

SAVE THE SHARPEVILLE



NO TO APARTHEID EXECUTIONS



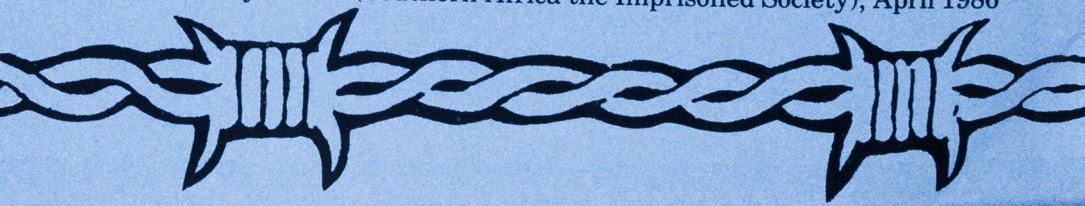
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Save the Sharpeville Six

Contents

Preface	1
Introduction	2
Popular Resistance	2
Pretoria's Puppet Council	3
Resistance in Vaal Triangle	4
Trial of Sharpeville Six	8
Secret Witnesses	9
Torture and Assault	11
Death Sentence	13
Biographies	14

Published by SATIS (Southern Africa the Imprisoned Society), April 1986



Gm 8/063/0044/1

PREFACE

In recent years the annual number of victims of judicial execution in South Africa has regularly exceeded 100. The vast majority of those who face the death penalty are black. Both in the severity of punishment and the frequency of punishment of black people the South African regime plumbs the depths of barbarity. Yet it would be a mistake to perceive the operation of the South African legal system against black people as if it were 'merely' an exercise in wanton brutality. The appalling description in this pamphlet of the trial of the Sharpeville Six illustrates the vital role which the legal system occupies in the Botha Government's strategy for prolonging apartheid.

The law is used cynically and deliberately to suppress opposition to apartheid in ways which are both subtle and crude. With some degree of finesse the image of a liberal democratic legal system with clearly defined laws and a judiciary, both learned and impartial, has been projected to the outside world. It is true that there are liberal and independent judges who are prepared to throw out prosecutions and release prisoners where the Government has failed to meet the requirements of legal technicality. Those judges are to be praised for doing good in individual cases but there are too few of them and even they, perhaps with the best intentions, continue to prop up a contemptible structure. The crude side of the picture is the catalogue of inhuman rules and penalties which even the liberal judges are often forced to apply, and the harsh reactionary executive-minded majority of their colleagues enforce with barely concealed zest.

The Sharpeville case illustrates well both the legal pedantry and the vicious one-sidedness which live side by side in the South African courts. The unfairness of the verdict, the harshness of the penalties and the political manipulation of the prosecution process, especially the reliance on evidence of witnesses totally at the mercy of the police, make a mockery of the image of South African justice.

But in spite of all this, hope must remain alive that these manifestly unjust verdicts and sentences will be reversed on appeal. We can all do something to help achieve that result by publicising the story as widely as possible and by supporting the SATIS emergency campaign.

GEOFFREY BINDMAN

Chair of SATIS

*(International Commission of Jurists Representative
at start of UDF Treason Trial, 1985)*



Launch of the new SATIS Emergency Campaign against Apartheid Repression — Bishop Trevor Huddleston outside St Martin-in-the-Fields, Trafalgar Square, London, April 1986

Save the Sharpeville Six

INTRODUCTION

On 13 December 1985 five young men and one woman stood in the dock of the Pretoria Supreme Court to be sentenced to death. Their trial was a sequel to massive popular unrest in South Africa's Vaal Triangle area in September of the year before. The rising tide of opposition to apartheid which erupted on 3 September 1984 has continued unabated in spite of all the regime's attempts to stem it — with 25,000 arrests and 11,000 detentions during 1985 alone, and the introduction of a State of Emergency.

The death penalty — the regime's ultimate weapon of legalised violence — has been used increasingly against opponents of apartheid. In 1979 ANC member Solomon Mahlangu was executed; he was followed to the gallows in 1983 by fellow cadres Marcus Thabo Motaung, Thelle Simon Mogoerane and Jerry Semano Mosololi. Then in October 1985, in the face of unprecedented international publicity and condemnation the regime contemptuously hanged Benjamin Malesela Moloise. The toll might have been even higher — Mange, Manana, Mashigo, Lubisi, Tsotsobe, Shabangu and Moise have all escaped the hangman's noose after worldwide campaigns to gain a reprieve; Sipho Xulu and Clarence Lucky Payi remain on Death Row.

Nevertheless the death sentence on the young people known as the Sharpeville Six marked an intensification of repression. Their alleged crime was involvement in the killing of an apartheid official — a councillor who had collaborated in the deliberate oppression of the country's African majority. They were to be punished as a lesson to all those who had dared to expose the reality behind the apartheid regime's claims of 'reform'.

POPULAR RESISTANCE

Black South Africans have waged a long struggle against such inequities of the apartheid system as inferior education, inadequate housing and exorbitant charges for rents, fares and foodstuffs. In recent years these campaigns have shown a growing determination to overthrow the apartheid system itself. The South African regime has attempted to impose constitutional changes intended to entrench white power, while appearing to grant certain concessions in response to internal and external pressures. In September 1984 a new constitution was imposed. It established a segregated parliament with separate chambers for White, Indian and Coloured representatives, and was followed by the inauguration of P W Botha as executive president. The African people — three quarters of the population, were totally excluded from the new structures.

PRETORIA'S PUPPET COUNCILS

The African majority, denied any role in central government, was restricted to Bantustan and local government structures. All aspects of this policy have been rejected, none more fiercely than attempts to impose unrepresentative administrative bodies on Africans living in urban areas. Most occupy dormitory townships adjacent to, but separate from, the industrial and white residential areas where they must seek work. The Vaal Triangle is one such densely populated area serving South Africa's industrial heartland.

Over the years the regime has tried to establish a variety of councils, but the people have repeatedly rejected all attempts to involve them in constitutional structures which have no real power. Even the regime's apologists admit that the councils are under the effective control of Development Boards — 'non-elected white institutions' — and are 'obliged to apply influx control' — the notorious pass laws. Furthermore, the councillors impose yet another layer of oppression on the people by demanding bribes in return for services rendered — such as allocating housing and sites for businesses.

The issue of corruption amongst councillors received confirmation in the report of a government commission of inquiry appointed to look into the causes of the Vaal uprising. Professor Tjaart van der Walt recommended a judicial inquiry into allegations of 'corruption, self-enrichment and maladministration', and it was announced that 30 people would be charged. The number so far brought to court falls far short of this, and undoubtedly the scale of corruption is much wider. However, even from the limited reporting of trials, some evidence can be obtained about methods and practices. In October 1985 two councillors were convicted of bribery and attempted bribery but freed pending appeal. The name of Dlamini (the councillor for whose death the Sharpeville Six have been held responsible) featured in one trial — with another councillor he reportedly refused a bribe of R50, demanding instead a payment of at least R3000 before a business site could be allocated.

In late 1984 newspapers gave considerable coverage to the views of councillors, both those who had resigned and those who remained in office. Each camp provided ample explanation for the people's disillusionment with the system:

'The two councillors said that they saw the council under the Black Local Authorities Act as a failure and a "means of exploiting the oppressed blacks who are expected to pay high rents in the Vaal Triangle — probably the highest in the Witwatersrand/Pretoria area".'

Sowetan 20.11.84

'Mr Mosala said that until the grievances of the residents are properly attended to he didn't see peace returning to the troubled townships.

'The Black Local Authorities Act was a failure, because councillors had no power as all their decisions are taken in consultation with the Development Board officials.'

Sowetan 21.12.84

Opposition to the councils has been demonstrated most clearly by boycotting of elections. Those held in late 1983 registered a nationwide vote of less than 10 per cent. In the Lekoa townships of the Vaal Triangle the figures are a damning indictment of the council's credibility — just over 14,000 votes from an adult population of 160,000. The vote was eight and a half per cent down on the previous elections in 1977 — even though the new councils being established under the Black Local Authorities Act were sad to have increased powers. Six townships in the Vaal area including Sharpeville and neighbouring Bophelong and Sebokeng, were not grouped together under the Lekoa Town Council. Councillor Dlamini is believed to have solicited a vote of just over eight per cent.

The 1983 boycotts were successful in spite of a high level of intimidation and violence from the authorities. Police used teargas to disperse a peaceful protest outside a polling station in Bophelong. Five arrests were made from demonstrators whose poignant placards declared 'Peaceful Protest — We Don't Fight' and 'Don't vote for community councils.' There was an unprecedented level of opposition to the fraudulent elections. The Vaal Civic Association was founded in October 1983 to spearhead the campaign, which saw the councils being denounced by organisations which had previously supported and even participated in them. Nationwide, the elections proved an unequivocal rejection of the government's so-called reforms. At the same time as the white population was saying 'yes' in Botha's referendum, South Africa's oppressed Black majority was delivering a resounding 'No' to his plans for constitutional change.

RESISTANCE IN THE VAAL TRIANGLE

The spark that lit the fuse in the Vaal was the decision to increase rents from 1 September 1984. During August opposition built up to the increases which, in the words of one activist, 'came at a time when there is high unemployment and the ever increasing cost of food, clothing and transport while our people are earning meagre wages.' In the previous seven years rents had been increased by 427 per cent in the Lekoa council area: 214 per cent above the national average. Experience had proved that increased rents would not bring more or better housing or improved services for the residents. One frequent complaint for instance questioned 'why had people to pay for electricity when they did not have the facility'.

The Vaal area responded to the threatened increase with that measure of unity and organisation which had characterised the 1983 election boycott. The Sharpeville Anti-Rent Committee, the Vaal Civic Association, the United Democratic Front, the Congress of South African Students (banned in August 1985), the Azanian People's Organisation, the Vaal Women's Organisation and local trade union branches called for a stay-at-home on Monday 3 September. A meeting of 2,000 Vaal residents on the Sunday called on councillors to resign and launched a boycott of shops and businesses owned by them. No public transport would function the following day — all workers and school students should stay at home. The people would refuse to pay the increase.

As 3 September dawned, people anticipated a day of peaceful protest — there would be a march to the offices of the Orange-Vaal Development Board, the power behind the councillors' throne, and councillors would be asked to join with the people in their demonstration. But the forces of repression had other ideas; the day would be one of death and bloodshed:

A young woman from Sebokeng was walking through Sharpeville on her way to work on the morning of September 3 1984. While she was walking she noticed a policeman pointing a gun at her. She believed he was trying to frighten her. She heard a noise and felt something hit her. She jumped into the air and then fell. She then noticed blood coming from her leg. She was subsequently treated at the Sebokeng Hospital for a fracture which she was told had been caused by a rubber bullet.

On the same morning in Sebokeng, a 29 year old man was walking past the shops in Zone 14. He turned into a street and saw a Hippo* approaching him. He was the only person in the street. The occupants of the hippo then began firing at him. He was hit by several objects. He did not know how many were rubber bullets or pellets. A policeman approached him and told him to stand up. He was pushed into a large police truck behind the hippo. Inside he found six to eight more policemen. He was asked what he, a worker, was doing among the children. They began to beat him with sticks. Subsequently the police put him in an ambulance which took him to hospital. He has been operated on twice and has been hospitalised for two months. He has been told by his doctor that he has between eight and eleven wounds in his body.

Taken from Southern African Catholic Bishops Conference Report: Police Conduct during Township Protests November 1984

*armoured personnel carrier

The degree of support for the protests in the Vaal, in particular in Sharpeville and Sebokeng, was too great for the authorities to suppress in spite of the violence of their attack on the historic march which had been organised. Initial reports spoke of more than two hundred and fifty injured, even though a police directive issued to all hospitals in the area told them to withhold statistics on the number of casualties. Tuesday's newspapers reported 14 dead, 10 killed by the police on their own admission.

Among the dead were two councillors — Caesar Motjeane and Khuzwayo Jacob (Sam) Dlamini; a third, Jacob Chakane, died later of his wounds. These deaths occurred when the councillors rejected the call to join the march and instead opened fire on their constituents, wounding and even killing them. After shooting at the demonstrators Dlamini was stoned and then burned together with his house and car.

In the days that followed sixty people were killed and countless more injured. In spite of attempts by the regime to blame outside instigators for the events in the Vaal all of those killed were local residents. The Vaal became a battlefield where armed police, and later units of the South African Defence Force, violently suppressed the people's anger. Church sources showed that of the estimated one hundred and fifty deaths between 3 September and 26 November, only eight were known to have been caused by persons other than police.

The provision of medical care for the many injured became a matter of key concern after it became apparent that police were arresting people who sought treatment at the local hospitals. One doctor said that 'Sebokeng Hospital in particular was considered an extension of the police station'. Another excerpt from the SACBC report indicates the implications of delay in treating serious wounds inflicted by rubber bullets and sjamboks (whips):

It appears that the injuries caused by the random shooting of the residents of the townships were exacerbated by their fear of reporting for treatment to local hospitals. There was a pervasive belief tht the police would and did arrest people who had suffered injuries during the disturbances. A Black Sash advice worker reports that on September 11 a young man approached the Black Sash for advice as to how he could receive medical attention. He had been shot in Sebokeng and still had a bullet in his head. The advice worker could see clearly a bullet-shaped object under the skin on the top of his skull. He had been X-rayed at the medical unit at his place of employment and had been referred to the Sebokeng Hospital to have the bullet removed. He stated that when he reported to the hospital he saw policeman whom he believed were arresting people after treatment at the casualty section.

The circumstances of their arrests have not been reported in the press but it is known that at least two of the eight people originally charged with the murder of Dlamini were injured on 3 September. Theresa Ramashamola was hit on the head with a rubber bullet and Motsiri Gideon Mokone was shot with live ammunition by Dlamini himself. Mokone was subsequently acquitted of the murder charge but Ramashamola is amongst those sentenced to death.

Community groups in the Vaal Triangle set up legal and medical clinics as a priority in the days immediately after the uprising. Volunteer doctors treated patients who were too frightened to attend hospital or unable to find the transport to do so.

The unrest in the Vaal continued throughout September and October. On 23 October a military operation in Sebokeng, Bophelong and Sharpeville involved 7000 members of the armed forces searching every single house. Each Sharpeville resident was individually checked and then stamped on the arm with red dye to indicate they could move freely. This massive exercise of intimidation and information — gathering foreshadowed the greatly increased powers granted to the military under the State of Emergency introduced in July 1985.



THE TRIAL OF THE SHARPEVILLE SIX

The trial of those now known as 'the Sharpeville Six' began in full in the Pretoria Supreme Court on 23 September 1985.

Most of the accused were detained in November 1984, originally under Section 29 of the Internal Security Act. They were local residents taken from their houses. Their first court appearance was not reported in the press but a bulletin issued by the Detainees Parents Support Committee in April 1985 noted the forthcoming trial in the Oberholzer Court of Sefatsa and seven others, charged with murder and subversion. The initial period in detention is crucial to many political trials as it provides the police with an opportunity for unrestricted and unmonitored access to those arrested. The detainees are at the mercy of their jailers — allowed no visits from family and friends and forbidden to see a lawyer. Detention is normally in solitary confinement which in itself is held to constitute torture if continued for indefinite periods. In addition, numerous cases of physical assault and torture, including the use of electric shocks have been reported by former detainees, who state that whatever safeguards have been introduced to protect detainees are totally ineffective. The extent of violence is well indicated by a court action in the Port Elizabeth Supreme Court in September 1985: in a period of less than two months one District Surgeon documented 286 complaints of serious assault — and she stressed her records were far from complete. (For further information see the SATIS pamphlet *Political Trials in South Africa*.)

The year which elapsed between the death of Dlamini and the trial did not see the end of protest in the Vaal. Rents were still being boycotted: the increase had been dropped but residents were demanding a reduction to R30 a month; the Lekoa Town Council still had 12 vacancies due to deaths and resignations. In May 1985 16 homeless Lekoa councillors were found to be living in a virtual prison camp on the outskirts of Sebokeng. They refused to resign, as their constituents had demanded, preferring to hide behind barbed wire and armed guards from the people they purported to represent. By June 1985 240 councillors and officials throughout the country had resigned, many of them joining forces with the opposition to the regime. Even in early 1986 the situation remained the same. No violence or threat of violence had forced the residents to pay rent and in spite of calling three by-elections the authorities had yet to find a single candidate willing to stand.

The context of the trial then was not simply the state extracting vengeance for the events of September 1984 but the state putting on trial participants in a continuing struggle.

Seven men and one woman stood in the dock on 23 September and pleaded not guilty to two main charges: the common law offence of murder and the statutory crime of 'subversion'. In addition, they pleaded not guilty to two alternative charges of malicious damage to property and arson. This combination of statutory and common law charges is becoming characteristic of political trials in South Africa. Since the 1960s, the regime has enacted a large body of laws specifically aimed at suppressing

political opposition to the apartheid system. The Terrorism Act of 1967 is perhaps the most notorious — for allowing indefinite incommunicado detention and embodying an all-embracing definition of 'terrorism'. In 1982, the regime amended and consolidated existing legislation into a new Internal Security Act, which carries the power of the Terrorism Act (and other legislation) without the stigma. Section 29 of the Internal Security Act for instance, has replaced the notorious Section 6 detention clause — a new name for an old reality. One amendment was to define the offence of subversion, outlawing many forms of resistance, such as boycotts.

The use of common law offences such as treason and murder is intended to help the regime to portray political opponents as 'criminals' who have been tried under an independent legal system. In fact the process of law is far from independent, biased as it is against the defendant. In addition, even where people are convicted under the common law they have frequently been previously detained and refused bail under the provisions of the Internal Security Act. Indeed the law of criminal procedure itself has been amended to improve the chances of a conviction.

Alongside the Sharpeville Six — Mojalefa Reginald Sefatsa (30), Reid Malebo Mokoena (22), Oupa Moses Diniso (30), Theresa Ramashamola (24), Duma Joshua Khumalo (26) and Francis Don Mokhesi (28) stood Motseki Christian Mokubung (23) and Motsiri Gideon Mokone (21) who were subsequently acquitted on the most serious charge of murder.

Their pleas were heard by Acting Justice Human and two assessors — a forewarning to both accused and public that the death penalty might be applied. Under the South African legal system, trials are heard by either a single magistrate or a judge, depending on the seriousness of the charge. There is no trial by jury. In most cases the decision of whether to hear the case with the assistance of assessors is at the discretion of the judge. However, they are compulsory where there is the likelihood of a death sentence.

SECRET WITNESSES

Over the years the state has found it increasingly difficult to find people willing to testify for the prosecution in political trials. Criminal procedure, therefore, has been amended to allow the detention of potential state witnesses for considerable periods of time. They may be held in custody for the duration of a trial, providing only that it commences within six months of their detention. Even these generous terms may be exceeded — by detaining a person first for interrogation and then transferring them to the 'potential witness' clause when the date of the trial is approaching. During this period in detention state witnesses are allowed no visitors and no consultations with a lawyer. The regime attempts to justify their detention on the grounds that they may abscond or be intimidated but the conditions and treatment of potential witnesses belie any such reasoning.

Pressure on state witnesses is kept up even after they reach the cour-

troom. Many are forced to give their evidence *in camera* after the public gallery has been cleared, which prevents them getting any support from their community. Furthermore, the threat of prosecution hangs over them — if they refuse to testify they face a sentence of up to five years; if they do testify but their evidence differs from statements made previously they may be charged with perjury. Some state witnesses are regarded as ‘accomplices’ of the accused and are legally ‘warned’ as such, becoming exempt from prosecution only when they have delivered ‘satisfactory’ testimony.

In the trial of the Sharpeville Six two witnesses, referred to only as Mr X and Mr Y, provided the bulk of the evidence on which conviction was based. Both gave evidence *in camera* and their names were withheld at the request of the state.

Mr X said he was present in Sharpeville on 3 September when Dlamini was killed, but only pretended to participate in the demonstration. According to his evidence, he phoned the police later that day and gave an account of the events. In particular, he implicated defendants Mokhesi and Khumalo whom he accused of manufacturing and distributing petrol bombs.

The defence lawyer strongly challenged the witness’s evidence. He told the court that in May the unnamed witness made a statement to an attorney saying the police had told him to incriminate Khumalo and Mokhesi. As the statement was made to an attorney it was considered ‘privileged’ and would not normally be subject to cross-examination. Defence Counsel argued that if the witness refused to answer questions on the statement he should be ordered to do so by the judge. Acting Justice Human refused to request, ruling that the statement was indeed privileged. The judge’s decision was clearly a blow to the defence who were seeking to show that the witness was not giving evidence voluntarily. His ruling effectively cut off this line of argument.

Independent doubt was cast on the evidence of Mr X by the testimony of a defence witness, Emily Moeketsi of Sharpeville. She was a neighbour of the dead man and was able to watch the events outside Dlamini’s home through her window. She stated that no petrol bombs were made at the scene of the stone-throwing — thus contradicting the suggestion that Mokhesi and Khumalo had been seen manufacturing them.

Defence cross-examination of another state witness, Mr Y, revealed evidence of the brutality of police methods used to obtain ‘satisfactory’ evidence. Mr Y told the court that he had been arrested in 1984 after which he was assaulted by several policemen. He admitted going to a house and pointing out a man the police were looking for. Inconsistencies in his evidence showed up when he acknowledged that he had told a man with whom he shared a cell that he did not know how Dlamini was killed.

The state alleged that after Dlamini had fired at the demonstrators Sefasta and Diniso wrestled with him for possession of his gun. However, much of the evidence reported in the press concerned the loss of a different firearm on the same day — by a black security policeman. Furthermore, doubts were raised about the authenticity of a weapon produced in court as an exhibit. Warrant Officer Malachia Motong said he was

stoned and assaulted by a crowd who took his gun and threatened to shoot him. He estimated the crowd to be thousands-strong; indicating the size of the opposition movement in Sharpeville on that day and the difficulty anyone would have had in isolating the actions of eight particular individuals. A defence witness later testified that Sefatsa was among those who saved Motong from the angry crowd. The police were told that one of those who had helped Motong had taken his firearm.

One of the accused, Oupa Moses Diniso, was arrested in possession of a gun. He told the court that he had confiscated the weapon from three children who were arguing over it in the street. He then kept it at his home until the day of his arrest when he handed it over to the police. However he said that the weapon produced as an exhibit in court differed from the one confiscated from him in November 1984.

TORTURE AND ASSAULT

November 9 was a date that recurred a number of times during the trial — notorious not only as the date of arrest for many of the accused, but also the date on which they were horribly tortured. Mojalefa Reginald Sefatsa told of his arrest early on that morning. Seven police officers arrived at his house saying they were looking for a firearm. They refused to believe that he had none and two men in particular — Schoeman and Mathunzi — assaulted him and beat him with fists. The attack was so severe that it broke his jaw. Sefatsa's wife was eight months pregnant at the time of his arrest. When she too protested innocence concerning the firearm, she was slapped across the face by the same policeman who had broken her husband's jaw.

At the Sebokeng police station Sefatsa was again tortured, this time not with fists but with electric shocks. He was made to sit on a chair and blindfolded with a bandage. He then felt as if things were poking his body. In his own words 'I felt a lot of pain and did not know how to defend myself'. Later he was able to remove the bandage and note that Warrant Officer Schoeman was holding an instrument resembling a torch with two 'tongues'.

A District Surgeon from Bloemfontein who examined Sefatsa at Groenpunt Prison, near Vereeniging in 1984 was able to confirm the extent and seriousness of Sefatsa's injuries. He observed injuries on his arms, chest, cheek and left leg. Furthermore, his vision was affected and his hearing impaired by the ill-treatment. The doctor stated that the injuries could have been caused by sharp object or a blunt object with a sharp edge; electric shocks could have been the cause of others.

Another accused who gave evidence about the torture he had suffered was Malebo Reid Mokoena. These details emerged during a 'trial within a trial' to determine the admissibility of a statement in which Mokoena admitted participating in the attack on Dlamini's house. Mokoena claimed that the statement was extracted from him under duress. Mokoena was able to name three of the policemen — who assaulted him — Mathunzi and Schoeman (who had also assaulted Sefatsa) and a third

called 'Piet'. Mokoena was beaten up and at one stage he and Sefatsa had their heads banged together. In his own words 'It was a painful experience. My legs were swollen and I bled from the mouth as Mathunzi continued to hit me with his elbow.'

District Surgeon Isak van der Westhuizen had also examined Mokoena who complained of headaches and chest pains. His problems were diagnosed as muscular pains caused by a bump on the neck or head, a twist of the neck or electric shocks giving muscular spasms: 'Pain in the chest and neck could have been consistent with electric shocks having been applied on his body.'

Mokoena told the court that after some days in custody, and with his injuries still fresh, he was told to write a letter to the Minister of Law and Order describing how Dlamini was killed. He said that a statement which the police alleged he made voluntarily to a magistrate was at the instigation of Warrant Officer Schoeman, who told him what to say. In spite of the clear evidence of assault, supported by the District Surgeon, the judge ruled that Mokoena's incriminating statement was admissible as evidence against him. Again the defence's arguments had been ignored.

Theresa Ramashamola's mother went into the witness box on 24 October to tell the court about the arrest and abuse of her eldest daughter. The police made a night raid on their Sharpeville home and demanded that Theresa accompany them to the police station. She was taken from her bed and arrested while still in her nightdress. Her anxious mother, Julia Moipone Ramashamola, pressed a change of clothes into her hands as she left. Later she heard from her daughter about her ordeal at the police station. Ramashamola was stripped to her pants and tortured by electric shocks to her breasts.

Little did the court know, as they listened to the horrific tale, that Ramashamola's ill-treatment was not yet over. On Friday 25 October, Ramashamola's arm was broken whilst in a police vehicle. The exact details of the incident are not clear. What is not disputed is that it was not until the following Monday, three days later, that she was taken to hospital for the bone to be set in plaster of Paris. Furthermore, police taking her to hospital manhandled her in such a way that her lawyers said she was likely to lay charges.

Most of the accused gave evidence in the case, accounting for their movements on 3 September and contradicting the stories of the state witnesses. Duma Joshua Khumalo agreed he had participated in the protest march against the rent increases but said he returned home before the demonstrators had reached the home of Dlamini, who was in fact a relative of his. He had stopped to help someone who had been shot in the ankle and could not walk unaided. Francis Don Mokhesi said he was at home on the day in question nursing an injury sustained the week before in a football match — he plays for a local team. Sefatsa told the court how he first heard of Dlamini's death from two elderly women — then he went to the councillor's house and saw his charred body covered by a blanket. Both Diniso and Mokoena specifically rejected the allegations of subversion — denying that they intended to bring about politi-

cal, industrial, economic or constitutional change in the country.

Ramashamola said that she withdrew from the march after being hit on the head by a rubber bullet. Judge Human rejected her evidence that she had gone to a nearby house for treatment stating instead that although injured she had continued in the attack. Although the seriousness of Ramashamola's injury is not known the following extract from a report on the use of rubber bullets indicates the power of such ammunition:

The effect of the rubber bullet will depend on the distance from which it is fired, and the area of the body which it strikes. The rubber bullet used by the South African police is 90 millimetres in length and 35 millimetres in diameter and has a mass of approximately 100 grams. Fired at close quarters a rubber bullet can kill, particularly if it strikes the head.

Quoted in SABC Report

DEATH SENTENCE

The trial was completed on 18 November and adjourned. In a four-hour judgement delivered on 10 December, Acting Justice Human based many of his findings on the evidence of a single state witness and rejected most of the evidence given by the eight accused. He convicted all eight of subversion but acquitted Mokone and Mokubung of the murder — they were found guilty of the alternative charge of public violence (and subsequently sentenced to eight years for the two convictions).

In the judge's version of events that day Dlamini's provocative actions are clearly evident. A crowd of protesters marched to his home early on the Monday morning. Police used tearsmoke and rubber bullets to disperse the people but were unable to persuade Dlamini to leave the house. Instead he preferred to stay and confront the protesters — in the process shooting at least one person, Gideon Mokone. The attack on him was initiated by his shooting at the demonstrators.

On 13 December Judge Human returned to the court to sentence the six to the maximum penalty — execution by hanging. He ruled that there were no extenuating circumstances and that the accused had shown contempt for peaceful society, law and order. He also sentenced them to eight years' imprisonment for subversion.

The legal process is continuing with an application for leave to appeal which is to be heard on May 6. Meanwhile protests have been made both nationally and internationally. The Christmas season was observed as one of prayer and fasting by many Sharpeville residents. Since then a campaign to save their lives has been launched by the United Democratic Front and the Vaal branch of the Detainees Parents Support Committee. At the United Nations, African delegates have taken the lead in calling for a reprieve.



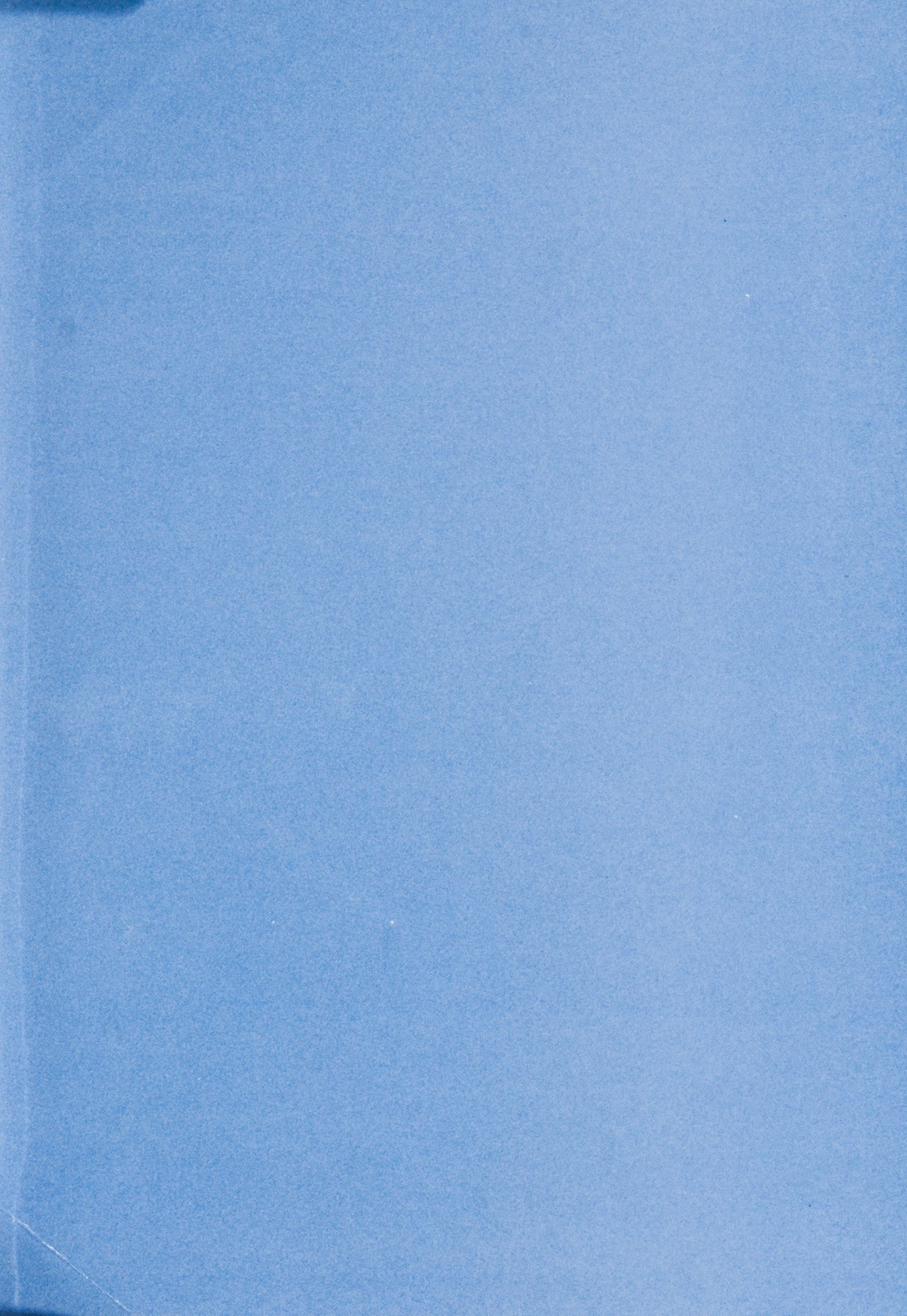
Youth protest at the funeral of another victim of police violence in South Africa, November 1985

Sharpeville Six — Biographies

All of those sentenced to death lived with their families in Sharpeville itself.

Mojalefa Reginald Sefatsa aged 30, is married with one daughter Brigette, who was born shortly after his arrest in November 1984. Sefatsa was a self-employed fruit vendor. **Oupa Moses Diniso** is also 30, married with two children — a son aged 8 and a daughter aged two. He completed his education to matriculation standard and was employed as an inspector at a steel firm. **Reid Malebo Mokoena** aged 22 is engaged with a son of three years. He worked in the steel industry and belonged to the Steel and Allied Workers Union. **Theresa Ramashamola** is aged 24 and the oldest in a family of three daughters. She studied at Assumpta Roman Catholic School in Sharpeville and was working at a roadhouse at the time of her arrest. **Duma Joshua Khumalo** is aged 26 years and was doing a teacher training course when he was detained. He has a six year old son. **Francis Don Mokhesi** aged 28 years is married with a seven year old daughter. He was working as a window-dresser when arrested and is also a first division footballer in the National Professional Soccer League. His elder sister, Joyce, is presently on a scholarship at Ruskin College, Oxford.





SATIS: SOUTHERN AFRICA – THE IMPRISONED SOCIETY

SATIS brings together a number of organisations concerned about political repression in South Africa and Namibia, and was launched at a conference to mark Human Rights Day in December 1973. It initiates and coordinates campaigns for the release of political prisoners and detainees in South Africa and Namibia, and against the many forms of repression employed by the regime against those struggling for freedom from apartheid rule.

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