paper on Black theology at the AZAPO conference in Hammanskraal which dealt with the theology of liberation. In his possession were found the papers of the National Forum. Exh AQ.4.

These facts afford strong corroboration for the evidence of the witness ic.8 that accused No 3 was a member of AZAPO.

Accused No 2, accused No 3 and Lybon Mabasa denied that accused No 3 had ever been a member of that organisation.

As appears from annexure "Z" we found that these persons were unreliable witnesses. Accused No 3 was the most evasive witness we had in the whole case. His evidence was often contradictory and often untruthful. Mabasa we found to be a revolutionary and a wholly untrustworthy witness. On AZAPO's branches in the Vaal Triangle Mabasa and accused No 2 contradicted each other and both were in conflict with exh AP.14.

There is the further consideration that accused No 3 being a minister of the Anglican church could hardly admit to belonging to a revolutionary organisation.

There is a further unexplained coincidence. Accused No 3 told the court that the meetings held in his church in August were church initiated and called by an ad hoc committee of his parish council to consider the plight of his poor parishioners. He could not credibly explain, however, why the ad hoc committee should then consist of himself and two union officials who were not members of his church, why the problems of his poor parishioners were not attended to and why the speakers on 19 August 1984 were accused No 2 of AZAPO, accused No 16 secretary of the Soweto Civic Association but a strong Black consciousness adherent and accused No 1 of AZANYU. None of these lived in Sharpeville and none had any business there.

We find that the sole reason for their attendance was to mobilise the masses around the issue of the rent increase.

There are, however, other relevant facts.

The Sharpeville meetings were never publicly called AZAPO meetings. The Sowetan made it appear as if the meeting of 19 August 1984 was a joint meeting of UDF, AZAPO, AZANYU, Soweto Civic Association and the trade unions. Exh AAQ.7. The Rand Daily Mail

stated the meeting was called by the Anti-Rent Committee though it is interesting to note that only Black consciousness speakers are mentioned. Exh AAQ.6.

Sergeant Koaho, the state witness, testified that the meeting of 19 August 1984 was not a UDF, AZAPO or COSAS meeting. Accused No 3 had made it clear that he acted as father in charge of that parish, he says.

There is also the evidence of Kevin Harris who interviewed accused No 3 on 26 August 1984. Although we have serious criticisms against the evidence of Mr Harris as set out in annexure Z we find that the interview as recorded is reliable. There are no interruptions in the recording. Exh V.30. During that interview accused No 3 told Harris that these meetings were called by the church and the trade unions and that the steering committee was called an Anti-Rent Committee.

The witness ic.8 who was on the executive of AZAPO Vaal as secretary, evidently had no knowledge of the meetings of 12, 19 and 26 August 1984. He did not attend them. At the meeting of 2 September 1984 he arrived late, he had nothing to do with its organisation and he did not even go up to the platform. Accused No 2 who told him of this meeting allegedly said it was a meeting of all organisations in the Vaal Triangle, but the witness gives no evidence

about any speakers from those organisations and accused No 2 disputes it. It seems strange that AZAPO's secretary would have no knowledge of or participate in the organisation of these meetings if they were in fact AZAPO meetings.

Furthermore, if in fact these were AZAPO meetings one would have expected AZAPO to have announced it loudly and publicly. It could only enhance their stature.

In the light of these considerations we find that the state has not proved that the meetings held in the church of accused No 3 were AZAPO meetings though they were strongly supported by AZAPO office-bearers and Black consciousness personages.

Though the evidence shows that accused No 3 was a strong supporter of AZAPO it is not necessary to make a finding on his alleged membership of that organisation.

It remains to determine whether the state has proved that at the Sharpeville meetings there was incitement to violence.

About the memorial service for Steve Biko no evidence was placed before court.

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

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