

# TREASON TRIAL IS TRULY OVER

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 judges—their brilliant red robes almost the only splash of vivid colour in the high room—take their places on the high Bench.  
 On Wednesday March 29 the formalities were as usual—but expectancy ran like an electric current through the court and was reflected in the suppressed murmur as the entire public gallery—Whites to the right of the judges, and Africans, Indians and Coloureds to their left—leaned forward as one man to hear the presiding judge Mr. Justice Rumpff utter his first words.

## Adjournment

Six days earlier the judges had adjourned the proceedings in the midst of the Defence argument on the speeches the accused are alleged to have made at public meetings between 1952 and 1956. Perhaps the significance of the adjournment was lost on the average onlooker—but not on the accused. Once before the judges had disturbed the routine of the trial by calling on the Crown to answer the legal argument of the Defence. Now, with Advocate 'Bram' Fischer just beginning his dissection of the Crown evidence on the speeches, the judges cut him short and took time off 'in order to shorten the proceedings.' The Defence case on the African National Congress was not completed; they had still to argue on the case against the other Congress movements.

So on Wednesday March 29 the accused came to court with their hearts beating wildly. Their friends and relatives and stalwarts of the Congress movement who had stood by for over four years overflowed in the public gallery.

The Defence was so confident that even while the judges were delivering their verdict, removal trucks were parked in the street outside to carry away the heavy tomes of evidence and records from a house over the road from the court used by the Defence as their headquarters.

## Unnecessary

The first words spoken by Mr. Justice Rumpff confirmed the optimism. To the leader of the Defence team Adv. I. A. Maisels QC the



The former accused vie with one another to cheer Advocate I. A. Maisels Q.C., brilliant leader of the defence team.

judge said: "It is not necessary to hear you any further."

Mr. Trengove for the Prosecution rose to his feet but from the gallery his words were an unclear mumble relating to the law on appeal, and the public heard only Mr. Justice Rumpff's reply: "Yes we understand that."

The presiding judge then proceeded to read the unanimous decision of the court.

The judges had considered the evidence put before the court and the arguments of the Defence, he said, and though further argument was still being addressed to the court on the contents of the speeches made by the accused this did not appear to affect materially the issue of whether or not the pro-

secution had discharged the onus of proving the policy of violence of the African National Congress, which violent policy was the cornerstone of the Crown's case.

"If the case fails against the African National Congress in the so-called conspiracy, it must fail against the other organisations."

It was therefore not necessary for the Defence to argue further, for the court had arrived at a unanimous verdict.

Normally the court would set out reasons in full, but in view of the mass of evidence in the trial and as the case had already consumed years of evidence, the full reasons would be given in due course. Said the presiding judge at this stage: "The accused will remain

of organisations including the African National Congress, the South African Indian Congress, the SA Congress of Democrats, the SA Coloured People's Organisation and the SA Congress of Trade Unions had a policy to overthrow the state by violence. It was charged that they co-operated to achieve this common purpose. The Congress Alliance was established and the accused took a leading part in the activities of the Alliance. To prove the existence of the conspiracy the Prosecution had to prove the violent policy of the Congress Alliance. It also had to prove the adherence of each accused to the conspiracy. It was conceded by the prosecution that if it failed to prove the treasonable conspiracy there was no case against the accused.

Because of the view taken by the judges on the evidence it was not necessary to deal with the Defence arguments on the two witness rule, or on the legal nature of the overt acts alleged to have been committed by the accused.

## The Evidence

The judges found that the evidence proved:

1. That the African National Congress, the other bodies and the accused were working together to replace the present form of state with a radically different state based on the demands of the Freedom Charter.

2. That prior to the adoption of the Freedom Charter the Congress Alliance tried to obtain the demands of the people which were presented to the Congress of the People and which formed the basis of the Freedom Charter.

3. As part of its campaign to obtain the demands of the people and to raise the political consciousness of the people the Congress Alliance held meetings and used propaganda material, the general trend of which was to condemn the system of government in South Africa and to extol the virtues of a state referred to as 'a people's democracy' or 'a true democracy.'

It has not been proved that the



Time for a fling. Two onlookers break into a dance of joy at the news of the acquittal.



Duma Nokwe's face explodes into smiles. "This case is out of date man." On his left is Mr. Joe Slovo and on his right Mrs. Amina Cachalia.

form of state pictured in the Freedom Charter is a Communist state.

## People's Democracy

5. After the adoption of the Freedom Charter the Transvaal executive of the African National Congress advocated the replacement of the government with a people's democracy. The contention of the Defence that the state advocated by this committee is not a dictatorship of the proletariat is rejected. The type of state seen by the Tvl. ANC is a dictatorship of the proletariat and a Communist state known in Marxism-Leninism as a people's democracy.

6. It was the policy of the African National Congress that Communists and anti-Communists could freely become members of the organisation provided that they subscribed to the policy of the ANC. Some responsible leaders of the ANC were members of the former Communist Party.

There was no evidence to support the contention of the prosecution that there was infiltration by the members of the former Communist Party into the ranks of the ANC.

The African National Congress took the attitude that Communists were free to spread their ideology as long as they honoured the policy of the ANC. It has not been proved that the African National Congress had become a Communist organisation.

7. The issue of Communism in this case is relevant to the issue of violence. The Prosecution has failed to prove that the accused had personal knowledge of the doctrine of violent revolution or propagated this doctrine.

## Reports of Speeches

8. The Crown laid before the court innumerable reports of speeches and documents to prove the violent policy of the accused. The Crown relied on a minute percentage of the total number of speeches made over four years. The reports of the speeches were in long hand for the most part and only a small proportion were recorded. In general the reports of the speeches are open to grave criticism.

Some of the accused were guilty of sporadic outbursts in their speeches which made them guilty of incitement to violence. But of the total number of speeches these

## WHO WILL BE KEPT ON ROBBER ISLAND?

CAPE TOWN.

The Minister of Justice, in past announcements about the conversion of Robben Island into a prison station, has emphasised that it is to be a maximum security prison for the most hardened and dangerous criminals.

But in the Government Gazette last week the Minister's proclamation merely states that the island and all buildings on it have, as from April 1, 1961, been established as "a prison and prison premises for the reception, detention, confinement, training and treatment of persons liable to detention in custody, whether under sentence of court, or prior to sentence, or otherwise requiring by law to be detained, confined or treated."

# NEW CALL FOR ACTION

(Continued from page 1)

us and which inevitably have repercussions on us. How can we fail to denounce the British Government for supplying Saracen armoured cars to the South African police? The French Government for the brutal atrocities in Algeria? If Mr. Soapy Williams of the Kennedy administration goes around saying "Africa for the Africans," when will he say "Cuba for the Cubans"? Or "Laos for the people of Laos"?

## PRESS SLANDERS

Another question that arises: what are we going to do about the so-called free press which conducted a fantastic campaign of vilification against the legal Prime Minister of the Congo, Mr. Lumumba, and which is engaged at this very moment in smear and slander campaigns against some of our organisations, including ours. Has the time not come when we should have our own Pan-African News Agency?

We further wish to tell the ordinary peoples in the colonial and imperialist countries that the times are evil. They should make up their minds now and join us in fighting their reactionary governments. Mr. Chairman we demand the immediate and unconditional release

of all our colleagues now languishing in the fascist dungeons of South Africa.

We demand the lifting of the ban on the African National Congress and the Pan-Africanist Congress.

We call on all countries to support Dr. Nkrumah's call for United Nations economic sanctions against South Africa.

In the coming decisive struggles against imperialism and neo-colonialism, the African National Congress will march hand in hand with all our African colleagues.

## GOVERNMENT CRISIS

The South African government was facing a crisis, Dr. Letele continued. Despite the state of emergency imposed by the government following the Sharpeville shootings, they have been compelled once more to declare another state of emergency blanketing the entire Transkei, a territory with a population of 2½ million Africans.

The Government was stepping up military activity, training white women and youths to handle firearms.

"We have pointed out the possibility of unseating the racists through economic pressure, by making apartheid unprofitable. Hence we called upon the people of the world to impose a boycott of South African goods."

Mr. Nana Mahomo suggested that the conference formulate and adopt a declaration on the aims and tasks of the national liberation movement in Africa.

## Maritzburg Conference Sidelights

Among the significant sidelights of the recent all-in African conference at Maritzburg were:

1. The formation in Johannesburg of an ad hoc committee representing all organised and unorganised workers in South Africa, known as the Trade Union United Front Committee, which declared its full support for the Maritzburg conference and called on all African workers to support it.

2. The sending of a message of greetings to the Maritzburg conference by the Port Elizabeth Planning Committee for the national convention of the Coloured people. "We pledge our support and constancy in the fight for a free and just South Africa where government will be by the will of all the people of our land," said the message.

"Forward to a free, united, non-racial and democratic South Africa."



Piles of evidence—four years of it—being carted off for storage. It all came to nothing.

## RUSSIA AND CHINA STOP ALL TRADE WITH S.A.

(Continued from page 1)

This welcome solidarity move by China is likely to be followed by similar moves from the other Socialist countries. It was announced some time ago that the Soviet Union had ceased all purchases of South African products.

Last year much play was made in the South African press with the news that "the Soviet Union" had bought a large quantity of South African wool. The position appears, however, to be that the wool was bought from a London broker without its origin being revealed.

The matter has been drawn to the attention of the Soviet authorities, and it is unlikely that further purchases of this nature will be made.

The position with other socialist countries is no more promising for the Nationalist Government's plans. Czechoslovakia and Poland, both of whom had previously exhibited, were notable absentees among the foreign pavilions at this year's Rand Easter Show.

## AWARD FOR CHIEF LUTULI

PORT ELIZABETH.

The Christopher Gell Memorial Award Committee, formed last year, has announced that the winner of the first annual award is Chief Albert Lutuli, former President of the banned African National Congress, "for his contribution to social justice in South Africa during 1960."

The presentation will be made at a memorial gathering in Port Elizabeth at the end of May—the anniversary of Christopher Gell's death in May 1958 in Port Elizabeth after living in an iron lung for about 13 years. He won an international reputation by his writings against apartheid and racial injustice in South Africa.

Among those on the Selection Committee for the Award were his widow, Mrs. Norah Gell (now Mrs. Lydall), Bishop Trevor Huddleston, Archbishop de Blank, Anthony Sampson (former editor of Drum), Rabbi Dr. Andre Ungar, Mr. Patrick Duncan and Prof. Leo Kuper.

## NASSER'S PLEDGE

The All-African People's Conference was opened by President Nasser who pledged the United Arab Republic's support for the abolition of colonialism in Africa.

Addressing delegates as well as numerous observers, including a delegation from the Soviet Union, President Nasser denounced the plans for the dismemberment of the Congo.

"We would be fooling ourselves and fooling history," he said, "if we thought imperialism in Africa had surrendered. The battle now in progress in the Congo is a battle for the liberation of all African peoples from colonial oppression."



Solemnly the former accused and friends sing the African national anthem "Nkosi sikeleli Africa."



Trade unionist Leon Levy is beside himself with joy. He and Mrs. Lilian Ngoyi take their last ride back home in the treason bus.

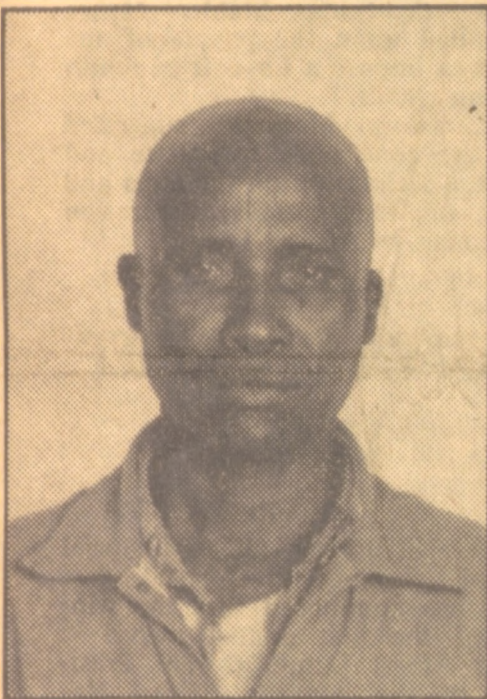
# FREE THESE EXILES

SCATTERED, IN ONES AND TWOS, IN THE REMOTE PARTS OF THIS COUNTRY, ARE MEN AND WOMEN WHO HAVE BEEN EXILED BY THE NATIONALIST GOVERNMENT, TO ROT THEIR LIVES AWAY IN ISOLATION, SEPARATED FROM THEIR FAMILIES AND WITHOUT THE PEOPLE OF SOUTH AFRICA KNOWING.

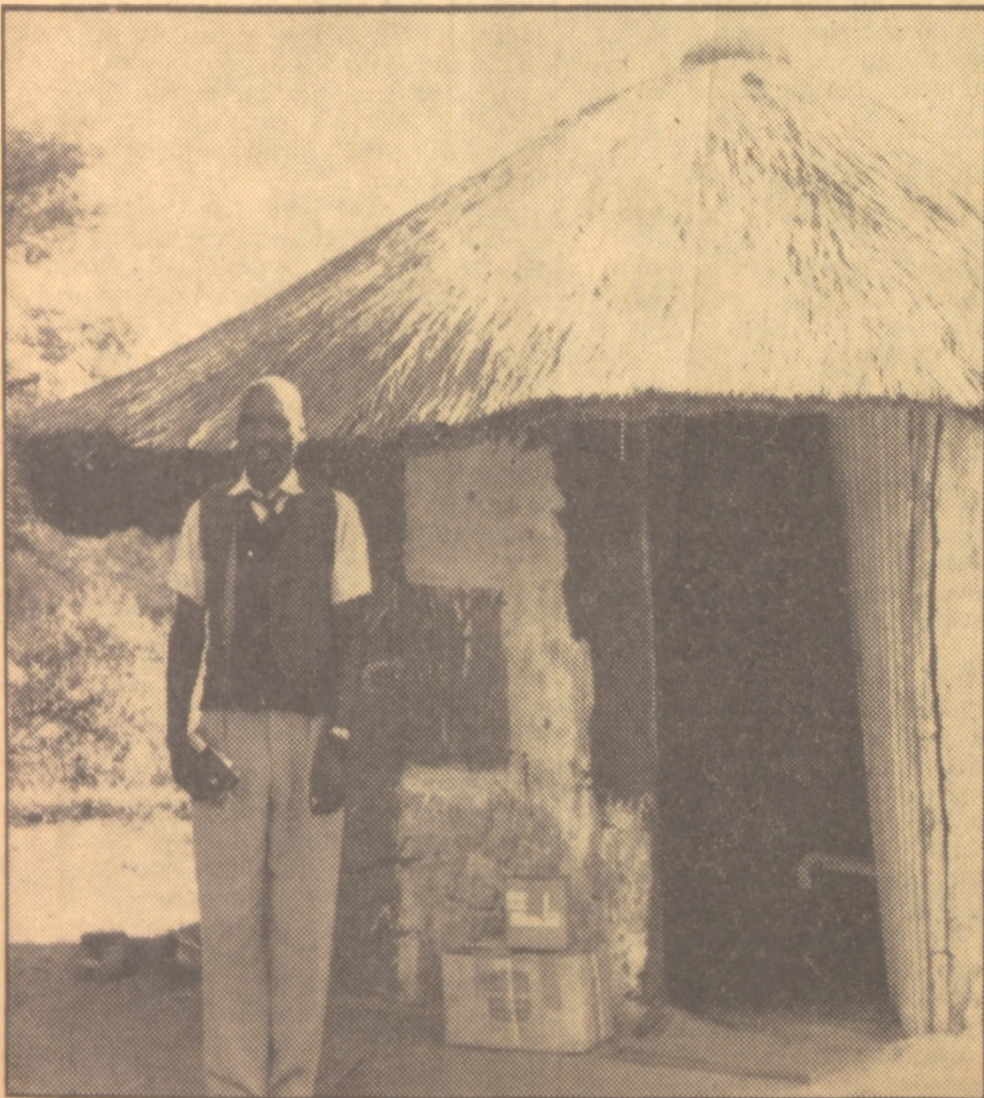
These men who are being buried alive have not been convicted of any crime. They are leaders and responsible members of the African community, held in high esteem by the people from whom they have been taken. Their sins were to oppose the Government's Bantu Authorities, culling of stock, pass laws and Bantu Education and to demand that the African people share in the government of their Motherland.



CIJIMPI MNYANDU was banished from Mbumbulu in Natal at the end of 1959 after his people had elected him to speak for them.



Chief James Maci is one of the 1960 exiles, removed from Harding, Natal, to Pietersburg.



CHIEF EDWARD SINEKE TYALITI was banished from the Transkei for his opposition to Bantu Authorities. Here he poses outside his banishment hut.

MR. CIJIMPI MNYANDU, of Mbumbulu, Natal, is a brave and determined fighter for the rights of his people. He was a prominent and active member of the African National Congress and was the elected spokesman of the people of Mbumbulu. He was deported to New Union Mine, Sibasa, on November 11, 1959. As usual no reason was given by the Government for his banishment.

When he arrived at Sibasa he was given only £2 and placed under the charge of the local European agricultural officer. Later he was given farm work at £5.1.7 per month, but he does not get his pay regularly.

Mnyandu lives in a small hut which has no proper floor. He uses a tiny shed next to the house as his kitchen but the shed is useless when it rains because it has no roof. Food is very bad. He lives on mealies and a little bit of spinach.

#### MUST PAY TAX

In spite of the fact that he has been brought to this place by the Government, he has to pay rent of 10/- a year and is also called upon to pay poll tax. This he has not been able to do and the authorities have threatened to arrest him if he does not pay.

At home Mnyandu left his wife and 19-year-old son, who is still at school, and a daughter of 21 years. He has been told that six of his cattle have died. He never gets any visits at this remote place and says that had it not been for the people of Natal who have sent him some money he would have died of starvation by now. Despite these untold

difficulties and the miserable life that he is forced to live, Mnyandu is undaunted.

At Tabaan location, Sibasa, lives Chief EDWARD SINEKE TYALITI who was banished from Cala, Transkei on October 28, 1959. He now works as a cattle herder earning £4 a month. Before he was deported to Sibasa he was locked up for eight days. He had incurred the displeasure of his superior Chief Kaiser Matanzima, who accused him of inciting the people. He was called twice to go and see Matanzima, but he did not go. Men were sent by Matanzima to fetch him and he was brought before the Chief's Court and fined £6. He was later brought to the Court again and this time was fined £4.

In Cala he left his wife, 24-year-old daughter, two sons, 12 and 8 years old. Recently he received a message that his wife was very ill. He applied for permission to go and see her. After waiting for a long time, he received a telegram from the Bantu Commissioner saying that his wife was not sick.

#### ARRESTED

From Bergville, Natal, comes Chief VUNA MIYA, who was deported to Pietersburg on September 3, 1954. Before he was whisked off to Pietersburg, Chief Miya and his induna Thomson Dhlamini were arrested and spent three days in the cells. They were banished without being given a chance to go and get their belongings.

The induna was sent to Mafeking, but after three months he was back at home.

The chief received no money from the Government. He was offered employment on the land. At first he worked from six in the morning to six in the evening, but now he works from 7 a.m. to 5 p.m. He gets £5.6.8 per month. He finds it very difficult to buy food and cook after work. He stays in a two-roomed hut.

Chief Miya has two wives. One is at Bergville with three daughters. The other is with him. When she came she was assaulted by a policeman and her nose was injured. When Chief Miya intervened he was also assaulted. The policeman was later found guilty and had to pay a fine.

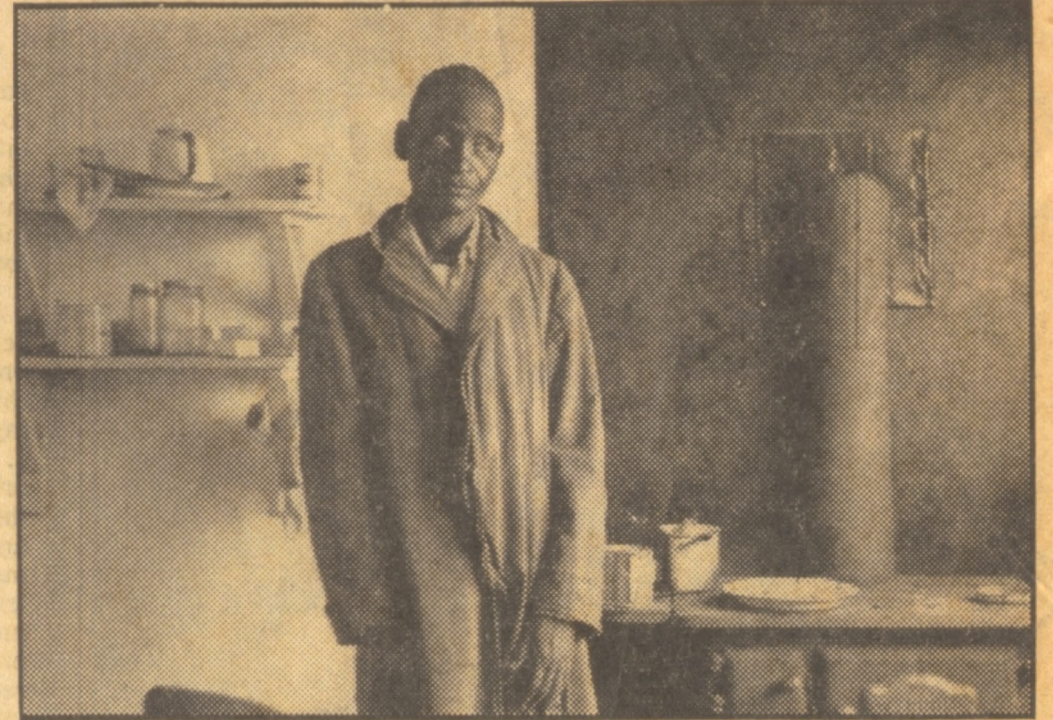
During the six years he has spent in banishment, Chief Miya has lost his mother and a daughter. He asked for permission to go to their funerals but was refused. His own health has suffered greatly during his exile.

CHIEF JAMES MACI is also one of the banished. He comes from Harding, Natal, and was deported to Pietersburg in 1959.

When he arrived at Farm Chloe, Pietersburg, he was given a tent to live in. He received no money but was offered a job as a labourer on the farm. He was first paid £3 per month but this has since been increased to £4.3.4.

#### 13 CHILDREN

Chief Maci has four wives and 13 children, some of whom were at school but had to leave school when he was banished. He has received reports that his mother is ill.



Chief Vuna Miya has been exiled from Bergville for six years following trouble in his area over Bantu Authorities. He is here seen photographed in his two-roomed hut near Pietersburg.

He himself is not well but because he has no money he cannot get medical attention.

Also in Pietersburg is CHIEF GUBUZA NGUBANE and his induna MR. MABUBU MKIZE. They were banished together from Greytown, Natal, in March, 1954.

Neither of these men has received any financial assistance from

the Government. At present Chief Ngubane is working as a farm labourer and gets £5.6.8 per month. Mr. Mkize has had no work for four months. Recently his house was struck by lightning and he is now living with other people.

Chief Ngubane has two wives and two children. Mr. Mkize, who is sick, has three children.

## UP MY ALLEY

SOMEBODY must be having an awful headache . . . If it isn't a treason trialist (oops—sorry—I meant EX-treason trialist) getting over a big celebration, then it must be the P.M. getting over another knock . . . First the Commonwealth, and now the T.T. Only suggestion I can make to Herr Doktor is to answer an ad seen in the local daily . . . It says: "Hypnotism. Stop worrying. Face each new day confidently and fearlessly. Be yourself again

him a Hotnot . . . But he just about jumped out of his socks when the driver stormed out of the car and went for him right in the middle of the crowded main street . . . Boy, did his white face go white . . . Only self-control by the driver saved this racist from what had the looks of a week-end in hospital . . . Looks like dem days of Ja baas am gone forever.

STARTLING discovery made in the US recently said that bald people would see a considerable amount of hair on their heads if they looked at it through a high-powered microscope . . . Are the US know-alls so tired of trying to reach the moon that they're now concentrating on moonshine?

EQUALLY useless is the "artistic" creation by an "artist" John Fischer, also US, who created something called "Tribute to the Working Man" . . . This masterpiece in the eyes of Yankee connoisseurs consisted of a piece of toast under glass . . . The "artist" explained that this was "the first time a piece of toast has been used in a piece of Western art of any consequence." . . . Oh my sainted aunt!

By ALEX  
LA GUMA



through a course of Hypnotism . . . The country would, I bet, be better off if all the Nats went into a state of suspended animation . . . Permanent.

AND, said a headline: It's Dr. Boydell Now . . . This knuckle-headed roving ambassador for apartheid has been given an honorary doctor's degree by the University of the Vry Staat . . . Conferred on him by the Minister of Education, Arts, Science, Social Welfare and Pensions . . . Why didn't Serfontein just give him a pension?

THE pot sure seems to be boiling . . . A Coloured motorist found himself in the middle of an intersection just as the lights changed and just missed a pedestrian . . . The pedestrian, no doubt a Nat, stuck a hand into the car and tried to slap the driver, calling

## EIGHT JAILED AT LADY FRERE

PORT ELIZABETH.

Eight out of 19 accused at the Lady Frere Magistrate's Court have been sentenced to various periods of imprisonment without the option of a fine. They were charged with beating up Matanzima's men in the Bolotwa location.

Two of them were sentenced to six months; two to five months and four to three months.

The people in the area are collecting funds to lodge an appeal. Six other cases are pending arising out of popular resistance to Bantu Authorities.

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