

AREA NO 3 - THOKOZA (Betoog pages 364 to 366)

1. It is alleged at page 77 of the Further Particulars that, since November 1984, the Thokoza Progressive Party organised. There was revolt and violence, attacks on houses, and a policeman was murdered.

2. The Thokoza Progressive Party is neither alleged nor admitted to be an affiliate of the UDF. Accordingly, anything done by this body cannot be said to have been done in terms of the alleged conspiracy. No oral evidence was led to show that the violence which occurred in Thokoza was caused by the Thokoza Progressive Party, or if it was, that such violence had anything whatever to do with the UDF.

3. The State relies on certain documents referred to at pages 364 to 366 of the Betoog.
 - 3.1. Generally, in regard to these documents we repeat the arguments already advanced in regard to the admissibility and purpose for which such documents can be used.

 - 3.2. Exhibit C 99
It has already been contended that the document C99 is irrelevant to this case. If this argument is rejected, it is submitted

that it is not alleged by the State that a branch of ERAPO was active in Thokoza. In these circumstances, the reference to this exhibit is irrelevant.

Betoog: p364 para 2.1

3.3. Exhibit C 110

We have already made submissions that Exhibit C110 does not constitute proof of any of the facts stated therein, and that it has not been shown to be a UDF 'policy' document. C110, unlike C99, does not refer to ERAPO having an active branch in the area. In fact the document does not refer to ERAPO at all.

Instead, it refers (on page 21) to the Thokoza Progressive Party as being active in the area.

3.4. Exhibit C 118

C118 has already been dealt with. It is sufficient to note that the allegation that this exhibit confirms that the struggle in Thokoza was continued by the East Rand Area Committee is without substance.

Betoog: p364 para 2.3

3.5. Exhibit W 21

The reference to W21 of November 1984 is also misleading. The accused are alleged to be responsible for the violence which occurred since November 1984. See: Further Particulars page 77. A publication dated November 1984 could well refer to activities which occurred before November 1984. The passage cited from Exhibit W 21 deals with school boycotts and does not deal with opposition to Black Local Authorities. Moreover, the publication does not refer specifically to any violence or damage having occurred in Thokoza as a result of the school boycott. Accordingly it is of no relevance to the allegations made with regard to Thokoza. Betoog: p365 para 2.3

3.6. Exhibit W 32

The State does not indicate why the document is alleged to be admissible. Moreover, it is clear that W32 which was published in December 1984, refers to activities which took place during the whole of 1984. Accordingly, it could well be referring to activities in Thokoza before November 1984. In any event, there is nothing in the passage cited from

4.

Exhibit W 32 to link the events reported to the allegations made in the indictment.

Betoog: p365 para 2.5

4. No evidence (oral or documentary) has been produced by the State to support the allegation that the accused are responsible for the violence which occurred at Thokoza since November 1984.