

bought with the specific purpose

Witness to ^{told} ^{changed} story at 5³⁰/₅⁶⁴ trials

—BERRANGE

PRETORIA REPORTER

A STATE witness at the Rivonia trial, Essop Suliman, gave evidence on the same facts at five different trials and the police must have been aware that he changed his evidence as he went along, Mr. Berrange said yesterday in the Supreme Court, Pretoria.

Addressing the court on the case against Ahmed Mohamed Kathrada, Mr. Berrange said the police had taken Mr. Suliman from place to place to give evidence in trials involving the dispatch of recruits for military training outside South Africa.

For this reason it was evident that the police must have known about the discrepancies in his evidence from trial to trial.

Scorn

This led him to wonder if there were not some justification for the scorn Bernstein had expressed for evidence given in the present trial.

Mr. Berrange said he had some difficulty in speaking with restraint on Mr. Suliman's evidence, but at the least he was an outrageous liar, a stranger to the truth.

Mr. Suliman's case was one of the instances in which it was clear that a witness had come to court to tell a story he had learnt beforehand, forgotten it, and then remembered parts of it as he gave evidence.

Not only had Mr. Suliman been an accomplice, but he had also been a 90-day detainee and had therefore given his statement under duress.

In these circumstances his evidence would have to be treated with the greatest circumspection.

Warfare

Mr. Justice De Wet said it was his *prima facie* opinion that the meeting called at Lillieleaf Farm, Rivonia, for the afternoon of July 11, 1963, was for the purpose of discussing guerrilla warfare and not to discuss the plight of 90-day detainees.

In his opinion Kathrada and Bernstein had gone to Lillieleaf Farm because they were to have been consulted on the guerrilla warfare project.

The mere fact that they were to have been consulted on the guerrilla warfare project, however, did not necessarily mean that they had been parties to the conspiracy alleged by the State.

In fact there was no evidence to suggest that Kathrada had been a party to the conspiracy.

Mr. Berrange said no documents before the court connected Raymond Mhlaba with either Spear of the Nation or the National High Command.

Strange

The judge said Mhlaba had a strange alibi, in that he denied that he had been in Port Elizabeth in December, 1961, but refused to tell the court where he had been at that time.

Even though he could have incriminated himself in another offence if he admitted that he had been overseas, the offence would have been trivial compared with the present charge.

Because of his unwillingness to take the court into his confidence, should his evidence not be disregarded?

Mr. Berrange said that the lesser offence was far from trivial and an accused could not be expected to weigh the penalties attaching to the two offences.

Active

If in fact Mhlaba had been overseas, there was his own evidence that he had been an active worker for the African National Congress, and there was nothing to show that his trip overseas had anything to do with the affairs of Spear of The Nation.

The judge said it was unnecessary to address him on the question of the guilt attaching to the accused because of their membership of the Communist Party as it had not been proved that any of them were members of the Communist Party executive.

Argument will continue on Tuesday.

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RIVONIA DEFENCE

ATTACKS

STATE

WITNESSES

STAR
2/6/64

Durban saboteur's evidence "not reliable"

The Star's Pretoria Bureau

THE DEFENCE submitted in the final stages of argument in the Rivonia sabotage trial today that the evidence of the four most important State witnesses was "not entirely satisfactory."

Mr. A. Fischer, Q.C., handed in a list of concessions made by the defence and Mr. A. Chaskelson then examined in detail the evidence of the four witnesses concerned, starting with the Durban saboteur Mr. X.

Six admit guilt

The defence conceded in written admissions today that six of the accused are guilty on various counts of the indictment.

Govan Mbeki is admitted to be guilty on all four counts.

Nelson Mandela and Walter Sisulu are admitted to be guilty on counts two, three and four.

Denis Goldberg and Andrew Mlangeni are admitted to be guilty on counts two and three.

Elias Motsoaledi is admitted to be guilty on counts one, two and three.

The defence has said there is considerable overlapping of the counts, but has submitted that count two is the major one.

This count, the defence says, sets out a general conspiracy, in which, it is alleged, the accused recruited and trained men for guerilla warfare.

No admissions have been made on behalf of three accused. They are Ahmed Kathrada, Lionel Bernstein and Raymond Mhlaba.

Mr. Chaskelson said Mr. X was an unreliable witness who at times gave conflicting evidence and was adept at getting out of difficulties under cross-examination.

Mr. X's evidence should be treated with caution, he said, for several reasons.

He was an accomplice. He knew the whole workings of the sabotage organization in Durban, and could therefore give a ring of truth to his evidence.

He had a strong motive to give evidence that he thought would please the authorities.

NOT AN ACCUSED

"He wanted to be a witness and not an accused," Mr. Chaskelson said. "He was prepared to make a statement to the police, knowing it could not be used against him, but was not prepared to make a statement to a magistrate."

Another reason why his evidence should be treated with caution was that he had been a 90-day detainee.

Mr. Chaskelson then gave specific examples of what the defence considered discrepancies in Mr. X's evidence.

Mr. Fischer said that by the admissions they had made, the accused were prepared to accept responsibility for anything flowing from these admissions.

Thus the evidence they had given should be regarded as truthful.

"Why should they lie about small things when they have made such major admissions?"

Speaking of the failure of the accused to answer some questions under cross-examination, Mr. Fischer said they had no alternative.

"If a witness has a good reason not to answer questions, then it greatly weakens the inference that can be drawn from the failure to answer, particularly if the witness does not want to tell an untruth."

Verdere erkennings in Rivonia-saak

Volks 3/6/64

HY MEEN om op 11 Junie uitspraak in die Rivoniasaak te gee, het regter-president H. Q. de Wet gister in die Pretoriase Strafhof gesê toe hy die saak tot dié datum verdaag het.

Die verdediging het gister sy betoog van 'n week afgesluit ná verdere erkennings namens ses van die beskuldigdes, waarna dr. P. Yutar, S.A., adjunk-prokureur-generaal van Transvaal, sy repliek afgehandel het. Die hof het sowat 'n halfuur later as gewoonlik gesit.

Die saak het in Oktober verlede jaar die eerste keer gediën.

Toegewings

Volgens die toegewings wat skriftelik ingedien is, is Govan Mbeki ingevolge sy eie getuienis skuldig aan al vier die aanklagte, Nelson Mandela en Sisulu aan aanklagte 2, 3 en 4, Dennis Goldberg aan twee en drie, Elias Motsoaledi aan aanklagte een, twee en drie en Andrew Mlangeni aan aanklagte twee en drie.

Die verdediging voer aan dat Ahmed Mohammed Kathrada, Lionel Bernstein en Raymond Mahlaba op al die aanklagte onskuldig is.

Aanklagte

Die eerste twee aanklagte in die klagstaat staan in verband met sabotasie, die derde is dat die beskuldigdes die doelstellings van die Kommuniste bevorder het en die vierde dat hulle geld ingesamel en bestee het om sabotasie te pleeg.

In verband met die beskuldigdes ten opsigte van wie die erkennings gedoen is, voer die verdediging nogtans aan dat sekere getuienis teen hulle onwaar is.

Volgens die erkennings het Mandela in sy verklaring voor die hof erken dat hy een van die stigters was van Umkonto We Sizwe, dat hy militêre opleiding ondergaan het, dat hy reëlings getref het vir die militêre opleiding van Umkonto-werweling en dat hy geld vir Umkonto ingevorder het.

Goedgekeur

Sisulu het in sy getuienis erken dat hy dit goedgekeur het dat lede van die African National Congress Umkonto stig en dat hy lid was van die nasionale sekretariaat van die A.N.C., wat die buitelandse korrespondensie van Umkonto behartig het. Hy was nie lid van die National High Command van Umkonto nie, maar is op hoogte gehou van sy besluite en het soms vergaderings van die High Command bygewoon.

Goldberg het in sy getuienis erken dat hy Travallyn gekoop en gemeubileer het, dat hy navrae namens Umkonto gedoen het en dat hy 'n kamp by Mamre in Kaapland gehou het. Hy ontken egter dat dit 'n kamp vir die opleiding van guerrillas was.

Sabotasie

Mbeki het erken dat hy sedert April 1963 'n lid was van die High Command van Umkonto en dat hy sedert Januarie 1963 die lid was van die sekretariaat van die A.N.C. wat die buitelandse korrespondensie van Umkonto behartig het. Hy ontken egter dat hy in Desember 1961 aan dade van sabotasie deelgeneem het en die voor gegrawe het waarin die lugdraad van die radiomas by Rivonia opgerig was.

Motsoaledi het erken dat hy lid was van Umkonto, asook van die tegniese komitee van die Johannesburgse streekbevel, dat hy in verband met sekere sabotasiedade, deur ander persone gepleeg, aan Jack Hodgson verslag gedoen het en dat hy gehelp het met werweling wat uit die land gestuur is.

Mlangeni het erken dat hy sedert Maart 1963 as boodskapper vir Umkonto opgetree het en dat hy in April 1963 'n boodskap van die High Command na Durban geneem het.

Beschuldigdes

Die beskuldigdes is Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Kathrada, Lionel Bernstein, Raymond Mahlaba, Elias Motsoaledi en Andrew Mlangeni.

Hy ontken die getuienis van drie getuies dat hy in 1962 in Johannesburg was en deelgeneem het aan die versteking van dinamiet en die vervoer van kwekelinge.

In sy repliek het dr. Yutar sekere proklamasies en 'n aantal hofuitsprake ingedien.

Hy het gesê die proklamasies verklaar dat Umkonto en die African National Congress dieselfde organisasie is. Feite wat teen die een organisasie bewys is, is ook teen die ander bewys.

Hy het gesê dit beteken dat Kathrada en Bernstein, wat volgens hom erken het dat hulle die A.N.C. gehelp het, aandadig word aan die dade van Umkonto.

Getuienis

In verband met die kwessie van die staving van getuienis het hy gesê dat 'n getuie se getuienis gestaaf kan word as 'n beskuldigde onbevredigende getuienis lewer of die omstandighede sodanig is dat dit agterdop wek.

As die hof besk. Mahlaba se getuienis verwerp, sal dit beteken dat die getuienis gestaaf word dat hy sabotasie gepleeg het, het hy gesê.

THE ACCUSED

Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Kathrada, Lionel Bernstein, Raymond Mahlaba, Elias Motsoaledi and Andrew Mlangeni.

The law charges of sabotage involving the supply and distribution of dynamite and the use of explosives in the sabotage of the Government of South Africa.

The names of the accused are: Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Kathrada, Lionel Bernstein, Raymond Mahlaba, Elias Motsoaledi and Andrew Mlangeni.

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SIX RIVONIA

ADMIT TO GUILT ON 2 CHARGES

RDM 3/4/64

PRETORIA REPORTER

SIX of the accused at the Rivonia trial were guilty, on their own statements or evidence, of at least two of the four charges against them, according to concessions in writing handed in by Mr. A. Fischer, Q.C., leader of the defence team, at the trial yesterday. The Judge President, Mr. Justice De Wet, said he hoped to give judgment on June 11 and adjourned the court until then.

The concessions made by the defence were that Mandela, Sisulu, Goldberg, Mbeki, Motsoaledi and Mlangeni were guilty on the second charge of sabotage and a contravention of the Suppression of Communism Act.

In addition, Mbeki and Motsoaledi were guilty of the first sabotage charge and Mandela, Sisulu and Mbeki were also guilty of the fourth charge of contravening the Criminal Law Amendment Act.

In terms of the concessions, Mbeki, on his evidence, was guilty on all four charges.

No concessions were made in the case of Kathrada, Bernstein and Mhlaba.

A founder

According to the concessions, Mandela stated he was one of the founders of Umkhonto we Sizwe (the Spear of the Nation), that he was a member of the national executive of the African National Congress, that he had arranged for the military training of recruits, undergone military training himself and solicited financial aid for Umkhonto.

He stated he had requested the A.N.C. to assist Umkhonto to transport recruits and approved the decision of the A.N.C. to allow its secretariat and external missions to assist Umkhonto.

Mandela said he had reported on his trip abroad to his colleagues both of the A.N.C. and Umkhonto.

Sisulu told the court that as a member of the national executive of the A.N.C. he approved the decision which allowed A.N.C. members to form Umkhonto.

A.N.C. aid

He said he had agreed with the decision to allow the A.N.C. secretariat and external missions to assist Umkhonto and had been a member of the secretariat which attended to external correspondence for Umkhonto.

Sisulu, on his evidence, was not a member of the High Command but had on occasion attended its meetings and taken part in its deliberations.

Goldberg admitted carrying out a series of inquiries for Umkhonto, purchasing and furnishing the hideout at Travallyn and buying a vehicle for this hideout.

He also admitted running the

THE ACCUSED

THOSE before the court are Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Lionel Bernstein, Raymond Mhlaba, Elias Motsoaledi and Andrew Mlangeni.

They face two charges of sabotage involving 192 counts, one of contravening the Suppression of Communism Act and one of contravening the Criminal Law Amendment Act.

The State alleges that they, together with others named in the indictment as co-conspirators, planned the overthrow of the Government by revolution and by assisting an armed invasion of South Africa by foreign troops.

Dr. P. Yutar, S.A. deputy Attorney-General, with him Mr. A. J. Krog, Mr. T. B. Vorster and Mr. E. Klusman, are appearing for the State. Mr. A. Fischer, Q.C., with him Mr. V. C. Berrange, Mr. G. Blzos and Mr. A. Chaskelson (all instructed by Joel Joffe) are appearing for the accused.

camp at Mamre in the Cape, although he disputed what was alleged to have been said to the campers.

Correspondence

Mbeki admitted being a member of both the national executive and the national secretariat of the A.N.C. and in this latter capacity, had attended to external correspondence for Umkhonto.

He had agreed to the A.N.C. decision to allow its external missions and its secretariat to assist Umkhonto in transporting recruits.

Motsoaledi admitted being a member of Umkhonto and a member of the technical committee of the Johannesburg regional command.

He said he had known of explosions caused by Umkhonto and relayed information on explosions which he obtained from the people who caused them.

Motsoaledi also assisted in accommodating recruits in transit.

A messenger

Mlangeni admitted consenting to becoming a messenger for Umkhonto and acting in that capacity.

He admitted being party to the negotiations for the transport of recruits and to making a payment for subsistence to a member of Umkhonto.

In making these concessions, the defence said that in each of the six cases there were points of State evidence which were still at issue.

Mr. Fischer said there had been considerable "smear" by the State. Evidence of this type, which was relied upon, was found on analysis to have little or no bearing on the facts at issue.

Assurance

Mr. Justice De Wet said this cut both ways as, for instance, attempts had also been made to "smear" the Government.

He gave the assurance that he would not allow any "smear" to influence his decision.

Mr. A. Chaskelson, for the defence, urged the court to treat the evidence of Mr. X, the State's main witness, with the utmost caution although, because of his position on the Natal regional command of Umkhonto, he was able to give a lot of his evidence "the ring of truth."

He was an accomplice and the courts were warned to treat an accomplice's evidence with circumspection.

Mr. Chaskelson said that in addition Mr. X would have had every incentive to give the authorities information which would enable him to appear in court as a witness and not an accused.

A detainee

Finally, Mr. X had been a 90-day detainee and remained a detainee until at least the conclusion of his evidence. As such he was subject at all times to interrogation and to the suggestions of his interrogators.

He asked the court to disregard the entire evidence given by Mr. X, which was not corroborated.

Replying on points of law, Dr. P. Yutar, for the State, said that legislation enacted and promulgated in 1963 equated the A.N.C. and Umkhonto we Sizwe.

In his opinion this had the effect of making all people who worked for the A.N.C. workers for Umkhonto we Sizwe in law. This applied particularly to Kathrada and Bernstein, who had admitted working for the A.N.C.

The court adjourned to June 11.

RIVONIA TRIAL RECORD

Lord adds up to 2.55m words

2.13/ June 1964

By DICK RICHARDS

WHEN the Judge-President, Mr. Justice De Wet, gives judgment in the Rivonia trial next Thursday, eight months will have passed since the accused first appeared in court on October 9.

Since then the court has been in session for 86 days and a court record totalling 2.55m words has been taken by a team of stenographers.

The State has called 173 witnesses from Cape Town, Johannesburg, Durban, East London, Port Elizabeth and Ladysmith.

The defence has called 11 witnesses, the nine accused — six of whom gave evidence under oath, and three made statements from the 11-man dock specially constructed for the trial — and two others.

Hepple fled

The number of accused was originally 11, but Alexander Bob Hepple, after charges against him were withdrawn and he was to have given evidence for the State, fled the country. James Kantor, a Johannesburg attorney, was discharged during the State case.

After the first court appearance of the accused, six of whom were arrested by the police during the raid on Lillieleaf Farm, Rivonia, on July 11, the hearing resumed on October 29 and Mr. Justice De Wet, after hearing an application, quashed the indictment the next day.

A new indictment was served on November 12 which the judge upheld on November 26, after hearing further argument.

During the trial bail applications on behalf of Kantor and Bernstein were heard by the court. Kantor made three applications.

Evidence was first given on December 3, and except for adjournments during the Christmas period and after the end of the State case, the court has sat more or less continually since then.

Waxed, waned

Attendance at the trial has waxed and waned with the announcement of various dramatic developments, but scarcely a day has passed without foreign observers or local V.I.P.s sitting in the

disused jury box.

A coterie of "regulars" in the public galleries, White and non-White, has sat through the trial straining ears to hear in a court where judge and counsel, separated by a few feet, have had difficulty in following each other.

No less than nine advocates, four of them senior counsel, have appeared for the defence, although the greatest number of defence advocates at any one time has been five.

It has been estimated that in normal circumstances, where two senior and two junior counsel have been briefed for a trial which has lasted for as long as this has, costs to the accused would have been in excess of R60,000.

What the cost has been to the State it is impossible to say. With the Deputy Attorney-General, Dr. Percy Yutar, leading, the State team has never consisted of less than four senior men.

Comparison

To this must be added the cost of bringing witnesses hundreds of thousands of miles, providing a squad of uniformed policemen who have guarded all entrances to the court and its precincts, and the cost of keeping a group of members of the security branch in constant attendance in court.

By comparison with the activity which went on in the Palace of Justice while the Rivonia trial court was in session, the building now seems almost deserted.

Newsmen and spectators have had to seek drama in other courts and policemen have become a rarity, but lively speculation has arisen over the possible outcome.

It cannot yet be said with certainty that the trial is over as Mr. Justice De Wet, when he adjourned the hearing on Tuesday, said he "hoped" to be ready to give judgment on June 11.

A.N.C., Spear were linked-judge

RDM
12/6/64

PRETORIA REPORTER

THE African National Congress was Communist-dominated and had at all times retained the political guidance of the Spear of the Nation, the Judge President, Mr. Justice De Wet, said yesterday when he found seven of the nine accused at the Rivonia trial guilty as charged.

Of the remaining two, Ahmed Mohamed Kathrada was found guilty only of the second charge against him, and Lionel Bernstein was acquitted.

Bernstein was immediately re-arrested on a charge that he had broken his banning order on July 11 last year.

Those guilty of all four charges against them are Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Raymond Mhlaba, Elias Motsoaledi and Andrew Mlangeni.

Sentence will be passed today.

Mr. Justice De Wet said that from the evidence of Sisulu and Mbeki it was clear the A.N.C. national executive had retained the political guidance of the Spear and that it had authorised its members, with its approval, to embark on a policy of sabotage. It had also authorised its secretariat to assist the Spear.

Reservations

In these circumstances it seemed idle to contend that the Spear and its members were not the agents or servants of the national executive.

Mandela had written in a report: "In this area there are great reservations about our policy and there is a widespread feeling that the A.N.C. is a Communist-dominated organisation."

Mr. Justice De Wet said: "I may add that I share this feeling after hearing all the evidence in the present case."

It appeared from the evidence and documents that the leader of the A.N.C., Albert Luthuli, was informed about the activities of the Spear and consulted from time to time but was kept in the background.

In some Communist documents the Communist Party was described as the leader of the liberation movement and in others the

A.N.C. was described as its spearhead.

The documents all appeared to express strong approval of the actions of the Spear. But as it had not been proved that any of the accused occupied any executive position in the party he did not think any of them could be held answerable for incitement or co-operation to bring executive members into the alleged conspiracy.

However, it did appear that many of the members of both the A.N.C. and the Spear, if not the majority, had also been members of the Communist Party.

In fact, Sisulu had conceded that the A.N.C. co-operated with the Communist Party because their aims were similar. He had qualified this by saying the A.N.C. was not prepared to go as far as the Communist Party and was not prepared to approve of converting South Africa into a Communist state.

Accomplices

The material witnesses were all accomplices and it was well established that such evidence should be regarded with great

caution, especially evidence implicating an accused.

Much of their evidence was not denied and it was only on disputed questions that the court had to decide whether to accept their evidence or not.

It was a rule of practice that an accomplice's evidence, where it implicated an accused, should not be accepted unless it was corroborated. Corroboration could be found in circumstantial evidence and if an accused were found to be a lying witness this could be regarded as corroboration.

All the material witnesses had been detained for questioning in terms of the 90-day clause and kept in solitary confinement until they were prepared to make statements.

The possibility had to be borne in mind that suggestions made by their interrogators had been accepted and that evidence was concocted to satisfy the interrogators.

Reprisals

It appeared most of the witnesses appeared to fear reprisals and indeed there was written and verbal evidence before the court that "traitors" should be suitably dealt with.

Many of the witnesses appeared not only to minimise the part they had played in illegal activities, but were also inclined to say as little as possible about their leaders.

They were inclined to become confused under cross-examination and to retract or water down statements made during evidence in chief.

Practically all the acts of sabotage referred to in the indictment had been proved, but the court was not able to fix the number of acts for which the Spear was responsible because it seemed other organisations also committed acts of sabotage and used similar methods.

He was satisfied the Spear was responsible for a good many more than the 20 which the defence had conceded.

Instructions

The evidence of the accused, supported by that of witnesses for the State, was that instructions had been given that in the execution of acts of sabotage care should be taken that no person was killed or injured.

It had been argued that a number of the acts depicted by witnesses fell outside this instruction and that the leaders of the organisation could not be held responsible.

For the purposes of his decision he accepted the contention but he had some doubt as to whether the leaders should not have foreseen that the saboteurs employed would not probably get out of hand.

It was conceded that about 300 recruits had been sent for training in other African countries. From the evidence of two who had been trained, it appeared their training course had included all the subjects necessary for warfare.

Explosives

These witnesses had told the court they had been told that on their return to South Africa it was their duty to teach others what they had been taught so that all could unite in their fight against the White man.

Charge one alleged the accused were guilty of sabotage in that they had recruited people for training in the manufacture and

use of explosives — for the purpose of committing acts of violence and destruction in the country and also the art of warfare, including guerrilla warfare, and military training generally — for the purpose of causing a violent revolution. Furthermore, that they had been guilty of 153 acts of sabotage which were detailed.

Charge two was the same as charge one except that it mentioned further recruitment and further acts of violence similar to those listed — but it added a charge of conspiracy to commit acts of guerrilla warfare, acts of assistance to foreign invading forces and acts of participation in violent revolution within the country.

He had already indicated that in his opinion it had not been proved

that the plan for guerrilla warfare had ever gone beyond the preparation stage and he adhered to this view.

It followed, then, that the conspiracy to commit acts of guerrilla warfare, acts of assistance to foreign invading forces and acts of participation in violent revolution within the country as listed in this charge fell away.

Charge three, a contravention of the Suppression of Communism Act, listed the commission of the same acts listed in charge one.

Charge four, a contravention of the Criminal Law Amendment Act, alleged the accused solicited, received and paid out money for the purpose of committing sabotage in support of a campaign against some of the country's laws.

A founder

Mandela had admitted he was one of the founders of the Spear, that he was deputy-president of the A.N.C., and as such a member of the executive committee.

In an unsworn statement he had admitted touring Africa making arrangements for military training of members of the Spear and undergoing training himself as

well as soliciting and receiving financial aid for the Spear.

On his statement, it had been at his request that the national executive had allowed the secretariat and the external missions to assist the Spear in the transportation of recruits.

He also admitted reporting to his colleagues of the A.N.C. and the Spear on the results of his trip.

The defence had conceded that on his own admissions he was

guilty on charges two, three and four, but contended that he was not guilty of charge one because he had been in prison from August 5, 1962.

Mandela, however, was one of the leaders of the Spear. He had at no time dissociated himself from the acts of the Spear and in fact did not say he had. He was — and presumably was still so regarded — as one of its leaders. He could not escape conviction on count one.

The defence had conceded that in his evidence Sisulu had admitted that at all material times he had been a member of the national executive of the A.N.C.;

Missions

That he had been consulted on and had approved of the decision to set up the Spear and that he had agreed with the decision to allow the Secretariat and the external missions of the A.N.C. to assist the Spear in the transportation of recruits.

He had admitted being a member of the A.N.C. secretariat and that he had, without being a member, participated in the deliberations of the National High Command. On these admissions it had been conceded he was guilty on counts two, three and four.

In view of the fact that it appeared that the executive had "sponsored" the Spear, Sisulu must take responsibility for it and was guilty on count one also.

Dennis Goldberg had admitted he had undertaken inquiries about armament production requirements and had submitted a report which referred to the production of hand grenades and landmines.

He had admitted purchasing Travallyn knowing it was being bought for the use of the Spear and also buying a vehicle for the use of those in hiding at Travallyn.

According to defence concessions, he was, on his own admissions, guilty of counts two and three.

It had been disputed that he had run a camp at Mamre in the Cape to train young guerrillas or that he had given a sketch map to one, Looksmart Ngudle, who was a saboteur or suspected of being a saboteur.

All the evidence on the camp appeared to tie in with a document found at Rivonia which advocated exactly the type of training for guerrillas as that given at Mamre. Goldberg's evidence that the camp had been for political and educational purposes was rejected.

Sketch map

The evidence of State witnesses that Goldberg had been seen giving a sketch map to Looksmart in Cape Town was also accepted. It followed that Goldberg had to be found guilty on count one.

When Goldberg associated himself with the Spear he

associated himself with all the objects of the organisation known to him. He must have known that money was collected and used for subversive purposes. He was, therefore, also guilty on count four.

Govan Mbeki had admitted he was at all material times a member of the A.N.C. executive and

the A.N.C. secretariat and that from April 1963 he had been a member of the National High Command.

He had also admitted agreeing to the decisions to allow the formation of the Spear and allow the secretariat and the external missions to assist the Spear in the matter of recruits.

It had been conceded he was guilty on all four charges. The disputed questions were of little importance.

Elias Motsoaledi, Andrew Mlangeni, and Raymond Mhlaba were found guilty on all four counts and Ahmed Kathrada on count 2

only.

There was evidence against Bernstein that he had examined a draft document but no inference could be drawn as to whether he approved of it or not. Evidence that he had assisted in the erection of radio masts at Rivonia was rejected.

The rest of the State evidence regarding Bernstein was not disputed by him.

From his own evidence he was a listed Communist, a Marxist, a member of the Communist Party until its banning in 1950 and a foundation member of the Congress of Democrats.

He said that he had never been a member of either the Spear or of its High Command but had known of the purchase of Lillieleaf Farm, Rivonia, and of its purpose.

Literature

He must have visited Rivonia on four or five occasions after it was in use and took literature on the Sino-Indian border dispute to the farm. He told the court he was not aware that the farm was being used by the Spear.

The court did not accept that on July 11 he had visited the

farm to discuss the question of 90-day detainees. Even if he had gone there to be consulted about the guerrilla warfare plan this did not show he would have approved of it or that he would have associated himself with the conspirators.

It was possible he had given the conspirators literature and notes on the Sino-Indian and Sino-Soviet disputes so that the conspirators could decide on their policy if they succeeded in overthrowing the South African Government. But this did not make him a co-conspirator in relation to the charges.

more - pictures

The pictures on these two pages show the eight Rivonia accused who were found guilty yesterday in Pretoria. The photographs on the left in each case were the latest available of the accused at the time of the arrests. On the right are police pictures taken after the Rivonia raid. The Commissioner of Prisons has given the "Rand Daily Mail" permission to publish the pictures.

ROM 12/6/64



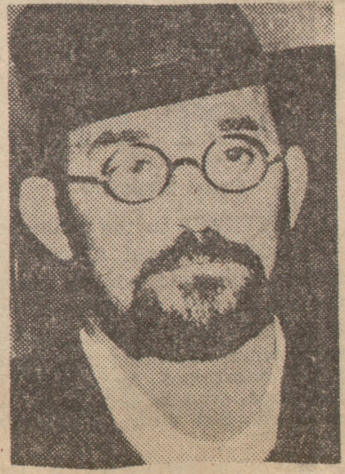
Nelson Mandela



Walter Sisulu



Govan Mbeki



Dennis Goldberg

More

WAVES AND SMILES IN PACKED COURT

Prisoners unmoved by v

RDM 2/6/64

By DICK RICHARDS

THERE was no visible reaction among the nine men in the Rivonia trial yesterday when the Judge-President, Mr. Justice De Wet, gave judgment in the Pretoria Supreme Court and added that sentence would be passed today.

Seven were pronounced guilty as charged, one guilty on one of the four counts against him and the ninth — Lionel Bernstein — acquitted. But Bernstein's freedom was short-lived. As he descended the steps to the cells below he was detained on an al-

legation of contravening a banning order placed on him last July.

The court was packed when the Judge-President handed down his written judgment running into 72 pages.

On the adjournment the prisoners turned in the dock to wave to friends and relatives in the public gallery. Nelson Mandela, described as the principal accused, waved and smiled to his wife and to his mother who had

come from Umtata for the close of the trial.

A strong force of police was on duty in and around the court. They formed a phalanx when about 80 Africans tried to follow Mrs. Mandela and her mother-in-law into the court. Walter Sisulu's wife attended in tribal dress.

As the court cleared, 300 women outside sang "Nkosi Sikelel' i Afrika" They gesticulated when a television cameraman turned in their direction.

About 100 people gathered at the back of the court to watch two vehicles leave with the prisoners. There was an exchange of calls and salutes and some people ran a short distance after them.

Mrs. Hilda Bernstein waved a small white handkerchief with which she had been dabbing her eyes.

● THE JUDGMENT: PAGES 6 AND 7

RIVONIA VERDICT NEXT WEEK

5 STAR 3/6/64

Mr. Justice de Wet hopes to give judgment in the Rivonia sabotage trial on June 11.

The Judge-President indicated at the end of more than a week of argument yesterday that he hoped to be ready by tomorrow week.

The trial started in October after six of the men had been arrested at Rivonia on July 11.

Since then 181 witnesses, 173 called by the State, have given evidence. Three of the accused made statements from the dock.

On Monday and Tuesday Nelson Mandela, the first accused, will be writing his London LL.B examinations. He has been studying for some time and has passed the first-year examinations. He is a qualified attorney.

Govan Mbeki, accused No. 4, had written a book on the Transkei before his arrest. It is expected that it will be published in London within a week.

ST. Rivonia verdict in mid-June

3/5/64

SUNDAY TIMES Reporter

PRETORIA, Saturday.

IT is expected that the Rivonia trial, which started at the beginning of December will end by June 12, when the Judge-President, Mr. Justice Quartus de Wet, is due to go on leave.

Defence counsel expect to end their concluding addresses on Tuesday or Wednesday at the latest.

In view of the mass of evidence — 184 witnesses have been called — it is unlikely that Mr. Justice De Wet will give immediate judgment. But it is also unlikely that he will go on leave before reaching a verdict.

Indications are, therefore, that the trial, which has already been in session for more than 70 days, will end during the second week of June.

Vakansie ... Of Tara, Se Yufar

... of Tara, Se Yufar ...

Yutar home

RDM

12/6/64 guarded

Staff Reporter

THE Killarney home of the prosecutor in the Rivonia trial, Dr. Percy Yutar, was heavily guarded by police last night.

Two plainclothes constables in greatcoats, with an African watchman, were stationed in front of the house. A police dog and his handler were also stationed in the grounds, and a policeman said "the back is also well guarded."

He refused to say how many men were in and around the grounds.

Allan

Paton

to give

RDM 12/6/64 evidence

Staff Reporter

MR. ALLAN PATON, author and leader of the Liberal Party, is to be called to give evidence in mitigation when the Rivonia trial resumes in Pretoria today.

Mr. Paton, whose novel on South African race relations, "Cry the Beloved Country" became a world bestseller, was awarded the Plaque of the Free Academy of Arts of Hamburg for his "inestimable activity in the cause of Christianity and humanity" in 1961.

The first person to be so honoured was Thomas Mann, the German author and Nobel Prize winner.

Mr. Paton's latest work, "Sponono" in which he collaborated with the Indian producer-director, Mr. Krishna Shah, was produced on Broadway recently.

Mr. Paton, 61, is the national president of the Liberal Party.

DAGBREEK 7 June 1964 Vakansie ... Of Tara, Sê Yutar

DIE leier van die Staat se span tydens die verhoor, dr. Percy Yutar, S.A., het gistermiddag aan Dagbreek gesê dat hy bly is dat die verhoor nou sy einde nader.

„Ek kan nou meer ontspan,” het hy vertel.

Vooruitsigte vir 'n vakansie is egter

nie vir hom beskore nie. Op 3 Augustus neem 'n hofsak 'n aanvang waarby daar na bewering R15-miljoen se bedrog betrokke is.

„Hierdie saak sal vier of ses maande duur. Dan kan ek met vakansie gaan — of in Tara-hospitaal opgeneem word.”

Rivonia trial demonstratio

ROADBLOCKS

Police out in force after judgment

RDM ^{12/64} ₆₄ STAFF REPORTER

POLICE blocked roads on the outskirts of Johannesburg last night. The blocks were manned by armed police reservists and provincial traffic inspectors. The posts were marked by police signs with flashing red lights.

Reservists waved torches to bring passing cars to a halt. After stopping, some cars were thoroughly searched. During the day roadblocks were mounted throughout Pretoria and the Reef and some Africans interrogated.

In Parliament the previous day the Minister of Justice, Mr. Vorster, said he was prepared for anything that might be planned by Communists after judgment was given in the Rivonia trial.

The police manned roadblocks at railway stations and non-White bus terminals, and at important public installations.

Checkpoints were set up, too, on several roads linking Soweto and other townships with Johannesburg.

At several places between 20 and 30 policemen were on duty. A large number of Africans were stopped and their tax receipts and reference books were examined.

Five Africans, one a girl of 16, were detained and questioned by police for eight hours after they had been taken from a train carrying them to the Rivonia trial.

The party, which included a married couple, was escorted from the train at the Kaalfontein station by Railway police and taken to the South African Police in Boksburg.

Move on

The girl and two of the women were released from the Grays police headquarters in Johannesburg after being told not to wear the uniform of the banned A.N.C. again.

Last night they were trying to trace the couple detained with them—Mr. and Mrs. Simon Mazabuka, of Pimville.

The two women, Miriam Sithole, 21, and Jane Nishakala, 22, both of White City, Jabavu, and 16-year-old Olive Ndlovu, of Mofolo Village, Soweto, are clerks working for the South African Congress of Trade Unions. They said last night the uniform they wore was that of the South African Federation of Women and Youth and not the A.N.C.

A police spokesman said that the blocks were merely routine. A protest demonstration was

DEMONSTRATIONS IN BRITAIN OVER PRETORIA SENTENCES

Times 13/6/64

PEACE MEDAL AWARDED TO PRISONERS

Hundreds of demonstrators carrying placards lined the pavements outside the South African Embassy in London yesterday in protest against the sentences passed at the Pretoria trial. They chanted slogans demanding the release of Nelson Mandela and the others convicted of sabotage.

Among the demonstrators were a group from the National Assembly of Women, wearing black sashes, and some boys from Eton. Police patrolled the pavement outside the embassy.

MRS. ESME GOLDBERG, wife of Dennis Goldberg, said in London last night that her reaction to the sentences was one of tremendous relief. "It is strange how one's values change. At first, when people were sentenced to three years or 12 years, we said how dreadful, and here we are relieved at a life sentence." Mrs. Goldberg, who was speaking at a press conference in the House of Commons organized by the World Campaign for the Release of South African Political Prisoners, added: "I think pressure brought to bear on the South African authorities by the World Campaign definitely succeeded in avoiding the death penalty in this case."

Mr. Thabo Mbeki, son of Govan Mbeki and a student at the University of Sussex, said that he had expected the death sentence to be passed as a gesture by the South African Government against people seeking to interfere in their affairs. Also at the meeting was **Mrs. Rae Sherwood**, sister of Lionel Bernstein, who was acquitted on Thursday but immediately rearrested.

BISHOP'S MISSION

Mr. Jeremy Thorpe, the campaign's honorary secretary, announced that **Bishop Joost de Blank**, the former Archbishop of Cape Town, would be flying from London on Monday to present a petition to the United Nations General Assembly in New York. This petition, which calls for the abandonment of the Rivonia trial and release of all political prisoners in South Africa, had more than 90,000 individual signatures and the support of organizations representing over 250 million people.

MR. DAVID ENNALS, a member of the executive of the Anti-Apartheid Movement, said that the sentences would stimulate "much more vigorous action against the South African Government" throughout the country and throughout the Anti-Apartheid Movement.

"EXTREMELY HEAVY"

Some of the other reactions yesterday to the sentences were as follows:—

MR. GRIMOND, leader of the Liberal Party, said: "There will be relief that the death sentences have not been imposed. The sentences are, however, extremely heavy. They can only result in further exacerbation of racial feeling in South Africa which in the long run can only end in disaster."

MR. A. L. WILLIAMS, general secretary of the Labour Party, expressed "anger and dismay at the savagery of the sentences." He added: "In his defence Nelson Mandela said that he stood for the ideas of a democratic and free society in which all persons lived together in harmony, and with equal opportunities. It is this ideal that the South African Government is determined to destroy. But the spark of freedom can never be stamped out."

"Even at this late hour, we plead with the South African Government to show clemency and to set aside the long and brutal sentences. If they do not do so, they will stand condemned by the whole of the free world."

THE TRADES UNION CONGRESS issued a statement saying: "The whole British trade union movement will be shocked and grieved. . . . Over many years the South African Government have enforced policies which have denied ordinary rights to most of their people, and have inevitably provoked continuous and mounting opposition."

"By the evidence of these trials and sentences, trade unionists, who well know of the value of a free society, will judge the Government of South Africa, and those who support it. The T.U.C. calls on the people of South Africa to consider the inescapable consequences of the course on which their Government is set, and calls on their Government to renounce vindic-

tiveness and to have regard for freedom and the dignity of human rights."

THE WORLD COUNCIL OF PEACE announced that it had decided to award the Joliot-Curie Peace Gold Medal to the Rivonia nine "in recognition of their courageous efforts for peace, democracy and human equality in South Africa". The council said that it called on all peace workers everywhere "to take immediate action for the release of the heroic men of Rivonia, and for the implementation of the United Nations call for a total arms embargo and economic sanctions against the South African Government, and for the holding of a national convention to decide the political future of a free and peaceful South Africa".

CANON L. J. COLLINS, chairman of Christian Action, sent the following telegram to Mandela:—

"Heartfelt sympathy to all. Christian Action will continue its support for legal costs and pledges itself to do everything possible to provide for your families. As a token of pledge we are sending an immediate £500 to aid families according to need."

THE TRANSPORT AND GENERAL WORKERS' UNION announced that Mr. Frank Cousins, its general secretary, had sent the following telegram to Dr. Verwoerd, the Prime Minister of South Africa:—

"On behalf of nearly one and a half million members of the British Transport and General Workers' Union, I protest most strongly at savage sentences upon Mandela and others. Earnestly urge you to respond to democratic opinion everywhere and revoke the sentences. Racialist policies in South Africa are destroying hopes of reasonable relations with the rest of the world."

"JUSTIFIED ANGER"

THE COMMUNIST PARTY issued a statement saying that the sentences "have aroused the justified anger and indignation of all decent men and women".

At **OXFORD** more than 150 students, mainly from Ruskin College, the adult workers' college, demonstrated at the Martyrs' Memorial. There was a two-minute silence.

MR. ROBERT SERPELL (Corpus Christi), chairman of the university's Joint Action Committee Against Racial Intolerance (Jacari), said: "The removal of these men from the political scene will mean that the likelihood of a peaceful solution to the present situation in South Africa will be greatly diminished." Jacari urged the British Government to use its influence to secure their release.

The **BIRMINGHAM ANTI-APARTHEID COMMITTEE** described the sentences as "savage". The fact that the death sentence had not been imposed was a victory for the world-wide protest movement.

Other action was taking place as follows:—

BRIGHTON.—A march to London is due to arrive tonight.

MANCHESTER.—A march from the university to the town hall yesterday. A vigil from 8 p.m. to midnight, and a petition to the Lord Mayor.

BRISTOL.—Silent vigil last night outside council house.

CARDIFF.—Vigil 9 p.m. to midnight at Llandaff Cathedral.

GLASGOW.—Vigil last night outside South African immigration office.

READING.—Marches and a meeting yesterday.

BIRMINGHAM.—Vigil from 5.30 to 7.30 in the city centre.

SABOTAGE SENTENCES

JOHANNESBURG, June 12.—Three Africans were today sentenced here to 12 years' imprisonment and a fourth to eight years' after they had been found guilty of sabotage.

It was alleged that between May and December last year they conspired to acquire and use explosives to kill members of the white population and to enlist recruits for training outside the country. Application for leave to appeal was noted.—*Reuter*.

CALL FOR SANCTIONS MADE IN U.S.

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MR. LUTHULI'S APPEAL TO U.S. AND BRITAIN

Times 3/6/64

Mr. Albert Luthuli, the former Zulu chief and winner of the Nobel Peace Prize, says in a statement said to have been brought out of South Africa that the sentences imposed in the Rivonia trial would "leave a vacuum in leadership that may only be filled by bitter hate and racial strife".

The statement was issued on his behalf in London by the representative of the African National Congress, which Mr. Luthuli led before it was banned in South Africa. The A.N.C. representative said it had been brought up to date by telegram when the sentence became known.

Describing how for years the A.N.C. leaders "advocated a policy of racial cooperation, of good will and of peaceful struggle that made the South African liberation movement one of the most ethical and responsible of our times", the statement recalls that their emphasis on non-violent methods was such that police witnesses testified to it during the four-year treason trial.

LEGAL REPRESSION

Finally, however, all avenues of resistance were closed. "The A.N.C. and other organizations were made illegal; their leaders gaoled, exiled, or forced underground. The Government sharpened its oppression of the people of South Africa, using its all-white Parliament as the vehicle for making repression legal." Spontaneous eruptions against intolerable conditions occurred, many assuming an increasingly racial character.

The A.N.C. maintained its belief in non-violent methods. "However, in face of the uncompromising white refusal to abandon a policy which denies the Africans and other oppressed South Africans their rightful heritage—freedom—no one

can blame brave and just men for seeking justice by the use of violent methods; nor could they be blamed if they tried to create an organized force in order ultimately to establish peace and racial harmony.

"For this", the statement continues, "they are sentenced to be shut away for long years in the brutal and degrading prisons of South Africa. With them will be interred this country's hopes for racial cooperation."

HATEFUL SYSTEM

The convicted men represented "the highest in morality and ethics in the South African political struggle. This morality and ethics has been sentenced to an imprisonment it may never survive. . . . Without their leadership, brotherhood and humanity may be blasted out of existence in South Africa for long decades to come. They believe profoundly in justice and reason. When they are locked away, justice and reason will have departed from the South African scene."

Calling for the men to be saved not just for themselves but for what they stand for, the statement adds: "In the name of justice, of hope, of truth, and of peace, I appeal to South Africa's strongest allies, Britain and America. In the name of what we have come to believe Britain and America stand for", he appeals to them to take action for the introduction of sanctions "that would precipitate the end of the hateful system of apartheid".

According to the statement Chief Luthuli calls on governments and people throughout the world to act to obtain the release of the men and "avert what can become the greatest African tragedy of our times".

The statement by Mr. Luthuli was read to the Security Council when it resumed its debate on South Africa's policies yesterday.

added that the fact that the men had not been given the maximum sentences "is the Lord Chancellor

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