

Area 10: Soweto (Betoog 420-467)

1 It is alleged at page 78 of the further particulars that, since September 1984, the Soweto Civic Association and its branches at Mofolo, Chiawelo, Dlamini, Phiri, Mapetla, Tladi, Moletsane, Meadowlands, Orlando West and East, Diepkloof, Klipspruit, Pimville and Mzimhlope as well as SOYCO, COSAS and AZASO organised and violence, disturbance and intimidation took place.

2 It is clear from the admission contained in AAS3, p. 4 in relation to this area that houses and businesses which, according to the admission, have nothing whatever to do with councillors or with any government institution which were also attacked. Accordingly, there appears to be no pattern in relation to targets in this area.

3 The State's evidence

3.1 The evidence of Sergeant Mong suggests that there was some tension

in Soweto arising out of the education issue. There is no evidence in regard to community councils. None of the documents found in the area by the witness relate to community councils or to the UDF.

3.1.1 Mentions of the UDF in the evidence of this witness are limited to the existence of UDF slogans, the facts that Amanda Kwadi and the Reverend Frank Chikane (members of the Transvaal Regional Executive Committee and the National Executive Committee of the UDF) were present at a funeral held at Soweto of one Bongane Khumalo, the Secretary of COSAS in that area, as well as the presence of some UDF T-shirts at this funeral. The funeral took place on 26 September 1984. Khumalo is alleged to have died as a result of having been shot by the police. It is

clear from the evidence that there were a number of people at the funeral (under the age of 25), and that a song "Umkhonto we Sizwe" was sung twice there.

Mong, Vol. 96, p.4661, line 4-5;  
p. 4674, lines 29-31

There was a banner with an AK47 on it.

Mong, Vol. 96, p.4663, lines 14-16

This banner was, however, not at the head of the funeral procession.

Mong, Vol. 96, p.4674, lines 8-16

One Sephiwe Tose, alleged to be of SOYCO, was one of the front forerunners of the march.

Mong, Vol. 96, p.4671, lines 4-9

He was seen chanting Tambo slogans.

Mong, Vol. 96, p.4675, lines 11-12

After the funeral there were incidents of stone throwing, burning of cars, obstructions and burning of buses.

Mong, Vol. 96, p.4653, lines 20-30

3.1.2 Mong referred to pamphlets found by him in various places towards the end of 1984, the pamphlets being issued by the Soweto Parents Committee, by COSAS, and one by AZASM. All these pamphlets are concerned with education. In addition, Mong said that on one occasion stones were thrown at him by certain people who belonged to AZASM. Exhibits AAW1 and AAW2, found by Mong at a meeting during August 1984 contains student demands, linking these to the struggle for a democratic society. Exhibits AAW3 and AAW4 are issued by AZASM and the Soweto Parents Committee respectively advertising meetings.

3.1.3 Mong also gave evidence in connection with what was referred to as the general security situation in the area during the period August 1984 until the beginning of 1985, mentioning in general terms acts of violence and stone throwing incidents.

Mong, Vol. 96, p.4678, lines  
25-29

3.1.4 The organisations active in the area were described as follows:

3.1.4.1 COSAS was described as being active in the whole of Soweto.

Mong, Vol. 96, p.4679, lines  
2-3

3.1.4.2 SOYCO and AZAPO were described simply as "aktief".

Mong, Vol. 96, p.4679, lines  
6-7

3.1.4.3 The Soweto Civic Association described as "die Soweto Civic Association was net so aktief en het dikwels geskakel as

gevolg van die feit dat hulle na die swart onderwyskrisis begin kyk het, met die ander organasies geskakel".

Mong, Vol. 96, p.4679, lines 8-12

3.1.5 Finally, there is an incident of stone throwing described in the video.

Mong, Vol. 96, p.4768, lines 8-10

3.2 The State also relies on the evidence of IC12 who gave evidence of:

3.2.1 The relationship between AZASO and the UDF.

3.2.2 An AZASO meeting held on 4 July 1984 as evidenced by Exhibit V11.

3.2.3 The background to the formation of SOYCO.

3.2.4 The SOYCO launch held on 31 July 1983, the agreed transcript of which is exhibited as V25.

The State Argument, p.420 to 426, paras. 1.1 to 1.2.1.20

4 None of this evidence established that the organisations specified in the further particulars, or the UDF bore any responsibility for any violence in respect of which evidence was led or which was admitted.

5 We deal first with the evidence of IC12 and the meetings deposed to by him.

6 The following submissions are made in connection with the SOYCO launch held on 31 July 1983.

6.1 This meeting was held before the executive of the Transvaal region of the UDF was elected and before the launch of the UDF. It cannot be relied on as evidence of "UDF policy".

Exhibit A5, p. 4

- 6.2 The State evidence of violence, as well as defence admissions thereof relate to a period after September 1984. In these circumstances, the SOYCO launch meeting is too far removed from the date upon which this violence occurred, to be considered a cause thereof.
- 6.3 Finally, no violence of the sort which occurred (or of any kind) was preached at this meeting.
- 6.4 The evidence of Dr. Motlana, in relation to songs such as "we shall catch them with their children" and "boys who hit the Supreme Court" is that these songs were introduced sung by irresponsible youth, that it was difficult to stand up at a large meeting and ask people to stop singing, that this matter was discussed at smaller meetings from time to time and that, as far as he was concerned, there was no



intention that acts such as those mentioned in the songs should be carried out.

Motlana, Vol. 418, p. 24509,  
line 29 to 24516 line 15;  
p.24522, line 25 to p.24523,  
line 6

Generally in this regard, see also the argument addressed to the Court orally on the way in which evidence concerning songs should be approached.

The argument that ANC and SOYCO were associated with each other deliberately at these meetings is not borne out by the evidence. There is nothing to suggest that this was ever planned by the organisers of any meeting. Songs had been part of the "political custom" long before SOYCO was launched.

The State Argument, Vol. 4, p. 421, para. 1.2.1.1

6.5 Various aspects of the meeting are referred to by the State to

establish the proposition that the youth were stirred up to more militant conduct. Broadly speaking, the State relies on reference to ANC leaders, to the ANC youth league, to the fact that some of the speakers had served terms of imprisonment, the reference to revolution, pleas to people to unite in the struggle for a society in terms of the Freedom Charter, to the fact that the struggle is not a joke, and on calls for unity. The submission ignores the fact that the ANC youth league was not an unlawful organisation, that the word "revolution" does not necessarily entail violence but can be used in the sense of a fundamental change, that the references to people who belong to the ANC and to those who have been imprisoned on Robben Island were made to show the sacrifices and the suffering which people have undergone rather than to praise the violence, and that the overall object of the proceedings

was to express views concerning the extent to which people were dissatisfied with apartheid. Political language should not be construed out of its context; nor should it always be construed literally.

Then with reference to the use of the words "Viva Umkhonto we Sizwe" it is submitted that it is clear from the viewing of the video that Dr Motlana is correct. People did laugh in embarrassment and not in happiness when Mpetha responded "Umkhonto we Sizwe" to the call "Viva".

The State Argument, Vol. 4, p. 421 to 426, paras. 1.2.1.2 to 1.2.1.20

Motlana, Vol. 417, p.24455, lines 21 to 23

## 7 The AZASO Meeting

7.1 This meeting was held too long before the date upon which violence commenced to be related to it.

7.2 There is nothing to suggest that members of AZASO were responsible for the violence. No AZASO T-shirts or banners are referred to.

7.3 IC12 was himself the Chairman of AZASO in Soweto. He was not warned as an accomplice and confirmed under cross-examination that he was not involved in anything unlawful (so far as he was concerned). No evidence was led from him concerning the activities of AZASO except in very broad general terms. All this is surprising in the context of the allegation that AZASO was in fact responsible for the violence in this area.

The State Argument, Vol. 4,  
p.428, para. 2

8 In relation to the State's reliance on the video of the funeral, the following is drawn to the attention of the Court:

8.1 There were very few UDF T-shirts there.

Mong, Vol. 96, p.4657, line 18

8.2 The video is by no means complete. There are many interruptions and changes of scenes.

Mong, Vol.96, p.4658, line 10  
et seq;  
p.4659, line 4,  
p.4661, line 14,  
p.4664, line 13,  
p.4666, line 3, etc.

8.3 Most of the people present were under the age of 25.

Mong, Vol. 96, p.4669, lines  
2-12

8.4 The AK47 was on a banner and this was not in front of the cortege.

Mong, Vol. 96, p.4674, lines  
15-16

8.5 There is a very limited reference to the ANC and its leaders.

8.6 There is no basis for the submission that teargas was fired only after stones were thrown. The witness

said that he was not there at the time. However, it is submitted that it is clear that there is already teargas before stones are thrown.

Mong, Vol.96, p.4676, lines 3-31

8.7 The submission that it appears clearly from the video that the whole of the proceedings were dedicated towards honouring the ANC and stirring up the masses except for prayers being said on two occasions is unjustified.

The State Argument, Vol. 4, p.429, paras. 3.1 to 3.1.4

9 The aim of the defence evidence was to show that the Soweto Civic Association did not espouse violence and that this body was not part of any conspiracy to overthrow the State by violence.

10 Dr Motlana, the President of the Soweto Civic Association since its inception until recently when he was appointed the Honourary President gave evidence for the defence. It must be borne in mind, in

dealing with his evidence that it was never put to him that the Soweto Civic Association was part of any conspiracy to overthrow the State by violence, or that it was part of any conspiracy with the African National Congress, or that the activities of this association were responsible for any of the violence that took place in the area. This despite the fact that he had made it clear that the UDF did not seek to achieve its goals by violence, and that he himself pursued non-violent methods of opposition to apartheid.

Motlana, Vol. 417, p.24432, lines 1-10;

Vol. 417, p. 24435, lines 7-19

10.1 It is common cause that the formation of the Soweto Civic Association had nothing whatsoever to do with the alleged conspiracy.

The evidence is that there were complaints about Afrikaans being used as a medium of instruction in Soweto schools long before 1977 and

that these complaints were brought to the attention of the authorities. After the trouble of 1976, a Black Parents Association was elected to normalise the situation and to ensure that the children went back to school. It was in this context that the a committee of ten was elected with the witness as Chairman. This committee produced a blue-print in regard to the future administration of Soweto, but was unable to report back to the community in regard to the blue-print on account of the banning of its meetings.

Motlana, Vol. 417, p.24405,  
line 11 to p. 24411, line 22

The SCA was formed during 1977 with the committee of ten becoming the executive committee of the body. It was considered to be some sort of rate payers organisation. The blue-print was discussed with various leaders of commerce and industry. This was the first civic



association. There is no suggestion of any ANC involvement in its formation.

Motlana, Vol. 417, p.24411,  
line 23 to p. 24415, line 27

10.2 The evidence in regard to the circumstances of the formation of the Soweto Civic Association is confirmed again without being disputed by the State by Dr E Khuzwayo and Mr Mosale. The latter explains that the SCA was formed not to replace any existing statutory body but to act as a mouthpiece of the people and to educate people about their day to day problems.

Dr. Khuswayo, Vol. 356,  
p.20440, lines 28 to p.20448,  
lines 16 ; and

Mosale, Vol. 346, p. 19747,  
lines 17 to p. 19756, line 29

10.3 His evidence concerning the origin of the attitude of non-cooperation with Government structures is also not disputed. He said that this attitude arose because the Government would not talk to

community representatives. He also makes it clear (and this evidence is not disputed) that tactics such as consumer boycotts have been part of the resistance movement for a long time and that they are aimed at bringing grievances to the attention of those in power.

Motlana, Vol. 417, p.24418,  
line 18 to p.24422, line 22

10.4 His evidence to the effect that councillors had been referred to in derogatory terms (long before the UDF came into existence) and that violence has continued in Soweto since 1976, with attacks on buses, the property of "sell-outs" etc. is not disputed; The witness acknowledged in cross-examination that there was some exacerbation of the violence during the period 1983/1984. He made it quite clear (and this too is not disputed) that the SCA does not condone this violence and that it was impossible for the organisation to control the

rebellious children responsible for it.

Motlana, Vol. 417, p.24422, line 23, to p.24427, line 10

Also p.24481, lines 13-15

10.5 His evidence to the effect that the UDF gave no instructions whatsoever to the Soweto Civic Association, and that the Soweto Civic Association itself had considered the advisability of the formation of an "organisation of organisations" before the UDF was formed, is also not in dispute.

Motlana, Vol. 417, p. 24436, line 3 to p.24437, line 12

10.6 The rejection of the Black Local Authorities system by the Soweto Civic Association had nothing whatever to do with the UDF and this decision had been taken by the SCA before the UDF came into existence. Before taking the decision to oppose the Black Local Authorities system, the Soweto Civic Association called many meetings.

It is of importance to note that, in at least one of these meetings, a speaker was invited by the Soweto Civic Association to explain the advantages of participating in the new dispensation. Despite this, a boycott campaign was decided upon. Dr Motlana did not think that a boycott of the elections would create chaos because the Government would simply appoint someone else to run the affairs of the Soweto Civic Association if there were no council.

Motlana, Vol. 417, p.24441,  
line 14 to p. 24451, line 11

10.7 His evidence was that the Soweto Civic Association had no control over COSAS at all. His account of the circumstances in which he was invited to a funeral and asked by a member of a COSAS executive committee not to speak there, although the Chairman had already called upon him to do so, is not improbable. It demonstrates that

there were some people from COSAS who did not want Dr Motlana to speak, and that he did not want to be the focus of dissent. That he should have responded as he did is not in the least improbable.

Motlana, Vol. 417, p. 24457,  
line 14 to p.24460, line 21

The State Argument, Vol. 4 p.  
462, para. 8.27

10.8 His evidence that the colours black green and gold are not peculiar to the ANC is also not disputed.

Motlana, Vol. 417, p.24465,  
lines 14 to 17

10.9 He made it clear that it was not the intention simply to use day to day issues for the purpose of organising and mobilising people. He admitted that one of the purposes was to organise and mobilise. He made it clear however that it was also the objective of the organisation to ensure that people's grievances were redressed. He said that he finds the suggestion that suffering would

be used for political purposes by him or his organisation an insult. He was referred to various exhibits under cross-examination but none of these say, even if they were admissible, that day to day issues are used solely for the purpose of organising and mobilising and that there is no intention to have these grievances redressed.

Motlana, Vol. 417, p.24477,  
line 8 to p. 24480, line 19

11 It is submitted that Dr Motlana was a good and frank witness. Criticisms of the State in respect of his evidence and certain inaccurate perceptions of his evidence by the State are dealt with below.

11.1 The reliance on the alleged conflict between the evidence of Dr Motlana and accused no. 16 in regard to the perception by the Soweto Civic Association concerning its affiliation to the UDF is misplaced. Dr Motlana made it quite clear that

Mr Manthata (accused no. 16) did not regard the UDF as affiliated. This criticism has already been dealt with in the argument concerning the credibility of accused no. 16.

The State Argument, Vol. 4,  
p.456, para 8.1

11.2 Reliance on the alleged contradiction between "several" meetings and "vier" meetings is incomprehensible.

The State Argument, Vol. 4,  
p.456, para 8.2

11.3 The reference to Dr Motlana having confirmed that the Soweto Civic Association is involved in the struggle for "people's power", is misleading. A recourse to the reference relied on by the State reveals immediately that, by "people's power", Dr Motlana means ordinary democracy.

The State Argument, Vol. 4, p.  
458, para 8.9

11.4 Reliance on his concession that the NECC consists of UDF affiliates is misconceived and ignores the doctor's evidence in re-examination that non-affiliates were present at the NECC conference. In any event, the NECC has nothing to do with the UDF, and the conference concerned took place in March 1986. In the circumstances, this event is unrelated to the charge against the accused.

The State Argument, Vol. 4,  
p.458, para. 8.10

Dr Motlana, Vol. 419, p.24573,  
lines 25 to 30

11.5 The criticism that Dr Motlana did not want to tell the Court who was behind the UDF being started is without foundation. In any event, there was no secret about this at all.

The State Argument, Vol. 4,  
p.458, para. 8.11

The contradiction relied upon by the State in paragraph 8.14 of the



Betoog is not really a contradiction. It is not true to say that he remembered what many speakers had said at the meeting. He made it quite clear that no speaker spoke of violence. He remembered that one speaker had said something about teachers uniting. It is a fair analysis of his evidence that he remembered very little about this meeting. Bearing in mind his positions as a community leader which requires him to attend many meetings, his inability to recall details of a particular meeting raised by the cross-examiner is not surprising. He would, however, have remembered if violence had been incited.

11.6 The State argues that people are "conditioned" to raise grievances because decisions are only taken after speeches have been made. This is an absurd proposition. Decisions can hardly be made before issues are raised and debated. If the issues

raised were not genuine grievances, the community would not have taken them up; nor would people have risked harassment, detention, etc. for taking up grievances that were not genuine.

The State Argument, Vol. 4,  
p.459, para. 8.15

11.7

The criticism that Dr Motlana's evidence that songs are sung for the sake of recording history is unworthy of belief, is misplaced. In the first place, Dr Motlana did not say that songs are sung for this purpose. In any event, there is quite obviously a difference of opinion between Dr Motlana and the State in connection with why these songs were sung at meetings. The fact that Dr Motlana does not agree with the opinion held by the State does not make him unworthy of belief. See generally on this issue, the evidence of Bishop Buthelezi.

The State Argument, Vol. 4,  
p.460, para. 8.17

11.8 The State ignores Dr Motlana's evidence in re-examination to the effect that he did not regard the South African Government as illegal.

Motlana, Vol. 419, p. 24577, line 29, to p. 24578, line 13

11.9 The criticism of Dr Motlana's evidence on the issue of whether Mr Mpetha was in a semi-coma or not, is without any substance. If recourse is had to the reference given by the State, it will become clear that the gist of Dr Motlana's evidence was to the effect that, when he first saw Mr Mpheta being brought into the meeting on a wheel chair, he thought that he was in semi-coma. He was surprised that he was able to come to the meeting. However, when Mr Mpheta's turn came to speak, he spoke very well, which also surprised him. Dr Motlana made it clear that diabetes could have affected his mental performance and that this may have contributed to

the statement he made concerning Umkhonto we Sizwe.

The State Argument, Vol. 4, p. 461, para. 8.23

Motlana, Vol. 417, p. 24455, lines 1-12

11.10 All other criticisms made of the evidence of this witness are of little moment, and in our submission, of no substance whatever.

11.11 Moreover, much of Dr Motlana's evidence on which reliance has been placed was not disputed by the State in cross-examination.

12 The State also criticises the evidence of Mr Mosala to some extent.

12.1 The submission that his evidence is irrelevant to the case is based on a misunderstanding of the purpose of his evidence. As already referred to, his evidence supports that of Dr Motlana concerning the circumstances in which the Soweto

Civic Association came into existence. His evidence also establishes clearly that the Soweto Civic Association was a local initiative to the 1976 crisis and was not influenced by any other organisation.

The State Argument, Vol.4,  
p.445, para. 5.1

12.2 Criticisms advanced by the State, and the effort by the State to summarise the evidence are of no real help. The criticisms are insignificant. Of importance however is the evidence of Mr Mosala referred to by the State that freedom songs referring to Tambo had been sung years before the UDF came into existence.

The State Argument, Vol. 4, p.  
445, par. 5.2

13 The State has totally misconceived the purpose for which the evidence of Dr Khuzwayo was led.

13.1 It is clear that her evidence in connection with her involvement in the Soweto Civic Association is not disputed. She did not testify as an expert in connection with these matters, but of her own personal experience.

13.2 The State seems to accept the correctness of her evidence that a number of the resolutions passed by the UDF are based on grievances which had existed and which had been voiced long before the UDF came into existence.

13.3 In the circumstances the criticisms advanced by the State of the evidence of this witness are irrelevant.

The State Argument, Vol. 4, p. 448, par. 6

14 Bishop Buthelezi's evidence does not seek to counter the State evidence in regard to Soweto.

14.1 His evidence concerning the behaviour of people, their dancing and their singing of songs in independent churches is certainly relevant. It shows that one cannot generalise and assess the evidence of behaviour at funerals and commemoration services against the background of what these funerals and services would have been like if they had been "white" funerals called by mainline churches.

14.2 The witness did not say that people at meetings would regard the reference to Umkhonto we Sizwe as a reference to education. What he said was that, before 1960, he had heard the expression used in the education context. The evidence shows that the ANC's military wing - Umkhonto we Sizwe - was established in 1961. Clearly it took over this concept of "the spear of the nation" and used it to describe its military wing. The criticism of Bishop

Buthelezi on this score is without substance.

The State Argument, Vol. 4, p. 451, par. 7.2

14.3 The witness did not say that the colours black, green and gold are regarded by people at meetings as simple decoration. He said that some regard it as decoration and others attach significance to these colours. There could be nothing more reasonable about his evidence.

The State Argument, Vol. 4, p. 452, par. 7.3

14.4 The criticism that his evidence in connection with freedom songs is not clear, bears no substance at all. Neither is there any substance in the contradictions referred to by the State in connection with his evidence.

The State Argument, Vol. 4, p. 453, par. 7.9 and 7.11

14.5 The witness at no stage conceded (as contended by the State) that COSAS



told him that SRC's were required to increase the political understanding of the students. Indeed, when the reference given by the State is followed up, it becomes very clear that he denies this proposition.

The State Argument, Vol. 4, p. 454, par. 7.14

14.6 The cross-examination as well as the criticism of the State in regard to the evidence concerning the South African Council of Churches is irrelevant to this case.

The State Argument, Vol. 4, p. 454 to 455, par. 7.16 to 7.22

15 The State's final submission:

15.1 It is submitted that it is significant that the SCA did not take up the campaign in connection with the black local authorities at the instance of the UDF. The case made by the State in paragraph 66 of the indictment is that violence broke out as a result of the campaign having been executed in

accordance with the guidance which was given by activists of the UDF, including accused nos. 19, 20 and 21. There is no evidence of any co-ordinating role played by the UDF in regard to the implementation of this campaign by the SCA.

The State Argument, Vol. 4, p. 464, par. 9.1

15.2 It is submitted that the quotation referred to by the State from the speech by Dr Motlana destroys the submission made in paragraph 9.2 of its argument.

15.3 There is no evidence that the SCA worked with COSAS on the campaign in respect of the black local authorities. Dr Motlana's attendance at the meetings of the National Education Crisis Committee takes the matter no further. The NECC and its activities are irrelevant to this case.

The State Argument, Vol. 4, p. 465, par. 9.3

15.4 Reliance by the State on activities by leaders of the SCA in their capacity as UDF officials is also misplaced. A reference to the SCA minutes indicate quite clearly that no violence was ever planned at these meetings. Reliance on the SCA's presence at meetings of the National General Council of the UDF also takes the matter no further. No violence was planned at these meetings at all.

The State Argument, Vol. 4, p. 465 and 466, par. 9.4 and 9.5

15.5 There is no evidence that "AB25" was in fact accepted as SOYCO's programme of action in that form. In any event, the accused are not allege to be active supporters of SOYCO. Finally, and in any event, the document states in fairly strident language that no effort will be spared to achieve justice and democracy in South Africa.

The State Argument, Vol. 4, p. 466, par. 9.6

There is, moreover, the direct evidence of the State's own witness, IC12, that SOYCO did not use violent methods.

IC12, Vol 84, p.4294, line 12 to p.4295, line 1.

15.6 It is submitted that the letter, "AB39", does not implore people to commit violence.

The State Argument, Vol. 4, p. 466 and 467, par. 9.7

16 In all the circumstances, it is submitted that no connection has been established between the UDF and/or its affiliates on the one hand and the violence which occurred in Soweto since September 1984 to April 1985 on the other.

AREA NO 10 - ALEXANDRA (Betoog pages 468 to 507)

1. It is alleged that at page 78 of the Further Particulars that during 1984, the Alexandra Civic Association, COSAS, the Alexandra Youth Congress and the UDF organised and that violence, intimidation and revolt took place.
  - 1.1. The admissions made in Exhibit AAS3 were to the effect that since 1984 road blockades were set up and traffic was impeded. A large group threw stones at a police vehicle.
  - 1.2. No evidence was led concerning the road blockades or the stoning of police vehicles. It is therefore not known when, where, by whom or in what circumstances such events took place.
  - 1.3. There is accordingly no evidence from which the inference can be drawn that these events were caused by the activities of the Alexandra Civic Association, COSAS, the Alexandra Youth Congress or the UDF.
  - 1.4. The allegations made in the indictment has therefore not been established.

2. In this section of the Betoog the State introduces the evidence of Whitecross, IC15, IC16, IC22 and certain documents from which it argues that:

2.1. AYCO and COSAS had contact with the ANC, co-operated with it and even took instructions from it.

2.2. AYCO, ACA and UDF, under the direction of the ANC, contemplated and planned that the area would be made ungovernable, and that alternative structures would be set up in Alexandra under ACA and AYCO as part of the freedom struggle.

2.3. Instructions were given by the ANC to use violence against councillors and the police.  
Betoog: paras 4.2, 4.4 and 4.5, pp 506 - 507

3. Contact between AYCO, COSAS and the ANC

3.1. IC22 gave evidence concerning a meeting with a Mr A, chief commander of Mkonto we Sizwe in Botswana, at which he was instructed concerning attacks to be made on councillors, police and informers.

IC22: Vol 120 p5978

3.2. He went on to say that he discussed these matters with certain individuals who were members of COSAS and AYCO, who agreed that councillors and the police would be attacked with stones.

IC22: Vol 120 p5981

3.3. His evidence shows that he did not attend meetings of AYCO of COSAS, or make arrangements with these organisations. His discussions were with the people named by him, as individuals who happened to be members of those organisations and he did not suggest that there was any formal contact between the ANC, AYCO and COSAS as such.

3.4. The State also refers at pages 483 - 484 to IC22's evidence in regard to a meeting with one Billy Masetle in the ANC office in Botswana, and arrangements which IC22 later made to take Naude Moetsiye to Botswana. Neither Billy Masetla nor Naude Moetsiye is alleged to be a co-conspirator, and this evidence is therefore not admissible against the accused. In any event, all that it shows is that the ANC endeavoured to infiltrate the Alexandra branch of COSAS. This would have

been unnecessary if, as the State contends, COSAS was obliged to follow the instructions of the UDF, and the UDF acted at the instance of the ANC.

3.5. His evidence on this issue, therefore, does not advance the State case. All that it establishes is that the ANC made contact with individuals in Alexandra and incited them to use violence against councillors and policemen. Such evidence is in fact destructive of the State case because it shows how the ANC took advantage of the situation to initiate acts of violence, and by analogy, shows that the ANC may have been responsible for provoking unrest which occurred in various part of the country during the period of the indictment.

3.6. The same is true concerning the evidence given by W/O du Plooy in regard to the events of 8 and 9 February 1985 (Betoog pp 487 - 489). All that it shows is that an individual (possibly from the ANC) was in possession of handgrenades and an AK47, which he was willing to use against the police. If such persons were moving around the country at the time



(and it is not disputed that they were) they may have initiated or provoked other violence that occurred.

4. Whitecross' evidence (Betoog pp468 - 470) is of no relevance to any of the issues in this case. All that it shows is that he had contact with certain ANC sympathisers in 1983, two of whom subsequently had contact with IC22. The only significance of the evidence is that since Whitecross and IC22 were both police agents, it may explain why IC22 subsequently made contact with these persons.
5. IC16 gave evidence concerning a meeting in Alexandra on 19 June 1983, which was apparently a meeting held to commemorate June 16. There is no evidence as to who organised this meeting, and according to IC16 many groups were present.

IC16: Vol 93 p4536 line 13 - p4537 line 30

This meeting is recorded on the video, Exhibit 29. There is no evidence that this meeting was called by any of the alleged co-conspirators, nor has a basis been laid for making anything said at this meeting admissible against the accused. The evidence that 'ANC pamphlets' were available (even if true) would merely show that the ANC was active in that area.

6. IC15 gave evidence concerning the AYCO launch. This is recorded on Exhibit V4. There is no evidence as to who organised this meeting, and no evidence to show that it was held at the instance of the UDF. The State has not established that what was said by individuals at this meeting, is admissible against the accused.

7.

7.1. IC22 gave evidence concerning the June 16, 1984 commemoration meeting in Alexandra, which was said to have been organised by AYCO and COSAS.

7.2. In paragraph 1.6.4 of the Betoog (p478) the State relies on what Mathilda Gazela is supposed to have said at this meeting. She is not alleged to be a co-conspirator. She is described as belonging to the Alexandra Women's Organisation which is not alleged to be an affiliate of the UDF. What she may have said is therefore not admissible against the accused.

7.3. Accused No 19 gave evidence concerning this meeting. He said that he had been asked at the last moment to speak at the meeting on

behalf of the UDF. He was then involved in the commemoration service at Regina Mundi in Soweto. He arrived at Alexandra after the meeting had started. When he spoke he dealt with the UDF Million Signature Campaign in the context of June 16 and called upon the people present to support the campaign and the anti-election campaign. He specifically denied the evidence (given by IC22) that he had spoken about the ANC, and also denied that whilst he was at the meeting a woman had spoken about guerillas, or that a placard with an AK47 had been displayed, or that the ANC flag had been raised. (All these events had been mentioned by IC22.)

7.4. No cross-examination was directed to this part of Accused No 19's evidence. It therefore stands unchallenged, and there is no basis for rejecting his evidence in favour of IC22's evidence.

8. In paragraph 3 of the Alexandra section of the Betoog (pp492 - 506) the State refers to various documents. Apart from the question of admissibility which is not addressed by the State, none of the documents provide proof of the allegation that violence, intimidation

and revolt in Alexandra was caused by the Alexandra Civic Association, COSAS, AYCO, and the UDF.

9. In the circumstances, the State has failed to prove the allegations made by it in the indictment concerning Alexandra.

AREA NO 11 - MANKWENG (Betoog pages 508 to 532)

1. It is alleged in the Further Particulars, page 78, that from September 1984 to the end of July 1985 Mankweng Civic Association, Mankweng Youth Organisation, COSAS and AZASO organised and violence, intimidation and revolt broke out.
2. According to Capt Vorster, AZASO and AZASM were both active on campus in 1984, but although AZASM remained on campus, the SRC at the university was controlled by AZASO in 1985.

Vorster: Vol 114 p5691

What is of importance is that Exhibit ABA27 shows that AZASO did not have control over the students, that the SRC was perceived by the students as having been co-opted, and was unpopular. Other, and possibly more powerful influences were at work within the student body. The evidence suggests that this influence may have come from the ANC.

3. The State Case

- 3.1. The witness Capt Vorster testified about a placard demonstration held in Pietersburg on 13 April 1985. The various persons involved in the demonstrations included office-bearers of UDF, MACO and MAYCO.

2.

3.2. He stated that he was observing a particular building which housed:

3.2.1. the Northern Transvaal Council of Churches;

3.2.2. the Northern Transvaal Advice Office; and

3.2.3. the South African Allied Workers' Union.

4. The participants in the demonstration entered this building and emerged with posters with the following wording, 'Release Mandela and all political prisoners'; 'Long live the UDF. Ban apartheid'; 'Stop tearing us apart'; 'SADF get out of Langa'. Photos of these placards were tendered as exhibits AAY35 to 41.  
Vol 114: page 5683 line 23 - 5686 line 24

There is nothing to suggest that this demonstration resulted in any violence, or that it was intended to have such a result.

5. The judge specifically asked that the demonstration be placed in perspective. He asked whether the demonstration was linked to any events. The witness replied that there was no specific event, it was

concerned with the police and defence force action ("optredes") in the black areas. More specifically it was police action in Mankweng as well as solidarity with the rest of South Africa.

Record: Vol 114: page 5689 line 30 -5690 line 7

There is accordingly no link between the meeting and the campaign against Black Local Authorities. The meeting seems to have been an ad hoc peaceful protest against the conduct of the local police and army.

## 6.

6.1. One of the demonstrators was Peter Mokaba who is described by the witness as a member of the ANC. It was said that at his trial he made a confession in which he admitted being a member of the ANC. The basis on which this evidence is said to be admissible against the accused is not stated. Prima facie it is inadmissible.

Record: Vol 114: page 5684 line 16 - 5685 line 9

6.2. Presumably the purpose of this evidence was to establish a link between the UDF and the ANC. If admissible it established no more than an association between the ANC and one of the UDF office-bearers in that area. Such

4.

evidence would show only that the ANC had succeeded in infiltrating a UDF structure; not that the UDF was a front for the ANC, or co-operating with it. In any event it now appears that on appeal the conviction was set aside, and a conviction of being in possession of a firearm and ammunition was substituted. What the relevance of that is to the present charge is not clear.

7.

7.1. Capt Vorster stated that the document ABA9 entitled 'Over 70 killed in Port Elizabeth' purportedly issued by the UDF, was distributed in the area. That document announced 28 March 1985 as a day of mourning. When asked whether this day was observed in Mankweng the witness replied in the negative.

Record: Vol 114: page 5690 line 12 - 28

7.2. He stated that Exhibit ABA10, an undistributed leaflet which was typed out and exhorted readers to take up arms and join Umkhonto was found in the men's eating hall at the university. Although the document is typed, it is written in at the top '1985 -Year of the Cadre', which the witness stated was the ANC



theme for 1985. The witness was asked specifically if he could link the documents with the events on the campus. He replied that in 1985 AZASO had manipulated and controlled the students and had distributed various pamphlets in order to ensure that the SRC comprised only AZASO members.

Record: Vol 114: page 5691 line 3 - 22

In this regard, however, see paragraph 2 above, and Exhibit ABA27, which suggests that AZASO's influence on campus was limited.

Capt Vorster's evidence does not provide any link between AZASO and Exhibit ABA10. AZASO is nowhere mentioned on the pamphlet nor is the pamphlet in any way concerned with campus affairs.

8. Capt Vorster testified that on 1 May 1985, which was known as 'May Day', he encountered several slogans painted on the walls on the campus of the university. These slogans included 'ANC lives', 'long live AN/CP victory is certain', 'Viva Communism', 'Viva Umkhonto We Sizwe'. These slogans appeared on the campus at a shop, at a shopping complex and at the 'Hwiti High School' in Mankweng. At the school in a particular classroom there was a flag of the ANC in

black green and gold with the words UDF on the green section and the word MYCO on the yellow.

Vol 114: page 5692 line 15 - 5694 line 15

No evidence whatsoever was led as to the origin of these slogans or as to who was responsible for them. Together with other evidence referred to later they show an influence of the ANC on the campus; an influence which in the light of Exhibit ABA27 may well have undermined the AZASO controlled SRC.

9. Capt Vorster testified that between October 1984 and August 1985 there were unrest situations on the campus. He said that various reasons had given rise to this situation: the arrest of students, suspicions in respect of certain lecturers on the campus, and the commemoration of Soweto Day, and May Day. He said that during these situations the campus was sealed off and referred to as 'a liberated Zone'. It appears from his evidence that groups of students shouted to him that he was in a liberated zone if he entered the campus. He does not say who the students were or link them in any way with the UDF, or indeed, with any particular organisation on campus. Once again the ANC influence could have been the cause.

Vol 114: page 5695 line 17 - 5696 line 1

This evidence also shows that unrest situations were linked to events on the university campus. There is no suggestion that they were related to or inspired by the UDF or any of its affiliates.

10.

10.1. Capt Vorster testified that towards the end of 1984 the whole of the community council resigned. The witness stated that MACA took it upon itself ('op hulle eie geneem') to take over the local control of the township and established the 'Mandela Park'.

Record: Vol 14: page 5704 lines 22 - 28

10.2. He was not present when Mandela Park was created, nor did he know by whom it was created.

Record: Vol 114: page 5714 line 7 - 10

10.3. Capt Vorster gave no evidence as to how MACA 'took control' and this is left vague and uncertain; certainly, no illegality is established.

11. Evidence was also given of meetings held on 16 June 1985 with AZASO having called a meeting on campus, and MYCO, MACA and COSAS in Mankweng. After the meetings

had ended some of the participants joined together and as they passed the police station they threw stones at it. They were dispersed by the Leboa police.

Thereafter the staff canteen on the campus was plundered, provisions were stolen, including money, and general damage caused. It was during these incidents that Mofokoane was shot dead.

Vol 114: page 5705 line 18 - 5708 line 5 .

Save for the evidence that these events took place after the June 16 meetings, there was no evidence as to the cause of the unrest which seems to have been largely confined to the campus, and unrelated to the campaign against Black Local Authorities, or any activity undertaken at the instance of the UDF. Once again the ANC influence may have been present, or possibly, the cause was undisciplined students. There is, however, nothing to show that the cause was the UDF or one of its affiliates.

12. There was an incident on 14 July 1985 where after a MAYCO Meeting police were attacked by stones. Once again no evidence was led as to the circumstances of the attack or indeed the purpose for which the meeting had been called.

Record: Vol 114: page 5708 lines 5 -23

The stoning of the police is not shown to have been related to the campaign against Black Local Authorities or any activity undertaken at the instance of the UDF. The comments made in paragraph 11 are of equal application to this incident.

13.

- 13.1. Capt Vorster identified Exhibit C134 as a pamphlet which was distributed in Mangkweng in June 1985. The witness stated that it was directed at a June 16 commemoration and was to commemorate the shooting of one Mofokoane who was shot dead by the Lebowa police. The pamphlet makes a call on business men not to sell their products to the police, to prevent police from access to churches because they are criminals, that police must withdraw from school committees and taxis should not transport policemen. The pamphlet also demands the permanent withdrawal of the police from the townships. The pamphlet also mentions that the people are 'seeking peace, stability, security and comfort'. The pamphlet was on its face issued by MACA, MYCO, SAAWU, Northern Transvaal Federation of Transvaal Women, COSAS, AZASO, and the Ministers Fraternal (a group of ministers from the various groups in the area)

Record: Vol 114: page 5696 line 5 - 5697  
line 7

13.2. Again the significance of this pamphlet is not clear. It purports to have been issued by a variety of local organisations and there is nothing to suggest that it has any connection with any activities of the UDF, or that it was issued at the instance of the UDF, or that it was intended to lead to violence. It seems aimed at a June 16 commemoration which is not peculiar to any particular organisation.

14.

14.1. A series of documents were found in the possession of Nguni the convenor of the UDF committee for the Northern Transvaal. These included Exhibit ABAll which is 'ANC Struggle Update', exhibit ABA 14 which is an ANC underground pamphlet and various UDF pamphlets, as well as a pamphlet from DESCOM. These are dealt with in paragraph 23 below.

14.2. The document ABA 25, an underground ANC document was found on the university campus stuck against a wall. Another was found on the MBA notice board and yet another on the wall

of the Mankweng Post Office. This was found on 31 July 1985.

Record: Vol 114: page 5705 lines 1 - 17

15. These documents confirm that the ANC was active on the campus. This tends to weaken rather than to strengthen the State case.

16.

16.1. It appears, as Capt Vorster conceded, that the unrest on the campus could be described as arising out of matters of a local nature ('plaaslike aard')

Record: Vol 114: page 5714 lines 1 - 6

16.2. The evidence of W/O Kruger consisted in the main of the handing in of documents. In addition he testified that on 9 October 1984 there were elections in Mankweng for a community council. On 10 October he was approached by two of the elected councillors who showed him documents that they had received (Exhibit ABA 58 (i) and (ii)). These two documents purported to be from the S A Suicide Squad threatening them if they did not resign. In consequence they did in fact resign.

Record: Vol 121: page 6055 line 5 - 6057 line 9

This evidence suggests that the resignations were due to pressure by a group outside of the UDF structure.

16.3. The evidence of Lt van Dyk consisted entirely of handing in of documents seized from the AZASO Office. These documents were tendered as exhibits ABA60 - 63

Vol 121: page 6058 line 18 - 6060 line 30

16.4. The evidence of Capt Erwee consisted in the main of the identification of documents found in the possession of Peter Mokaba.

17. It appears from the evidence that the ANC presence and influence in Mankweng is strong, particularly on the campus. The evidence does not show, however, that any damage in Mankweng is related to any UDF activity or the campaign against Black Local Authorities; nor is there evidence that such violence as occurred was authorised in any way by the UDF, or connected with any activities undertaken at the instance of the UDF.

18. The evidence of the defence introduces an additional factor which could be relevant to the violence which



occurred, in particular, after 16 June 1984 namely, the death of Mofokwane.

19. The death of Mofokwane had been referred to in Vorster's evidence, which was to the effect that he gained entry into the premises of the university at approximately 7.45 p.m., and saw students plundering the cafeteria and trying to set the place on fire. He says that an attempt was then made to disperse the crowd and Shadrack was then shot 'nie in my teenwoordigheid nie'.

Vorster: Vol 114 p5707 lines 1 - 21 and in particulars lines 11 - 13

20. The witness Mahlalela gave evidence as follows:

20.1. He says that he was at the Hwiti High School before 1985. He went to the meeting on 16 June 1985 called by the Mankweng Civic Association. Mr Letwalo spoke there and referred to Soweto 1976 in the context of saying that scholars must be careful that they do not die unnecessary deaths.

Mahlalela: Vol 405 p23620 line 1 - 23622 line 18

20.2. After he had been to the home of a friend, and while on his way home, he saw three police vehicles approaching him while he was at an

intersection. Police also approached from another direction, and the witness decided to go along the road towards the university. This was the only direction from which no police came. A group of people from the university were proceeding along that road towards the township. He joined the group.

Mahlalela: Vol 405 p23624 line 5 - p23627 line 13

20.3. He was in the company of the deceased, Mr Mofokoane. All of them ran to the university where Joel Ramokgopa took them to his room so that they could be safe there. When things were quiet, they decided to leave.

Mahlalela: Vol 405 p23627 line 14 - p23629 line 30

20.4. While they were on one of the landings and on their way out of this building, the deceased, who was walking in front, was fatally injured by a shot which appeared to come from the direction in which the witness saw a police van moving towards them. At this stage everything was quiet.

Mahlalela: Vol 405 p23610 - p23633 line 25

21. The State criticises the evidence of this witness on the following basis:

21.1. In connection with the meeting attended by him on 16 June 1985, he is criticised for saying that he did not know the purpose for which people were asked to unite at the meeting, for his evidence that he could not remember the youth being spoken about at this meeting, and for his having said that the chairman of the meeting called upon the people there to stop singing songs in which Mandela is mentioned. The witness may not have remembered all that was said at the meeting. In any event, he came late to the meeting, and the criticism is therefore not justified.

In the context of this case, it is perfectly possible (indeed probable) that speakers spoke about the need to unite without saying why.

There is no reason why the chairperson ought not to have stopped the singing of songs relating to Mandela and Tambo.

Betoog: pp514 and 515 para 2.6.8

21.2. His evidence is further criticised on the basis that he had no reason to run away from the police and move in the direction of the university if he was doing nothing wrong. In

the first place, there is no evidence that people in the townships see the police as their protectors. Secondly, reference to the evidence itself which is referred to by the State indicates that, when taxed on this, the witness makes it quite plain that he cannot say exactly why he made this decision and emphasises that he was young at the time.

Betoog: p515 para 6.6.12

21.3. It is also submitted by the State that his evidence of the occurrences ought to be rejected, firstly because it entails the improbable proposition that the police shot the deceased when there was no reason for them to do so. Since there was a confrontation between police and students which resulted in the police coming onto campus, the firing of a random shot which struck the deceased is not necessarily improbable. Reliance is then placed upon a conflict in connection with whether or not the incident happened on the third or the fourth floor of the building. This criticism has no weight bearing in mind that the witness was testifying about an incident which happened three years earlier, and does not suggest that he was a close

friend of Joel Ramokgopa or that he had ever previously been to his room. He in fact described Ramokgopa in his evidence-in-chief as 'a certain young man whose parents are friends of mine'.

Vol 405 p23627 lines 28 - 29

21.4. Finally, it is said that he did not report the matter to the police. Here, the witness has said that he did not go to the police because he was not called by the police to make any statement in connection with the matter. It appears that the perception of the witness was that he should go to the police only if the police called him.

Vol 406 p23652 line 26 - p23653 line 2

State Argument: Vol 4 pp516 - 571 para 6.6.14

21.5. It is submitted that the criticisms advance of the evidence of this witness are not substantial. His evidence is certainly acceptable more particularly in the light of the fact that there is no evidence to contradict him on this issue.

22. There is no evidence of planning in connection with what happened after the meetings of 16 June 1985.

There is accordingly no basis for the State's contention in connection with these events that 'hoe dit beplan was dat die vergadering op dieselfde eindig' as was said by the State during the argument.  
Court record of State Argument: Vol 428 p25071 lines 1 - 5

In any event, if the stoning of the police and the plundering of the campus was planned, there is no evidence to show who was responsible for the planning. The inference cannot be drawn that it was done at the instance of the UDF.

23. In its oral argument the State submitted that the demand for the release of scholars detained after the events of 16 June 1985 was unreasonable and based this contention on the fact that two cafeterias at the university had been burnt.

State Argument; Court record: Vol 428 p25071 lines 13 - 16

In the first place, the evidence is not that any buildings were burnt. The evidence is that there was an attempt to set one of the buildings on fire.

Vorster: Vol 114 p5707 lines 11 0 13

In the second place, the demand is unreasonable only if the scholars detained were those involved in the incidents of that day. There is no evidence that this is so. Accordingly, the contention is without foundation.

24. A number of documents are referred to by the State. None of them are helpful at all in determining whether the UDF or the organisations in Mankweng or the accused before the Court are responsible for the unrest at the university, for the events of 16 June 1985, or the violence which occurred in Mankweng after this date. In particular:

24.1. C69 (first document)

(i) This document does not support the contention advanced by the State. There is certainly nothing in it to suggest that MAYCO sees itself as part of a revolution to overthrow the State by violence.

(Second document)

(ii) This document means no more than that AZASO aligns itself with the UDF in the struggle for universal franchise.

24.2. C132

(i) The first document is a straightforward programme of action which does not in any way support the averments in the indictment that the UDF was planning the violent overthrow of the State.

(ii) The second document is a memorandum by an unknown author. It was found in a motor vehicle CZP649T (the owner or driver is not identified) on 13 April 1985, and has not been properly proved in evidence. It is therefore not admissible for any purpose.

24.3. C134 and 135 were found on 9 August 1985 at Mankweng. They have not been properly proved in evidence and are therefore not admissible for any purpose.

24.4. C136 was found in Mankweng on 9 August 1985. It has not been properly proved in evidence and is not admissible for any purpose.

24.5. Exhibit ABA38 is a draft programme for a Northern Transvaal youth workshop: 22 - 23 June 1985.



There is no evidence as to who the organisers of this workshop were, or whether the workshop had anything whatever to do with the UDF.

In any event, the reference to talks on 'Graffiti, songs, posters, pamphlets' cannot be extended into a statement of the nature set forth in paragraph 14.11 of the Betoog (page 527). There is simply no basis for such a contention.

- 24.6. Exhibit ABA39 is a pamphlet which purports to be issued by the IYY Transvaal committee. This pamphlet advertises a meeting to be held at Tembisa Mathole Cinema. Prima facie it has nothing whatever to do with MAYCO, of the 'UDF Komitee te Mankweng' (whatever that may be).
- 24.7. Exhibit ABA40 is an invitation by COSAS Regional Executive to a meeting to be held in Johannesburg. There is nothing to show that this was addressed to MAYCO or that MAYCO ever sent representatives to the meeting.
- 24.8. Exhibit ABA42 is a report on the Northern Transvaal UDF conference. Accused No 21 gave evidence about this conference. There is no

submission by the State that his evidence in that regard should be rejected: nor would there be any basis for such a submission.

See: Chikane Vol 300 p17037 line 5 et seq  
304 p17410 line 20 et seq

The conclusions which the State seeks to draw from ABA42 are incorrect.

24.9. Exhibit ABA43 is a UDF 'Dont Vote' poster. It provides no indication whatever that 'die UDF-koördinerende komitee en sy affiliate in Mankwang ook op die hoogte gebring was met die UDF se beleid oor die verkiesings en grondwetlike bedeling'.

24.10. Exhibit ABA44 is a May Day publication which on the face of it, was issued by the Community Resource and Information Centre of Johannesburg. There is no evidence as to how, when, where and for what purpose this publication came into Mohlala's possession. There is no allegation that Community Resource and Information Centre was an affiliate of the UDF. The publication is of no evidential value, and does not support the contentions advanced by the State in paragraph 14.16 of the Betoog (page 529).

24.11. Exhibit ABA45, handwritten notes found with Louis Mnguni are said to be of a speech delivered by him at the launch of MAYCO on 16 October 1983. There is no evidence that Mnguni spoke at the launch of MAYCO. If he did speak at the launch of MAYCO, it is not known exactly what he said, or what the response to the speech was, or what other speeches were made on the same occasion. The notes are of no evidential value other than possibly to demonstrate the thoughts Louis Mnguni when he compiled them. They are of no evidential value against the accused.

24.12. ABA 11 and 14

The possession by Louis Mnguni of pamphlets which purport to be pamphlets of the ANC establishes at best for the State that Louis Mnguni had contact with the ANC, at worst, that these pamphlets were distributed in Mankweng and came into his possession without his having had any contact with the ANC. Even if it were assumed that he had contact with the ANC, this would show no more than that the ANC had infiltrated a UDF structure or sought to influence one of its members. They do not establish co-operation between the UDF and the

ANC (as contended by the State) and are of no evidential value against the accused.

25. The State's final argument in para 15 (page 531) is now dealt with to the extent that it has not been dealt with already.

25.1. No relationship has been established between the violence which occurred and the demonstration referred to in para 15.2 of the final submission.

Betoog: p531 para 15.2

25.2. It is argued by the State that the organisations incited people against the police by providing a false picture of the circumstances in which Mofokoane had died and by referring to the police as murderers. There is no admissible evidence before this Court about how Mr Mofokoane died except that given by Mahlalela. There is nothing to show that anything the 'organisations' said about this incident was false, or that it 'incited the audience to any particular acts.

25.3. The contention that the events which occurred after the meetings of 16 June 1985 were organised is not justified. There is no

25.

evidence of organisation; nor, if there was, who the organisers were or what their purpose was.

So too, there is no basis (as already referred to in this argument) for the statement that two cafeterias were 'afgebrand' at the university.

Betoog: p532 para 15.4

26. There is no evidence to justify a finding that the UDF was responsible for the unrest and violence upon which the State relies. In particular, the evidence shows:

26.1. There was dissension within student ranks over the attitudes of the ASAZO controlled SRC which was accused of having been 'co-opted'.

26.2. The ANC was clearly active in the area.

26.3. The 'South African Suicide Squad' was active in the area and may have been responsible for the resignation of councillors.

27.

27.1. The State evidence as to events in Mankweng does not show that any of the acts of violence or unrest were the result of activities carried out at the instance of the UDF.

27.2. The evidence is concerned largely with events which took place after the accused had been arrested.