

AREA NO 4 - KATLEHONG (Betoog pages 367 - 373)

1. It is alleged at page 77 of the Further Particulars that, since September to November 1984, the East Rand People's Organisation and Katlehong Youth Steering Committee organised there and violence and revolt took place.
2. There is no evidence or admission that the Katlehong Youth Steering Committee was ever affiliated to the UDF. Proof that it 'organised' in Katlehong is therefore of no assistance to the State.
3. No oral evidence was led by the State in support of this part of its case.
4. The State relies on the undermentioned documentary evidence:
 - 4.1. Exhibit C99

The admissibility of this document has already been dealt with. It has not been shown to be a 'UDF document'. This document does not establish that ERAPO had a branch in Katlehong. All that the document records is that ERAPO was 'involved with the homeseekers committee' (which is not referred to in the indictment), as well as with the 'bucket

system' in Katlehong. There is nothing to link this activity with any of the violence or damage in Katlehong.

State Argument: Vol 3 p367 para 2.1

4.2. Exhibit C118

4.2.1. This document does not confirm (as contended by the State) that the area committee of the UDF continued to prosecute the struggle of the community, school and workers in Katlehong. There is no evidence in this document that any struggle had been prosecuted in Katlehong before this date, or that an area committees existed before this date (or at all), or that the UDF had affiliates or had been involved in activities in the various townships mentioned in the document itself. There is, moreover, no evidence that the proposed area committee for the East Rand ever functioned, or that any of the proposals set out in the document were ever adopted or implemented.

4.2.2. To the contrary, the document makes it perfectly clear in the last paragraph on page 3 that 'this working document is not final at all. All suggestions or modifications are welcome'.

State Argument: Vol 3 p367 para 2.2.

4.3. Exhibit S10

Reference is made by the State to the document S10, alleged by the State to be the minutes of the meeting of the Transvaal regional executive committee of the UDF of 11 September 1984, in support of the proposition that area committees already existed as early as 12 September 1984. These minutes are supposed to confirm the contents of C118 which has been discussed in para 4.2. (supra).

There is some doubt as to the date on which the meeting was held, since paragraph 5 refers to a National Executive Committee meeting held on 9 to 11 October 1984. A report of this meeting is given. Secondly, the minutes refer to the funeral of Brian Mazibuko under para 5 and the need for a speaker at the memorial service which, according to the evidence

relating to Tembisa, took place on 14 October 1984.

Furthermore, it is clear from Exhibit S17 which are the minutes of a meeting of the Transvaal regional executive committee of the UDF held during December 1984 that the Vaal and East Rand area committees are not functioning at all.

State Argument: Vol 3 p368 para 2.5

- 4.4. The State also relies on certain documents concerning activities in Katlehong during 1983 namely K1, M2, and W24.

Paragraph 3.5 of Exhibit K1 records an intention on the part of the UDF to address mass meetings 'over the next few weeks' at various places including Katlehong. There is no evidence that a meeting was in fact held in Katlehong, or if it was, what was said at the meeting. The State is equally wrong in its reference to W24. W24 does not say that the UDF addressed the masses, that issues were used, that these issues concerned the question of squatters and removals, that the aim was to mobilise and organise the masses in Katlehong,

that the masses were in fact organised and mobilised, or that these masses were urged to take part in the freedom struggle. All that Exhibit W24 says is that UDF had spoken to a mass meeting of Katlehong squatters.

In paragraph 9.1 of Exhibit M2 all that is recorded is that a verbal progress report was received from Katlehong. No details of the report are recorded. It is not known who made the report or precisely what the report contained.

There is no mention of any campaign having been conducted in Katlehong. In any event, it is difficult to see what the relationship is between the unknown report of 1983 and the violence which occurred in the area during the period September to November 1984.

State Argument: Vol 3 p367 para 2.3; p368 para 2.4; and p369 para 2.7

- 4.5. The State then relies on W32. This is a SASPU National of December 1984. General argument has already been presented in connection with the extent to which such publications can be relied upon. The following submissions are

made on the basis that the Court holds contrary to our argument that the publications can be relied upon for the purpose of proving the truth of the facts mentioned herein.

First, the State has not established the admissibility of the document for any purpose.

Secondly, there is no evidence that this publication was used by the UDF to further and popularise the activities, opinions and policy of the UDF. On the contrary, the evidence is that SASPU was not an affiliate in December 1984 and that the UDF had no influence over its editorial policy, or the contents of its publications.

There is also nothing to indicate precisely when the events referred to in the passage cited from W32 occurred. The events could well have occurred much before September 1984. Moreover, the damage mentioned in the passage cited from Exhibit W32 does not accord with the admitted damage recorded in paragraph 4 of Exhibit AAS3.

There is also nothing to link the damage to the allegations made in the indictment. The article concerned deals with the whole of 1984.

In the circumstances, no proper reliance can be placed on this article.

State Argument: Vol 3 p369 para 2.8

- 4.6. The State then refers to W42 a UDF News of October 1984. The publication does not confirm, as the State contends, that the UDF is involved in the school struggle or that the UDF furthered the demands of scholars as made by COSAS. The article also does not say that the boycott in Katlehong is around COSAS demands as alleged by the State.

The article says that the scholars are organised by COSAS. It points out that COSAS is affiliated to the UDF. This statement of affiliation must be read in the light of the evidence given elsewhere as to the independence of affiliate. Later in the article, reference is made to boycotts continuing in numerous areas. In this context, reference is made to Katlehong.

Again, it is not clear from this article, even if it be accepted that the document proves the truth of the facts stated therein that the UDF was involved in the area, or that the events described are linked in any way to the allegation made in the indictment concerning violence and damage.

State Argument: Vol 3 p369 para 2.9

- 4.7. The State then refers to three publications, all of which appeared during March 1985. These are W2, W68, and AAC55. The submissions are advanced on the basis that the Court finds that the publications can be used to establish the truth of the facts referred to therein.

It is pointed out that none of these publications were produced by an affiliate of the UDF.

The State says that, according to W2, councillors were attacked and stoned at a rent meeting. A look at W2 indicates that this is said to have happened at a meeting called by councillors. The article also refers to a meeting held on that afternoon by the Katlehong Action Committee. This is an

association not mentioned in the indictment at all. The accused are not sought to be held responsible for the activities of this organisation. Furthermore, the article rather obviously refers to a meeting held pursuant to rent increases on 1 January 1985.

Accordingly, and on the face of it, this could have nothing whatever to do with the unrest which is alleged to have occurred in the area during the period September to October 1984.

This article does not mention ERAPO, or the Katlehong Youth Steering Committee which are the organisations allegedly linked with the damage.

Exhibit W68, 'The Eye' of March 1985 is not a publication for which the UDF can be held directly or indirectly to be responsible. The passage cited again refers to the Katlehong Action Committee and to a meeting held by that body on 17 February 1985. This again has nothing to do with the period of the indictment or the organisations alleged to have been responsible for the damage and violence done in Katlehong.

The reference in the Betoog to the document AAC35 is equally irrelevant, incomplete and misleading.

It refers to the fact that the article says that a students/parents crisis committee was started in Katlehong. Again it does not say when this happened. If it happened after October 1984, it is not relevant to the allegations made in the indictment. In any event, the article refers simply to the establishment of a parents committee and says nothing at all about it being a students/parents crisis committee.

There is no indication in the article that this parents committee is affiliated to the UDF or any of its affiliates or that it had any connection with the organisations alleged to have been active and responsible for the damage and violence in Katlehong. There is no basis for any reliance on CA42 and CA46. The NECC is described in the argument as a UDF 'meeloper'. It has been pointed out in another context that the NECC is not alleged to be an affiliate or an active supporter of the UDF, and any documents or allegations

relating to this committee can have nothing to do with the allegations made against the accused in this case.

State Argument: Vol 3 p368 para 2.6; p370 para 2.10 and p370 para 2.11

- 4.8. Reference is next made to the document AAV6. It is said that according to this document, it is clear that the Katlehong Youth League (the fifth organisation which suddenly pops up) borrowed a video film relating to the UDF national launch from the film and media unit borrowing body on 21 July 1984.

A number of points are made in connection with this. The facts alleged are not clear from the exhibit. None of the organisations referred to are alleged to be affiliates or active supporters. The exhibit does not establish that the film was borrowed. In any event, the borrowing of a film during July 1984 has no apparent connection with the unrest which occurred during September/November 1984 and which is alleged to have been the result of activities of organisations other than the Katlehong Youth League. There is nothing to show that the

film was shown, or if it was, that the purpose of the borrowers was to popularise the UDF.

State Argument: Vol 3 p371 para 2.12

4.9. The reference to C110 is also misleading.

The status of the document and the purpose for which it can be used has already been dealt with. There is nothing in the document to suggest control of the township by residents in any revolutionary sense. Control is referred to in a democratic sense only.

Katlehong is certainly referred to on page 7 of the exhibit. However the article says that in Katlehong and Daveyton, opposition to the rent increase was led by opposition councillors who called meetings of residents to discuss the increase. As such it does not support the allegations made by the State.

It is quite clear from the first paragraph on page 8 that there was nothing planned about the use of problems faced by the residents, and the demand of the students for democratic SRC's. All that the paragraph says is that there was a coincidence that both these

happened at the same time. No inference adverse to the accused can be drawn from this.

Finally, and in relation to this exhibit, the State is quite wrong in suggesting that, on page 21, the UDF confirms that the issues of rent, education and squatters are taken up by ERAPO and the Katlehong Youth Steering Committee. In the first place, the writer says that there is no clear reason for what happened in this area and this makes it quite plain that the writer does not ascribe what happened there to the activities of any particular organisations.

Secondly, the State has connected two parts of the document where there is indeed no connection. In column two of the document, ERAPO and the Katlehong Youth Steering Committee are described as active. In column four of the document, the issues which exist in Katlehong are referred to. There is nothing to suggest that the issues mentioned in column two were taken up by the organisations mentioned in column four or were the result of their activities. Indeed, there is no description of any steps having been

taken by any organisation in relation to these issues.

State Argument: Vol 3 p371 para 3.12

5. There is accordingly no basis for any of the final submissions made by the State, though some are singled out below for further comment.

State Argument: Vol 371 para 3

- 5.1. The submission that the UDF co-ordinated the action in Katlehong is remarkable in the light of the fact that, according to the documentary evidence relied upon by the State, the only UDF involvement shown is that it spoke to some squatters in Katlehong during 1983. Katlehong is referred to in only one progress report, without any details as to 'co-ordination' or other activities.

There is nothing in C110 to suggest that the coincidence of activity was a result of any planned 'taktiek'.

State Argument: Vol 3 p372 para 3.2

There is no basis for the contention that the UDF was already active organising and mobilising the masses in Katlehong in 1983. This submission tends to imply that there was

continuous organisation after the meeting referred to in Exhibit M2, though no evidence exists to support such a proposition. The true position is that the evidence reveals that one meeting of squatters was addressed in 1983, and that there is no evidence of any further activity by the UDF in Katlehong after that.

State Argument: Vol 3 p372 para 3.4

6. There is no evidence to support the allegation that the UDF, through ERAPO and Kettlehong Youth Steering Committee, was responsible for the unrest, violence and damage which occurred in Katlehong during the period September to November 1984.