

RIVONIA: TELLING IT AS IT WAS

By Lionel Bernstein

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ITALIAN DAMASKS
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EIGHT GUILTY IN RIVONIA TRIAL

Seven on all four charges and one on one count

BERNSTEIN FREED, REARRESTED

ACTION THREAT AGAINST DRIVER

MRS. RIVONIA MANDALA
MRS. BERNSTEIN AND DAUGHTER IN TEARS

This month, Nelson Mandela celebrates his 70th birthday. July 1988 also marks the 25th anniversary of the Rivonia arrests. The writer of this article, who was one of those arrested at Rivonia and spent nearly a year in detention and on trial, tells the story of this landmark in the history of our liberation struggle.

It is hard these days — twenty-five years on — to recapture the feeling of the time of Rivonia — of the sudden arrest of some of the leading liberation movement's activists, of the triumphant state claims that the 'headquarters' of the illegal ANC and Communist Party had been 'captured' of the trial and its head-on confrontation between state and security police on one hand, Mandela, Sisulu, Mbeki and their colleagues on the other. And yet, whenever the history of the South African resistance movement is being discussed or written, 'Rivonia' becomes some sort of milestone, or the marker of a turning point in the story.

But what is it that makes 'Rivonia' — by which is implied the whole episode of police raid, arrest, trial and sentence — special? Now, 25 years after the raid on Lilliesleaf Farm in the Johannesburg

suburb, we have experienced other and more sweeping police raids, the arrests and trials of thousands of other political activists and freedom fighters; we have witnessed more dramatic confrontations between police and freedom fighters including shoot-outs and murders, and trials with more lurid evidence, and even more draconian sentences including sentences of death. And still Rivonia holds a special place in the tale.

To explain, at least in part, why that should be so, it is necessary to look not only at the events of Rivonia, but more importantly at the times in which they occurred.

The Rivonia Time

Those activists of the liberation struggle

who are still alive today will probably remember them as "the best of times; ... the worst of times" in Dickens' graphic phrase. The worst of times, because the ANC had been outlawed three years before during the country's first state of emergency, and no public body had been created to carry on the popular struggle for freedom. On the surface, they were times of quiet — of an almost graveyard quiet in which the voice and aspirations of the majority of the people appeared to have been extinguished by a brute force, and the undisputed reign of White supremacists to have been re-established and strengthened after a hiccup during the emergency. The worst of times.

But below the surface, for the activists, for the members of the ANC and their colleagues from the Indian Congress, the Communist Party, and others, things were different. The ANC had been officially outlawed; some claimed it had been extinguished. But its leaders had decided that the organisation would not just give up and die. It would continue underground, unlawfully, secretly. It had done so.

ANC Still Alive

The lines of communication between its leadership and the local branches had been re-established underground; small local units met, gathered in and united former members, discussed and decided upon action on local political and social issues of every kind. The word that the ANC — banned, but still the ANC — was alive underground spread by word of mouth, by rumour, through rare small-circulation, illegal leaflets — until every politically aware citizen suspected it or believed it. But nothing could be proved. Police surveillance and search for the illegal organisation was intense, but evidence for arrest or prosecution remained always beyond their reach, underground. From time to time ad hoc, short-term political campaigns developed publicly on matters of the moment, in which former ANC activists were prominent, and the directing spirit of the ANC

behind the scenes suspected and usually tacitly accepted. The ANC leaders, its politics and its spirit, it seemed, were everywhere; its name, its banners, its organising centres nowhere. For the underground activists it seemed that the outlawing of their organisation had been side-stepped, that the underground had mastered the new conditions, and that their security rules had defied the vast resources of the security police. It seemed in some ways the best of times.

And then came Rivonia.

New Political Era

Even before that, there had been rumours, and portents from underground of the beginning of a new political era, rumours which everyone heard or observed in one way or another, but none could explain with any certainty. In 1961, when the government decided to declare South Africa a republic and change the constitution without consulting the Black majority, one of those ad hoc, temporary, public campaigns grew up out of the shadows, ostensibly headed by the Interdenominational Ministers' Association. ANC leaders, almost all of them under individual banning orders, were nowhere in evidence; yet rumour had it that — as always — they were there somewhere, in the centre of it.

A national conference to consider action against the republican declaration gathered in Pietermaritzburg. Dramatically, Nelson Mandela had appeared from the shadows of a banning order, delivered the keynote speech, and won a decision for a national protest strike in May 31st 1960, for which he was appointed the leading organiser. Just as dramatically, he vanished underground, no longer to be found at home or office, but yet repeatedly available for interviews with press or television '... from underground'.

In an interview immediately after the strike, which had been notable for massive state armed provocation and the use and threat of armed force, Mandela suggested that force would have to be met with force if the peoples' opinions and rights were not to be brutally crushed. The ANC traditions

of using only non-violent actions would, he suggested, have to be reconsidered. And then again he vanished into that ubiquitous 'underground'.

Rumour and guarded suggestions of the use of force by the liberation movement. It was rumoured that the reversal of the policy of non-violence was being considered; but by whom, none could say. It was rumoured that ANC members in local secret branches were being consulted, opinions sought. It was becoming the consensus everywhere amongst the political activists that change was necessary and overdue, and that force would have to be brought into play against a state which knew no other answer to its people's grievances. But who would start, and where? how? In the shadowy, apparently leaderless vacuum left by the disappearance of the substance of the ANC, could the slow drift to anarchic violence evidenced by a new and unknown group calling itself 'Poqo' be followed?

MK Appears

The answer came, again dramatically, on December 16th, 1961 — six months later from the Republic Day strike. In the early hours of the morning, in all the main urban areas, government and municipal installations came under attack by sabotage. Bombs brought down electrical pylons, and damaged pass offices and rail tracks. Posters pasted up during the night announced the actions to be the work of a new body, Umkhonto we Sizwe, which would carry on armed forms of struggle for the liberation of the people.

Before many of the posters could be read and digested by the people at whom they were aimed, police squads scoured the areas, tearing them down and destroying them. Still, the message got out — not to many but to a few; and the news that something new had been formed and had struck against the state, spread by gossip and by rumour. But of Umkhonto itself and its leaders there was no sign. It too had surfaced briefly, and then disappeared into the 'underground.'

From time to time during the following

months there were reports, rumours, tales, some true and some untrue, of further acts of sabotage against symbols and installations of the State. There were tales of deliberate crop burning, and of petty industrial sabotage of machines; but no solid facts. The press, leant upon by government, suppressed the news of actual sabotage, even where reporters confirmed the facts. Sabotage, too, remained a flicker in the shadows, raising the hopes and morale of a suffering population although they could discover nothing solid about its scale, its effectiveness, or who directed and carried it out.

Mandela Captured

Mandela remained out of sight, unreported. Until August, there were rumours that he had been seen now here, now there, that he had addressed secret meetings of activists in several centres; but no one knew for sure. And then the sudden news that he had been stopped at a road block on the Durban-Johannesburg road and arrested, 17 months after disappearing underground. Soon afterwards he was charged with inciting a strike on Republic Day, and with leaving the country illegally. In November 1962 he was sentenced to five years' imprisonment. But mystery remained. Where had he been when 'underground'? Why had he left the country, and returned again to the 'underground'? His vigorous defence of his politics during the trial provided no clues, no answers.

And so it remained — a period of occasional and often unreported acts of sabotage, of occasional legal protest actions breaking the surface; but only rumour and speculation about what really was going on underground. Until June 1963.

By then almost all known ANC and Communist Party activists had been placed under banning orders, prohibited from almost all social and political contact with others; many were house arrested and virtually incommunicado. And still rumour had it that the 'underground' survived, lived and operated.

Detention of suspects without trial had been written into the law, and the first vic-

tims had vanished into the silence of solitary confinement in police stations and prisons, from which rumours and evidence of persistent torture, sleep-deprivation and maltreatment filtered out. Other prominent political activists had disappeared into the 'underground' — Walter Sisulu from Soweto, Govan Mbeki from Port Elizabeth, both being sought by security police armed with house arrest orders. On June 26th, an illegal radio transmission programme had come on the air — Freedom Radio — heard with some difficulty; and for its first ever broadcast from underground, the voice and message of Walter Sisulu. Perhaps few people had switched to the right wavelength at the right moment; but word circulated around the townships, and on the grapevines of political rumour. The underground is no longer silent! It speaks!

And then it was July 11th. And Rivonia.

The State Case

The triumph of the police and state was unrestrained, the tone exultant. The claims of what had occurred in a raid on a Rivonia house were extravagant. The 'secret headquarters' of the whole national liberation movement, it was claimed, had been 'captured', together with the secret archives of a vast conspiracy of sabotage and preparation for guerrilla war. Those arrested, it was claimed, constituted the 'High Command' of the conspirators, and they had been taken red-handed along with precise detailed plans for armed struggle. The mask had been stripped from the vaunted 'non-violent' ANC, it was claimed, and the reality of a murderous violent conspiracy had been revealed to confirm all the government's fiercest allegations against it.

Whether the organs of state that released a series of lurid statements believed it all or not is not clear. There has always been — as there is today — a vast gap between government propaganda about the nature of the opposition, and the reality of it. The reality — so far as the accused in the forthcoming trial were concerned — was this. They were charged with having jointly constituted a 'National High Command'

— (of what was not stated) — of which nothing had ever previously been heard.

This High Command, it was alleged, had been responsible for organising some 300 acts of sabotage at various places throughout the country over some 18 months; about most of these events, the regime knew neither whether they had actually occurred, nor, if they had, who had carried them out. They were said to have prepared documents showing that they had prepared and started on the development of armed quasi-guerrilla forces in pursuit of a plan for the armed overthrow of the government; of the documents themselves, few of them knew anything at all; perhaps there were such documents; perhaps they were forgeries, but most of the accusers knew neither of their existence, their validity or their contents.

Lilliesleaf Farm in fact had not been 'headquarters' as the state alleged, but a 'safe house' used by various illegal organisations. Each of its users left there, for 'safe-keeping' or for reasons of carelessness, its own documentary evidence. None of the users — or the accused — knew of all the documents, or indeed of their existence until the court case.

Possible Death Sentence

The charges carried a possible death sentence, and the prosecution was putting it about that death sentences would be asked for. There are always, in a political trial, two possible lines of defence; and where charges are this serious, the choice is not to be made lightly. There could be a 'lawyer-led' defence, based on contesting all the state evidence and rebutting it, and on legalistic argument about the scope and meaning of the laws under which the prosecution is brought. Or there could be a political defence, based on a strenuous justification of deeds actually committed, and on turning the accusation of guilt against the state whose policies and actions had made the actions necessary and right.

From this point on, James Kantor must be excluded. He was a strictly non-political lawyer, uninvolved in any of the events covered by the trial, who had been ar-

rested as an act of petty spite and as surrogate for his brother-in-law, Harold Wolpe, who was cited in the Rivonia indictment as a 'co-conspirator', but had escaped from a police cell before he could be charged. There was no case at all against Kantor, and an application for his discharge at the end of the state case succeeded.

The Accused of One Mind

The Rivonia accused were of one mind, which was itself remarkable. They came from different sectors, different organisations within what can loosely be called 'the liberation movement'. Their basic political ideologies ranged from Marxist, through nationalist, to near-Gandhian pacifist. Their participation — if any — in the underground preparation and commission of acts of violence varied; some had been at the very centre, some on the rank-and-file level, some quite outside everything except the political debates and exchanges which had given rise to new policies, some variously outside the country or in prison at the time most of the events took place. But the case rested on a charge of conspiracy in which the deeds of each can be attributed against all the others, regardless of such differences. The decision of how to defend had to be made in common.

They were all of one mind. The political defence had to be followed, even at the cost of any temporary or personal advantage which might be gained by sticking to the legalisms. There was to be no search for self-justification or self-advertisement. Here, it was realised, was the opportunity the whole 'underground' had sought, and failed to find — the opportunity to address the whole country, to explain the reasons why the struggle had to shift from total non-violence to a combination of violent and non-violent means; to explain why Umkhonto had been formed, by whom and for what purposes. Here at last was the opportunity to break out of the blackout of state censorship and press self-censorship, and replace unreliable rumour with an authentic policy guide for the whole people. The Rivonia trial must become the platform from which to tell the whole story, as

it really was.

The main burden of telling it fell, inevitably, on accused No.1 — Nelson Mandela. An unexpected move totally unsettled the prosecutor, who had been preparing his cross-examination of Mandela with some glee. Mandela elected not to go into the witness stand, but to make his statement from the dock. He thus passed up any opportunity to present a legal defence against the charges, or provide any evidence in rebuttal. But he gained what the accused wanted above all else — an opportunity to tell the whole story of Umkhonto and the turn to forms of violent struggle, as it was, without interruptions and without the obscurities which develop in the question-and-answer form of evidence from the witness stand.

His statement has often been repeated as the "I am prepared to die" testimony of South Africa's freedom fighters. That statement was reported and rebroadcast through the country. If it sealed the certainty of a verdict of guilt against Mandela, it broke at last the stifling blanket of censorship and silence which had surrounded the ANC and its allies since the state of emergency of 1960.

Leaders in the Witness Box

Sisulu, Mbeki, Kathrada and others went into the witness box, to discuss the evidence, rebut the lies of which they were aware, and fill the gaps in the story which Mandela's statement had left unfilled. Through fiercely sustained cross-examination, all stood their ground. All defended the decision to start violent forms of struggle, though their personal roles in its execution varied. All refused steadfastly to reveal any of the information about the underground which was not already in evidence, or to implicate by smear ANC leader, Chief Luthuli or leading defence counsel Abram Fisher, who were the targets of the prosecutor's special venom.

The outcome of the case was not in doubt. The accused had ensured that a 'guilty' verdict was certain. All that was in doubt was whether it would apply equally and to all of them; and whether the

sentence would be death. In the event, all but one* were found guilty; no reasons were given for the judgment; all were sentenced to life imprisonment. All had decided, in advance of the verdict, that whatever happened they would not appeal. They had made their stand as a matter of principle. They had done their duty to their movements and to their people, whom they had tried to serve with all the purpose of their being. They would not appeal to either the mercy or the humanity of a State they had declared at the outset of the trial to be guilty of the violence, oppression and inhumanity which characterised South Africa.

Twenty-five years on. And they are still there, in prison — all except Goldberg, released in 1984 and Mbeki last year. The day of their sentencing 25 years ago seemed to be the very nadir of the liberation movement's fortunes — its best known leaders imprisoned for life; its underground organisation in disarray; its members being rounded up and flung into prison as, piece by piece, the police net work of information widened through systematic torture in solitary confinement without charge or trial. It was the worst of times, for those inside prison and for those outside.

But a corner had been turned, whether or not any of them could see it for themselves at the time. The veil of secrecy had been torn down, and in its place before the eyes of the whole population stood revealed the new, illegal policy and programme of the ANC and its allies. The political case for the new phase of struggle had been made, and the organisational basis of its first units explained. From here on, the downward drift towards passivity and defeatism which had fed on the state's triumphs since the 1960 state of emergency ended. New hope, new confidence, new ideas and new leadership began slowly, painfully to break out of the police-state manacles. The corner had been turned; and the countdown to the revival of the peoples' struggle which would dominate the country's politics in the 70s and 80s had begun. Twenty-five years on, and it still continues. Unstoppable now. Irreversible. Because the men of Rivonia talked to the

people of South Africa from the court, pointing the way at heavy cost to themselves.

But as Mandela had written, well before Rivonia: "There are no easy walks to freedom!"

*Bernstein was found 'not guilty' and discharged. The evidence against him, as against Kathrada and Mhlaba, was of the flimsiest; any or all of them could have been found not guilty. It is believed that the judge decided in advance to acquit one, thus proving the 'fairness' of the trial. Bernstein, being White and middle-class, won the lottery.

Accused in the Rivonia Trial:

Brought from Robben Island, where he was serving an earlier sentence:

1. Nelson Mandela

Arrested at Lilliesleaf Farm, Rivonia:

2. Walter Sisulu

(ANC, Umkhonto we Sizwe)

3. Ahmed Kathrada

(ANC, CP)

4. Lionel Bernstein

(Congress of Democrats, CP)

5. Raymond Mhlaba

(ANC, MK)

6. Dennis Goldberg (Congress

of Democrats) and:

Arrested subsequently in various places:

7. Andrew Mlangeni

(ANC)

8. Elias Motsoaledi

(ANC, CP)

9. James Kantor

(No political affiliations)

All organisational links stated above are those given by the accused themselves in their own statements in court.

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