

IN THE SUPREME COURT OF SOUTH AFRICA,  
(TRANSVAAL PROVINCIAL DIVISION.)

THE STATE

against

NELSON MANDELA and NINE OTHERS.

OPENING ADDRESS.

4 As the indictment alleges, and evidence in support thereof will show, the accused deliberately and maliciously plotted and engineered the commission of acts of violence and destruction throughout the country directed against the offices and homes of state and municipal officials, as well as against all lines and manner of communications.

The planned purpose thereof was to bring about in the Republic of South Africa chaos, disorder and turmoil, which would be aggravated, according to their plan, by the operation of thousands of trained guerrilla warfare units deployed throughout the country at various vantage points. These would be joined in the various areas by local inhabitants, as well as specially selected men posted to such areas. Their combined operations were planned to lead to confusion, violent insurrection and rebellion, followed at the appropriate juncture by an armed invasion of the country by military units of foreign powers.

In the midst of the resulting chaos, turmoil and disorder it was planned by the accused to set up a Provisional Revolutionary Government to take over the administration and control of this country, Expert

evidence will be led to show the fearful consequences which would inevitably have flowed from such action. 11

In the main the accused are charged with two counts of sabotage, in contravention of Section 21(1) of Act No. 76 of 1962. This section consists of six parts, each of which creates the offence of sabotage, but the State has elected to base its case on only two parts. Firstly, the State alleges that the accused, together with the other persons and associations named in the indictment, actually committed wrongful and wilful acts, namely -

- (i) the recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in
  - (a) the preparation, manufacture and use of explosives - for the purpose of committing acts of violence and destruction in the aforesaid Republic, and
  - (b) the art of warfare, including guerrilla warfare, and military training generally - for the purpose of causing a violent revolution in the aforesaid Republic, and
- (ii) the acts of violence and destruction particularised and numbered 40 to 193 in Annexure "B", attached to the indictment.

Secondly, the State alleges that the accused, together with the same persons and associations referred to above, conspired to aid or procure the commission of or to commit the following wrongful and wilful acts, namely -

- (i) the further recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in

- (a) the preparation, manufacture and use of explosives - for the purpose of committing acts of violence and destruction in the aforesaid Republic, and
- (b) the art of warfare, including guerrilla warfare, and military training generally - for the purpose of causing a violent revolution in the aforesaid Republic,
  - (ii) further acts of violence and destruction of the nature described in Annexure "B", attached to the indictment,
  - (iii) acts of guerrilla warfare in the aforesaid Republic,
  - (iv) acts of assistance to military units of foreign countries when invading the aforesaid Republic, and
  - (v) acts of participation in a violent revolution in the aforesaid Republic.

COUNT I.

The evidence on this count, including the background thereto, will be briefly as follows.

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11. By the latter half of 1961 the AFRICAN NATIONAL CONGRESS had decided to embark upon a policy of violence and destruction, - a policy of sabotage, - in order to achieve their political aims and objectives. For this purpose they formed the UMKONTO WE SIZWE (The SPEAR OF THE NATION), often abbreviated as the "M.K.", which was to be the military wing of the AFRICAN NATIONAL CONGRESS. This organisation was recruited from followers who were prepared, whatever the odds, to die

if necessary in the execution of the acts of violence and destruction. The UMKONTO WE SIZ WE placed itself under the political guidance of the NATIONAL LIBERATION COMMITTEE and the NATIONAL EXECUTIVE of such COMMITTEE, representative of all the banned organisations in this country, including, in particular, the AFRICAN NATIONAL CONGRESS and the SOUTH AFRICAN COMMUNIST PARTY, but for its control and direction the UMKONTO WE SIZ WE placed itself under the so-called NATIONAL HIGH COMMAND.

These organisations, having been banned, decided to go underground, for which purpose it was absolutely necessary to obtain suitably secluded premises from which to direct their underground activities. " MICHAEL HARMEL, a communist, using the fictitious name of Jacobson, approached an estate agent for just such premises, adding that he needed it for his brother-in-law who was a sick person and needed peace and quiet. Eventually, after rejecting a number of houses because they were too near neighbours, suitably secluded premises were found in July 1961 at Rivonia, a large house with suitable outbuildings, standing in spacious grounds of more than twenty-eight acres, for which the owner, a Mr. FYFFE, wanted R32,000. Eventually, a purchase price of R25,000 was agreed upon, R10,000 to be paid forthwith and the balance of R15,000 in three equal instalments of R5,000 each. The brother-in-law in question was VIVIAN EZRA who was neither sick nor in need of peace and quiet. Moreover, he was not in a financial position to buy any house let alone a house for R25,000!

Nevertheless, the house at Rivonia was ostensibly bought in August 1961 by VIVIAN EZRA acting as trustee for a company to be formed and styled NAVIAN (PTY) LIMITED, the directors being VIVIAN EZRA and HAROLD

WOLPE, another named communist and a partner of JAMES KANTOR. In satisfaction of the requisite initial deposit of R10,000, KANTOR'S office paid over a cheque for R2,500 and secured a banker's guarantee for the balance of R7,500. Thereafter, however, the registration of the company and all work incidental to the purchase of the property was transferred to another city attorney and immediately the name of WOLPE as a director was substituted by that of a lady clerk in the new attorney's office. Yet all payments in respect of the purchase both of the Rivonia house and the furniture therein, and all the payments on account of fees and disbursements with regard to the registration of the company, as well as payment of other incidental expenses, purporting to be made by EZRA, mostly in cash, were channelled through KANTOR'S office. Moreover, all the original receipts in favour of EZRA were retained in KANTOR'S office. The devious paths of the various financial transactions, to which JULIUS FIRST was an important party, will be detailed in evidence.

The Rivonia property was purported to be let to ARTHUR JOSEPH GOLDREICH at a nominal rental of R100 per month with effect from December 1961, but the accounts of EZRA do not disclose what money, if any, GOLDREICH actually paid over as rent. Until then GOLDREICH was staying in a house at Parktown which was eminently suitable for his wife and children: the Rivonia house was most certainly not so suitable for them. In any event, the evidence to be led will show that the property at Rivonia was purchased to serve as the headquarters and base of the banned organisations, which had gone underground, and of the newly established NATIONAL HIGH COMMAND.

The house was in the main occupied by GOLDREICH, his wife and two children. They employed both indoor and outdoor Bantu staff, and in order both to ensure and protect

the security and secrecy of the headquarters, special precautions were taken to see that the reference books of their Bantu staff were in perfect order, and, with the same object in view, as well as to give the outward appearance that the huge grounds were being used for legitimate and innocent farming purposes, the Bantu staff were required regularly to sell the produce of the land to the neighbours in the vicinity and even to the staff of the local Police station.

The outbuildings were occupied, amongst others, by NELSON MANDELA, who went under the assumed name of David, WALTER SISULU, who likewise assumed another name - Allah, and AHMED MOHAMMED KATHRADA, who followed suit with the name of Pedro. The further residents included GOVAN MBEKI, a named communist and also known as Dhlamini, and RAYMOND MAHLABA. Frequent regular visitors to the Rivonia house were DENNIS GOLDBERG, who went one step further and had two fictitious names, namely, Williams and Barnard, LIONEL BERNSTEIN - a named communist, HAROLD WOLPE, JOE SLOVO - another named communist, and MICHAEL HARMEL - also a named communist. Particulars of all the visitors will be led in evidence.

The evidence, both oral and documentary, will show that Rivonia was the focal point of the AFRICAN NATIONAL CONGRESS and the COMMUNIST PARTY OF SOUTH AFRICA, also known as the SOUTH AFRICAN COMMUNIST PARTY, and that it was the seat of the NATIONAL HIGH COMMAND. The leaders thereof adopted the so-called M-plan (the Mandela plan) which provided for a central authority at Rivonia and regional as well as sub-regional committees throughout the country. The plan incorporated the cell system of the Communist Party and extraordinary steps were taken to ensure the utmost secrecy in every possible way, from the humblest street steward and cell leader to

the leaders at Rivonia. The evidence will reveal that it was well-nigh impossible to make direct contact with the leaders at Rivonia or even to get to Rivonia except through the agency of a courier.

The UMKONTO WE SIZWE, the military wing of the AFRICAN NATIONAL CONGRESS, which was now dedicated to a campaign of sabotage, violence and warfare, was planned on a military basis, details of which will be led in evidence. Indeed, an expert from the SOUTH AFRICAN DEFENCE FORCE will be called to testify with regard to several documents found by the Police in the course of their raids, in order to show how accurate, detailed and thorough was the planning of this organisation on a strictly military basis.

The NATIONAL HIGH COMMAND at Rivonia issued its advices, directives and instructions both in writing, usually in cryptic form, and by way of mouth, all of which clearly revealed the new policy of sabotage, violence and destruction that was embarked upon. There was even established at Rivonia a complete radio transmitting set, known as the FREEDOM RADIO, from which WALTER SISULU broadcast a message to his followers and sympathisers after having been introduced by GOVAN MBEKI. A tape recording thereof was found at Rivonia, as well as a typed transcript of the text, ~~and Advocate Bob Alexander Hepple, a witness for the State, was expressly asked to listen in to the broadcast on the night in question and did, in fact, do so.~~ Full details of the assembly and erection of this radio transmitter and the part that LIONEL BERNSTEIN played therein, as also evidence of the finding of the various component parts of the radio transmitter, will be placed before the Court, as well as evidence of an earlier broadcast by NELSON MANDELA.

It was from Rivonia that the new policy of sabotage, violence and destruction was planned, engineered and directed. For this purpose the accused fully prepared themselves with books and other literature dealing with the preparation and manufacture of explosives and the use thereof. Explosive experts will be called and will say that the formulae used by the accused were chemically correct and, indeed, produced an explosive which was in some respects more effective than the article commercially manufactured at the recognised dynamite factories. The books and literature in question, as also the formulae used, will be tendered in evidence.

The extent to which the NATIONAL HIGH COMMAND plotted their policy of sabotage, violence and destruction throughout the country can be gauged from their "production requirements" - a programme which they planned to complete in six months. These were their requirements:

- (i) 210,000 hand grenades,
- (ii) 48,000 anti-personnel mines,
- (iii) 1,500 time devices (for bombs),
- (iv) 144 tons of ammonium nitrate,
- (v) 21,6 tons of aluminium powder and
- (vi) 15 tons of black powder.

Without taking into account the explosives and detonators which the members of the sabotage squads throughout the country were enjoined by their leaders to steal from explosive magazines and various mines, the experts will say that the aforementioned "production requirements" constituted sufficient to blow up a town as extensive as Johannesburg!



These "wholesale manufacturers" planned the production of at least seven different types of explosives:

- (i) 48,000 anti-personnel mines, also known as land mines, each filled with five pounds of dynamite. A sample of this mine was found at Rivonia and will be produced as an exhibit.
- (ii) 210,000 hand grenades, each filled with a quarter-pound of dynamite;
- (iii) petrol bombs;
- (iv) pipe bombs;
- (v) syringe bombs;
- (vi)  thermite bombs and
- (vii) bottle bombs, also referred to as "Molotov cocktails".

With a view to giving the Court an accurate account of how each type of bomb is made up, exactly according to the formulae and ingredients used by the accused, what the finished article looks like and how it works, and, above all, in order to give the Court an accurate picture of the destructive and devastating effect of these various bombs, a film thereof, complete with a sound track, has been made and with the Court's indulgence and permission will be shown to the Court. The sound track will include a running and explanatory commentary by explosive experts, both from the Army and the Explosives Department, who will also in person give evidence in due course. This film will have the effect of considerably curtailing the evidence of many witnesses and, more important still, will lead to the desirable result of making such evidence all the more intelligible to laymen in the field of explosives.

The extent to which the NATIONAL HIGH COMMAND plotted their policy of sabotage, violence and destruction is further demonstrated by the areas and the targets that the accused had in mind. They planned to cover practically the whole Republic of South Africa. At Rivonia alone one hundred and six maps of the country were found with the proposed targets demarcated thereon, these including, inter alia, police stations, post offices, bantu administration offices, both state and municipal, the homes of bantu policemen and bantu administrators, electric power stations and lines, pylons, railway lines and signal boxes, as well as telephone lines and cables.

Of course, the execution of this plot required human agency. The architects of the preparation, manufacture and the use of explosives were ARTHUR JOSEPH GOLDREICH, DENNIS GOLDBERG, PERCY JOHN HODGSON - a named Communist; and HAROLD STRACHAN. The latter two went on extensive tours into the country in order to teach and train picked men, who were to be placed in charge of local so-called technical committees, in the art of preparing and manufacturing explosives, as well as in the use thereof. The men in charge of these technical committees in turn taught and trained the members of their committees, and so the instruction was passed on.

But all this was far from sufficient for the ultimate purpose and goal that the accused had in mind, and so, throughout the country, the accused embarked upon an extensive recruiting campaign among young bantu for training in sabotage and guerrilla warfare. Young bantu males, who were suitably qualified, were approached for this purpose and encouraged accordingly. Some were openly told that the idea was to send them out of the Republic for military training, in order to prepare them for the war to be fought in due course against the white man in this

country; others were asked whether they would like to go to Northern Africa on "scholarships", but all were told not to tell their parents or relatives: they were simply to leave home without any warning. And so, in this manner, numerous young bantu males were recruited, taken away from their homes without the knowledge of their parents or relatives and sent across the border in small batches under the leadership of trusted agents and servants of the accused. The recruits were given false names and addresses and prepared in advance with various false excuses that they were to give to the South African Police should they be stopped en route. Several escape routes were used and maps showing some of such routes were found by the Police in the cottage at Mountain View and will be produced in evidence. In this recruiting campaign ELIAS MATSOALEDI, another named communist, and ANDREW MLANGENI played a most prominent part, the details whereof will be placed before the Court. Once across the border airlifts were arranged for the recruits at a cost of R30,000 per plane-load of twenty-eight or less. The first stop for these recruits was TANGANYIKA and from there they were sent to various countries, including ALGERIA, EGYPT and ETHIOPIA, where they received extensive military training, especially in sabotage and guerrilla warfare. Details thereof will be revealed in evidence by some of the recruits themselves, supported by some of the men who transported them to the border.

A special school for the initial training of young bantu recruits was also held at Mamre, in the district of Darling, Cape, run by and in charge of DENNIS GOLDBERG, who required the recruits to call him "Comrade Comma-dant". Another leading figure at the school, and indeed in Cape Town, was LOOKSMART SAULWANDLE NGUDLE. *SINCE DECEASED* At the camp he was called "Comrade Sergeant". He was also the leader of the Cape Town branch of the UMKONTO WE WIZWE organisation responsible for the acts of

violence and destruction committed in Cape Town. On arrest he was found in possession of a quantity of explosives and a firearm.

Although the acts of violence and destruction were committed from about August 1961, the first of such acts on a grand scale were committed during the night of the 16th/17th December 1961, when a series of violent explosions were perpetrated throughout the country. The State will show that the accused and the other persons named in the indictment gloated over this and even brought out a special poster in the name of the UMKONTO WE SIZWE in order to mark the special occasion. This poster will be produced as an exhibit. Thereafter, further acts of violence and destruction were at regular intervals perpetrated throughout the country. The attacks were not only confined to the targets mentioned earlier, but also included a moving passenger train packed with passengers. Details of these acts have been furnished in Annexure "B" to the indictment, and all will be covered in evidence. The whole purpose of this, the first stage of their campaign, was to produce chaos, disorder and turmoil and so pave the way for the second stage of their campaign.

COUNT II.

The second stage of the campaign relates to the conspiracy entered into by the accused, together with the other persons and associations named in the indictment, whereby they conspired to aid or procure the commission of or to commit the following wrongful and wilful acts, namely -

- (i) the further recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in

(a) the preparation, manufacture and use of explosives - for the purpose of committing acts of violence and destruction in the aforesaid Republic, and

(b) the art of warfare, including guerrilla warfare, and military training generally - for the purpose of causing a violent revolution in the aforesaid Republic, and

(ii) further acts of violence and destruction of the nature described in Annexure "B", attached to the indictment,

but, in addition, the conspiracy incorporated the plotting and waging of guerrilla warfare, for which purpose the accused once again fully and thoroughly prepared themselves by studying in great detail the tactics of guerrilla warfare as waged in ALGERIA, CHINA, CUBA and other countries. What they so learned they passed on to their trusted supporters. The various textbooks, articles and literature used for that purpose will all be placed before this Court.

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For this purpose, too, the accused planned to use the recruits who were sent up north and who, in addition to their training in sabotage, violence and destruction, were specially trained in the tactics of guerrilla warfare. Thousands of guerilla units were to be deployed throughout the country in the most advantageous regions, and at the appropriate moment they were to be joined by local supporters. This was the task of the UMKONTO WE SIZWE, the military wing of the AFRICAN NATIONAL CONGRESS, who recruited men who were prepared to sacrifice their lives in the battle to be waged against the white man in this country. All this, as planned in the terms of the conspiracy, would accentuate a state of chaos, disorder and turmoil and so facilitate acts of assistance to military units of foreign countries when

invading the Republic of South Africa, as well as acts of participation in a violent revolution in the Republic. In this comprehensive task that the accused set themselves they were promised military and financial aid from several African states and even by countries across the seas. In support hereof the State will tender in evidence a number of documents, clearly identifiable, including two most important and lengthy documents in the handwriting of NELSON MADNELA, who travelled extensively over the African continent and further afield and held important talks with leaders of African and European states, who will be named in evidence in due course.

It was obvious that the accused had to prepare not only for the wholesale manufacture of explosives, but also for the manufacture and supply of a large quantity of arms and weapons. This was to be done mainly on another property also purchased for the organisation - one which was as secluded and off the beaten track as the Rivonia property.

This property, seven and a half acres in extent, was situated at TRAVALLYN in the district of KRUGERSDORP, and was purchased in June 1963 for the sum of R8,500 by DENNIS GOLDBERG, who, on this occasion, used the name of Barnard. The terms of the deed of sale provided for a deposit of R500, which was paid in cash on 19th June, 1963, and thereafter a monthly payment of R56 with effect from 15th July, 1963. The mysterious circumstances surrounding the purchase of this property, and its eventual occupation, including the refusal by GOLDBERG to accept the agent's suggestion and assurance that the seller would accept a lower purchase price, will be related in evidence.

On this property the accused decided to erect a workshop for the organisation for which full and detailed plans were drawn and extensive preparations made for

"workshop equipment", including provision for "woodworking", "metal working", "electric" and other "special" services. Provision was even made for a large "cupola suitable for melting iron and steel". Indeed, so thorough were the preparations for this project that detailed provisions were also made for "furniture and equipment for personnel". Here, too, details will be furnished in the course of the State case.

It may be appropriate to mention at this stage that the accused also hired a cottage hidden behind a house belonging to a Mr. and Mrs. KREEL of MOUNTAIN VIEW. This house was at times occupied by GOLDBERG, but again under an assumed name, and at times by KATHRADA, also under an assumed name. This secluded cottage was, inter alia, used for typing numerous AFRICAN NATIONAL CONGRESS and COMMUNIST PARTY documents which, following upon the Police raid at Rivonia on the 11th July, 1963, were carried out in cartons, placed in a large hole in the garden specially dug for that purpose and thereafter set alight. At this cottage too GOLDBERG kept his car which was used in the service of the NATIONAL HIGH COMMAND and, incidentally, a duplicate set of keys to this cottage was found at Rivonia.

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By means of, and as a result of, the numerous acts of violence and destruction, coupled with the widespread activities of the guerrilla warfare units, and following upon the planned insurrection which would in turn lead to an armed invasion of, and a violent revolution in, this country, the accused hoped that the Republic of South Africa would find itself in a chaotic condition with widespread disorder and turmoil, and as a result of which the accused further hoped thereby to bring the present Government to its knees and thus violently overthrow it. In these conditions and circumstances the accused, in the final stage of the second

phase of their campaign, planned to set up a Provisional Revolutionary Government to take over the administration and control of this country. //

COUNT III.

Thirdly, the accused are charged with contravening Section 11(a), read with Sections 1 and 12, of Act No. 44 of 1950, as amended. The evidence that the State will lead on this count will reveal not only that the AFRICAN NATIONAL CONGRESS and the SOUTH AFRICAN COMMUNIST PARTY worked in close unison, but also that the former was completely dominated by the latter. In fact, the aims and objects of the AFRICAN NATIONAL CONGRESS were the aims and objects of the SOUTH AFRICAN COMMUNIST PARTY. According to some of the documents found MOSCOW had promised the accused every sort and manner of assistance in their campaign, but its co-operation and involvement was not to be revealed or made public property because of possible international repercussions, and in keeping herewith, both ARTHUR GOLDREICH and NELSON MANDELA enjoined their confederates to ensure that it did not come to the ears of the rank and file of the people, and so in turn to the Western Powers, that behind the accused stood the vast communistic machine and organisation with all its manifold avenues of co-operation and assistance. In support of the foregoing a number of documents, some of them in the handwriting of GOLDREICH and MANDELA, which were found at Rivonia and Travallyn will be placed before the Court. In propagating the aims and objects of the AFRICAN NATIONAL CONGRESS, plotting their campaign in support thereof, and executing the planned acts of violence and destruction which were actually committed, as particularised in Count I above, and which the accused conspired yet to commit, as particularised in Count II above, and all of which sought the implementation



of those aims and objects, the accused did, in the submission of the State, commit acts and conspire to commit additional acts which were calculated to further the achievement of one or more or all of the objects of Communism as defined in Section 1 of Act No. 44 of 1950, as amended, in that such conduct aimed at bringing about political, industrial, social and economic changes of a revolutionary nature in the Republic of South Africa by the promotion of disturbance and disorder.

COUNT IV.

Fourthly and finally, the accused are charged with contravening Section 3(1)(b), read with Section 2, of Act No. 8 of 1953, as amended. The evidence on this count will disclose that the course of conduct which the accused embarked upon, as detailed in Counts I, II and III and outlined above, clearly involved the necessity of budgeting for an income commensurate with the expenditure that their campaign entailed. The membership subscription of 25 cents per month, which the members of the AFRICAN NATIONAL CONGRESS were required to pay, was inadequate for the purpose. Consequently, it became imperative that donations should be solicited, and these were in fact accepted and received, from persons and bodies of persons who were sympathisers and supporters, both from within and outside the Republic of South Africa, in order to help the accused meet the expenditure involved in the furtherance of their campaign. Large sums of money, varying from R4,000 to R240,000, were promised, accepted and received from such sympathisers and supporters, not only from within South Africa, but also from sympathisers and supporters in several African states such as ALGERIA, ETHIOPIA, LIBERIA, NIGERIA and TUNISIA, as also from sympathisers and supporters in other countries.

A portion of this money was sent to OLIVER TAMBO in London, but much was spent in the Republic of South Africa in order to help them defray their ever-increasing local expenditure bill. A sum of money amounting to over R50,000 was channelled through the offices of KANTOR & PARTNERS. Details surrounding the receipt of these monies, and the paying out thereof, will be led in evidence, as also of the finding of an appreciable amount in cash in a safe concealed behind a secret door in the Rivonia property. Evidence will also be led to show how the monies both collected in this country and received from abroad were utilised for the purpose of enabling or assisting the accused in the commission of the offences, such as are detailed in Counts I, II and III above, in support of their campaign which was planned and envisaged in terms of their common purpose and conspiracy, as outlined above, and which was directed against such laws of the Republic of South Africa as would have been affected by the political, industrial, social and economic changes that were contemplated by the accused.

Evidence will be led of Police raids at Rivonia on the 11th July, 1963, at Travallyn on the 7th August, 1963, and at Mountain View on the 5th September, 1963. The Police will relate who they found at Rivonia, under what circumstances and, in particular, how some of the accused were disguised beyond recognition. They will also tell of the finding, inter alia, of typewriters, roneo machines, radio transmitter parts, stationery and a number of documents, particularly at Rivonia and Travallyn. A selection has been made of the more important documents, many in the handwriting of several of the accused and others named in the indictment, and upon which the case for the State will be based together with the oral testimony from about two hundred witnesses.

4 // In conclusion, there remains only to be said that the  
aforementioned documents and witnesses will reveal to the  
Court that the accused, together with the other persons and  
associations named in the indictment, had so planned their  
campaign that the present year - 1963 - was to be the year  
of their liberation from the so-called yoke of the white man's  
domination. //

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