

being done on his doctoral thesis.

There is to my mind a strong possibility that the accused had made an arrangement with a twofold purpose, the one being to further his personal academical qualifications and the other to obtain information partly reflected in his thesis which would be useful to the IUEF and to pass it on to the IUEF. But I cannot exclude the possibility that the agreement with the IUEF at the time of the letter was designed to finance a genuine academic exercise. It is a reasonable possibility that the statement in the letter that the accused had come across a large number of confidential documents was something which he volunteered to his benefactor and was not done in pursuance of a conspiratorial agreement but unilaterally.

Apart from the 1978 letter there was evidence by Captain Williamson of a discussion that he had with the accused in London in 1979. The accused told him that he was looking for employment and finance and he wanted to know if the IUEF was willing to provide him with funds in order to go to consult with experts doing research on questions related to energy and coal in South Africa. He wanted £200 from the IUEF for this purpose which Williamson said he could have.

The experts the accused wanted to see were doing research on South Africa in the energy field and the accused wished to know what they needed and to assist in their research. Captain Williamson was not very specific about the object of it all, except that he said that one of the experts who was mentioned was a certain Ruud Huisman who was doing research in the Netherlands of a highly anti-South African nature.

Now it might well be that the intention of the accused was to agree to give assistance to further the endeavours of a person or organisations who was minded to work towards the disruption of the maintenance of law and order but the evidence under discussion does not in my view, establish that beyond doubt.

In addition, the accused wished to know if the IUEF would finance



a trip to South Africa to do research on coal. Williamson replied that the accused should put his request in the form of a memorandum but apparently the accused either did not get so far or Williamson did not see it. And that is as far or as high as his evidence takes the question of a conspiracy between the accused and the IUEF. I think that what was firmly established was a possibility if not a reality of collaboration between the ANC and the IUEF but the evidence is not sufficiently clear that the accused was a direct party to that collaboration.

I now turn to the evidence on Horst Kleinschmidt. In this statement the accused said that in 1979 he decided to write an economic history of the South African coal industry and he needed finance to undertake the necessary research. He remembered that Kleinschmidt through his work with the Christian Institute was in contact with officials of a number of bodies. He decided to approach Kleinschmidt to secure a research grant from one of these bodies. He did so but the initial response was disappointing and after a while Kleinschmidt saw the accused in London and told him of an organisation entitled "Comité Catholique contre la Faim et pour le Development" (Catholic Committee for short), which had agreed to finance his project. (10)

Now there is no evidence that that organisation intended to work against the maintenance of law and order in the Republic. However, as far as Kleinschmidt is concerned, the accused says that in connection with his endeavours to satisfy the Catholic Committee of his satisfactory progress, he agreed to send him via a cover address copies of progress reports and also information on the South African coal industry which he had come across in his researches. He states:

"I am fully aware that Horst (that is Kleinschmidt) may have used it for a variety of other purposes which may even have included boycott organisations but I have no firm information in that regard." (30)

There is no evidence before me, save that which I have quoted, to prove/..



prove a clear agreement with Kleinschmidt to let him have information regarding coal which would or could be used to endanger the maintenance of law and order in the Republic, and since the accused himself is not very specific about it, I think that an agreement of that sort has not been satisfactorily established.

I conclude then that the only conspiracy which has been proved beyond reasonable doubt is that with the ANC.

I now turn to the individual counts. Count 1 is based on Section 21(1)(a) of the Terrorism Act, 83 of 1967 which insofar as it is relevant, provides:- (10

"Any person who with intent to endanger the maintenance of law and order in the Republic, conspires with any other person to commit any act, shall be guilty of the offence of participation in terroristic activities."

In my view the evidence satisfactorily establishes that the conspiracy had the object of endangering the maintenance of law and order in the Republic. Even without invoking the presumption provided by subsection (2) the facts found by me attract the inference that the ANC wished to use the information to strike at South Africa. And if the<sup>(20</sup> presumption is invoked it follows, I think, that the conspiracy was designed to bring about dislocation, disturbance, or disorder, to cripple or prejudice certain industries or undertakings to further or encourage the achievement of the political aims of the ANC to endanger the safety of many persons, to cause financial loss to many persons and the State and to endanger and to damage or endanger the supply and distribution of light, power and fuel. In my view, Count 1 has been proved as far as it relates to the ANC.

Count 2 is also based on Section 2(1)(a) of the Terrorism Act. For the purpose of this and also the counts mentioned hereafter the<sup>(30</sup> relevant portion of Section 2(1)(a) reads as follows:-

"Any person, who with intent to endanger the



maintenance of law and order in the Republic, commits any act, shall be guilty of the offence of participation in terrorist activities."

The count relates to the act of the accused of writing the letter "CCC" on 7 February 1978 to the IUEF. Now this charge does not necessitate proof of the conspiracy and the essence of it is that by gathering the information concerning the region where the Atomic Energy Board regarded it seismologically safe to explode nuclear devices and by passing that on to the IUEF, the accused was doing something with the intent of endangering the maintenance of law and order in the Republic. The content of the letter is not I think, per se sufficient to establish such an intent and I have to consider whether Section 2, sub-section (2) assists the State. Section 2, sub-section (2) says that if it is proved that an accused has committed the act alleged in the charge and that the commission of that act was likely to have any of the results set forth in paragraphs (a) to (i) the accused shall be presumed to have committed the act with the intent to endanger the maintenance of law and order in the Republic.

I think that in view of the established aims of the IUEF the possession of the knowledge contained in the letter under discussion was likely to have had one or more of the results mentioned in sub-section 2(2). It could at least have furthered the achievement of the political aims of the IUEF and was likely to embarrass the administration of the affairs of the State. In my opinion the intent mentioned in sub-section (2) must be presumed and the onus was accordingly on the accused to prove that he did not intend any of the results alleged. He chose not to give evidence and there is nothing on record which assists him to meet the presumption. I believe that his guilt on Count 2 was established.

Count 3 is also based on Section 2(1)(a) of the Terrorism Act. As I have said, it relates to the act of the accused to have removed the Koeberg layout plan and the Hurlin report from the Escom library and/..

For whom? IUEF??  
In what evidence does this lie to??

4.

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and the attempted transmission thereof to the ANC. It follows from the foregoing that the factual basis of the count has been proved and it remains to consider the defence's contention that this act is encompassed in Count 1.

I do not think that it is. My finding on Count 1 is that the conspiratorial agreement with the ANC to obtain the information already mentioned and to send it to London was established, and my finding on Count 3 is that an attempted act in pursuance of that conspiracy has been proved. These are separate acts which are related to the extent that proof of the conspiracy establish an intent at (10 accompanying the act alleged in Count 3, and that proof of the act alleged in Count 3 served as aid in the proof of the conspiracy, but beyond that I do not think that there was an overlapping. The act alleged in Count 3 was an independent criminal act. I think that the accused can and should be found guilty on Count 3.

That renders it unnecessary to consider the alternative to Count 3 and I turn now to Count 4.

The section in question is again section 2(1)(a) and the act alleged is again that of obtaining information from the library at Megawatt Park and making copies with the intention of sending it to (20 the ANC, etc. The factual component of gathering the material was established but I think that it would be incorrect and unfair to the accused to split up the various items of information which he gathered from Megawatt Park and to enter separate convictions on each. What he did at Megawatt Park is already largely encompassed in Count 3 and I do not think that he should be found guilty on Count 4.

Count 5 is also based on Section 2(1)(a). The factual component, namely that he visited Duvha Power Station and gathered information was proved by the witness Van den Berg. He gathered a great deal of information from Van den Berg, made copious notes which could be (30 identified by Van den Berg with reference to the subject matter. The only reasonable inference from all the evidence is that the information was/..



was gathered at least partly with the intention of passing it on to the ANC. I do not think that there would be an overlapping if a separate conviction is entered on this count. What we have here is another separately indictable act performed in pursuance of the conspiracy. I also think that this act is separable in time, place and quality from that mentioned in Counts 2 and 4.

Count 6 is also based on Section 2(1)(a) and it relates to the visit described by the witness Brown to the Kriel Power Station and the AMCO opencast mine. According to Brown, the accused was taken on a tour of inspection of the power station and the mine. He asked a (10 large number of questions and he made notes on what Brown told him which Brown could also identify.

On a parity of the reasoning reflected in the previous paragraph the accused had, I think, been shown to be guilty to the extent that the ANC is concerned.

In Count 7 it is alleged that by acquiring possession of two drawings entitled the "Vloediagram, Camden Kragstasie" and "Elektries Baandiagram, Camden Kragstasie" with the intent of endangering the maintenance of law and order in the Republic and that by doing so the accused contravened Section 2(1)(a). I think that the evidence in this regard is too vague and on this count the accused is entitled to his acquittal.

I now furnish my reasons for allowing the statement made to Major Le Roux.

The statement sought to be proved by the accused, was made by the accused on 26 October 1979 to the witness Major Le Roux. Major Le Roux was an officer attached to the commercial branch of the police and he had nothing whatsoever to do with the prosecution against the accused. Before taking the statement, Le Roux informed the accused that he had nothing to fear in his presence, that he was not obliged to make a (30 statement but that if he should make it it will be reduced to writing and maybe used against him.



He then asked of the accused whether he had been assaulted or threatened to make the statement. He replied:-

"I was forced to stand all night on the night of 23 October 1979 in Cape Town. I became very tired, my feet became swollen and sore. I have not been ill-treated or assaulted in any other way."

He was also asked:-

"Were any promises made to you or were you in any way encouraged to make the statement?"

To which he replied:-

(10

"I am making this statement so that interrogation will not unnecessarily be prolonged and so that it will not be necessary to arrest and interrogate a number of innocent parties."

He went on to say that he did not expect any benefit if he made a statement. He was further asked whether he had previously made a statement to any person in respect of the incident concerned and he said that he had made one to a Justice of the Peace in Cape Town and his reason for wishing to repeat it was:-

"The statement I am not to make will add details to the statement already made." (20

Next came the question:-

"Why were you brought to my office for a statement?"

And the answer:-

"I was brought to your office for a statement so that I could freely give my statement to a person not connected with the investigation at hand."

And lastly he said to Le Roux that there was no particular reason for making his statement to a Justice of the Peace rather than a Magistrate save that that was the procedure followed at Cape Town and he wished to maintain consistency. The statement made by the accused was dictated to Le Roux, who recorded it in writing. The accused assisted

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Le Roux in matters of spelling. After it was completed the accused read through it corrected some further spelling mistakes and signed it.

The admissibility of the statement was challenged on the ground that it was not freely and voluntarily made. The objection was based on legal and factual grounds. I deal with the former first.

The factual context to the legal issue is that at the time of the statement, the accused was detained in terms of Section 22 of Act 62 of 1966. That section entitles a police officer with the rank of Lieutenant Colonel or higher who has reason to believe that a person is a terrorist or has committed an offence in terms of Section 11(b) of the Suppression of Communism Act, or in terms of Section 21 of the General Law Amendment Act of 1962, to arrest such a person without warrant and cause him to be detained for questioning for not more than 14 days or such extended period as a Supreme Court Judge might determine.

It has been held in relation to statutory provisions of a similar nature that the legislature intended that the object of the questioning could be put to use - State vs Hlekoni, 1964(4) S.A. at 429 and State vs Mumbaris, 1972(3) S.A., 109 at 117. In this Division it has been held by F.S. STEYN, J in State v Mogale, delivered on 10 August 1979, that the provision brings about no statutory encroachment on the rights of an accused not to speak. In my view, Section 22 does not create a statutory obligation to speak. There is a possible element of inducement in the sense that the person concerned might think that by speaking he may secure his early release but that in my opinion does not preclude the Court from holding that a statement made by the person detained under Section 22 was not freely and voluntarily given. The question of whether he did so is one of fact.

I now turn to the facts insofar as they relate to this part of the case.

The detention of the accused by the police commenced on 23 October 1979 when he was arrested by Lieutenant Visser and taken from his flat to the security branch offices at Caledon Square Police Station, Cape Town.

After/..



After some formalities had been gone through he was taken to an office in the building. At about 6.30 p.m. he was given food and interrogation by the police commenced. <sup>interrogation</sup> Two teams of investigators were involved, the first consisting of Lieutenant Visser and Sergeant Van der Hoven and the second of Detective Adjudant Officer Van Wyk and Constable Vermeulen. The interrogation continued throughout the night. The next morning the accused expressed his willingness to make a statement and he wrote one out in his own hand. He was given the choice of repeating the statement to a Magistrate or to a police officer who was a Justice of the Peace and he says in his evidence he chose the latter.

He was then taken by a Major Acker, a member of the fraud branch of the police who was entirely unconnected with the matter. He handed Acker the statement which he himself had written out at the conclusion of his interrogation and he signed that statement in the presence of Acker. He was then taken back to the police cells and slept there that night. The next day his statement was discussed with him by members of the police. That day he was told that he was going to be taken to Johannesburg. In the afternoon he was flown up to Han Smuts Airport where he was placed in the charge of Lieutenant Greyling who had become the investigating officer in the case. He was taken to the detention cells at John Vorster Square where he spent the night. The next morning Major Cronwright, of the security police, interviewed him. He firstly pointed out to the accused that the latter had said in his Cape Town statement that he was being detained under Section 6 of the Terrorism Act. Cronwright informed the accused that he was in fact being detained under Section 22 of the General Law Amendment Act and the number of the section and of the act was written on a piece of paper and handed to him. He was then told by Cronwright that in certain respects his Cape Town statement was not clear. The comment of the accused was that he was prepared to make a further statement, he was accordingly taken to Major Le Roux.



The accused claims in his evidence that his statement was not freely and voluntarily made. The onus was on the accused to prove the contrary.

The allegation of the accused that his statement was neither free nor voluntary was largely based on the treatment which he said he received at the hands of the security police at Cape Town. For except that he thought that he discerned some initial aggression in the attitude of Major Cronwright, he did not say that any member of the security police at John Vorster Square had in any way intimidated him or threatened him and nothing untoward, whatsoever, occurred in Johannesburg. (10)

The main complaint which he had about his treatment in Cape Town was that he said he was obliged to stand while being interrogated and his request to be allowed to be seated was refused. That was denied by Lieutenant Visser who said that there were three chairs in the office where the interrogation took place, two for each of the interrogators and one for the accused. He said that the accused was obstreperous and walked up and down in front of them. He also sat on the table in front of them. That was found to be irritating and he was told to desist. But he was not forced to stand. Visser was supported by Sergeant Van der Hoven by Van Wyk and Constable Vermeulen. All denied that the accused was directed to remain standing. (20)

Lt. Visser impressed me as an honest witness and I think that it is not unlikely that there was a chair in the interrogation room for the accused to sit on but that for reasons best known to himself he chose to face his interrogators standing up. But while the accused's evidence was unsatisfactory in the various respects discussed later in this judgment, I concluded that his story that there was no chair for him and that he had perforce to stand, might reasonably be true and I will deal with the case on that basis. (30)

I next consider whether he really believed when three days later he was in Johannesburg, that if he did not make a further statement

he/..



he would be made to stand again. ]

It is in this regard of importance that in Johannesburg he was in the care of a completely new set of policemen. It is of importance that it was never suggested by any member of the Johannesburg police that if he did not make a further statement he would be made to stand again or coerced in any way. In fact, except for a very vague allegation which I do not believe, of a belligerent attitude on the part of Major Cronwright of the Johannesburg police he himself spoke of considerate treatment by the Johannesburg police.

Of particular importance is his answer to the question put by Major Le Roux, of why, since he had previously made a statement he wished to make another. He did not say that he feared that he would be made to stand again or ill-treated in some way. Instead he said: "The statement I am about to give will add details to the statement already made."

He was assured by Major Le Roux that he was not obliged to make any statement and he affirmed that he understood that. When asked by Le Roux whether he had been assaulted or threatened by the police to make his statement in question, he alluded to having been made to stand all night in Cape Town, three days previously but went on to say that he had not been ill-treated or assaulted in any other way, nor did he say that he had been threatened that if he did not speak he would be made to stand again or that some other irregularity would be committed.

None of the matters alleged to have happened in Cape Town such as that he would be further questioned in Johannesburg, that he had better speak the truth or harm would befall him and that he might have to stand again were mentioned to Le Roux. Also of significance is the answer to the question of whether any promises were made to him or whether he was encouraged to make the statement. The reply was that he was making this statement so that the interrogation will not be unnecessarily prolonged and so that it will not be necessary to arrest and to interrogate a number of innocent parties. He did not say that he was making it to avoid being interrogated while being forced to



stand or while being harshly dealt with or in some other way.

*The interrogation was so harsh he would be afraid to speak to a Magistrate.*

Here was the time and the place to say these things if he felt himself coerced by the police to make a statement but he did not do so.

Of importance too is that he found Le Roux to be a friendly, civilised person.

The statement made by the accused in his evidence that he did not wish to antagonise the police and therefore counted his words when he spoke to Le Roux, I reject as false. He did not hesitate to tell Le Roux that while in Cape Town he had been made to stand all night. In this regard it is to my mind also of importance that he did not exercise the rights specifically described to him of speaking to a Magistrate. The difference between making a statement to a Magistrate and to a police officer was described to him and he at one stage in his evidence said that he knew that the Magistrate was someone outside of the police. When asked why he did not choose to go to a Magistrate he gave conflicting replies. At one stage he said he feared continued molestation and was not inclined to make complaints to anyone, and he added, that he did not wish to antagonise the police further. Yet earlier in his evidence he said that when asked in Cape Town if he wished to make his Cape Town statement to a Magistrate or a police officer he flipped a coin. It was immaterial whether he did the one or the other. And in Johannesburg he chose a Justice of the Peace to maintain consistency. What virtue there is in maintaining consistency I do not understand but I do believe that a person like the accused, who was relatively well informed about the position of a Magistrate would, had he felt himself coerced to make a statement would have decided on a Magistrate to whom he could tell all, through whom he could get relief and through whom he could give the name of his attorney and secure protection.

I further find it to be important that when in Johannesburg it was mentioned to the accused that his Cape Town statement was lacking in clarity, he, on his own showing volunteered to add to the statement and/..



and when he came to Le Roux, he himself dictated the statement and took several hours in doing so. // 2

I have given thought to the question why the accused would while 3 in Cape Town, have been willing to make a statement which would possibly implicate him in some way. In this regard I bear in mind that on his own evidence, he saw during his interrogation that the police had two envelopes and he had sight of them. I think that it is likely that he realised that the police knew more about him than he initially suspected and I think that in addition he was motivated by the desire which he himself expressed later on of clearing friends (10 who were under suspicion and whose names and addresses were in his notebook.

13 I have in passing touched on certain other allegations made by the accused relative to the conduct of the police while in Cape Town. The one allegation is that at some time during his interrogation there was a shout of: "Hier kom Spyker!" before the appearance of the gentleman whose nickname it was and who was thought by the accused to be a person with a reputation for aggressive interrogation.

I do not think it unlikely that when the witness Van Wyk came in to the interrogation office in Cape Town some other police may have (20 remarked: "Hier kom Spyker" but I find it unlikely that anyone would have shouted it. This was an exaggeration by the accused on a par with his statement in his evidence-in-chief that he was interrogated by a "constellation" of police. While in cross-examination he conceded that he knew all along that he was interrogated by two sets of two policemen only and he knew the names of them.

It was also alleged that he was told by the witness Goosen that he had committed high treason and that he would hang him for it.

Now this witness gave evidence to deny it and I believe him. He was in Cape Town at the time on a casual visit from Johannesburg (30 and he had very little to do with the investigation of the matter and his main function as far as the accused was concerned was to serve



as an escort on a flight to Johannesburg. It is unlikely that he would have made the remark attributed to him. I disbelieve the evidence of the accused that after he had made his first statement he was made to believe that if he did not give all such details as were required he would be made to stand again. None of this was mentioned to Le Roux.

For all of these reasons, I admitted the statement in question. I would add that during the trial within a trial I did not know what the importance of the two envelopes was. When afterwards the evidence was forthcoming I was more persuaded than before that one of the factors which prompted the accused to speak was when he realised that (10 the police had obtained possession of the envelopes in which he posted the material on Koeberg to the ANC. The style of the statement is also inconsistent with coercion and one finds therein indications of the expressed desire of the accused to clear certain persons from suspicion.

It now remains to state my conclusions.

On Count 1 the accused is FOUND GUILTY AS CHARGED IN REGARD TO THE AFRICAN NATIONAL CONGRESS.

On Counts 2 and 3 he is FOUND GUILTY AS CHARGED.

On Counts 5 and 6 he is FOUND GUILTY BUT ONLY AS REGARDS THE AFRICAN NATIONAL CONGRESS.

For the rest he is FOUND NOT GUILTY AND DISCHARGED.

MR. WENTZEL ADDRESSES COURT: My Lord, we will in due course be seeking Your Lordship's leave to appeal but at the appropriate time and also M'Lord, we do wish to lead evidence in mitigation. We would ask Your Lordship to allow that to be done on Friday if that is convenient to Your Lordship.

BY THE COURT: That will be done. The matter is postponed until Friday.

THE COURT ADJOURNS.

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THE COURT RESUMES ON 6 JUNE 1980.

DIE STAAT BEWYS GEEN VORIGE VEROORDELINGS TEN OPSIGTE VAN  
DIE BESKULDIGDE NIE.

THE DEFENCE WISHES TO CALL TWO WITNESSES IN MITIGATION.

DAVID WELSH, sworn states:

EXAMINATION BY MR. KUNY: Professor, you are an Associate Professor of Comparative African Government and Law at the University of Cape Town? -- That is so.

What are your qualifications? -- I have a B.A. Honours degree from Cape Town, an M.A. from Oxford and a Ph.D from Cape Town. (10)

And you are a South African and Cape Town is your home town? -- That is so.

And you have been on the staff at the University of Cape Town since 1963? -- That is so.

Now you know the accused in this case, Renfrew Christie? -- Yes.

When and in what circumstances did you first encounter him? -- I first encountered him as an undergraduate student in the first course offered in my department, Comparative African Government and Law. (20)

What year was that, do you remember? -- That was 1972.

Yes. And did he do two courses in Comparative African Government and Law? -- Yes, he did two undergraduate courses with us. It was one of his major subjects.

And I understand that in 1973 he was awarded the class medal for the best student in the course? -- That is so.

Thereafter did he do his B.A. Honours at Cape Town? -- Yes, he got his B.A. with a distinction in Comparative African Government and Law and thereafter he proceeded to an Honours degree.

Under yourself? -- Yes. (30)

That was in 1974, and then in 1975? -- He then went



on to do a Master's Degree in our department, under my supervision.

Yes, what was the subject of his Master's thesis? -- It was a thesis about the Ruacana Dam scheme on the Kunene.

And during that year did he also lecture in your department?

-- Yes, he was a leave substitute as a lecturer for much of that year.

Yes. What do you say about his ability to have lectured and at the same time to have done his Master's thesis during the same year? -- Well, it is quite a remarkable effort, I do not think I can recall in all my long years at the University, anybody(10 managing to do that amount of work, that amount of writing and synthesizing and at the same time holding down a fairly demanding lecturing job.

Yes. And what was the quality of his thesis for his Master's degree? -- It was an excellent piece of work, it was externalled by two people and there was consensus that it was worthy of a distinction, which was my judgment as well so the thesis - the degree was awarded with distinction.

Yes. Now, as a result of that thesis and his academic background was he awarded the Field Marshal Smuts Scholarship in (20 1976? -- That is so, yes.

Could you tell His Lordship about that scholarship? -- Well that is a scholarship offered by the University of Cape Town, it is a very prestigious scholarship and is keenly competed for.

How many are awarded every year? -- I think there is only one.

Yes. And with this scholarship, was he then able to proceed to Oxford University? -- That is so, yes.

Where he did a Ph.D. -- Yes.

Now, at Oxford, he was admitted to St. Anthony's College. (30

-- Yes.



Could you tell His Lordship something about St. Anthony's College? -- Well, St. Anthony's College is - it is a graduate college, it specialises in area studies, I think it has an extremely high academic reputation in the Western World of learning, and to be accepted for a D.Phil. degree there is I think a signal honour.

Yes. You have received a telex communication from Raymond Carr who is the Warden of St. Anthony's College? -- Yes.

M'Lord, we propose through this witness, to put in a copy of this telex. We have told My Learned Friend, and he has a copy (10 of it. We had originally intended or had hoped to be able to bring Professor Carr to give evidence but the expense of doing so and the difficulty was not warranted and we beg leave to hand in the telex in place of this M'Lord. I would like you to read to the Court, the telex. -- Yes. If I may begin:-

"We would like to convey to you the complete confidence of the Governing Body of St. Anthony's College in Dr. Christie's academic integrity and ability. He was held in great esteem by all members of the College to the life of which he (20 had made a valuable and co-operative contribution. He was a kind, courteous and generous man who made himself popular with both senior and junior members of the College. His research work was of the highest calibre, making an important contribution to the economic history of South Africa, and based upon extensive research both in South Africa, and the United Kingdom. As an academic of high promise his absence from academic life would be a severe loss to the academic community. This College (30 has high scholarly standards for admission and Dr.

Christie/..



Christie always lived up to those standards.

I may add that I have the very highest regard for Dr. Christie as a person and a scholar."

That is signed by Raymond Carr, Warden of St. Anthony's College, Fellow of the British Academy, Member of the Royal Academy of History in Madrid and Fellow of the Royal Society of Literature.

Are you familiar with Professor Carr and who he is and what his achievements are? -- Yes. Yes. No, he is one of the most distinguished British scholars, he is basically a Historian and he is a Historian of Spain and also of Latin America and he is one of the I would imagine top-ranking scholars in this field in the world. He is certainly a man of great distinction.

Yes. Now, while Dr. Christie was at Oxford, did you hear from him from time to time? -- Yes, I did from time to time.

In what connection? -- Well, he was endeavouring to raise money from bursary granting agencies and I think I acted as a referee on his behalf, a couple of times at least.

Yes, you knew that he was working on a thesis on Electrification of South Africa? -- Yes, I did.

Did he consult you about this at all? -- No, we did have some conversations about it but - and I was certainly aware of the progress he was making, and knew the basic ambit of the thesis.

Yes. Now when he returned to South Africa and to Cape Town in mid-1979, did you have any contact with him? -- Yes, no I saw him a number of times on the campus at UCT, had a number of conversations with him, inquired about his work and what he was doing, made a few suggestions for him as to people he should see in connection with his new project.

Which was the project on coal. -- That is so.

Did he appear to know much about the subject? -- I was quite amazed at the grasp he showed of the issues, his familiarity with/..



with the literature, of the avenues he should explore in obtaining data, I suppose most of all I was struck by the way in which he simply bubbled with enthusiasm about his work, but that has always been a characteristic of him. A very keen and enthusiastic scholar.

Yes. -- He has always taken a great joy and pride in his work.

Yes, now he had an office from which he worked, on the campus.

-- Yes, that is so.

At whose instance did he obtain this, how did he obtain it? (10

-- Well, I think accommodation was offered to him by Professor Francis Wilson who is head of SALDRU which is a research unit attached to the School of Economics at UCT and I was able to put in a good word on Dr. Christie's behalf to Professor Wilson.

Yes. You are here to give evidence both in your personal capacity because you know Dr. Christie and also I understand as a stand-in for Sir Richard Luyt, the Principal and Vice-Chancellor of the University of Cape Town. -- That is so.

Who has unfortunately had a heart attack and could not be present. -- Yes. (20

Are you authorised to tell His Lordship anything on behalf of Sir Richard Luyt? -- Yes, I am. If I may explain the background. I spoke to Sir Richard a few days before leaving Cape Town and he asked if it were possible that I should convey to the Court his considerable regret at not being able to appear here in person. He wished me to say that he had an extremely high regard for Dr. Christie as a friend, and respect for his scholarly ability and his integrity and such was his confidence in Dr. Christie that during Dr. Christie's time in Oxford, he was asked by Sir Richard Luyt to engage in a fairly delicate mission on behalf of the (30 University and this was concerned with the possible acquisition



of the library and the personal papers of Dame Marjory Perron who is one of the foremost Africanists, scholars of Africa of perhaps a by-gone generation but a lady of great distinction and also herself a close friend of Sir Richard's and Dr. Christie was asked by Sir Richard to catalogue and classify the contents of this library and also to negotiate for its purchase by the library of the University of Cape Town. And this was quite a ticklish and delicate manoeuvre and Sir Richard was extremely pleased with the way in which Dr. Christie had carried out this assignment. (10

Yes. And I understand that had he not been convalescing at the moment from his heart attack he would himself have come to Court today to give evidence on behalf of Dr. Christie. -- Yes, no that is perfectly so. I think he is keenly disappointed that he is unable to do so personally.

Yes. Now, may we turn Professor to your own knowledge of Dr. Christie's ability as a student, as a scholar and as an academic. -- Yes, well I would say that Dr. Christie is one of the ablest brightest students it has ever been my privilege to have any dealings with. His own track record in my department shows a very considerable (20) distinction and I have been very proud to be associated with his work and there are a number of qualities of his that spring to mind. His capacity for hard work, is unparalleled in my experience. His ability to go to the heart of issues and to bring together material from diverse sources and to synthesize, put this together in thesis form is also superb. And I would say he was one of the most promising young scholars to have come out of a South African university in recent years.

Have you had an opportunity of looking through his Ph.D thesis on electrification? -- Yes, I had an opportunity for a fairly (30) extensive perusal of his Oxford doctoral thesis, and it is quite clear/..



clear to me that it is - if I may say - a vintage piece of Christie work. It is extremely good, lucid, in the best sense of the word, scholarly, a scholarly piece of work. And I am looking forward to its publication in due course.

Yes. It is in fact I understand, going to be published by MacMillan's? -- Yes, I have heard so.

Who is MacMillan? -- MacMillan are basically a British publishing house, a publishing house of great distinction with a world-wide operation, and for Dr. Christie to have his book accepted by MacMillan's for publication is again I think, a very (10 considerable feather in his academic cap.

Do you know anything at all about Dr. Christie's social conscience? -- Yes, I do.

And his concerns. -- Yes, from a very early age as I have understood him, Dr. Christie has had a strongly developed sense of justice, a very developed social conscience, he has always taken the side, been able to empathise with the underdog, and he has accordingly taken a very keen interest in this kind of issue in South Africa.

Yes. Now, with his ability and qualifications what would (20 have been his prospects in the academic field but for the present events? -- Oh, I am certain that if he were now at this moment to be looking for a job in a South African university he would have little trouble at all in finding one and again I have little doubt that he would climb the rungs of the academic ladder very rapidly given his capacity for hard work, his excellence as a scholar and also his very considerable ability as a teacher.

Yes. And now that he is to be removed from the academic world and will have to go to prison, what are likely to be his prospects when he comes out of prison? -- Well, they will of (30 course be seriously jeopardised and the longer the sentence,

obviously/..



obviously the greater the jeopardy in which his career as an academic is placed.

No further questions.

CROSS-EXAMINATION BY MR. ENGELBRECHT: No questions.

RE-EXAMINATION BY MR. KUNY: No questions.

NO FURTHER QUESTIONS

WITNESS STANDS DOWN.

WITNESS IS EXCUSED FROM FURTHER ATTENDANCE.

MR. KUNY CALLS MRS. CHRISTIE.

LINDSEY CHRISTIE, sworn states:

(10)

EXAMINATION BY MR. KUNY: Mrs. Christie, you are the mother of Renfrew Christie? -- Yes.

I understand that you are a widow? -- Yes.

And that your husband died when Renfrew was two years of age in 1951? -- That's right, yes.

Now, since that time, had you been required to work, support yourself and bring up Renfrew on your own? -- Yes.

You work at Union Corporation and have worked there for almost 30 years? -- That's right, yes.

And what have your financial circumstances been over all these years? -- Well, really difficult. (20)

Do you have any other source of income but what you yourself earn? -- No.

When Renfrew was very young, I understand that you and he went to live in a portion of a house which was owned by your late husband's sister. -- That's right, yes.

And you stayed there for a number of years while Renfrew was at school? -- That's right.

Where did Renfrew go to school? -- King Edward's School.

And is that where he matriculated in 1966? -- That is right, yes. (30)

What/..



What was his school record like? -- It was extremely good, I never had any trouble whatsoever with Renfrew.

Yes. -- He just sailed through and you know, he was usually top or second. In the class.

And did he get a first-class Matric pass? -- Yes, he did.

Was he well child or was he ill at any time? -- Well, he wasn't a particularly well child he had some serious diseases.

But he managed to overcome these? -- Yes, he did.

And did manage to participate also in some sporting activities at school? -- Yes, he was captain of the hockey team in the last (10 year he was at school.

Yes, now when he left school, he went into the army for a year? -- That's right, yes.

Do you know what division he was in? -- He was with the Wits Rifles.

Yes, and after serving that year in the army did he also serve army camps? -- A couple, yes.

Now, when he went to university were you able to pay for his studies? -- No, not to any degree, he usually got bursaries or scholarships or - you know - something like that. He usually (20 managed himself he did not - wasn't much - I did not do much in connection with that at all.

Did you ever have to contribute anything towards his university education? -- Very little.

And you say he organised all that himself?-- He did.

Generally was he required from a very young age to assume the responsibility of an adult in relation to you and himself? -- Yes, I think so. He was - well, he was more of a companion than a child you know, he used to help me with my Income Tax Form and you know, do all the - what can I say..(Mr. Kuny intervenes). (30

Yes, and were you and he in fact very close? Over the years?

-- Yes/..



-- Yes, very close.

Now, when he was at the University of the Witwatersrand, how did he do? -- Very well, very well. He - well did extremely well as you have just heard.

Yes, well that was - then he went to Cape Town after he was at the Witwatersrand. -- That's right, yes.

Did he take part in extra-curriculae activities as well?

-- What - in Wits?

Yes. -- Yes, he was a member of the SRC and later on NUSAS but it wasn't very - any long duration, I think it was about (10 a year.

And then after he had completed his studies at Cape Town he went to Oxford. -- Yes.

Again, were you required to finance his travels to England and to Oxford at all? -- No, he got a very good scholarship there, scholarship from Cape Town University.

During the time that he was at Oxford did he come back to South Africa on visits? -- Yes, he did. Twice he came back I think it was.

And did you remain in constant communication with him? -- (20 Yes, Oh yes.

Now, after he returned from England in July, 1979.. -- Yes?

He went to live in Cape Town? -- Yes.

Did you see him? -- Yes, I spent a holiday with him and in fact he paid for a holiday for me in Cape Town. It was - you know, rather an occasion, it was the first time that he had had anything for himself.

Yes. Now over the years, Mrs. Christie, you have seen your son grow up, you know about his character, his personality and his concerns. Are you able to tell His Lordship anything about his ethical (30 and moral standards, sense of values? -- Well, he has always been/..



been a very truthful child.

I am sorry Mrs. Christie, would you speak into the microphone?

-- Sorry. He has always been a very truthful child and he has always been a very sunny child. And he has got a tremendous sense of humour and well he has never been any trouble at all, in comparison to other boys you know that I have seen you know, other mothers and boys, they have had troubles with their children and I never did with Renfrew.

Over all these years as he was growing up were the financial circumstances difficult? -- Fairly, yes. I had very good friends<sup>(10)</sup> and very good relatives that - always helped me. But you know I did not earn very much myself. But Renfrew was never sort of - ask for anything extra or expected anything extra.

Yes. Did he have lots of friends? -- Yes, yes.

And since the time that he has been in prison have you had communications from many people? -- Yes, from all over the world not only South Africa, but people have written to me from all over the world to say how amazed and how sorry they were about the whole situation. People that I have never heard of.

I do not think that I asked you initially Mrs. Christie, (20) but Renfrew is in fact an only child? -- Yes, he is. Yes, my husband died when he was two.

No further questions.

CROSS-EXAMINATION BY MR. ENGELBRECHT: No questions.

RE-EXAMINATION BY MR. KUNY: No questions.

NO FURTHER QUESTIONS.

WITNESS STANDS DOWN.

MR. WENTZEL ADDRESSES COURT: M'Lord, that is the only evidence that we will lead but we do have some submissions to Your Lordship.

M'Lord, firstly the formal submission that in this indictment (30) Your Lordship has convicted severally on a number of counts but for the/..



the purpose of sentence, we would urge that Your Lordship make them one. M'Lord, in speaking of the accused one is speaking of a person of unusual brilliance. My Lord, Your Lordship has heard about his career, he is a man honoured both in his own country and abroad in the field of academic achievement and he was a person who stood at the brink of a most brilliant academic career. He had the opportunity for the first time in his life of both prestige M'Lord and the rewards that come with prestige the prosperity that such a career could give a young man, and instead of that he finds himself a convicted prisoner and he must (10 face a term of imprisonment, Your Lordship is obliged to give that term. M'Lord, it is self-evident that the career in the academic life that Dr. Christie was to look forward to is going to be grievously disrupted and it is a loss both to himself and to the community itself, in the sense that Dr. Christie's contribution to its knowledge is removed from it.

M'Lord, it is not only his academic life that he has put in jeopardy, he has put his personal life, the joy of society with his friends, with his mother, and this is effectively destroyed at a very critical time in his life, it is the time in his thirties (20 M'Lord when perhaps a person is most able to develop not only themselves but their friends around them and become the person who can make the contribution of which Dr. Christie is able.

M'Lord, I would urge upon Your Lordship that in imprisoning Dr. Christie, one will bear in mind that for a person of his kind, imprisonment is a particularly heavy burden to bear and as so often is the case but maybe more particularly here M'Lord, it falls not only on the accused but his mother as well.

M'Lord, in his relationship with his mother, we see that he is a person of integrity. Your Lordship has heard her evidence (30 Your Lordship has seen that here is a young man from a privileged community/..



community among friends who were no doubt richer than he was and he had to make do with the resources of his mother and he responded in a manner of integrity and responsibility in so-doing and also assumed at an early age, manly responsibilities in assisting his mother. He is a person concerned for others as we see from his statement, and Your Lordship will have seen an illustration in the very trial that we have had and that is his concern at an early stage to make a statement not only in his own behalf but to avoid innocent persons being affected, avoiding the police M'Lord, having to extend an investigation as otherwise (10 they would have had to do to exclude the fact that some of his friends, innocent themselves, might in fact be guilty.

Now M'Lord, what he has done, he has done not for his own personal gain, but in furtherance of what he saw to be his ideals about this country.

Your Lordship of course has the task of taking that into account, but also the task of upholding the law, it is an appalling balance in a matter of this kind because Your Lordship has to take into account that he has offended against the law, and Your Lordship has the duty to uphold that law. (20

I want to urge if I may upon Your Lordship, that the mere fact of Dr. Christie's apprehension at a stage M'Lord, when fortunately for himself he had achieved but little, is itself an indication of the power of the law, it is that ability M'Lord of those who uphold the law to apprehend those who break it, which is the greatest deterrent against any person, particularly a person of the calibre of Dr. Christie.

Now we would say that in weighing deterrents Your Lordship is going to take that into account and we are going to suggest to Your Lordship if we may that Your Lordship can be confident in (30 that knowledge that there is the ability to apprehend and Your Lordship/..



Lordship will therefore feel able to show mercy to the accused and may I add in the mother of the accused.

M'Lord, I do not want to stress the kind of stresses and strains that sensitive people of every kind in this country have. We have a controversial country, in a way that perhaps few countries are. M'Lord, we are put in our society to choices and to understandings of the future that are not demanded perhaps from people who live in perhaps more boring countries M'Lord, but not as challenging a place.

Perhaps we are in a state at the moment, of flux and change (10 in South Africa in which we are going to become more like-minded in the near future, so we all hope, about where our country and our society should go. And it is in that hope My Lord, that we would ask Your Lordship in sentencing Dr. Christie, to express in that sentence the hope that Dr. Christie himself will be able to make a contribution to such a society in the field for which he is fitted and that is the academic field and not in a field for which he is not especially well fitted and that is a political field and M'lord we urge upon you and we make a plea to Your Lordship that you underscore that mercy which is the hallmark of a com- (20 passionate society and we suggest that if Your Lordship does that Your Lordship is able to demonstrate this Court's power in a much more striking way than any punishment would do and we would ask Your Lordship in simple terms, for mercy for this accused in the hope that his career can be preserved and that he is able eventually to make a contribution in a proper and lawful way to his own society.

THE COURT ADJOURNS.

SENTENCE/.. (30



THE COURT RESUMES AT 11 A.M.

S E N T E N C E

BY THE COURT: Renfrew Leslie Christie, Section 2 of the Act under which you were found guilty provides that the penalty shall be that provided by the law for treason. That means that the legislature equates a contravention of the Section with treason.

In deciding on an appropriate sentence I have to consider your personal circumstances, the nature of the offence, and the interest of society.

(10)

I have received evidence of your very considerable academic achievements and the high regard in which you are held. I take note of your concern for what you believe to be the underdog and I bear in mind the evidence of your mother regarding the type of person that you are.

I have also however, to give due weight to the enormity of what you have done and set about to do. You planned to give material which the African National Congress regarded as valuable to it, to enable it to continue to plan an onslaught against South Africa. You knew that the use to which your aid was to be put might merely (20) be for planning of sanctions but might also be for acts of sabotage and destruction. You knew that by your acts you were placing installations such as Koeberg and others at risk. It is reasonable to suppose that acts of sabotage against installations such as those can only be effectively planned with the aid of assistance such as that which you agreed to give the African National Congress. With your training, qualifications and intelligence, you were well equipped to assist in this task. And by reason of your qualifications you gain entrée to important sources of information. I view all this in a very serious light and I feel myself bound (30) to impose a severe sentence.



I have to bear the cumulative effect of the sentences which I am obliged to impose in mind, and also to remember that there might be some overlapping.

On the most important count, Count 1, I sentence you TO TEN YEARS' IMPRISONMENT. On Count 2, TO FIVE YEARS' IMPRISONMENT. On Count 3, TO FIVE YEARS' IMPRISONMENT. On Count 5 TO FIVE YEARS' IMPRISONMENT, and on Count 6 TO FIVE YEARS' IMPRISONMENT, but I direct that the sentences imposed on Counts 2, 3, 5 and 6 are to be served concurrently with that imposed on Count 1.

(10)

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MR. WENTZEL ADDRESSES COURT: My Lord, would it be appropriate for me now to address Your Lordship as to leave to appeal?

DEUR DIE HOF: Is daar enige beswaar daarteen, mnr. Engelbrecht?

MNR. ENGELBRECHT: Nee, U Edele.

BY THE COURT: Leave to appeal is granted on the conviction and the sentence?

MR. WENTZEL: No, My Lord, I would ask for it on the conviction.

BY THE COURT: I grant leave to appeal against the conviction.

THE COURT ADJOURNS.

(20)



TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that the foregoing is a true and correct transcription of the mechanical recording in the matter of:

THE STATE versus RENFREW LESLIE CHRISTIE

TRANSCRIBER:

*M. Lubbe*

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