

ACCUSED NO 8 (NAPHTALI MBUTI NKOPANE)

The allegations in the indictment as amplified by further particulars against accused No 8 are that during August 1984 he attended two meetings on the increased rent at the house of accused No 10 in zone 3. He attended a meeting of activists of zones 3 and 7 on 24 August 1984 to plan a proposed mass meeting for 26 August 1984. It was decided that accused No 8 would be the chairman. He advertised the mass meeting by loudspeaker and pamphlets. He chaired the mass protest meeting in the Roman Catholic Church Small Farms on 26 August 1984 where he was elected chairman of the zone 3 Area Committee of the VCA. On 3 September 1984 he arrived at the Roman Catholic Church Small Farms to lead and control the crowd as planned. He identified with the aims of the UDF to overthrow or endanger the government by violent means by co-operating with the UDF and as a member of a body affiliated to the UDF and which actively co-operated in the Vaal Triangle against the government and Black local authority to destroy the latter. He was part of the management structure of the VCA which was affiliated to the UDF and thereby became part of the UDF Transvaal and participated in its meetings, planning and organisation. It is alleged that he attended the general council meeting of the UDF on 4 August 1984. These are the allegations against accused No 8.

The last allegation is probably based on an entry in the attendance-register of the UDF for that meeting. Exh 26. It is not his signature, however, but only the name Buti was written in the register apparently by a person who also made other entries. The matter was not taken up with accused No 8 and we find that his attendance has not been proved.

The evidence is that accused No 8 attended the VCA launch on 9 October 1983. He seems to have been politically inactive thereafter until 13 August 1984 when upon hearing about the rent increase he went to Esau Raditsela to ask him what the VCA was going to do about it. He was referred to the house meeting the next day which he attended at the house of accused No 10 in zone 3. An Action Committee was formed. Accused No 8 was a member. Accused No 10 testified that its purpose was to initiate an Area Committee of the VCA in zone 3. Accused No 8 was there mandated to find a venue for the mass meeting which was planned. Accused No 8 attended further house meetings on 16, 21 and 23 August and on 24 August at the meeting of the zone 7 committee and the zone 3 Action Committee it was agreed that accused No 8 would be alternative chairman for the mass meeting on 26 August 1984.

Accused No 8 helped advertise the mass meeting of 26 August 1984 by loud hailer and by distributing pamphlets. He presided at this meeting and was there elected chairman of the zone 3 Area Committee

of the VCA. There is a conflict on the contents of the speech of accused No 8. We have dealt with it elsewhere. Accused No 8 was not a good witness and we do not necessarily accept his version as correct. His evidence conflicted with what had been put by his counsel.

He arranged the meeting of 2 September 1984 of all Area Committees of the VCA which planned the execution of the resolutions of the mass meeting. We have dealt elsewhere with the alleged memorandum. We reject his evidence that at this meeting it was discussed that the march would be peacefully dispersed by the organisers should it be confronted by the police. The events of 3 September 1984 do not bear him out and he was an untrustworthy witness.

After the mass meeting he handed the document with the resolutions to Esau Raditsela with the request that he arrange for a pamphlet to publicise them. Accused No 8 received this pamphlet and distributed it. It is exh AN.15.2. He could not explain why it did not contain a reference to the march.

Accused No 8 arrived early on 3 September 1984 at the church where he made placards for the march. He was one of the leaders who addressed the crowd and helped set up the procession and supervised it. It is not necessary to resolve the dispute whether he was a leader of the procession.

After the dispersal of the march he and accused No 17 helped a wounded young man in zone 11.

On 4 September 1984 he attended the meeting with Frank Chikane at the house of accused No 6.

Accused No 8 and others fetched the pamphlet (exh AN.15.3) from the UDF on 6 September and met Frank Chikane.

On 9 September accused No 10 handed him the pamphlet (exh AN.15.7) which he distributed.

We are not convinced that accused No 8 saw their action as furthering the aims of the UDF to effect the destruction of the Black local authorities by mass action aimed at the endangerment or overthrow of the government of South Africa. We find that his was a local perspective, namely to get rid of the town councillors.

We have found that the leadership of the VCA was bent on the demise of the Black local authority and that its methods included mass action and that it accepted that violence was an inevitable and necessary component thereof. In view of accused No 8's particular position in the leadership of the VCA we have no doubt that he 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 and that he endorsed this.

It follows that the same reasoning and result are applicable as in the case of accused No 5 and No 7.

We find that accused No 8 with the intent to induce the Lekoa town council to resign or at least to repeal the rent increase organised the stay-away and march which were aimed at bringing about or contributing to violence and that he encouraged others to participate.

He is consequently found guilty of contravening section 54(1)(c)(ii) and (iv) read with section 54(8) of the Internal Security Act read with section 84(1)(f) of Act 32 of 1961. This offence carries the label terrorism in the Act.

Accused No 8 is found guilty of terrorism in terms of section 54(1) of the Internal Security Act 74 of 1982.

DELMAS TREASON TRIAL 1985-1989

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