

The Argus

AFRICAN



THE RIVONIA TRIAL... life or death?

EXCLUSIVE
PART 2

The Argus

Nelson Mandela — The Road to Freedom

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TOMORROW

ROBBEN ISLAND ... a life sentence begins

What SA was like at the time



Danny Williams married Bobbi — the baby came later



The Beatles, the fabulous four from Liverpool were the rage of the pop world

THE Rivonia treason trial started on October 9, 1963, the same day that former Cape Town coloured singer Danny Williams made front page headlines by marrying a white girl in London.

Those were the days when apartheid, not as "reformed" as it is today, was rigorously applied by the National Party government. Love, sex and marriage across the colour line were forbidden.

Crooner Williams, 31, then riding the crest of the pop wave with his ballad "Moon River", took his vows with Bobbi Carole, who married him against the wishes of her parents.

Williams, fearing persecution, told an interviewer he would not be welcome in South Africa again.

But most prominent by far on the front page that day was the Rivonia treason trial.

A report from Pretoria — following the style of the times — said: "Eleven men — four whites, one Indian and six Natives — went on trial in the Supreme Court here today before Mr Justice Quartus de Wet (Judge President of the Transvaal) on charges of sabotage and of offences under the Suppression of Communism Act and of contravening the Criminal Law Amendment Act."

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PRICES then are worth noting, too:

For example, Fletchers of Adderley Street, Cape Town, were selling ladies' coats for R18,95 each; Pam's were proud to advertise summer dresses for R15,95. And there was hope for women with fuller figures in the

shape of Formfirm girdles, at R9,95.

Motorists could leave their vehicles overnight at the Parkade for R2.

And in those pre-disinvestment days Ford advertised that it was building engines "in a prosperous South Africa and helps build an even more prosperous nation."

The advertisement proclaimed: "It means that one of the world's biggest businesses has sufficient confidence in South Africa and its future to spend another R8 000 000 on development — bringing the total Ford capital at work in South Africa up to the very substantial figure of R40 000 000. And that represents a lot of confidence."

A Fiat, for those who could afford it, could be driven away for R1 770 in those pre-GST days, and Chrysler Corporation's new Simca cost R1 336.

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Flying to London with South African Airways, or British Overseas Airways Corporation (economy class), was advertised at R394 — for the return trip.

Cinemas abounded.

In the Cape country and Western singer-cum actor Jim Reeves was leaping across the screen in "Kimberley Jim" at the Colosseum; up in District Six the Avalon was showing a horror feature, "Diary of a Madman"; in Athlone the Empire was screening "The Tempest"; Goodwood Drive-In (for Europeans only, said the advertisement), was showing a South African production, "Ruiter"; and in Sea Point the Odeon's attraction was "The Barber of Stamford Hill".

THE swinging '60s were in full swing. The Beatles — the fabulous four from Liverpool — were the rage of the pop world; Wilbur Smith was top of the best-seller charts with his first novel, When the Lion Feeds.

Among other events of the time were the election of the Rt Rev Robert Selby Taylor, formerly Bishop of Grahamstown, as head of the Anglican church, while on the international front, France established links with communist China, Lyndon Johnson was president of the United States, and Cuban leader Fidel Castro was visiting Russia.

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ON the day the treason trial ended — Friday, June 12, 1964, just over eight months since the start of the case — banner headlines reported that Nelson Mandela, Walter Sisulu, Govan Mbeki, Ahmed Kathrada, Elias Motsoaledi, Andrew Mlangeni, Raymond Mhlaba and Dennis Goldberg had been sentenced to life imprisonment.

Author Alan Paton, then leader of the Liberal Party, was pictured outside the Supreme Court.

Also in the news with the men from Rivonia were The Beatles who were touring Australia when a hysterical crowd of 25 000 broke through barriers and surrounded their car in Adelaide. Two girls were trampled underfoot and a 69-year-old woman collapsed in the mania.

On the sports front, the Russian embassy in London instructed its tennis players not to play against South Africans in the Kent championships.



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INDEED, it is a classic case of the intended overthrow of the government of the country by force and violence with military and other assistance from foreign countries and there are more than two witnesses to each of the overt acts . . .

It is tragic to think that the accused, who between them did not have the courage to commit a single act of sabotage themselves, should have incited their followers to acts of sabotage and guerrilla warfare, armed insurgency, open rebellion and ultimately civil war.

— Dr Percy Yutar, prosecutor in the trial.

DURING my lifetime I have dedicated my life to the struggle of the African people. I have fought against white domination, and I have fought against black domination.

I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for, and see realised. But, My Lord, if it needs be, it is an ideal for which I am prepared to die.

— Nelson Mandela's statement from the dock.

The Rivonia trial

THE African National Congress went underground when the government outlawed it.

By 1962 Nelson Mandela had been caught and convicted and was on Robben Island, and others were to follow.

Says Ahmed Kathrada, who was to join Mandela in prison under life sentence: "We had gone underground and on July 11 1963 we were arrested at Rivonia. They brought Nelson back from Robben Island and when our case started on October 9, 1963 he joined us. Sisulu, myself, Mbeki, Mhlaba, Lionel Bernstein and Dennis Goldberg were arrested at Rivonia. Mlangeni and Motsoaledi had been arrested earlier."

On Robben Island Mandela was unaware of what had happened.

He was brought to the mainland and taken to Pretoria Central oblivious that the network at Rivonia had been destroyed.

"You know, the surprise was that while we were held under 90 days detention he was in the same prison — on the first floor, while we were on the second. The warders (off their own bat) would come to us and say: 'Mandela stuur groete' and we'd say: 'Stuur hom groete'."

"In the meantime he never knew we were there."

They met up again when the trial started.

Twelve, including a law firm, were charged in the Palace of Justice, Pretoria, on October 9 in a trial destined to become THE Treason Trial. Before the Judge President of Transvaal, Mr Quartus de Wet, were Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Lionel Bernstein, Andrew Mlangeni, Raymond Mhlaba, James Kantor, Elias Motsoaledi and Bob Alexander Hepple.

The legal firm of James Kantor and Partners was also charged.

The first seven were alleged to be members of an organisation known variously as the National High Command of the National Liberation Movement and Umkhonto we Sizwe (Spear of the Nation).

The five-point indictment alleged that, together with the Communist Party and the African National Congress and 15 other people who had left the country, they committed acts of sabotage and damage to property between August 10, 1961 and August 5, 1963.

Deputy Attorney General Dr Percy Yutar, who appeared for the State, and defence counsel were soon sparring.

Defence counsel Mr Braam Fischer, QC, applied for the trial to be postponed for at least a month. The accused, he said, had been kept in solitary confinement for three months with only an hour of exercise daily and had not been allowed to communicate with anyone.

"They had been interrogated, threatened and even offered money," he said.

Dr Yutar retorted: "There is not a word of truth in these allegations."

The trial was adjourned until October 29.

THERE was early drama when the trial resumed over an SABC microphone which had been set up in court.

Kathrada recalls: "Dr Yutar was going to outline his case over the SABC. Our lawyers objected and the judge ruled that it be removed."

Dr Yutar came in for some stick from Mr Vernon Berrange for the defence.

Before his address on Ahmed Kathrada, Lionel Bernstein and Raymond Mhlaba, Mr Berrange said:

"Dr Yutar during his address, delivered himself of what he has been pleased to term a number of 'observations' concerning the accused, the relevance of which we have found difficult to ascertain."

"On the assumption, however, that these so-called 'observations', which consisted of a sarcastic and satirical attack on the accused, are relevant, we have consulted with our clients for the purpose of replying to the threats."

"With the dignity that has characterised the accused throughout this trial, they have instructed us to ignore these remarks and not to descend to the level of replying hereto."

"It is, however, in my submission, unusual and not in the best traditions of which prosecutions are conducted in this country for counsel for the State to deliver himself in this manner."

"It will be submitted that Dr Yutar in addressing the court has in instances not accurately set out the facts, and in no instance has he tried to evaluate or analyse the evidence of the witnesses on whom he relies."

He said that in his evidence Walter Sisulu had referred to



Lilliesleaf Farm, Rivonia, outside Johannesburg, where six of the accused were arrested



Defence counsel
Mr Braam Fischer



The judge, Mr Justice
Quartus de Wet



State prosecutor
Dr Percy Yutar

Bernstein as a "propaganda specialist".

Subsequently Dr Yutar had "promoted" him to the post of "propaganda expert" of the ANC, Umkhonto we Sizwe and the Communist Party."

BUT that is running far ahead of the trial and how Mandela was able to use it to expound his views.

The trial restarted on October 30 with the defence engaging the State in a lengthy battle as it tried to have charges quashed.

Advocate Fischer, arguing against charges against the first seven, said they were not sufficient in detail. It appeared Mandela had been charged with having committed 156 of the 199 acts of sabotage which the accused were alleged to have perpetrated while he was in prison, he said.

Dr G Lowen, QC, in his application to have his indictment against Kantor quashed, said that not only did Kantor not know what he was supposed to have done, but he was held vicariously responsible for what his partner Harold Wolpe did.

He said Dr Yutar had shrouded the case in mystery.

"I am no communist, I have no politics. I only know that

Kantor is not a communist. The indictments are framed for the accused, even if they are illiterate, and not for their counsel. To tell Kantor that he is charged under the Suppression of Communism Act is meaningless," Dr Lowen contended.

Mr Fischer said running like a thread through all the State pronouncements was the attitude: "They are guilty, and to attempt a defence is a waste of time."

The indictment, he went on, "is an effort by the State to cast the net so wide that it hopes no one will escape."

Replying, Dr Yutar said the applications were not genuine but designed to harass and embarrass the State and to ascertain the strength of its case.

As a token of his good faith he said he was prepared to hand in his opening address of 17 pages which gave the case against each accused in detail.

Mr Justice De Wet refused this offer. "I am not prepared to entertain an application of this nature, an ex parte statement of fact. This is an irregular way of conducting a case. Whether the defence genuinely wants the facts it has asked for is irrelevant. It is entitled to ask for them."

To which Dr Yutar replied:

"We are dealing with bad organisations, the African National Congress and the Communist Party. They have never invited a representative from the State to their deliberations. They do not keep minutes and records."

An objection to this from both defence counsel was upheld by the judge who said: "This is not a political meeting, this is a court of law. I know nothing of the conduct of those organisations."

Mr de Wet quashed the indictment.

He said: "It is possible, if the application by the defence is not acceded to, the ridiculous position will be reached of the defence having to ask for an adjournment after each defence witness has given evidence, to study that evidence."

"The accused should be able to prepare for trial before the trial begins."

Before this ruling Dr Yutar said: "I beg of your lordship not to quash the indictment. I earnestly beg, may I crave from your lordship not to quash the indictment on the understanding that the State does what it has undertaken to do, and that is to provide the defence with summaries of the documents and the

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How a defence lawyer remembers the trial

THE atmosphere at the beginning of the Rivonia trial is remembered clearly by George Bizos SC, one of the defence team.

"The atmosphere right at the beginning was very oppressive. I think it is necessary to bear in mind what had happened — there was Sharpeville, there was the banning of the ANC and the PAC, the country was in an economically depressed state, the ANC had been a peaceful organisation but in December 1961 a declaration was made that no option was left to it but to go over to violence, detention without trial was introduced by Mr (John) Vorster, the Sabotage Act had been passed in 1962 equating sabotage with treason.

"That led to tremendous hysteria after their arrest in Rivonia on June 11, 1963 ...

"The atmosphere was very oppressive.

"There were two factors that changed the atmosphere. The first was that the first indictment that was brought was defective. Once the indictment was quashed the accused were re-arrested in court. Theoretically the accused were free then.

"There was tremendous public interest in the trial. The quashing of the indictment was interpreted, perhaps wrongly, that the state could not really draw up a proper indictment. That, of course, fanned the public interest.

"The other was a matter that happened outside South Africa. The United Nations passed a resolution by 106 to 1 (votes) calling for the release of the accused in the Rivonia trial on October 10 1963 and actually dedicated October 10 thereafter The Day of Political Prisoners.

"That led to much concern throughout the world. As the case proceeded the case took on a real political significance.

"The main accused, that is Mr Mandela, Mr Sisulu and Mr Mbeki, in particular, those three took up the attitude: 'We did go over to violence, but we had no option'.

"They were not apologetic about it.

"The tables were turned. The accused became the accusers.

"The defence was a political defence and not a defence in which people run for cover and in which people commit petty perjuries or try and avoid legal responsibility.

"The death sentence loomed large. There were in fact disagreements in the defence teams as to whether the accused should give evidence or not.

"The view prevailed that they should give evidence because it would be more difficult for any judge to sentence a man to death if he has had him before him giving evidence for a few days as to what made him do what he was being convicted of doing.

"There was also another aspect and that is the prosecution did not only want to convict the accused: they also wanted to discredit them.

"Those of us who held for them giving evidence correctly predicted that the prosecution would try and debate the political stance (of the accused).

"There was a widespread feeling that the accused, who gave evidence, acquitted themselves well. In fact, one of the senior



Mr George Bizos ... 'The atmosphere at the beginning was very oppressive'.

police officers complained that the accused were getting too much public exposure and public sympathy.

"Also I think that the question of the indictment, the cross-examination of state witnesses and the accused giving evidence allowed time to lapse. The lapse of time, I think, allowed heads to cool down and the hysterical atmosphere that had been present from July to October 1963 had substantially subsided.

"Mr Mandela's statement from the dock was described as a forthright heroic statement and what do you do to a man who says 'I am prepared to die for what I believe in and for what I want'? I think it tended to make people, including the judge, sit back and think: 'What are we really concerned with here?'.

"I think he (Mandela) touched a chord in the hearts and minds

of the majority of black people in South Africa. It is possibly one of the reasons why he has acquired the status he has now."

DISCUSSING his emotions when the nine accused were sentenced, George Bizos reflects: "The conviction was inevitable. There was now no doubt that there would be a conviction except for a couple of the accused like Bernstein, who was acquitted.

"I had the responsibility of preparing Alan Paton as a defence witness in mitigation. The reputation of Alan Paton in 1964 was no less than his reputation towards the end of his life. I had discussed with him a number of issues he might be asked in cross-examination. One of the matters that I had not discussed was what Dr Yutar chose to cross-examine him on.

"Calling Alan Paton did not come as a surprise to the prosecution because they obviously had Alan Paton's file in front of them.

"Yutar got up and said it was not his habit to cross-examine witnesses who were giving evidence in mitigation but that he merely wanted to unmask this gentleman.

"He then proceeded to put to him on the basis that Alan Paton had made a prediction in the late 1950s that unless something was done, violence would break out.

"Yutar suggested to him that he must have known of the accused's plans when he made that statement — just the suggestion to Alan Paton that he would be unmasked I think was an insulting one. Despite his greatness as

a writer and his intelligence and dignity, he was shocked, I believe, by the suggestion that he was a person who could be unmasked or that he had anything to hide.

"The judge's failure to stop that sort of unwarranted cross-examination made us feel uneasy about what the judge might possibly do.

"He (Mr Justice De Wet) said he was not going to impose the death sentence. That came as a great relief. We thought he might have imposed different sentences on different accused because of the degree of participation."

AND George Bizos on the reaction of the accused after sentence: "They put up their fists and shouted Amandla."

Were they not sad at being sentenced to life imprisonment? "It was not unexpected. It is not a sadness. Political accused don't allow themselves the luxury of self-pity."

George Bizos recalls that he became very angry afterwards. "I asked Colonel Aucamp whether the wives and children could be given an opportunity to say goodbye and he, with a completely straight face, said: 'Of course, the wives and children must be given an opportunity to say goodbye. Tell them to come to prison.'

"When they arrived at the prison, they were told they were too late and the prisoners had already been taken to Robben Island. They should apply in due course for a visit."

(● Dr Percy Yutar declined to be interviewed for this series).

The evidence of Mr X and Mr Y

Continued from page 3

evidence within one week from today."

But Dr Yutar made sure that victory for the defence was bitter sweet.

He asked that the men who had been rearrested be brought back to court and remanded.

The judge refused, saying he had quashed the indictment and as far as he was concerned the case was closed.

Dr Yutar told the court the Attorney-General had issued a directive that the men be charged with sabotage and that as this directive still stood the men were being held in terms of it.

Dennis Goldberg, the second accused, was seized by Detective Sergeant Dirker and hustled below with the other accused who were rearrested.

Dr Yutar also announced that charges against Bob Alexander Hepple would be withdrawn, adding that he would be called later as a State witness. (Hepple, an advocate and son of former Labour Party MP, Mr Alec Hepple, and his wife later fled the country).

The 10 appeared briefly in the Pretoria magistrate's court before the case was remanded to the Supreme Court.

Dr Yutar told the court of this on November 26, the same day

on which Mr Justice de Wet refused a defence application to postpone the matter for two months and ruled that it should begin. He said he found the indictment as it now stood to be sound.

THE accused were charged with two counts of sabotage, one of contravening the Suppression of Communism Act and one of contravening the General Law Amendment Act.

They were alleged to have recruited people in and outside South Africa for the use and manufacture of explosives for the purpose of committing acts of violence inside the country and for training in guerrilla warfare to further a revolution.

They were also alleged personally, or through their agents, to have committed 193 acts of sabotage in various parts of the country. Headquarters of the conspiracy was Lilliesleaf Farm in Rivonia, and a cottage in Mountainview, Johannesburg.

Apart from the accused the indictment also named 24 others who allegedly joined them.

The charges were read to a packed court on December 3.

Mr Justice de Wet warned that he did not want any political speeches when they were asked to plead.

Nelson Mandela, the first accused, said: "My Lord, the gov-

ernment and not I should be in the dock — I plead not guilty to all the charges."

Sisulu repeated the substance of his remarks. So, too, Dennis Goldberg and the rest.

Dr Yutar said the accused had set that year as a target date for violent revolution. The plot was the work of the ANC. By 1961 the ANC had been driven underground and had decided on a policy of violence and for that purpose had formed a military wing, the Unkhonto we Sizwe, sometimes referred to as "MK".

The house at Rivonia, said Dr Yutar, was the "focal point" of the ANC, Communist Party and the "National High Command".

The leaders of the High Command had adopted the so-called M-Plan — the Mandela Plan — in which a central authority at Rivonia controlled the regional and sub-regional committees throughout the country.

"The plan incorporated the cell system of the Communist Party and extraordinary steps were taken to ensure the utmost secrecy. The evidence will reveal it was well-nigh impossible to make contact with the leaders at Rivonia except through the agency of a courier.

"The National High Command issued its advices, directives and instructions both in writing, usually in cryptic form, and by way of mouth.

"There was even a radio transmitter set from which Sisulu broadcast a message to his followers. A tape recording was found at Rivonia, as well as a typed transcript of the text.

"It was from Rivonia that the new policy of sabotage, violence and destruction was planned, engineered and directed, and the production requirements of explosives and weapons fixed."

Police found 106 maps at Rivonia marked with proposed sabotage targets, including Bantu Administration offices, post offices, homes of policemen, electric power stations and lines, railway signal boxes and lines, and telephone lines and cables.

"The architects of the preparation, manufacture and the use of explosives were Arthur Goldreich, Dennis Goldberg, Percy John Hodgson, a named communist, and Harold Strachan."

STATE witness Veleloo Percival Jelliman, 80, told the court he had been employed as temporary caretaker at Lilliesleaf farm.

Just after he arrived there, Mandela, whom he knew as David, arrived and he was detailed to cook for him.

Thomas Mashifane, who was employed on the farm as a field labourer, identified Mandela, Sisulu, Mbeki and Kathrada as

people who had stayed there. He had also seen Goldberg.

He had never seen the man he knew as David (Mandela) do anything except read books and papers but once saw him shooting at a target with Goldberg.

LATER Mr Mashifane told Mr Justice de Wet that during his imprisonment police stripped him of his clothes and forced him to run round a table naked. As he ran, police hit and kicked him, and as a result one of his ears was still affected and his jaw was "loose".

Dr Yutar said Mashifane's report was a surprise.

In reply to Mr Justice de Wet, Mr Mashifane said the assault did not cause him to tell anything but the truth about what happened at Rivonia. His statement to the police and his evidence remained, but he added: "A man speaks better when he has not been hit."

In the afternoon, Dr Yutar said a senior police officer had investigated the complaint, but he did not consider it advisable to disclose the officer's report. Mr Mashifane had declined to make a statement on the matter. "In fact," Dr Yutar said, "he approached me and begged me not to take the matter any further."

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Africa and beyond: Mandela's diary

Here are extracts:

JANUARY 1962

Wednesday 17: The immigra-

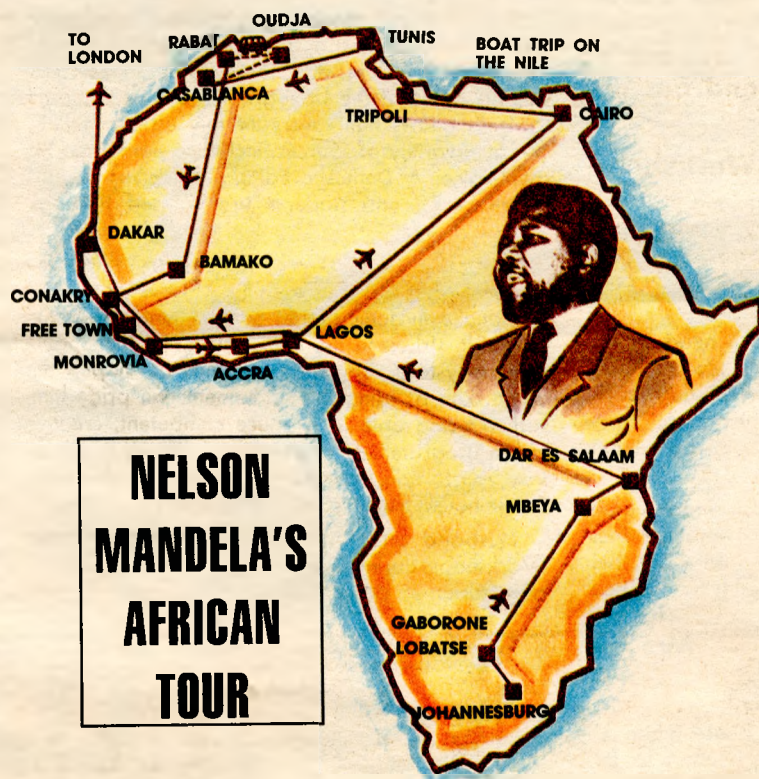
FEBRUARY

MARCH

APRIL

Wednesday 25: 2pm: I meet the president. He informs me that the people of Liberia would do everything in their power to help our people in their struggle for self-determination. Sends his regards to Chief.

regards to Chief.



A passport in the name of David Motsamayi, issued to Nelson Mandela by the government of Ethiopia

MAY

Monday 7: OR arrives at lunch time. We meet head of Al-

Sunday 27: 8.30am: We leave Lagos by Pan Am for Monrovia

on our way to Canakry. After stopping for 45 minutes at Accra plane reaches Monrovia at 12 noon. We drive to Monrovia City Hotel.

JUNE

Saturday 30: 9am: I have practice in demolitions

JULY

Friday 13: Lt Befikadu and I cover 26km in fatigue marches. We do it in three hours.

'I want equal political rights . . . '

Continued from page 4

He (Mandela) said he had met the Prime Minister of Algeria, Achmed Ben Bella, who had introduced him to the commander-in-chief of the Algerian forces

Some of the African states had promised one percent of their national budgets to help the liberation struggle and Man-

The periodical described Umkhonto we Sizwe as the nucleus of an "army of national liberation", adding that the patience of the people was not end-

A second secret witness, Mr Y, told of attending a guerrilla camp in the hills near Mamre, Cape Town, in December 1962. Dennis Goldberg was in charge

POLICE handwriting expert Detective Sergeant P J du Preez said he had compared documents found at Lilliesleaf Farm with letters written by Nelson Mandela to his wife. He was convinced they were the same.

Among the documents was a

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map of the Johannesburg Fort where Mandela had been held at one time, giving the dispositions of guards, the location of his cell and the exercise yard.

In the documents the words appear: "I need not mention the disastrous effects politically of an unsuccessful attempt."

In the documents the writer also describes an African trip and also said "there was a widespread feeling here that the African National Congress is communist dominated."

Mandela's trip to Morocco was mentioned in the last of the six documents handed in. The writer said he had had a "spree" with a machine gun and that he was congratulated on his marksmanship.

Dr Yutar had read a document, which he had described as the cornerstone of the case against the accused, as evidence on February 10.

Found at Lilliesleaf Farm, it was headed Operation Mayibuya.

The opening paragraph read: "The white state has thrown away every pretence of rule by democratic process," accordingly armed resistance was the only way in which people could gain their rights.

The document said four groups of 30 fighters, each armed and equipped to be self-sufficient for a month, and to be known as the "external force" were to be landed in South Africa from the sea.

On landing they were to be joined by 7 000 local guerrillas and the whole force would embark on attacks on selected targets. The thrust of these attacks would be to strike at the weak and run from the strong.

A political authority was to be set up in a neighbouring country and it was hoped this would become the provisional revolutionary government.

All preparations for the beginning of the campaign should be completed by May 30, 1963, the document said.

Evidence for the State closed early in March 1964, at the same time as the acquittal of James Kantor.

NELSON MANDELA, wearing a blue suit and watched by Winnie and her mother-in-law, slowly read his statement on April 20 1964 — but not before Dr Yutar had warned that what he said in his statement would carry less weight than if he was submitted to cross-examination.

The decision to read the statement, which had been cleared with the others in the dock, had not been taken lightly.

Mandela and his associates knew they could end up on the gallows.

"At the time of the Rivonia treason trial we knew we'd probably go to the gallows. We were afraid... who wants to die?" reflects Raymond Mhlaba. But, says Ahmed Kathrada, there was no tension among them.

"Right at the beginning it was decided how we were going to conduct our case. It was going to be conducted as a political trial throughout."

Mandela, in a statement which was to become widely celebrated, admitted to being a founder of Umkhonto we Sizwe and to playing a prominent part in its affairs until his arrest in August 1962. He denied the struggle was in any way inspired by the Communist Party.

He had been motivated to fight for the freedom of his people



Mrs Winnie Mandela arrives at court. At right she is accompanied by her mother-in-law, the mother of Nelson Mandela



ple when as a young boy he listened to the elders of the tribe describing past exploits.

He admitted to having planned sabotage. "Some of the things so far told to the court are true and some are untrue. I do not deny that I planned sabotage. I did not do this in a spirit of recklessness. I planned it as a result of a calm and sober assessment of the situation after many years of opposition and tyranny of my people by whites."

Of the planning of Umkhonto we Sizwe, he said:

"We believed that as a result of government policy, violence by the African people had become inevitable, and that unless a responsible leadership was given to control the feelings of our people, there would be an outbreak of terrorism which would cause bitterness between the various races of the country."

"We felt that without sabotage there would be no way open to the African people to succeed in their struggle against the principle of white supremacy."

"All lawful modes of expressing opposition to this principle had been closed by legislation. We were placed in a position in which we had either to accept a permanent state of inferiority or defy the government. We chose to defy the government."

Mandela said the form of violence chosen was not terrorism.

The ANC was banned in 1960 after Sharpeville and he and his colleagues decided they would not "obey" the banning.

"The African people were not part of the government and did not make the laws by which they were governed. We believed in the words of the Universal Declaration of Human Rights that the 'will of the people shall be the basis of authority of the government' and for us to accept the banning was the equivalent to accepting the silencing of the Africans for all time."

The ANC refused to dissolve and went underground.

"We believed it was our duty to preserve this organisation which had been built up with almost 50 years of unrelenting toil. I have no doubt that no self-respecting white political organisation would disband itself if declared illegal by a government in which it had no say."

In June 1961, after some long and anxious assessment of the situation, he and some col-

leagues came to the conclusion that violence in South Africa was inevitable.

It would have been unrealistic and wrong for African leaders to continue preaching peace and non-violence at a time when the government met their peaceful demands with force.

"We embarked on violent forms of political struggle because the government had left us no choice. This conclusion was not easily arrived at. It was only when all else had failed, when all channels of peaceful protest had been barred to us, that the decision was made to embark on violent forms of political struggle and to form Umkhonto we Sizwe."

He said Umkhonto we Sizwe was to perform acts of sabotage and members were not to injure or kill people in planning or carrying out operations.

"The ANC was a mass political organisation. Its members had joined on the express policy of non-violence. It could not and would not undertake violence."

However, it was prepared to depart from its 50-year-old policy of non-violence to the extent that it would no longer disapprove of "properly controlled sabotage".

Formed in 1961, Umkhonto we Sizwe had its first operation on December 16, 1961, attacking government buildings in Johannesburg, Port Elizabeth and Durban.

Dealing with the evidence of Mr X, he said that much of his account was substantially correct, "but much of it is slanted and is distorted and in some important aspects untruthful".

He denied that Rivonia was the headquarters of Umkhonto we Sizwe, although certain activities of the Communist Party were carried out there.

"Up to the time of my arrest, Lilliesleaf Farm was the headquarters of neither the ANC or Umkhonto."

On his allegiances, Mandela said:

"I am not a communist and I have never been a member of the Communist Party. We count communists among those who support our cause."

He regarded himself as an African patriot and he was attracted to the idea of a classless society. This was an attraction which "springs in part from Marxist readings and, in part from my admiration of the

structure and organisation of early African societies in this country... There was no rich and no poor and no exploitation."

He ended his statement with the now famous:

"Above, all my lord, we want equal political rights because without them our disabilities will be permanent. I know this sounds revolutionary to the whites in this country because the majority of voters will be Africans."

"This makes the white man fear democracy. But this fear cannot be allowed to stand in the way of the only solution which will guarantee racial harmony and freedom for all."

"It is not true that the enfranchisement of all will result in racial domination. Political division based on colour is entirely artificial and when it disappears so will the domination of one colour group by another."

"The ANC has spent half a century fighting against racialism. When it triumphs, as it certainly will, it will not change that policy."

"This then is what the ANC is fighting. Our struggle is a truly national one. It is a struggle of the African people, inspired by our own suffering and our own experience. It is a struggle for the right to live."

"During my lifetime I have dedicated my life to this struggle of the African people. I have fought against white domination, and I have fought against black domination."

"I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for, and see realised. But, My Lord, if it needs be, it is an ideal for which I am prepared to die."

DR YUTAR addressed the court for four days.

Although the accused had been charged with sabotage in the main, the case was one of "high treason par excellence".

"Indeed, it is a classic case of the intended overthrow of the government of the country by force and violence with military and other assistance from foreign countries and there are more than two witnesses to each of the overt acts."

The "conceit" and "deceit" of the accused was amazing. Although they only represented

scarcely more than one percent of the African population, they took it upon themselves to tell the world that Africans in South Africa were suppressed.

"It is tragic to think that the accused, who between them did not have the courage to commit a single act of sabotage themselves, should have incited their followers to acts of sabotage and guerrilla warfare, armed insurgency, open rebellion and ultimately civil war," Dr Yutar said.

MR JUSTICE DE WET convicted eight of the nine accused.

The General Law Amendment Act, under which two of the four charges were framed, provides for the death penalty and a minimum sentence of five years. The other two charges were framed under the Suppression of Communism Act which provided for a maximum penalty of 10 years.

He found seven of the accused guilty of all four charges, and Ahmed Kathrada was found guilty on count two which related to sabotage.

Guilty on all charges were Nelson Rolihlahla Mandela, Walter Max Sisulu, Dennis Theodore Goldberg, Govan Archibald Mbeki, Raymond Mhlaba, Elias Motsoaledi and Andrew Mlangeni.

The ninth accused, Johannesburg architect Lionel Gabriel Bernstein, was found not guilty and discharged.

As he left the court, Nelson Mandela appeared to be quite cheerful, smiling at Winnie Mandela and his mother and waving to the public gallery.

Outside the court, a crowd of about 300 women sang *Nkosi Sikelele iAfrika*, as police watched. The trialists were taken away in two trucks amid cries of "amandla" and clenched fist salutes.

Sentence was passed on June 12.

Mr Justice de Wet said: "The crime of which the accused have been convicted is in essence one of high treason. The State has decided not to charge the crime in this form. Bearing this in mind and giving the matter consideration, I have decided not to impose the supreme penalty."

"Consistent with my duty that is the only leniency I can show; the sentence in the case of all the accused will be life imprisonment."



Mandela — The Road to Freedom

'Why I hate race discrimination'

NELSON MANDELA was facing charges in Pretoria's Old Synagogue for the second time in less than two years.

In 1956 he and 28 others were accused of treason in a trial which lasted more than four years.

Passing judgment, Mr Justice Rumpff said: "You are found not guilty and discharged. You may go."

At the start of the trial after Mandela's arrest, it was postponed for a week to give him a chance to consult his attorneys. He was charged with incitement and leaving the country without a passport.

Mandela, who defended himself, applied for a two-week postponement adding that his appearance in a Pretoria court was a "deliberate attempt by the authorities" to deprive him of a fair trial.

"Mr Mandela was dressed in traditional Tembu attire and carried a jackal-skin kaross around his shoulder. The well of the court and the public and press galleries were packed, while outside the building policemen mingled with scores more people who had come to attend the trial," a local newspaper recorded.

After the first day, about 150 people were asked to disperse.

"The crowd, who were singing 'Cho Cho Loza, Mandela', (Carry on, Mandela) heeded the warning and within minutes there were only isolated groups remaining, most of which were on the other side of the road from the court."

DURING his three-week trial Nelson Mandela delivered his "black man in a white court" speech.

Before he pleaded, he told the magistrate: "Firstly, I challenge it because I fear that I will not be given a fair and proper trial. Secondly, I consider myself neither legally nor morally bound to obey laws made by a parliament in which I have no representation."

"In a political trial such as this one, which involves a clash of the aspiration of the African people and those of whites, the country's courts, as presently

constituted cannot be impartial and fair.

"In such cases, whites are interested parties. To have a white judicial officer presiding, however high his esteem, and however strong his sense of fairness and justice, is to make whites judges in their own case."

"It is improper and against elementary principles of justice to entrust whites with cases involving the denial by them of basic human rights to the African people."

"What sort of justice is this that enables the aggrieved to sit in judgment over those against whom they have laid a charge?"

"... it is true that an African who is charged in a court of law enjoys, on the surface, the same rights and privileges as an accused who is white insofar as the conduct of this trial is concerned. He is governed by the same rules of procedure and evidence as apply to a white accused. But it would be grossly inaccurate to conclude from this fact that an African consequently enjoys equality before the law."

"In its proper meaning, equality before the law means the right to participate in the making of the laws by which one is governed, a constitution which guarantees democratic rights to all sections of the population, the right to approach the court for protection or relief in the case of the violation of rights guaranteed in the constitution, and the right to take part in the administration of justice as judges, magistrates, attorneys-general, law advisors and similar positions."

"In the absence of these safeguards the phrase 'equality before the law', insofar as it is intended to apply to us, is meaningless and misleading. All the rights and privileges to which I have referred are monopolised by whites, and we enjoy none of them."

"The white man makes all the laws, he drags us before his courts and accuses us, and he sits in judgment over us ..."

"I feel oppressed by the atmosphere of white domination that lurks all around in this courtroom. Somehow this atmosphere



The Old Synagogue, Pretoria, which was used as a Supreme Court and in which Nelson Mandela was tried twice within the space of two years.

calls to mind the inhuman injustices caused to my people outside this courtroom by this same white domination."

"It reminds me that I am voteless because there is a parliament in this country that is white-controlled. I am without land because the white minority has taken a lion's share of my country and forced me to occupy poverty-stricken reserves, overpopulated and overstocked. We are ravaged by starvation and disease ..."

"I hate race discrimination most intensely and in all its manifestations. I have fought it all during my life; I fight it now, and will do so until the end of my days. Even although I now happen to be tried by one whose

opinion I hold in high esteem, I detest most violently the set-up that surrounds me here. It makes me feel that I am a black man in a white man's court. This should not be. I should feel perfectly at ease and at home with the assurance that I am being tried by a fellow South African who does not regard me as an inferior, entitled to a special type of justice."

"This is not the type of atmosphere most conducive to feelings of security and confidence in the impartiality of a court."

AFTER his application to have the magistrate recuse himself, Nelson Mandela pleaded not guilty to both charges.

He was found guilty on both.

Before he was sentenced to five-years imprisonment, Mandela told the packed court: "I am charged with inciting people to commit an offence by way of protest against the law, a law which neither I nor any of my people had any say in preparing. The law against which the protest was directed is the law which established a republic in the Union of South Africa. I am also charged with leaving the country without a passport. The court has found that I am guilty of incitement to commit an offence in opposition to this law as well as of leaving the country."

"But in weighing up the decision as to the sentence which is to be imposed for such an offence, the court must take into account the question of responsibility, whether it is I who is responsible or whether, in fact, a large measure of the responsibility does not lie on the shoulders of the government which promulgated that law, knowing that my people, who constitute the majority of the population of this country, were opposed to that law, and knowing further that every legal means of demonstrating that opposition had been closed to them by prior legislation, and by government administrative action ..."

"I have done my duty to my people and to South Africa. I have no doubt that posterity will pronounce that I was innocent and that the criminals that should have been brought before this court are the members of the Verwoerd government."

WHEN it was over on November 7, 1962, a local report said:

"Prompt police action averted any trouble when the Mandela trial ended today. Within ten minutes the crowds outside the court had dispersed ..."

"In contrast with other days, the singing was half-hearted and most of the crowd began moving off immediately. However, throughout most of the morning, crowds had been gathering on the corner of Paul Kruger and Proes streets, and when the section from the court reached this crowd at the intersection, the singing took on a new life."

After the trial

IN parliament, Minister of Justice B J Vorster said he was prepared for anything that might happen after the Rivonia Trial.

In London, a series of protests began and at South Africa House, Trafalgar Square, a protest letter was thrown at the South African embassy.

On June 17, Prime Minister Hendrik Verwoerd made a surprise announcement in parliament, claiming that communist states which tried to put pressure on the government to prevent the death penalty from being passed had been rebuffed. Cables from these states went straight into the waste paper basket.

Referring to the convicted men, he said: "These people are criminals — communist criminals — just as any spy caught and executed in the United States of America."

AFTER being moved to Robben Island, Mandela, Sisulu, Kathrada, Mbeki, Motsoaledi,

Mlangeni and Raymond Mhlaba saw their legal team, Mr Abraham Fischer, QC, and instructing attorney Mr Joel Joffe on June 24, 1964.

They released a statement in which the seven, together with Dennis Goldberg, the only white convicted in the trial (who was serving his sentence at Pretoria Central prison) said they would not appeal.

□□□□□

The statement said:

"The accused in the Rivonia trial have considered the verdict and sentence in their case and have discussed the question of an appeal with their legal advisers."

"Mr Mandela, Mr Sisulu and Mr Mbeki have throughout the trial accepted full responsibility for their actions."

"Accordingly, no question of an appeal arises in their cases."

"The rest of the accused have been advised that they have prospects of appealing successfully against their convictions or sentences or both."

"In their view, because of the existing legislation in this country a successful appeal against the convictions would mean the immediate rearrest and re-charge of the accused."

"In cases where an appeal would lead to a reduction in the length of sentences, no purpose would be served by appealing because of the power vested in the Minister of Justice to detain for indefinite periods persons who have served their sentences."

"In all these circumstances, the accused have instructed their legal advisers not to note any appeal, either against their conviction or against their sentences."

"They would prefer that any funds which become available for their appeals should be devoted to the defence of others charged with political offences or should go towards the support of the families of those already sentenced."



H F Verwoerd . . . Surprise announcement



B J Vorster . . . 'Prepared for anything'



Mandela — The Road to Freedom



ANC leader Nelson Mandela at the law office he opened with Oliver Tambo in 1952, the first black law practice in Johannesburg



Nelson Mandela's ex-wife, Eveline, with grand-daughter Ndileka (from deceased son Tembi) and great-grandson Tembela (on Ndileka's lap). The other child is a friend.



Walter Sisulu, ANC Secretary General, at a Sophiatown removal demonstration meeting in 1953



Three treason trial defendants, from left, Robert Resha, Patrick Molada and Nelson Mandela, arrive in Pretoria from Johannesburg by special bus during the trial in August 1958



Giving the thumbs-up sign at a 1952 defiance campaign meeting, from left, Yusuf Cachalia, Walter Sisulu and Dr Moroka



Three ANC Youth leaders at the Johannesburg Supreme Court during the defiance campaign in 1952. Centre, Nelson Mandela

Pictures — Bailey's African Photo Archives

Correction

In Part 1 yesterday we misspelt the first Mrs Mandela's first name. The correct spelling is Eveline. The error is regretted.