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The Sun will Rise: Statements from the Dock by Southern African Political Prisoners

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Introduction

This collection of statements made during political trials since 1960 testifies to the high courage, determination and humanity which distinguish the struggle for liberation and for a just society in South Africa and Namibia.

The earliest of the statements in the collection is by Robert Sobukwe, late leader of the Pan-Africanist Congress. It expresses a theme running through all the statements: "The history of the human race has been a struggle for the removal of oppression, and we would have failed had we not made our contribution. We are glad we made it".

Nelson Mandela's powerful statement in Pretoria's Palace of Justice on 20 April 1964, when he and other members of the African National Congress and the Congress Alliance were in the dock in the Rivonia Trial, has become an historic document. Two years later Bram Fischer QC, the advocate who had led the Rivonia defence, was himself on trial in the same court. A large part of the statements made by these two men is reproduced here, along with less well known statements by others on trial during the 1960s. This was the period immediately after the ANC and the PAC were outlawed. The liberation movement's long-maintained policy of non-violence was finally abandoned for sabotage and armed struggle. Wide-spread arrests and 90-day detention, involving solitary confinement and torture, culminated in major trials as a result of which many of the top leadership of the ANC were swept away to life imprisonment. From innumerable small trials, particularly in the Eastern Cape, hundreds of political prisoners were taken to Robben Island or mainland jails.

Also from the 1960s come the remarkable and moving statements by Herman ja Toivo and Eliaser Tuhadeleni, both of the South West Africa People`s Organisation (SWAPO of Namibia) whose words speak for the many Namibian political prisoners on Robben Island.

Guerilla activity in South Africa which increased in the latter part of the 1970s is represented by James April`s statement in 1971.

The beginning of the 1970s also saw the emergence of the Black Consciousness movement. Although it functioned openly, its leaders were nevertheless brought to trial under the Terrorism Act. Included in this collection are statements from two of the accused in the SASO (South African Students Organisation) trial, Mosioua Lekota and Maitshhe Mokoape. They outline the movement`s aims. They also demonstrate how the state abused language when it described their activities as "terrorism". It was in this trial that Steve Biko testified for the defence, but since he was not among the accused he is not quoted in this collection.

In June 1976 the school children of Soweto rose in protest against Bantu Education, provoked by the imposition in schools of that symbol of oppression, the Afrikaans language. Police shot dead Hector Petersen, 13 years old, and many other children. The protest broadened to one against the whole apartheid system. From Soweto demonstrations swept the country. In sixteen months there were 700 publicly recorded deaths, mainly young people shot by police. Hundreds of school children were taken into detention--some were still in detention 18 months later, and some were never seen again by their families.

In the two years after June 1976 42,000 people, 9,000 of them under 18, were prosecuted for such offences as public violence and arson.

Few statements are available from these trials. Many were in the Port Elizabeth area where, as in the 1960s, trials were held virtually in camera in local courts, some even taking place in police stations. We have no statements from these trials, and none were made in the trial of members of the Soweto Students Representative Council--ten young men and one young woman--which began in September 1978. They were charged under a law, not invoked for thirty years, against "sedition". They were accused of subverting the authority of the State, and of orchestrating the protests, stay-away strikes and massive demonstrations in the Johannesburg area between June 1976 and October 1977. All were convicted. Although some had their sentences partly suspended, they had already been detained for more than a year.

Since statements in trials during this period were rarely allowed or published, the behaviour of the accused and their supporters at their trials must speak for them: who better to describe it than the Minister of Justice himself? Demonstrations at courts, he told Parliament in May 1978, had increased to a perturbing extent. Supporters of the accused "take up their seats in the courtroom in good time . . . the accused then enter the hall singing and with clenched fists, take their places in the dock, and, standing, turn to the audience, whereupon all of them sing inflammatory songs. Brief speeches are also made. Only when the tumult has subsided can the court's session commence. When the hearing is adjourned, the accused and the audience all leave the courtroom singing, and the entire procedure is repeated with every adjournment.... The supporters frequently continue their activities outside the court building and in the adjoining streets. To accompany the singing and the clenched fist salutes, there is dancing, slogans are shouted and posters are displayed for the express purpose of attracting the attention of the press, film and television photographers".

With the increase in militant action against apartheid there was renewed activity by the banned organisations. In 1977 and 1978 there were several trials of ANC and PAC members in which younger people, some of them trained guerillas, were in the dock alongside veterans who had already served sentences on Robben Island, and who, far from being dispirited or deterred by their imprisonment, had continued their resistance.

Among those veterans were Harry Gwala and four other members of the ANC who, in Pietermaritzburg in 1977, were again sentenced, this time to life imprisonment. Unfortunately no statements were available from their trial.

Another veteran from Robben Island was the 66-year-old PAC leader, Zephania Mothopeng, who with seventeen other members of the PAC, was sentenced to a further fifteen years. During the exceptionally long trial in the country town of Bethal, Mothopeng was among those who alleged police torture; four "co-conspirators" had died in detention. As the accused did not recognise the court no statements were made.

However there are statements in this collection from the trial of the "Pretoria Twelve" in 1978 which were made by young recruits to the ANC, who were accused together with older members.

Significantly, the State described the aims of the ANC in one of the 95 trials held in 1977 as: "Overthrowing the present government; so-called equal rights and opportunities for all people of the Republic in a multi-racial unsegregated society and a system of government based on the so-called right of every man and woman to stand as a candidate and to vote for all bodies which make laws, regard less of race, colour or sex." It is because legitimate political activity in South Africa is prohibited and made a crime in this way--and because of the brutal

police attacks on demonstrators and school children--that young recruits rallied to the ANC and PAC for military training outside South Africa, to be infiltrated back as guerillas.

Solomon Mahlangu was amongst those who became guerillas with the ANC. At the age of twenty-one he was to make the supreme sacrifice. On his mother's last visit to him in Pretoria Prison, he said to her: "Tell my people that I love them and that they must continue the struggle". He was hanged on 6 April 1979.

In November 1979 James Mange, another young guerilla, on trial for high treason with 11 ANC comrades, was sentenced to death. On appeal, against a background of an international campaign to save James Mange's life, sentence was commuted to 20 years imprisonment. The accused had refused to take part in the trial after the court ruled that the hearing would be in camera--in a statement they argued that an open trial was essential since treason was a charge affecting the whole of society, "and to exclude the public is to exclude the people affected by what the ANC seeks to achieve". When sentence was pronounced, the twelve accused displayed placards which read: "APARTHEID IS A CRIME AGAINST HUMANITY". "APARTHEID IS HIGH TREASON" "NEVER ON OUR KNEES".

Certainty in the ultimate success of the struggle is repeatedly expressed by those accused in South Africa's political trials. Bram Fischer, who died in captivity in 1975, voiced that certainty in his statement from the dock, quoting the words of President Kruger*: "Whether we win or whether we die, freedom will rise in South Africa, like the sun from the morning clouds".

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* See Bram Fischer

Robert Sobukwe

Son of a Methodist preacher, Robert Mangaliso Sobukwe was born at Graaff Reinet in the Cape in 1924. Educated at Healdtown mission school and Fort Hare College he was a militant youth leader. In 1952 he took part in the Defiance Campaign and was dismissed from his job as a teacher. He played a leading role in the founding of the Pan Africanist Congress, the breakaway movement from the ANC, and in 1959 was elected its President. He resigned from a lectureship in African languages at the University of the Witwatersrand to lead the anti-pass laws protest in 1960. Sharpeville was but one of the areas where the demonstrators gathered for the culmination of the protests on March 21. Sobukwe was arrested in Orlando with 22 others and charged with inciting a campaign against the pass laws and/or inciting the destruction of reference books.

In conducting the defence in the Johannesburg Regional Court he explained that he and the other accused had refused to enter a plea because the law under which they were charged was made exclusively by and for the white man. They did not see how justice could be done.

In his statement Sobukwe said:

"The chief aims of the PAC are the complete overthrow of white domination and the establishment of a non-racial democracy in South Africa as well as throughout the whole of Africa.

We regard it as our historic role to contribute towards a United States of Africa from Cape to Cairo, Morocco to Madagascar.

For the same reason we stand for government of the African, by the African and for the African, with everybody owing his allegiance to Africa and prepared also to accept the rule of the African majority.

The object of the PAC is to draw up a programme of action which will be faithfully pursued instead of meekly reacting to the flow of white legislation from Parliament.

The PAC decided to bring about the immediate abolition of the pass laws because it was the immediate need of the African people. It was their demand".

On 4 May 1960, in mitigation of sentence he said:

"It will be remembered that we refused to plead to the charges against us.

We felt we had no moral obligation to obey the laws made by a white minority. Without wishing to impugn the personal honour and integrity of the magistrate, an unjust law cannot be applied justly.

We have said we believe in the human race and that alone. The history of the human race has been a struggle for the removal of mental, moral and spiritual oppression, and we would have failed had we not made our contribution to the struggle. We are glad we made it.

If we are sent to jail there will always be others to take our place. We are not afraid to face the consequence of our actions and it is not our intention to plead for mercy".

Sentenced to three years` imprisonment, Sobukwe was, on his release in 1963, promptly detained on Robben Island by an act of Parliament

for a further six years. From 1969 he was restricted by bans and confined to the Kimberley district. When he applied for an exit permit to go into exile in 1971 he was refused the necessary permission. In Kimberley he qualified as an attorney and many who visited him there spoke of his unfailing courage and magnanimity. By 1977 he was seriously ill with cancer of the lungs and on 27 February 1978 he died in Kimberley hospital.

Nelson Mandela

A member of the royal family of the Tembu people, Mandela was born in 1918 and studied at Fort Hare College. Subsequently, in Johannesburg, he studied law and joined other young African nationalists in galvanising the African National Congress into militant action. He was national volunteer-in-chief of the Defiance Campaign in 1952, and one of the 156 accused in the Treason Trial of 1956-1960, at one stage leading the defence. Elected organiser of the stay-at home protest in 1961, he went underground and during two years evaded an intensive police search. In 1962 he made a secret tour of heads of state in Africa and met leading politicians in London. Soon after his return to South Africa he was captured and brought to trial, charged with inciting Africans to strike and leaving South Africa without a valid travel document.

To the court in Pretoria he said:

"I feel oppressed by the atmosphere of white domination that lurks all around in this courtroom. Somehow this atmosphere calls to mind the inhuman injustices caused to my people outside this courtroom by this same white domination".

Conducting his own defence, Mandela cross-examined the private secretary to the Prime Minister, Dr. H. F. Verwoerd, concerning the Prime Minister's failure to respond to African grievances, and said:

"South Africa and the world know that during the last thirteen years your government has subjected us to merciless and arbitrary rule. Hundreds of our people have been banned and confined to certain areas. Scores have been banished to remote parts of the country, and many arrested and jailed for a multitude of offences. It has become extremely difficult to hold meetings, and freedom of speech has been drastically curtailed. During the last twelve months we have gone through a period of grim dictatorship, during which seventy-five people were killed and hundreds injured while peacefully demonstrating against passes.

Political organizations were declared unlawful and thousands flung into jail without trial".

In recounting the history of African protest against apartheid, and his own role as a leader, Mandela said:

"I regard it as a duty which I owed, not just to my people, but also to my profession, to the practice of law, and to justice for all mankind, to cry out against this discrimination which is essentially unjust.... I believed that in taking up a stand against this injustice I was upholding the dignity of what should be an honourable profession.... The law as it is applied, the law as it has been developed over a long period of history, and especially the law as it is written and designed by the Nationalist government, is a law which, in our view, is immoral, unjust, and intolerable. Our consciences dictate that we must protest against it, that we must oppose it, and that we must attempt to alter it".

Mandela reminded the court that the stay-at-home strike in 1961 had been called in protest against the Government's decision to proclaim a republic, after receiving a mandate from a section of the white population. This African demonstration, which was to be peaceful, was treated by the Government as though it was a preparation for civil war:

"The Government set out from the beginning of this campaign, not to treat with us, not to heed us, not to talk to us, but rather to present us as wild dangerous revolutionaries, intent on disorder and riot, incapable of being dealt with in any way save by mustering an overwhelming force against us and the implementation of every possible forcible means, legal and illegal, to suppress us.... We have been conditioned by the history of white governments in this country to accept the fact that Africans, when they make their demands strongly and power fully enough to have some chance of success, will be met by force and terror on the part of the Government. This is not something we have taught the African people, this is something the African people have learned from their own bitter experience. We learned it from each successive government".

He, himself, in order to continue his work of organising his people had been forced to go underground.

"I was made, by the law, a criminal, not because of what I had done, but because of what I stood for, because of what I thought, because of my con science.... It has not been easy for me ... to separate myself from my wife and children, to say goodbye to the good old days when, at the end of a strenuous day at an office, I could look forward to joining my family at the dinner-table, and instead to take up the life of a man hunted continuously by the police, living separated from those who are closest to me, in my own country, facing continually the

hazards of detection and of arrest.... No man in his right senses would voluntarily choose such a life . . . but there comes a time, as it came in my life, when a man is denied the right to live a normal life, when he can only live the life of an outlaw because the government has so decreed....

I am prepared to pay the penalty even though I know how bitter and desperate is the situation of an African in the prisons of this country. I have been in these prisons and I know how gross is the discrimination, even behind the prison walls, against Africans, how much worse is the treatment meted out to African prisoners than that accorded to whites....

When my sentence has been completed, I will still be moved as men are always moved, by their consciences; I will still be moved by my dislike of the race discrimination against my people when I come out from serving my sentence, to take up again, as best I can, the struggle for the removal of those injustices until they are finally abolished once and for all".

In dealing with the charge relating to his having left South Africa without a passport, he said:

"I did not apply for a passport because I knew very well that it would not be granted to me. After all, the Nationalist Party government, throughout the four teen years of its oppressive rule, had refused permission to leave the country to many African scholars, educationalists, artists, sportsmen, and clerics, and I wished to waste none of my time by applying for a passport.

The tour of the continent made a forceful impression on me. For the first time in my life I was a free man; free from white oppression,

from the idiocy of apartheid and racial arrogance, from police molestation, from humiliation and indignity. Wherever I went I was treated like a human being.... In the African states, I saw black and white mingling peacefully and happily in hotels and cinemas, trading in the same areas, using the same public transport and living in the same residential areas.

I had to return home to report to my colleagues and to share my impressions and experiences with them.

I have done my duty to my people and to South Africa. I have no doubt that posterity will pronounce that I was innocent and that the criminals who should have been brought before this Court are the members of the Verwoerd government".

Mandela was sentenced to three years` imprisonment for incitement to strike and two years for leaving the country without a valid permit. While he was serving the sentence in Pretoria Central Prison he was again brought to trial along with eight other men on charges of sabotage. This was the celebrated Rivonia Trial, which opened in Pretoria in October, 1963.

Rivonia Trial

On Monday, 20 April 1964, in Pretoria`s Palace of Justice, Nelson Mandela made a statement from the dock:

"I am the First Accused.

I hold a Bachelor`s Degree in Arts and practised as an attorney in Johannesburg for a number of years in partnership with Oliver Tambo. I am a convicted prisoner serving five years for leaving the country

without a permit and for inciting people to go on strike at the end of May 1961.

At the outset, I want to say that the suggestion made by the State in its opening that the struggle in South Africa is under the influence of foreigners or communists is wholly incorrect. I have done whatever I have done, both as an individual and as a leader of my people, because of my experience in South Africa and my own proudly-felt African background, and not because of what any outsider might have said.

In my youth in the Transkei, I listened to the elders of my tribe telling stories of the old days. Amongst the tales they related to me were those of wars fought by our ancestors in defence of the fatherland. The names of Dingane and Bambata, Hintsa and Makana, Squngthi and Dalasile, Moshoeshoe and Sekhukhuni, were praised as the glory of the entire African nation. I hoped then that life might offer me the opportunity to serve my people and make my own humble contribution to their freedom struggle. This is what has motivated me in all I have done in relation to the charges made against me in this case....

. . . Some of the things so far told to the Court are true and some are untrue. I do not, however, deny that I planned sabotage. I did not plan it in a spirit of recklessness, nor because I have any love of violence. I planned it as a result of a calm and sober assessment of the political situation that had arisen after many years of tyranny, exploitation and oppression of my people by the whites.

I admit immediately that I was one of the persons who helped to form Umkhonto We Sizwe, and that I played a prominent role in its affairs until I was arrested in August 1962.

. . . I and the others who started the organization did so for two reasons. Firstly, we believed that as a result of Government policy, violence by the African people had become inevitable, and that unless responsible leadership was given to canalise and control the feelings of our people, there would be outbreaks of terrorism which would produce an intensity of bitterness and hostility between the various races of this country which is not produced even by war. Secondly, we felt that without violence there would be no way open to the African people to succeed in their struggle against the principle of white supremacy....

But the violence which we chose to adopt was not terrorism. We who formed Umkhonto were all members of the African National Congress, and had behind us the ANC tradition of non-violence and negotiation as a means of solving political disputes. We believed that South Africa belonged to all the people who lived in it, and not to one group, be it black or white. We did not want an inter racial war, and tried to avoid it to the last minute....

The African National Congress was formed in 1912 to defend the rights of the African people which had been seriously curtailed by the South Africa Act, and which were then being threatened by the Native Land Act. For thirty-seven years--that is, until 1 949--it adhered strictly to a constitutional struggle. It put forward demands and resolutions; it sent delegations to the Government in the belief that African grievances could be settled through peaceful discussion and that Africans could advance gradually to full political rights. But white Governments remained unmoved, and the rights of Africans became less instead of becoming greater. In the words of my leader, Chief Luthuli, who became President of the ANC in 1952, and who was later awarded the Nobel Peace Prize:

Who will deny that thirty years of my life have been spent knocking in vain, patiently, moderately and modestly at a closed and barred door? What have been the fruits of moderation? The past thirty years have seen the greatest number of laws restricting our rights and progress, until today we have reached a stage where we have almost no rights at all....`

The ANC launched the Defiance Campaign, in which I was placed in charge of volunteers. This campaign was based on the principles of passive resistance. More than 8,500 people defied apartheid laws and went to gaol. Yet there was not a single instance of violence in the course of this campaign on the part of any defier. I and nineteen colleagues were convicted for the role which we played in organizing the campaign, but our sentences were suspended mainly because the judge found that discipline and non-violence had been stressed throughout....

In 1956, one hundred and fifty-six leading members of the Congress Alliance, including myself, were arrested on a charge of high treason and charges under the Suppression of Communism Act. The non-violent policy of the ANC was put in issue by the State, but when the Court gave judgement some five years later, it found that the ANC did not have a policy of violence. We were acquitted on all counts, which included a count that the ANC sought to set up a communist state in place of the existing regime. The government has always sought to have all its opponents as communists. This allegation has been repeated in the present case, but as I will show, the ANC is not, and never has been, a communist organization.

In 1960, there was the shooting at Sharpeville, which resulted in the proclamation of a state of emergency and the declaration of the ANC as an unlawful organization. My colleagues and I, after careful

consideration, decided that we would not obey this decree.... The ANC refused to dissolve, but instead went underground. We believed it was our duty to preserve this organization which had been built up with almost fifty years of unremitting toil. I have no doubt that no self-respecting white political organization would disband itself if declared illegal by a government in which it had no say.

In 1960 the government held a referendum which led to the establishment of the Republic. Africans, who constituted approximately 70 per cent of the population of South Africa, were not entitled to vote, and were not even consulted about the proposed constitutional change. All of us were apprehensive of our future under the proposed White Republic, and a resolution was taken to hold an All-In African Conference to call for a National Convention, and to organize mass demonstrations on the eve of the unwanted Republic, if the Government failed to call the Convention. The Conference was attended by Africans of various political persuasions. I was the Secretary of the Conference and undertook to be responsible for organizing the national stay-at-home which was subsequently called to coincide with the declaration of the Republic. As all strikes by Africans are illegal, the persons organizing such a strike must avoid arrest. I was chosen to be this person, and consequently I had to leave my home and family and my practice and go into hiding to avoid arrest.

The stay-at-home, in accordance with ANC policy, was to be a peaceful demonstration. Careful instructions were given to organizers and members to avoid any recourse to violence. The Government's answer was to introduce new and harsher laws, to mobilise its armed forces, and to send Saracens, armoured vehicles and soldiers into the townships in a massive show of force designed to intimidate the people....

What were we, the leaders of our people, to do? Were we to give in to the show of force and the implied threat against future action, or were we to fight it, and if so, how?

We had no doubt that we had to continue the fight. Anything else would have been abject surrender. Our problem was . . . how to continue the fight? We of the ANC had always stood for a non-racial democracy, and we shrank from any action which might drive the races further apart than they already were. But the hard facts were that fifty years of non-violence had brought the African people nothing but more and more repressive legislation, and fewer and fewer rights. It may not be easy for this Court to understand, but it is a fact that for a long time the people had been talking of violence--of the day when they would fight the white man and win back their country, and we, the leaders of the ANC, had nevertheless always prevailed upon them to avoid violence and to pursue peaceful methods. When some of us discussed this in May and June of 1961, it could not be denied that our policy to achieve a non-racial state by non-violence had achieved nothing, and that our followers were beginning to lose confidence in this policy and were developing disturbing ideas of terrorism.

It must not be forgotten that by this time violence had, in fact, become a feature of the South African political scene. There had been violence in 1957 when the women of Zeerust were ordered to carry passes; there was violence in 1958 with the enforcement of cattle culling in Sekhukhuniland; there was violence in 1959 when the people of Cato Manor protested against pass raids; there was violence in 1960 when the Government attempted to impose Bantu Authorities in Pondoland. Thirty-nine Africans died in these disturbances. In 1961 there had been riots in Warmbaths, and all this time the Transkei had been a seething mass of unrest. Each disturbance pointed clearly to the inevitable growth among Africans of the belief that violence was the

only way out--it showed that a Government which uses force to maintain its rule teaches the oppressed to use force to oppose it. Already small groups had risen in the urban areas and were spontaneously making plans for violent forms of political struggle.

There now arose a danger that these groups would adopt terrorism against Africans, as well as whites, if not properly directed....

After a long and anxious assessment of the South African situation, I and some colleagues came to the conclusion that as violence in this country was inevitable, it would be unrealistic and wrong for African leaders to continue preaching peace and non-violence at a time when the Government met our peaceful demands with force....

Umkhonto We Sizwe

In the Manifesto of Umkhonto published on 16 December 1961, we said:

‘The time comes in the life of any nation when there remain only two choices--submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all means in our power in defence of our people, our future and our freedom’.

. . . Umkhonto was formed in November 1961. When we took this decision, and subsequently formulated our plans, the African National Congress heritage of non-violence and racial harmony was very much with us. We felt that the country was drifting towards a civil war in which blacks and whites would fight each other. We viewed the situation with alarm. Civil war could mean the destruction of what the ANC stood for; with civil war, racial peace would be more difficult than ever to achieve. We already have examples in South African

history of the results of war. It has taken more than fifty years for the scars of the South African War to disappear. How much longer would it take to eradicate the scars of inter-racial civil war, which could not be fought without a great loss of life on both sides ? . . .

Four forms of violence are possible . . . sabotage . . . guerrilla warfare . . . terrorism and . . . open revolution. We chose to adopt the first method and to exhaust it before taking any other decision....

Sabotage did not involve loss of life, and it offered the best hope for future race relations.

We believed that South Africa depended to a large extent on foreign capital and foreign trade. We felt that planned destruction of power plants, and interference with rail and telephone communications would tend to scare away capital from the country, make it more difficult for goods from the industrial areas to reach the seaports on schedule, and would in the long run be a heavy drain on the economic life of the country, thus compelling the voters of the country to reconsider their position.

Attacks on the economic lifelines of the country were to be linked with sabotage on Government buildings and other symbols of apartheid . . . strict instructions were given to Umkhonto`s members right from the start that on no account were they to injure or kill people in planning or carrying out operations....

Umkhonto had its first operation on 16 December 1961, when Government buildings in Johannesburg, Port Elizabeth and Durban were attacked. The selection of targets is proof of the policy to which I have referred. Had we intended to attack life we would have selected

targets where people congregated and not empty buildings and power stations....

The response to our actions and Manifesto among the white population was characteristically violent. The Government threatened to take strong action and called upon its supporters to stand firm and to ignore the demands of the Africans. The whites failed to respond by suggesting change; they responded to our call by suggesting the laager.

In contrast the response of the Africans was one of encouragement. Suddenly there was hope again. Things were happening, people in the townships became eager for political news. A great deal of enthusiasm was generated by the initial successes and people began to speculate on how soon freedom would be obtained.

But we in Umkhonto weighed up the white response with anxiety.... The whites and blacks were moving into separate camps and the prospects of avoiding a civil war were made less. The white newspapers carried reports that sabotage would be punished by death. If this was so, how could we continue to keep Africans away from terrorism ?

How many more Sharpevilles could the country stand without violence and terror becoming the order of the day? . . .

Experience convinced us that rebellion would offer the Government limitless opportunities for the indiscriminate slaughter of our people. But it was precisely because the soil of South Africa is already drenched with the blood of innocent Africans that we felt it our duty to make preparations as a long-term undertaking to use force in order to defend ourselves against force.... The fight which held out the best

prospects for us and the least risk of life to both sides was guerrilla warfare....

All whites undergo compulsory military training, but no such training is given to Africans. It was in our view essential to build up a nucleus of trained men . . . to provide leadership ... required if guerrilla warfare started.... It was also necessary to build up a nucleus of men trained in civil administration and other professions, so that Africans would be equipped to participate in the government of this country as soon as they were allowed to do so.

At this stage it was decided that I should attend the Conference of the Pan African Freedom Movement for Central, East and Southern Africa, which was to be held early in 1962 in Addis Ababa and, because of our need for preparation, it was also decided that, after the Conference, I would undertake a tour of the African states with a view to obtaining facilities for the training of soldiers and that I would also solicit scholarships for the higher education of matriculated Africans. Training in both fields would be necessary, even if changes came about by peaceful means. Administrators would be necessary who would be willing and able to administer a non-racial State and so would men be necessary to control the army and police force of such a State....

My tour was a success. Wherever I went I met sympathy for our cause and promises of help. All Africa was united against the stand of white South Africa, and even in London, I was received with great sympathy by political leaders....

I started to make a study of the art of war and revolution and, whilst abroad, underwent a course in military training. If there was to be guerrilla warfare, I wanted to be able to stand and fight with my

people and to share the hazards of war with them.... I approached this question as every African nationalist should do. I was completely objective.... I attempted to examine all types of authority on the subject--from the East and from the West, going back to the classic work of Clausewitz, and covering such a variety as Mao Tse-tung and Che Guevara on the one hand, and the writings on the Anglo-Boer War on the other....

I also made arrangements for our recruits to undergo military training....

Another of the allegations made by the State is that the aims and objects of the African National Congress and the Communist Party are the same.... The allegation as to the ANC is false. This is an old allegation which was disproved at the Treason Trial....

The ideological creed of the ANC is, and always has been, the creed of African nationalism. It is not the concept of African nationalism expressed in the cry, `Drive the white man into the sea`. The African nationalism for which the ANC stands is the concept of freedom and fulfilment for the African people in their own land. The most important political document ever adopted by the ANC is the `Freedom Charter`. It is by no means a blueprint for a socialist state. It calls for redistribution, but not nationalisation, of land; it provides for nationalisation of mines, banks and monopoly industry, because big monopolies are owned by one race only, and without such nationalisation racial domination would be perpetuated despite the spread of political power....

As far as the Communist Party is concerned, and if I understand its policy correctly, it stands for the establishment of a State based on the principles of Marxism. Although it is prepared to work for the

Freedom Charter as a short term solution to the problems created by white supremacy, it regards the Freedom Charter as the beginning , and not the end, of its programme.

The ANC, unlike the Communist Party, admitted Africans only as members. Its chief goal was, and is, for the African people to win unity and full political rights. The Communist Party`s main aim, on the other hand, was to remove the capitalists and to replace them with a working-class Government. The Communist Party sought to emphasize class distinctions, whilst the ANC seeks to harmonise them. This is a vital distinction.

It is true that there has often been close co-operation between the ANC and the Communist Party. But co-operation is merely proof of a common goal--in this case the removal of white supremacy--and is not proof of a complete community of interests.

The history of the world is full of similar examples. Perhaps the most striking illustration is to be found in the co-operation between Great Britain, the United States of America and the Soviet Union in the fight against Hitler. Nobody but Hitler would have dared to suggest that such co-operation turned Churchill or Roosevelt into communists or communist tools, or that Britain and America were working to bring about a communist world.

Another instance of such co-operation is to be found precisely in Umkhonto. Shortly after MK was constituted, I was informed by some of its members that the Communist Party would support Umkhonto, and this then occurred. At a later stage the support was made openly....

I joined the ANC in 1944, and in my younger days I held the view that the policy of admitting communists to the ANC, and the close co-

operation which existed at times on specific issues between the ANC and the Communist Party, would lead to a watering down of the concept of African nationalism. At that stage I was a member of the ANC Youth League, and was one of a group which moved for the expulsion of communists from the ANC. This proposal was heavily defeated. Amongst those who voted against the proposal were some of the most conservative sections of African political opinion. They defended the policy on the ground that . . . the ANC was formed and built up, not as a political party with one school of political thought, but as a Parliament of the African people, accommodating people of various political convictions, all united by the common goal of national liberation. I was eventually won over to this point of view and I have upheld it ever since.

It is perhaps difficult for white South Africans, with an ingrained prejudice against communism, to understand why experienced African politicians so readily accept communists as their friends. But to us the reason is obvious. Theoretical differences amongst those fighting against oppression is a luxury we cannot afford at this stage. What is more, for many decades communists were the only political group in South Africa who were prepared to treat Africans as human beings and their equals, who were prepared to eat with us, talk with us, live with us and work with us. They were the only political group who were prepared to work with the Africans for the attainment of political rights and a stake in society. Because of this, there are many Africans who, today, tend to equate freedom with communism. They are supported in this belief by a legislature which brands all exponents of democratic government and African freedom as communists and bans many of them (who are not communists) under the Suppression of Communism Act. Although I have never been a member of the Communist Party, I myself have been named under that pernicious

Act because of the role I played in the Defiance Campaign. I have also been banned and imprisoned under that Act....

In the international field, communist countries have always come to our aid. In the United Nations and other councils of the world, the communist bloc has supported the Afro-Asian struggle against colonialism and often seems to be more sympathetic to our plight than some of the Western powers.

My own position

I turn now to my own position.... I have always regarded myself, in the first place, as an African patriot. After all, I was born in Umtata, forty-six years ago. My guardian was my cousin, who was the acting paramount chief of Tembuland, and I am related both to the present paramount chief of Tembuland, Sabata Dalindyebo, and to Kaizer Matanzima, the Chief Minister of the Transkei.

Today I am attracted by the idea of a classless society, an attraction which springs in part from Marxist reading and, in part, from my admiration of the structure and organization of early African societies in this country. The land, then the main means of production, belonged to the tribe. There were no rich or poor and there was no exploitation.

It is true, as I have already stated, that I have been influenced by Marxist thought. But this is also true of many of the leaders of the new independent States. Such widely different persons as Gandhi, Nehru, Nkrumah and Nasser all acknowledge this fact. We all accept the need for some form of socialism to enable our people to catch up with the advanced countries of this world and to overcome their legacy of extreme poverty. But this does not mean we are Marxists.

Indeed, for my own part, I believe that it is open to debate whether the Communist Party has any specific role to play at this particular stage of our political struggle. The basic task at the present moment is the removal of race discrimination and the attainment of democratic rights on the basis of the Freedom Charter. In so far as that Party furthers this task, I welcome its assistance. I realize that it is one of the means by which people of all races can be drawn into our struggle.

From my reading of Marxist literature and from conversations with Marxists, I have gained the impression that communists regard the parliamentary system of the West as undemocratic and reactionary. But, on the contrary, I am an admirer of such a system.

The Magna Carta, the Petition of Rights and the Bill of Rights are documents which are held in veneration by democrats throughout the world.

I have great respect for British political institutions, and for the country's system of justice.... The American Congress, that country's doctrine of separation of powers, as well as the independence of its judiciary, arouse in me similar sentiments.

I have been influenced in my thinking by both West and East. All this has led me to feel that in my search for a political formula, I should be absolutely impartial and objective. I should tie myself to no particular system of society other than that of socialism. I must leave myself free to borrow the best from the West and from the East....

As I understand the State case . . . the suggestion is that Umkhonto was the inspiration of the Communist Party which sought, by playing upon imaginary grievances, to enrol the African people into an army which ostensibly was to fight for African freedom, but in reality

(would be) fighting for a communist state.... The suggestion is preposterous. Umkhonto was formed by Africans to further their struggle for freedom in their own land....

Our fight is against real, and not imaginary, hardships, or to use the language of the State Prosecutor, `so-called hardships`. Basically, we fight against two features which are the hallmarks of African life in South Africa and which are entrenched by legislation which we seek to have repealed. These are poverty and lack of human dignity, and we do not need communists or so-called `agitators` to teach us about these things.

South Africa is the richest country in Africa and could be one of the richest countries in the world. But it is a land of extremes and remarkable contrasts. The whites enjoy what may well be the highest standard of living in the world, whilst Africans live in poverty and misery. Forty per cent of the Africans live in hopelessly over-crowded and, in some cases, drought-stricken reserves where soil erosion and the overworking of the soil make it impossible for them to live properly off the land. Thirty per cent are labourers, labour tenants and squatters on white farms and work and live under conditions similar to those of the serfs of the Middle Ages. The other thirty per cent live in towns where they have developed economic and social habits which bring them closer in many respects to white standards. Yet most Africans, even in this group, are impoverished by low incomes and the high cost of living.... Poverty goes hand in hand with malnutrition and disease....

There are two ways to break out of poverty. The first is by formal education, and the second is by the worker acquiring a greater skill at his work and thus higher wages. As far as Africans are concerned,

both these avenues of advancement are deliberately curtailed by legislation.

The Government often answers its critics by saying that Africans in South Africa are economically better off than the inhabitants of the other countries in Africa. I do not know whether this statement is true and doubt whether any comparison can be made without having regard to the cost of living index in such countries. But even if it is true, as far as the African people are concerned it is irrelevant. Our complaint is not that we are poor by comparison with people in other countries, but that we are poor by comparison with the white people in our own country, and that we are prevented by legislation from altering this imbalance.

The lack of human dignity experienced by Africans is the direct result of the policy of white supremacy. White supremacy implies black inferiority.... Whites tend to regard Africans as a separate breed. They do not look upon them as people with families of their own; they do not realise that they have emotions--that they fall in love like white people do; that they want to be with their wives and children like white people want to be with theirs; that they want to earn enough money to support their families properly, to feed and clothe them and send them to school. And what `house-boy` or `garden-boy` or labourer can ever hope to do this ?

Pass Laws, which to the Africans are amongst the most hated bits of legislation in South Africa, render any African liable to police surveillance at any time. I doubt whether there is a single African male in South Africa who has not at some stage had a brush with the police over his pass. Hundreds of thousands of Africans are thrown into gaol each year under Pass Laws. Even worse than this is the fact

that Pass Laws keep husband and wife apart and lead to the breakdown of family life.

Poverty and the breakdown of family life have secondary effects. Children wander about the streets of the townships because they have no schools to go to, or no money to enable them to go to school, or no parents at home to see that they go to school, because both parents (if there be two) have to work to keep the family alive. This leads to a breakdown in moral standards, to an alarming rise in illegitimacy and to growing violence which erupts, not only politically, but everywhere. Life in the townships is dangerous. There is not a day that goes by without somebody being stabbed or assaulted. And violence is carried out of the townships into the white living areas. People are afraid to walk alone in the streets after dark. Housebreakings and robberies are increasing, despite the fact that the death sentence can now be imposed for such offences. Death sentences cannot cure the festering sore.

Africans want to be paid a living wage. They want to perform work which they are capable of doing, and not work which the Government declares them to be capable of. Africans want to be allowed to live where they obtain work, and not be endorsed out of an area because they were not born there. Africans want to be allowed to own land in places where they work, and not to be obliged to live in rented houses which they can never call their own. We want to be part of the general population, and not confined to living in our own ghettos. African men want to have their wives and children to live with them where they work, and not be forced into an unnatural existence in men's hostels. African women want to be with their men folk and not be left permanently widowed in the Reserves . . . we want to be allowed to travel in our own country and to seek work where we want to and not where the Labour Bureau tells us to. We want a just share in the whole

of South Africa; we want security and a stake in society. Above all, we want equal political rights, because without them our disabilities will be permanent. I know this sounds revolutionary to the whites in this country, because the majority of voters will be Africans. This makes the white man fear democracy.

It is not true that the enfranchisement of all will result in racial domination.... The ANC has spent half a century fighting against racialism. When it triumphs it will not change that policy. This then is what the ANC is fighting for.... It is a struggle of the African people, inspired by their own suffering and their own experience. It is a struggle for the right to live.

During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die".

Mandela was sentenced to life imprisonment.

Walter Sisulu

Born at Ngcobo in the Transkei in 1912 and largely self-educated, Sisulu was a miner, kitchen "boy" and baker`s "boy", before he joined the African National Congress in 1940 and played a dynamic part in the new policies that led to the campaign to defy unjust laws in 1952. His wife, Albertina, a nurse, became a widely loved and respected leader of women. For many years Secretary-General of the ANC,

Sisulu was banned, house arrested and repeatedly harassed by the police. With his close friend Mandela he was one of the accused in the Treason Trial and, in the Rivonia Trial, was the main defence witness, coming under prolonged attack from the prosecutor. An observer commented: "Once Sisulu had taken the measure of the prosecution, it was as if he forgot he was in the witness box. It must have been eleven years since he had last appeared on a public platform and now again he dominated the situation".

In the course of Sisulu's evidence, he spoke with authority about ANC policy:

"Since its inception, the ANC adopted a democratic policy. That is, it advocated that there was room in South Africa for all racial groups which existed. It advocated that it should participate in the Government councils of this country. This policy was clearly stated in a document drawn up during the war years in 1943. The document was called 'African Claims'. The drawing up of this document was inspired by the Atlantic Charter which was proclaimed then, which inspired many nations of the world that all peoples, irrespective of their colour, will have a future and a stake in their respective countries . . . (The committee that drafted the document) was the cream of the African leadership, leading intellectuals, leading businessmen, conservatives and communists, all united by their desire to achieve freedom for themselves and for all the people who have made South Africa their home".

Advocate Bram Fischer, leading Sisulu's evidence, asked: "Now, Mr. Sisulu, as a background to what eventually made the ANC agree to permit sabotage what happened to all those efforts which had been put forward in 1945?"

Sisulu replied:

"Well, I'd like to mention that both in policy, programme and practice, the ANC adopted the most reasonable and sober attitude for the unity and harmony of its citizens . . . but the Europeans of this country, through their political representatives, were not prepared to accept the line we have chosen to a peaceful settlement of all problems by negotiations. Instead they chose to make South Africa an armed camp . . . With the banning of meetings, banning of organizations and suppressing of all legal methods, it was not possible for Africans to accept this situation. No self-respecting African would accept this situation....

"The Africans in South Africa are among the best informed about events, particularly in their own country. (By 1960) they were aware that in Africa, one country after another was getting freedom and that the ANC, although it was one of the oldest organisations, was not coming anywhere near their cherished ideals. It did not surprise some of us that the people should become impatient.... I was myself convinced that civil war would eventually become inevitable unless the Government changed its policy.... I felt that in the interest of my own people it would be better that we should bring about a state of affairs whereby such violence would be controlled".

That was the background to the founding of the sabotage organisation, Umkhonto we Sizwe. Since it was felt that the ANC could not afford both Mandela and Sisulu in this organisation, Sisulu himself had remained in the political field. When, in April 1963, he was placed under 24-hour house arrest, it was decided that he should go underground, and continue to organise.

In the course of cross-examination by the prosecutor, Dr. Percy Yutar, Sisulu had an opportunity to expound on ANC attitudes to other races:

YUTAR: . . . that is your solution of the problems of this country--the concept of black and white co-operation?

SISULU: Oh yes. We have absolutely no doubt that as a feasible proposition it is the only answer--no other. The question of what Africa says or anybody else is not the real issue. The question is, what do we feel in this country?

YUTAR: And yet the rest of Africa--I am putting it a bit too high, but many States of Africa are the countries to whom you have appealed for assistance, military and financial?

SISULU: Yes, that is correct.

YUTAR: And they are the countries that are supporting you militarily and financially ?

SISULU: In spite of our policies . . .

YUTAR: And they are the countries who are against this concept of partner ship between black and white ?

SISULU: Yes.

YUTAR: And notwithstanding that, you still say that can be the position in this country?

SISULU: Of course. I am saying that the position is decided by the people of South Africa, not the people outside.... It merely emphasises

the difficulties, and the problems of our organisation, of our policy, and yet we are prepared to stand by it. We educate other people in this country and abroad, that the only solution in South Africa is living together of black and white, and no other....

YUTAR: Sisulu . . . perhaps it is pertinent at this stage just to ask you this: if eventually the non-Europeans got control of the country, what would be the position if the responsible leadership made a few more mistakes and dropped a few more bombs in houses of the whites ?

SISULU: Well, on the question of responsibility insofar as this line is concerned, it is not a question of colour. Europeans have done worse things in this country, they have bombed each other.

YUTAR: I am talking about the responsible leadership that you have referred to that made mistakes--what if they cut away some more railway lines ?

SISULU: I said that the question of being irresponsible is not a question of colour. The leadership of the ANC has demonstrated for the last fifty years that they are most responsible.

YUTAR: Most responsible?

SISULU: Oh yes.

YUTAR: And notwithstanding it, you gave your benign blessing to the creation of Umkhonto and allowed them carte blanche to commit acts of sabotage ?

SISULU: Very much against our feeling. We have tried, by all means, not to get into this situation . . .

THE COURT: And you also have a duty to persuade the people that they are oppressed, is that so?

SISULU: If it's so, I don't know if it's merely a question of persuading the people. It would be a strange thing that the Africans in South Africa are the only people who do not know that they are oppressed....

In re-examination, Advocate Fischer took Sisulu through the record of harassment he had undergone: convicted in 1952 in the Defiance Campaign; convicted a second time for continuing to organise and thus risking ten years in jail; banned from gatherings and again arrested in 1954 for attending a gathering; from 1956 to 1961 one of the accused in the Treason Trial; in 1960 detained during the post-Sharpeville emergency; 1961, twice convicted; 1962, arrested six times, once on the occasion of his mother's death when people had come to sympathise yet police arrested him for breaking his ban; placed under house arrest; and in 1963 captured at Rivonia and held under the 90-day detention law, during which time he was interrogated by members of the Special Branch several times and offered his freedom if he would give information confidentially about his comrades.

Towards the end of Dr. Yutar's cross-examination, Sisulu's anger surfaced. The prosecutor made the remark: "The police don't arrest indiscriminately".

SISULU: They arrest many people indiscriminately. For no offence people have been arrested.

YUTAR: Would you like to make a political speech?

SISULU: I'm not making a political speech, I'm replying to your question.

YUTAR: How do you know they arrest people innocently?

SISULU: I know.

YUTAR: How do you know?

SISULU: They arrested my wife, they arrested my son.... They arrest other people.

YUTAR: Yes, without any evidence whatsoever?

SISULU: What evidence?

YUTAR: I don't know, I'm asking . . .

SISULU: I have been persecuted by the police, Special Branch. If there is a man who has been persecuted it's myself. In 1962 I was arrested six times. I know the position in this country.

YUTAR: You do?

SISULU: I wish you were in the position of an African. I wish you were an African to know the position in this country!

Sisulu was sentenced to life imprisonment.

Elias Motsoaledi

Born in 1926 in Sekhukhuniland, Motsoaledi was one of a family of ten living on four acres of land.

In the Rivonia Trial he told the court:

"I came to Johannesburg to earn a living to help my family. I earned 24 shillings a week in a boot factory. When workers asked for better wages I was sacked".

In time, he became chairman of the Furniture, Mattress and Bedding Workers Union and Chairman of the Transvaal Non-European Trade Union--only to be banned and, on occasion, arrested or detained.

In his statement from the dock he said:

"I know this is not the place to describe in detail all the heavy burdens which an African has to carry, but I am telling the Court of some of these matters which make our hearts sore and our minds heavy. When I was asked to join Umkhonto We Sizwe it was at a time when it was clear to me that all our years of peaceful struggle had been of no use. The Government would not let us fight peacefully any more and had blocked all our legal acts by making them illegal. I thought a great deal about the matter. I could see no other way open to me. What I did brought me no personal gain; what I did I did for my people and because I thought it was the only way left for me to help my people. That is all I have to say".

Motsoaledi was sentenced to life imprisonment.

Andrew Mlangeni

Born in 1926 in a Johannesburg location, Andrew Mlangeni was one of 12 children. He paid for his schooling with money earned as a golf caddy and worked as clerk and bus driver. Detained in July 1963, he was later put on trial with the other Rivonia men.

In the course of the Rivonia Trial both he and Motsoaledi declared that while held under the 90-day Detention Act they had been tortured. Mlangeni said to the judge: "These my Lord are primitive methods, employed by the police in trying to get statements out of the people. I believe one day that the police will be sufficiently educated and will employ much better methods in trying to get people to make statements".

During the trial he stated: "Though leaders of many countries throughout the world have tried to persuade the Government to abandon its apartheid policy, and although resolutions have been passed in the United Nations against South Africa, this has met with no result. All that the Government has done is to reply to the people's demands by putting their political leaders in gaol, and breaking up families".

Mlangeni was sentenced to life imprisonment.

Wilton Mkwayi

Following on the Rivonia Trial came the arrest and trial of Wilton Mkwayi with I. D. Kitson, M. Chiba, M. Maharaj and J. Matthews.

Mkwayi, a leading member of the South African Congress of Trade Unions, told his own story in his statement in mitigation:

"I want to tell the Court why it was I turned to sabotage.

My father made me a member of the African National Congress in 1940 when I was 17 years old. He sent the card to me whilst I was at school. My father him self was a member of the ANC and he thought it only right that his son should also become a member of it. I know the reason why he became a member. The land on which we were living was taken away by the Government and we had to go and make a new home somewhere else.

I did not go very far at school because my father did not have the money. I worked as a labourer for low wages--and I became interested in trade union activities. Whenever I could I have always worked to earn my living. At the end of 1943 I went to Cape Town to look for work. I was employed in a dynamite factory where I worked as an office boy until 1945. I left work to go home because of my mother`s death in 1945. I was getting £6 a month. Then I worked in Port Elizabeth for the Railways and Harbours, from 1947 to January 1950, as a sorter. Then on the 9 January 1950 I started work at Metal Box Company, Port Elizabeth branch. I worked for this company until 1952 when there was a strike and I lost my job. I then worked at Tin Plate Stores.

However, because of my trade union activities and my interest in the ANC I became what whites like to call an agitator. It has been said that we Africans are wrong to turn to violence, that we should adopt non-violent methods in order to remedy our grievances. I would like to tell the Court how for years I tried to achieve our aims by non-violent methods, and what I did before being forced to turn to violence.

I became active in Port Elizabeth in 1947 during the Rent Campaign and bus boycotts. I campaigned in the 1950 June strike called as a day

of protest and mourning for the death of our people in the May day strike in the Transvaal. I took part in organising the Defiance Campaign in 1952 when more than 8,500 volunteers were jailed for breaking some selected unjust laws. It was also in 1952 when I was fined £10 for taking part in a strike at Metal Box Company, Port Elizabeth branch against low wages.... In 1953 I became the organising secretary of the Tin Workers Union, Port Elizabeth branch. The same year I became the organising secretary of the African Textile Workers Industrial Union (S.A.), Port Elizabeth and Uitenhage branch. I held this post until 1960.

I also became Volunteer-in-Chief of the ANC for the Eastern Cape in 1953. The Volunteer-in-Chief for the whole country of the ANC was Nelson Mandela.

In 1954 I campaigned against Bantu Education which meant a step backwards for African education. Also I campaigned against Bantu Authority--which divides people according to their tribe--which means Africans are forced to accept the apartheid system. We Africans will never rest until the apartheid system is defeated.

It was in 1955 when a Congress of the People was called at Kliptown in Johannesburg--even Government officials were invited, but did not come.... A Freedom Charter was adopted by the people who attended the conference, black and white. The Freedom Charter is what I believe in--I am fighting for the principles contained in it. It is clear that as soon as the government belongs to the people there will be no pass laws, all people will be equal before the law, there will be no permit systems, no job reservations, and equal opportunity for all.

The preaching of non-violence and the patience which my leaders had did not help us very much. In 1956 I was arrested together with my

leaders and charged with treason. The treason in the eyes of the Government was that we wanted a say in our own country. We had not declared that the white man should be thrown into the sea which would have been an easy but irresponsible slogan. We had declared that South Africa belongs to all those who lived in it, White, Black Coloureds and Indians.

We felt that pass laws, Bantu education, influx control and low wages could not be abolished if we did not do away with white supremacy. We believed that we could put an end to white supremacy by peaceful means but by 1961 it was clear that non-violent ways were closed to my people. Trade unions could no longer function, leaders of the people were banished and restricted and, finally, in April 1960 our organisation was banned. What would the people have thought of me if I no longer took part in the activities of the ANC? I could not fold my arms and say that there is nothing that I can do about it. I could not abandon the organisation for which I had worked for so long. For the same reasons I joined Umkhonto We Sizwe soon after it was formed.

Our organisations had not even considered sabotage and violence before they were banned. It is this Government of South Africa which banned the ANC and the PAC in 1960. They also banned the Congress of Democrats and they have continued for years to ban, arrest, and harass the leading members of our Trade Union movement and the Indian Congress.

Supporters of the Government never fail to remind us that we should struggle for our aims by non-violent methods, but they close their eyes to the fact that our organisations have been banned. It is easy for people sitting in the comfort of their homes to condemn sabotage. It is easy for people to lecture to us that sabotage is senseless and useless,

but such people ignore the long history of our non-violent and constitutional struggle.

For example: in 1946 we acted constitutionally and non-violently when the miners on the Rand came out on strike for better wages. It was the Government that acted violently. On that occasion workers were shot by the Government forces and eight were killed and our leaders arrested.

In 1950 we had a strike on May 1 against the rule of the Nationalist Government and against the restrictions placed on our leaders. The strike was peaceful and non-violent. The Government again used its armed strength and shot down our people and eighteen were killed.

This was on the Rand. In 1955 over 3,000 delegates from all over South Africa came to the Congress of the People in Kliptown, Johannesburg where the Freedom Charter was adopted. We even invited the Nationalist Party to listen to grievances and our demands. Instead the Government sent more than 1,000 fully armed police to smash this Congress. We adopted the Freedom Charter which set out our demands for a free South Africa for all its people, black and white. The Government's answer was to arrest over 150 of our leaders from all over South Africa and charge them for High Treason. I was one of the persons charged.

During that time also our people were removed at the point of sten guns and bayonets from Sophiatown to Meadowlands. Over 2,000 armed police were used in this forced removal. In March 1960 a peaceful gathering of our people at Sharpeville was brutally attacked. They even used Saracens. Over 65 men, women and children were murdered by the Government forces. In protest against these killings at Sharpeville and Langa, we called a day of mourning strike for 28

March 1960. The Government's reply to this was to proclaim a state of emergency and to ban the ANC and PAC.

In May 1961, even though our organisations were banned, we called a strike against the proclaiming of South Africa as a Republic without the consent of our people. The Government's reply was once more to display its armed strength and intimidate our people. The Government closed the doors to peaceful change and forced my people and those who were prepared to help us to go in for sabotage in a controlled manner.

The reason why we went in for sabotage is a simple one. We did it in order to highlight our grievances and to persuade the Government and the white minority of this country to come together with us to a National Convention which can work out a constitution for a free South Africa where black and white can live in peace, harmony and equality. Sabotage is not the beginning of a war but a letter of invitation to the Government and the white minority of South Africa to come to this Convention. So far we have been met with what some whites with pride call "a granite wall".

Referring to the allegation of a State Witness that he was a communist, Mkwazi said.

"To me this matter is not of any great importance, but since it appears to be of importance to the court, I will deal with it... I am not a communist, but I want to say here that I have always been prepared to work with anybody, communists or non-communists as long as they are prepared to work for a free South Africa. When I was detained the Security Police also suggested that I had been used by the communists against the interest of the African people. I have met communists both black and white. We are oppressed not by communists but by a white

minority Government. As a man from the rural areas I cannot buy cattle without a permit. These permits were not introduced by the communists, neither are such oppressive laws as the Group Areas Act, Job Reservation and the Pass Laws. All these have been the work of the white minority of this country. As for the communists, in my experience they have worked and fought side by side with the oppressed people of South Africa for a free South Africa. We, the African people, are prepared to work with any person provided he is prepared to say with us that South Africa belongs to all those who live in it".

Reverting to his own activities, he went on:

"When the State of Emergency was declared at the end of March 1960 I went underground. I then left the country and went overseas on trade union missions. I visited many European countries and a few African states explaining the difficulties of African workers and laws against their trade unions. I also asked for financial assistance for our trade unions. But I saw that all these things and explaining about our situation in South Africa did not help us much. The best way was to come back to my beloved country to fight side by side with my people and my leaders.

Before coming back to my country I felt that I should have military training. I had it in China in small arms. I felt that I must have this military training so that I too could fight for my country if necessary. After all in South Africa white women, and boys and girls of 16 are taught to handle small arms.

I felt it an imperative duty to come back to South Africa and to actively participate in the work that my leaders had started. I came back convinced that the aims and objects expressed by our leader,

Nelson Mandela, were the only just basis for a solution to the problems of our country.

On my return I went to live with my leaders at Rivonia. I was at Rivonia on the day the Rivonia arrests took place but I managed to evade arrest. I escaped but I did not leave the country of my birth. I had returned to do what I could and I was not prepared to leave even though I knew that I was a wanted man. I also felt that, if I did not carry on the work started by my leaders, I would be betraying my comrades who had been arrested at Rivonia and who had taken the great risks in the cause of my people. Since my escape from Rivonia I continued to work in the shadow of my leader, Nelson Mandela. I was a fugitive in the land of my birth. I knew I was a wanted man since 1960. This was not my choosing. I had to lead the life of an outlaw because the Government refused to recognise that my people have a right to be treated as equals and human beings....

The charges that have been brought against me and my fellow accused arise from our desire to fight for the liberation of the people of South Africa from the tyranny of racial discrimination. My leaders have time and again explained and exposed the injustice done to my people. I am a Mandela man. I share his hatred of the laws which are destroying the life and soul of my people. I share his hatred for the system of racial discrimination. Our goal is and has always been that all people in South Africa should live in harmony and equality and this can only be achieved by the extension of the vote to all the people of South Africa regardless of their colour or sex....To promise us poverty in Bantustans will not help any body. As individuals and as a people we want a just share in the whole of South Africa.

This is what my people and my own family are fighting for. The police tell me that two of my brothers are already serving long

sentences at Robben Island. I, myself, am standing here before Your Lordship but I could not have done other wise. I cannot do better than repeat what my leader Nelson Mandela said at his trial.

“During my lifetime I have dedicated my life to this struggle of the African people. I have fought against white domination and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to see realised. But my Lord, if needs be, it is an ideal for which I am prepared to die”.

Mkwayi was sentenced to life imprisonment.

Bram Fischer

Born in April 1908, Bram (Abram) Fischer was the son of a Judge President of the Orange Free State, grandson of a Prime Minister of the Orange River Colony. A Rhodes Scholar at Oxford, on qualifying as a barrister he practised in Johannesburg where he was elected to the Bar Council and for some years was its chairman. A Queen’s Counsel, he led the defence in a number of political trials, including the Treason Trial of 1956--1960 and the Rivonia Trial in 1963--4. In September 1964 he was arrested and charged under the Suppression of Communism Act. Briefly granted bail to argue a case before the Privy Council in London, he returned to South Africa to stand trial. On 25 January 1965 he went underground to continue the struggle. After nearly a year of evading the wide spread police net, in November he was captured and brought to trial under the Sabotage Act and the Suppression of Communism Act.

In Pretoria, on 28 March 1966, he told the court:

"I am on trial for my political beliefs and for the conduct to which those beliefs drove me. Whatever labels may be attached to the fifteen charges brought against me, they all arise from my having been a member of the Communist Party and from my activities as a member. I engaged upon those activities because I believed that, in the dangerous circumstances which have been created in South Africa, it was my duty to do so.

When a man is on trial for his political beliefs and actions, two courses are open to him. He can either confess to his transgressions and plead for mercy or he can justify his beliefs and explain why he acted as he did. Were I to ask forgiveness today I would betray my cause. That course is not open to me. I believe that what I did was right....

My belief, moreover, is one reason why I have pleaded not guilty to all the charges brought against me. Though I shall deny a number of important allegations made, this Court is aware of the fact that there is much in the State case which has not been contested. Yet, if I am to explain my motives and my actions as clearly as I am able, then this Court was entitled to have had before it the witnesses who testified in chief and under cross-examination against me. Some of these, I believe, were fine and loyal persons who have now turned traitors to their cause and to their country because of the methods used against them by the State--vicious and inhuman methods. Their evidence may, therefore, in important respects be unreliable.

There is another and more compelling reason for my plea and why I persist in it. I accept the general rule that for the protection of a society laws should be obeyed. But when laws themselves become

immoral and require the citizen to take part in an organised system of oppression--if only by his silence or apathy --then I believe that a higher duty arises. This compels one to refuse to recognize such laws. The laws under which I am being prosecuted were enacted by a wholly unrepresentative body, a body in which three-quarters of the people of this country have no voice whatever. These laws were enacted, not to prevent the spread of communism, but for the purpose of silencing the opposition of the large majority of our citizens to a Government intent upon depriving them, solely on account of their colour, of the most elementary human rights: of the right to freedom and happiness, the right to live together with their families wherever they might choose, to earn their livelihoods to the best of their abilities, to rear and educate their children in a civilized fashion, to take part in the administration of their country and obtain a fair share of the wealth they produce; in short, to live as human beings....

I hold and have for many years held the view that politics can only be properly understood and that our immediate political problems can only be satisfactorily solved without violence and civil war by the application of that scientific system of political knowledge known as Marxism....

When I consider what it was that moved me to join the Communist Party, I have to cast my mind back for more than a quarter of a century to try and ascertain what precisely my motives at that time were.... In my mind there remain two clear reasons.... The one is the glaring injustice which exists and has existed for a long time in South African society, the other, a gradual realization as I became more and more deeply involved with the Congress Movement of those years, that is, the movement for freedom and equal human rights for all, that it was always members of the Communist Party who seemed prepared,

regardless of cost, to sacrifice most; to give of the best, to face the greatest dangers, in the struggle against poverty and discrimination.

The glaring injustice is there for all who are not blinded by prejudice to see.

This is not even a question of the degree of humiliation or poverty or misery imposed by discrimination on one section of the community. Hence, it cannot be justified by comparing non-white standards of living or education in South Africa with those in other parts of the continent. It is simply and plainly that discrimination should be imposed as a matter of deliberate policy solely because of the colour which a man's skin happens to be, irrespective of his merits as a man, a worker, a thinker, a father or a friend.

Yet the injustice of the system does not in itself explain my conduct. All white South Africans can see it. The vast majority of them remain unmoved and unaffected. They are either oblivious to it or, despite all its cruelty, condone it on the assumption, whether admitted or not, that the non-white of this country is an inferior being with ideals, hopes, loves and passions which are different from ours. Hence the further tacit or open assumption that he need not be treated as a complete human being, that is, that it is not `unfair` to make him carry a pass, to prevent him from owning land, deprivations which if applied to whites, would horrify all and cause a revolution overnight.

Though nearly forty years have passed, I can remember vividly the experience which brought home to me exactly what this `white` attitude is and also how artificial and unreal it is. Like many young Afrikaners I grew up on a farm. Between the ages of eight and twelve my daily companions were two young Africans of my own age. I can still remember their names. For four years we were, when I was not at

school, always in each other`s company. We roamed the farm together, we hunted and played together, we modelled clay oxen and swam. And never can I remember that the colour of our skins affected our fun, or our quarrels or our close friendship in any way.

Then my family moved to town and I moved back to the normal white South African mode of life where the only relationship with Africans was that of master to servant. I finished my schooling and went to University. There one of my first interests became a study of the theory of segregation, then beginning to blossom. This seemed to me to provide the solution to South Africa`s problems and I became an earnest believer in it. A year later to help in a small way to put this theory into practice, because I do not believe that theory and practice can or should be separated, I joined the Bloemfontein Joint Council of Europeans and Africans, a body devoted largely to trying to induce various authorities to provide proper (and separate) amenities for Africans. I arrived for my first meeting with other newcomers. I found myself being introduced to leading members of the African community. I found I had to shake hands with them. This, I found required an enormous effort of will on my part. Could I really, as a white adult touch the hand of a black man in friendship ?

That night I spent many hours in thought trying to account for my strange revulsion when I remembered I had never had any such feelings towards my boy hood friends. What became abundantly clear was that it was I and not the black man who had changed; that despite my growing interest in him, I had developed an antagonism for which I could find no rational basis whatsoever....

The result of all this was that in that and in succeeding years when some of us ran literacy classes in the old Waaihoek location at Bloemfontein, I came to understand that colour prejudice was a

wholly irrational phenomenon and that true human friendship could extend across the colour bar once the initial prejudice was overcome. And that I think was lesson No. 1 on my way to the Communist Party which has always refused to accept any colour bar and has always stood firm on the belief, itself 2,000 years old, of the eventual brotherhood of all men.

The other reason for my attraction to the Communist Party, the willingness to sacrifice, was a matter of personal observation.... The Communist Party had already for two decades stood avowedly and unconditionally for political rights for non-whites and its white members were, save for a handful of courageous individuals, the only whites who showed complete disregard for the hatred which this attitude attracted from their fellow white South Africans. These members, I found, were whites who could have taken full advantage of all the privileges open to them and their families because of their colour, who could have obtained lucrative employment and social position, but who instead were prepared for the sake of their consciences, to perform the most menial and unpopular work at little or sometimes no remuneration.... But apart from the example of the white members, it was always the communists of all races who were at all times prepared to give of their time and their energy and such means as they had, to help those in need and those most deeply affected by discrimination; . . . who helped with night schools and feeding schemes, who assisted trade unions fighting desperately to preserve standards of living and who threw themselves into the work of the national movements. It was African communists who constantly risked arrest or the loss of their jobs or even their homes in locations, in order to gain or retain some rights....

Why I continued

But I have to tell this Court not only why I joined the Communist Party when it was a legal party--when at times it had representatives in Parliament, the Cape Provincial Council and the City Council of Johannesburg. I must also explain why I continued to be a member after it was declared illegal. This involves what I believe, on the one hand, to be the gravely dangerous situation which has been created in South Africa from about 1950 onwards and, on the other, the vital contribution which socialist thought can make towards its solution. I shall start with the latter....

I want to refer to a few well-recognized principles which demonstrate the nature of the extremely dangerous situation into which South Africa is being led, by those who choose to ignore these principles, and which also demonstrate the desperate urgency for reversing this direction. I should add that most of the Marxist principles to which I shall refer are today accepted by many historians and economists who are by no means themselves Marxists.

It is clear for instance that during the course of its development, human society assumes various forms. There is a primitive kind of communism found in early stages, best illustrated today by the Bushman society still in existence in parts of South Africa. There have been slave-owning societies and feudal societies. There is capitalism and socialism, and each of these types of society develops its own characteristic form of government, of political control....

(The Marxist) approach explains in rational terms why at different times in man's history, different economic and political forms of society have existed. It also explains why one type of society must of necessity give way to a new and higher form. History therefore becomes something which can be rationally understood and explained. It ceases to be a meaningless agglomeration of events or a mere

account of great men wandering in haphazard fashion across its stage. Similarly, modern society itself assumes a meaning as well. It has not appeared on the scene by mere chance; it is not final or immutable and in its South African form it contains its own contradictions which must irresistibly lead to its change.

This is part of Marxist theory and the first point therefore which I seek to make is that Marxism is not something evil or violent or subversive. It is true that propaganda against it (the Communist Party in South Africa) has in recent times been unbridled.... It is also true that for sixteen years now its principles have been outlawed, and that prejudiced propaganda has made it almost impossible for our people to give unbiased thought to those principles which most closely affect their future. They do not even study what the people they choose to look upon as enemies, are thinking. In fact they have no idea what socialism means and the tragic stage has been reached where the word `communism` evokes nothing but unthinking and irrational hatred. But this does not alter the character nor the accuracy of the Marxist view of South African society nor does it alter the fact that socialism has already been adopted by fourteen States with a population of over 1,000 million people and is accepted as the future form of society by many other millions in all parts of the world. What it does do is to throw into high relief the absurdity of legislation which seeks to abolish a scientific approach to history, which as I shall show, has so much to contribute to the solution of our problems. One should not forget either that this reaction cannot abolish those four years when the Soviet State, then the only socialist State, stood as one of the main bastions between civilization and the Nazi armies....

I have not said anything about capitalism as yet. Its characteristic features are displayed in South Africa. Hence I ask the Court to look

at it in its South African context. Before I do so, I want to emphasize two relevant matters:

- a. The political changes I have referred to occur when the outmoded political form ceases to serve the needs of the people who live under the new circumstances brought about by the development of new economic methods. Where the old forms are at their weakest, the change is most likely to occur first and when it comes it is irresistible. The clock of history can never be set back. Once the economic changes have occurred, the political changes are bound to follow.
- b. In fact, therefore, the sole question is whether, when they occur, the political changes will be effected by peaceful means or by violence, and this depends in essence upon the balance of forces at the time when the changes come and on the degree to which people understand the need for political change.

South Africa today is a clear example of a society in which the political forms do not serve the needs of most of the people. The chief features of capitalism as we know it here are clear:

- a. The means of production are owned by a relatively small handful of people. This ownership is becoming more and more concentrated. I am referring of course, to the ownership of factories, mines and land used for productive purposes.
- b. The overwhelming majority of men and women in the country own no means of production and can exist only by selling their labour power.

- c. Production of commodities is undertaken solely for the purpose of making a profit and for no other. This is not due to any particular trait of avarice in mankind. It is inherent in the system, for profit is its life blood. If profit disappears, as it does periodically, the system falters or even comes to a stand still as it did in the 1930s.
- d. Moreover, the existence of the system depends on competition for markets and raw materials and cheap labour. Since large-scale production and up-to-date methods of production which are constantly being improved, reduce costs, the inner motive force of the system is constantly driving it to form larger and larger production units and to an ever more intense search for markets.

It is precisely these characteristics of capitalism which lead to imperialism and which led to the scramble for Africa during the last century and to the division of the world into the colonies of the Imperial States.

All recognize these facts. What everyone tries to forget or simply overlooks is that for the vast majority of men the system is based upon fear, fear of unemployment and poverty. This is so in the older industrial countries. It is more particularly so in the colonies and ex-colonies, and in South Africa it is a fear which is accentuated by the colour bar. At heart the problem is an economic one which becomes only too apparent in South Africa when one takes note of the reactions which, even in a period of apparent prosperity, follow any attempt to permit non-whites to perform skilled work. In the back of every white man`s mind lurks the fear of losing his job. This fear is always with

the white man in this country, be he miner or bricklayer, steelworker or bus driver.

For the non-white the position is intolerable. He knows he will always be the first to suffer loss of employment. He realizes that so little concern is shown for him that in South Africa the number of unemployed Africans is never even counted or known.

Now it is the fear, bred by this system, which is the fertile soil for producing racialism and intolerance. It was a similar fear which in Europe enabled Hitler to propagate his monstrous theory of race superiority which led to the extermination of five million Jews in Germany. It is this fear which provides scope for the ready acceptance by whites in South Africa of many distorted ideas: that Africans are not civilized; that they cannot become so for many generations; that they are not our fellow-citizens but really our enemies, and hence must be ruled by extreme police state methods and must be prevented from having any organizations of their own; that their voice should be heard only through mouthpieces selected by our all-white Government; that their leaders should be kept permanently on Robben Island....

I am charged with performing acts calculated to further the objects of communism, to wit, the establishment in South Africa of a despotic system of government based on the dictatorship of the proletariat. This is a gross misstatement of my aims and those of my Party. We have never aimed at a despotic system of government. Nor were any efforts ever directed to establishing a dictatorship of the proletariat in this country. It is necessary therefore for me to explain what we have worked for....

We have never put forward socialism as our immediate solution. What we have said is that immediate dangers can be avoided by what we

always refer to as a national democratic revolution, that is by bringing our State at this stage into line with the needs of today, by abolishing discrimination, extending political rights and then allowing our peoples to settle their own future. This is fully demonstrated by our Programme which right at the outset says:

“As its immediate and foremost task, the South African Communist Party works for a united front of national liberation. It strives to unite all sections and classes of oppressed and democratic people for a national democratic revolution to destroy white domination. The main content of this revolution will be the national liberation of the African people; carried to its fulfilment, this revolution will at the same time put an end to every sort of race discrimination and privilege. The revolution will restore the land and wealth of the country to the people and guarantee democracy, freedom and equality of rights and opportunities to all”.

It makes clear that its “immediate proposals” are put forward within the frame work of the Freedom Charter for urgent discussion by a National Convention, not in order to establish a socialist state but for the building of a national democratic state.

Over the past twenty or thirty years the weakest link in the imperialist system has been its inability to deal with the wants of the colonial peoples. There it has bred its own downfall because, on the one hand, it created mass poverty and economic instability and, on the other, developed intense feelings of nationalism. What imperialism succeeded in doing in the colonies in the twentieth century was to produce the worst evils which the industrial revolution produced in England in the early nineteenth century plus a deep sense of national consciousness. Hence in those parts of the world--India, Africa and the East--the so-called revolution has taken place but in different

forms. Four empires have had to dissolve themselves and have been compelled to grant political independence to some thirty or forty States just as Britain was compelled to grant the vote to the so called `lower` classes last century. But with three or four notable exceptions, these States have achieved their independence peacefully and without having to resort to any form of violence. South African State propaganda suggests that this was due to some mystical decadence in the West. Nothing could be further from the truth. Britain, France, Holland and Belgium have not in a couple of decades become soft or decadent. Far deeper forces have come into play which left them with no alternative but to do what they have done. The combination of the new nationalism and the urge to take control of their own economic future proved in the new States to be irresistible.

It should indeed not be difficult for South Africans to understand this process. In one sense we Afrikaners were the vanguard of this liberation movement in Africa. Of all former colonies, we displayed the greatest resistance to imperial conquest, a resistance which a handful of freedom fighters carried on for three years against the greatest Empire of all time. We failed then. A few decades later, without having once more to resort to arms, we succeeded in gaining our independence because it was impossible to stop us.... Now, as we communists see it, those who rule South Africa are trying to do just those things which imperialism could achieve in the nineteenth century but which are impossible in the second half of the twentieth. That attempt must lead inevitably to disaster.

Present dangers

So much for the considerations of theory which led me to contravene the law. Let me turn to what I regard as the present dangers in South Africa, which should impel people to act. I suppose it can never be

easy for the normal citizen of a State to break the law.... If in addition he has been trained as a lawyer, as I have, his instincts are reinforced by his training.... Only profound and compelling reasons can lead him to choose such a course.

In my view such powerful and compelling reasons have been brought into existence in South Africa during the past fifteen years or more and they have . . . led many thousands of South African citizens, including many of the country`s kindest and wisest and in normal circumstances, most law-abiding citizens, to transgress against unjust laws.

My own case is but a single one which illustrates to what our laws have driven such widely different persons as: Chief Luthuli, Nelson Mandela, Robert Sobukwe, Dr. G. M. Naicker, Nana Sita, Hugh Lewin, Jean Middleton, Alan Brooks and thousands of others, young and old, men and women.

There has always, since the days of slavery, been racial discrimination in South Africa. I suppose, at the beginning, when people enjoying a more advanced civilization come into contact and intermingle with those not so fortunate, this is inevitable, though according to the tenets of true Christianity it should not be so. Today we know, from experience in other parts of the world, that it is possible to make an illiterate people literate and to `civilize` them in one or at most two generations provided those who hold the State power are prepared to devote sufficient resources to that object--even if that entails sacrifices in other directions. That course South Africa never took.... Deliberately we chose the path of `segregation` which, whatever changing appellations we may give to it, was and is a policy intended to keep the non-whites in a state of permanent inferiority and

subjection--an inferiority which is political, social and economic. This in itself constitutes a grave menace.

In the first place `apartheid` or `parallele ontwikkeling` can never succeed.... It is sufficient to ask whether my Afrikaner people would after a century-long struggle for freedom and equal rights, ever have been satisfied were it proposed:

- i. That they should be given, say, the Orange Free State without its gold or coal mines, as the one and only part of the country in which they could live as of right and in which they could own land.
- ii. That Afrikaners should enjoy political rights in the Orange Free State only and those in the form of an emasculated Provincial Council always subject to the control of a legislature comprised entirely of members of a different race--with only a promise of some vague form of `independence` at some unspecified, dim and future time.
- iii. That elsewhere in South Africa, where the majority of their people live, and would of necessity forever have to live, they should be allowed to live only on sufferance of another race--subject also to having employment, the necessary documents and having a political record of not being openly opposed to the government of the day.
- iv. That in all the parts of the country--the Transvaal, Natal and the Cape --where lie the industries, the mines and the big cities of our country, they as Afrikaners should have to live in locations or in compounds, be excluded from owning their own homes, be excluded

- from performing skilled work and be constantly subject to losing their employment because of job reservation.
- v. That in those areas they should be excluded from all administrative and judicial posts and from all our best universities and schools, our theatres, restaurants, places of entertainment and other amenities.
 - vi. That they should be subject to the Pass Laws and that Afrikaans should be recognized as an official language in the Orange Free State only.
 - vii. Hence, that they should be condemned for the foreseeable future to degrading poverty and insult.

I have gone far enough, though this catalogue could be extended indefinitely. After all, my object is merely to explain my motives. The answer should be obvious. But what does not seem to be obvious to the white people of this country is that the attempt to implement their present policy is one which is fraught with peril. Here, too, argument is superfluous if for one moment one uses one's imagination and pictures its application to one of the white races of this country. The situation created would immediately be explosive and would lead overnight to extreme unrest and violence--as indeed much milder policies have in the past led: in Graaff Reinet and Swellendam, in the Free State, in 1881 in the Transvaal and even in the 1914 Rebellion when those who though they were wronged were in fact in possession of the vote.

That similar reactions on the part of the non-white have not been produced during the past fifty years is no tribute to the policy of segregation but rather to the tolerance, understanding and infinite goodwill of the African. The only surprising thing is that it has produced nothing more violent than some highly controlled and restricted sabotage.

But there are circumstances which make the policy of segregation far more dangerous in the 1950s than it would have been in earlier decades....

I am not trying to dramatize this situation. I am stating nothing but plain simple fact. It is there for anyone to see--for anyone whose vision is not totally obscured by the myopia of the white South African:

- a. There is a strong and ever-growing movement for freedom and for basic human rights among the non-white people of the country--that is, amongst four-fifths of the population.
- b. This movement is supported not only by the whole of Africa but by virtually the whole membership of the United Nations as well--both West and East.
- c. However complacent and indifferent white South Africa may be, this movement can never be stopped. In the end it must triumph. Above all, those of us who are Afrikaners and who have experienced our own successful struggle for full equality should know this.
- d. The sole questions for the future of all of us therefore are not whether the change will come but only (i) whether the change can be brought about peacefully and without bloodshed; and (ii) what the position of the white man is going to be in the period immediately following on the establishment of democracy--after the years of cruel discrimination and oppression and humiliation which he has imposed on the non-white people of this country....

I believed when I joined the illegal Communist Party that South Africa had set out on a course which could lead only to civil war of the most vicious kind whether in ten or fifteen or twenty years. Algeria provided the perfect historical example of that. I believed moreover, and still believe, that such a civil war can never be won by the whites of this country. They might win some initial rounds. In the long run the balance of forces is against them, both inside and outside the country. In Algeria . . . a French army of half a million soldiers backed by one of the world's great industrial Powers could not succeed. But win or lose, the consequences of civil war would be horrifying and permanent. Clearly it is imperative that an alternative `solution` be found, for in truth civil war is no `solution` at all.

Here I believed and still believe that socialism in the long term has an answer to the problem of race relations--that is a Socialist State. But by negotiation, other immediate solutions can be found. They must, however, not be imposed but worked out in co-operation, and that is what the Communist Party has stood for....

We must find a system which creates work and banishes the fear of unemployment. That I believe can be found in a carefully conceived plan along the lines of the Freedom Charter with a fair division of political and economic power. All the peoples of South Africa must be given a voice in their own affairs and in the whole of the country which they work in and they must be taught that races can live and work together in harmony. Had our white political leaders during the past thirty years preached the possibility of interracial co-operation instead of using every means of destroying any belief in it, we might already have reached a position of safety. South Africa would certainly by now have achieved a unique leadership amongst the States of Africa and would undoubtedly have influenced the history of the whole of this continent and the future of the white man's position

in it. Instead we stand completely isolated from over 200 million people, hated by all....

I speak as an Afrikaner

I have one more thing to say as to my motives. I estreated bail on 25 January of last year. Had I wanted to save myself, I could have done so by leaving the country or simply by remaining in England in 1964.... I regarded it as my duty to remain in this country and to continue with my work as long as I was physically able to do so. The same reasons which induced me to join the illegal Communist Party induced me to estreat bail. By 1965 they had been magnified a hundred fold. All protest had been silenced. The very administration of justice had been changed by the 90-day law and by the `Sobukwe` clause which in a vital respect had usurped the functions even of the court trying me. My punishment was no longer in the sole discretion of that court. During the previous decade too--and now I speak as an Afrikaner--something sinister for the future of my people had happened.

It is true that `apartheid has existed for many decades` with all that it entails in shapes ranging from segregation and the deprivation of rights to such apparently trivial things as the constant depiction in our Afrikaans newspaper cartoons of the African as a cross between a baboon and a nineteenth century American coon. What is not appreciated by my fellow Afrikaner, because he has cut himself off from all contact with non-whites, is that the extreme intensification of that policy over the past fifteen years is laid entirely at his door. He is now blamed as an Afrikaner for all the evils and the humiliation of apartheid.

Hence today the policeman is known as a `Dutch`. That is why too, when I give an African a lift during a bus boycott, he refuses to believe that I am an Afrikaner.

All this bodes ill for our future. It has bred a deep-rooted hatred for Afrikaners, for our language, our political and racial outlook amongst all non whites--yes, even amongst those who seek positions of authority by pretending to support apartheid. It is rapidly destroying amongst non-whites all belief in future co-operation with Afrikaners.

To remove this barrier will demand all the wisdom, leadership and influence of those Congress leaders now sentenced and imprisoned for their political beliefs. It demands also that Afrikaners themselves should protest openly and clearly against discrimination. Surely, in such circumstances, there was an additional duty cast on me, that at least one Afrikaner should make this protest actively and positively even though as a result I now face fifteen charges instead of four.

It was to keep faith with all those dispossessed by apartheid that I broke my undertaking to the court, separated myself from my family, pretended I was someone else, and accepted the life of a fugitive. I owed it to the political prisoners, to the banished, to the silenced and those under house arrest, not to remain a spectator, but to act. I knew what they expected of me and I did it. I felt responsible, not to those who are indifferent to the sufferings of others, but to those who are concerned. I knew that by valuing above all their judgement, I would be condemned by people who are content to see themselves as respectable and loyal citizens. I cannot regret any condemnation that may follow me.

At the times referred to in the evidence I was a member of the Central Committee of the Communist Party. I was its Acting Chairman.... I

attended the meetings of the Committee. I am not prepared to say who its members were though I should add that these meetings were occasionally attended by non members--persons we wished to consult and who could be trusted because of their long record of service to the liberation movement in South Africa....

I cannot deal with these meetings or with testimony about my views and my conduct or about Umkhonto We Sizwe without giving the court a brief outline of the history of the formation of Umkhonto We Sizwe and its purposes and of the attitudes of the Communist Party towards it.

It is well known that throughout its history the Indian Congress has always been strongly influenced by the ideas of non-violence taught by Mahatma Gandhi, who was its founder. It is also a matter of history that during the first forty years of its existence, from 1912 onwards, the African National Congress chose strictly legal methods only of trying to make its deep-felt grievances known to the white people of this country. Exactly the same methods were used by the Coloured People`s Organisation and by the Communist Party.

If proof were needed of the fruitless results of these methods it can be found in any statute book printed during those years. Discrimination was piled upon discrimination. Steadily over the years the rights of non-whites were eroded. After forty years no leaders could be expected to continue with such fruitless methods....".

Fischer next outlined the course of the liberation struggle between 1952 and 1961, and continued as follows:

"This was the position when the African leaders met in March 1961 in Maritzburg in an all-in conference and decided to make one more

peaceful call on the Government to hold a convention, at least to discuss the constitution for the new Republic of South Africa, failing which there should be a three-day stay at-home at the end of May....

Again instead of sympathy new oppressive legislation was passed, all gatherings were prohibited between 19 May and 26 June; nationwide police raids were conducted; this time between 8,000 and 10,000 Africans were arrested; leaders were held under the twelve-day no bail rule and the army staged demonstrations in the non-white areas of our cities. That was the Government's reply to what was surely a reasonable request. Save for a handful, none of those leaders arrested was ever charged. The few who were charged were acquitted. In fact these arrests on this vast scale amounted to an abuse of legal process.

In these circumstances history will not blame those Congress leaders who in some way or other came together in July 1961 and devised the scheme by which the Spear of the Nation was to be brought into existence under the control of one of its ablest and most respected leaders, Nelson Mandela.

I must emphasize the basic ideas which then prevailed:

- a. To do nothing and simply accept apartheid would have meant total and unconditional surrender to ideas which were and still are intensely hated.
- b. To proceed to personal violence against whites or white leaders would have been to negate all the Congresses had ever stood for--the establishment of racial harmony and co-operation.
- c. Therefore there was devised a plan which it was hoped might help to achieve the required results without injury to person or to race relations, namely, the

formation of a small, closely knit, multiracial organization which would practice sabotage against carefully selected targets which could be attacked without endangering life or limb but which, because of their nature, would demonstrate the hatred of apartheid. For this purpose therefore targets were to be Government installations and preferably those which, if successfully attacked, would disrupt the process of governing.

Two further ideas were of importance in this scheme. One was that the leaders of Umkhonto gave the assurance that it would not depart from its self-imposed limitations without prior reference to the political movement. In the circumstances the African National Congress and the Communist Party took no steps to prevent their members joining Umkhonto.

The second was that the organization was not only to be secret but was to be self-controlled by men selected by Mandela, was to finance its own affairs and was to be kept entirely separate and distinct from the Congresses and the Communist Party. This was of equal importance. The Congress and the Communist Party still had important political functions to fulfil as several exhibits clearly indicate--the functions of political education and organization, of making use of every political opportunity which presented itself to advance the cause of freedom and democracy. Their members had been recruited on the basis that they were joining non-violent organizations. It would have been politically dishonest as well as politically foolish to endeavour to turn them into organizations for sabotage. The Congress and the Communist Party did not wish to have their membership held liable for every act of sabotage nor, and this was of crucial political importance, did they want their members to

gain the idea that once sabotage commenced, political work should cease. This separation of organizations was always maintained. I had no hand in the founding of Umkhonto and I was never a member. I became aware of its existence and did not disapprove.

It was never believed that a fundamental change in South African policy could be brought about by sabotage alone. What was hoped by those who devised the plan was that it would highlight the ever growing dissatisfaction and that steady political work by the Congress and the Communist Party would have to continue to try to bring about a change in the attitude of white South Africa....

I should say at this stage that the Communist Party has always in this country and elsewhere been rigidly opposed to individual acts of violence. Such acts are regarded by communists as acts of terrorism which achieve nothing. Communists are not, of course, opposed to violence on principle. They are not pacifists. They do, however, believe that in general it is the working class which suffers most from violence and war and hence that wherever possible this is to be avoided....

The plan put forward by Umkhonto appeared to us to be of an entirely different character from that type of terrorism of which we all disapproved in principle and in practice. It was to be a demonstration. It might achieve its object of making the white voter in South Africa reconsider his whole attitude. If it succeeded in that it would succeed without loss of life or injury to persons, the very things which stimulate race antagonism. It might in addition have the effect of deterring extremists, whose numbers and influence were growing at an alarming rate from undertaking precisely that kind of terrorism which we have always fought to prevent....

Horrifying picture

I cannot address any argument to this court. What I can do is to give the court certain facts regarding the manner in which the criminal law has come to be administered in political cases in this country. It presents a picture which is horrifying to those brought up with traditional ideas about justice.

In July of 1964 I was detained for three days under the ninety-day law and was twice interrogated. There was nothing fair or impartial about the inter rogation.... As for solitary confinement, I can only say that every South African voter should try it on himself. He can do so by locking himself up for a week-end in one small unfurnished room with no window through which he can see, by allowing himself to be taken out twice a day only, by a stranger, to walk around an enclosed yard for half an hour and for the rest to see no one at all, except the stranger who brings him food three times a day. One week-end would be sufficient to convince him of its callous inhumanity--of why, in wiser days its application was strictly limited by the law.

For the past four and a half months I have also been held in conditions which in some ways amounted to solitary confinement. I was interrogated once only though an extremely unfair method was used to try and extract information from me. And though I was the accused it was suggested that by giving this information I could obtain the release of an elderly person in poor health who was then being detained.

Compared with others, I have not suffered. During these four and a half months I have twice a week been allowed to see my children. I have also been allowed to consult with legal advisers and to obtain reading matter. Nevertheless on the majority of days I have, sleeping

and working, had to kill twenty-three hours a day by myself and I can only state that, if under such conditions pressure had really been applied to me--if I had been made to stand in one spot for twenty or thirty or even sixty hours at a time with batteries of trained men firing questions at me--the `statue` method as it is known--if under those conditions I had given information it could only have been information of a most unreliable character. Solitary confinement in itself is a vicious and inhuman form of treatment....

I cannot testify to the extreme forms which this `treatment` has taken. But there are facts of which the State knows, and some of which have come before our courts which establish what their consequences have been apart from twisting and distorting human personalities like those of Beyleveld and Hlapane. These methods have already produced three suicides, one of them by an Indian who was a close friend of mine, a man no one could ever have dreamed would take his own life. They have also produced two serious attempts at suicide by two other close friends. The first was by Mrs. Slovo, the mother of three small daughters, a courageous woman if ever there was one. The other, by Mr. Heymann, also a person of outstanding character and courage.

These facts which all should know . . . bring shame to our country. Few whites recognize them. Most accept the application of the 180-day law as a normal procedure. But the facts remain and they are the result of an attempt to use the criminal law in order to suppress political beliefs. In such circumstances the administration of criminal law . . . ceases to have integrity. It becomes an inquisition instead. It leads to the total extinction of freedom. It adds immeasurably to the deep race hatred.

The last subject I want to mention is personal. Therefore I hesitated before deciding to do so. But I shall not be giving evidence or making

a statement in mitigation and perhaps I should acquaint the Court with one aspect of my back ground.

I was a Nationalist at the age of six, if not before. I saw violence for the first time when, sitting on my father`s shoulder, I saw business premises with German names burned to the ground in Bloemfontein including those of some of my own family. I can still remember the weapons collected by my father and his friends who were bent on preventing a second outbreak. I saw my father leave with an ambulance unit to try and join the rebel forces. I remained a Nationalist for over twenty years thereafter and became, in 1929, the first Nationalist Prime Minister of a student parliament.

I never doubted that the policy of segregation was the only solution to this country`s problems until the Hitler theory of race superiority began to threaten the world with genocide and with the greatest disaster in all history. The Court will see that I did not shed my old beliefs with ease.

It was when these doubts arose that one night, when I was driving an old ANC leader to his house far out to the west of Johannesburg that I propounded to him the well-worn theory that if you separate races you diminish the points at which friction between them may occur and hence ensure good relations. His answer was the essence of simplicity. If you place the races of one country in two camps, said he, and cut off contact between them, those in each camp begin to forget that those in the other are ordinary human beings, that each lives and laughs in the same way, that each experiences joy or sorrow, pride or humiliation for the same reasons. Hereby each becomes suspicious of the other and each eventually fears the other, which is the basis of all racialism.

I believe no one could more effectively sum up the South African position today. Only contact between the races can eliminate suspicion and fear; only contact and co-operation can breed tolerance and understanding. Segregation or apartheid, however genuinely believed in, can produce only those things it is supposed to avoid: interracial tension and estrangement, intolerance and race hatreds.

All the conduct with which I have been charged has been directed towards maintaining contact and understanding between the races of this country. If one day it may help to establish a bridge across which white leaders and the real leaders of the non-whites can meet to settle the destinies of all of us by negotiation and not by force of arms, I shall be able to bear with fortitude any sentence which this Court may impose on me. It will be a fortitude strengthened by this knowledge at least, that for twenty-five years I have taken no part, not even by passive acceptance, in that hideous system of discrimination which we have erected in this country and which has become a byword in the civilized world today.

In prophetic words, in February 1881, one of the great Afrikaner leaders addressed the President and Volksraad of the Orange Free State. His words are inscribed on the base of the statue of President Kruger in the square in front of this Court. After great agony and suffering after two wars they were eventually fulfilled without force or violence for my people. President Kruger's words were:

Met vertrouwen leggen wy onze zaak open voor de geheele wereld. Het zy wy overwinnen, het zy wy sterven: de vryheid zal in Afrika ryzen als de zon uit de morgenwolken`.*

In the meaning which those words bear today they are as truly prophetic as they were in 1881. My motive in all I have done has been

to prevent a repetition of that unnecessary and futile anguish which has already been suffered in one struggle for freedom".

Fischer was sentenced to life imprisonment. Imprisoned in Pretoria, during 1974 his failing health proved to be the result of cancer. Despite world-wide appeals, the Government refused to release him to the care of his family until death was imminent. He died in May 1975. The authorities refused to release his ashes to the family.

*With confidence we lay our case before the whole world. Whether we win or die, freedom will rise in Africa, like the sun from the morning clouds.

Toivo ja Toivo

Toivo was born in 1925 and educated at an Anglican Mission school in Ovambo land in the mandated territory of South West Africa (Namibia). He became a teacher until, in 1951, he went to Cape Town. There he became politically active and, as regional secretary of what later became the S.W.A. People`s Organisation (SWAPO) in 1954 and 1958, he petitioned the United Nations on behalf of his people. He was ordered to leave the Cape and restricted to the Ondonga tribal area in Namibia. He was among the 35 Namibians arrested in 1966 and deported to Pretoria where they were brutally interrogated before being brought to trial under retroactive legislation, the Terrorism Act.

During the trial, which lasted from August 1967 to February 1968, Toivo made a statement from the dock:

"We find ourselves here in a foreign country, convicted under laws made by people whom we have always considered as foreigners. We

find ourselves tried by a judge who is not our countryman and who has not shared our background....

We are Namibians and not South Africans. We do not now, and will not in the future, recognize your right to govern us, to make laws for us in which we have no say; to treat our country as if it were your property and us as if you were our masters....

We are far away from our homes; not a single member of our families has come to visit us, never mind be present at our trial....

The South African Government has again shown its strength by detaining us for as long as it pleased, keeping some of us in solitary confinement for 300 to 400 days and bringing us to its capital to try us. It has shown its strength by passing an Act especially for us and having it made retrospective. It has even chosen an ugly name to call us by. One's own are called patriots, or at least rebels; your opponents are called terrorists....

We know that whites do not think of blacks as politicians--only as agitators. Many of our people, through no fault of their own have had no education at all. This does not mean that they do not know what they want....

Our grievances are called `so-called` grievances. We do not believe South Africa is in South West Africa in order to provide facilities and work for non whites. It is there for its own selfish reasons. For the first 40 years it did practically nothing to fulfil its `sacred trust`. It only concerned itself with the welfare of the whites.

Since 1962 because of the pressure from inside by the non-whites and especially my organisation, and because of the limelight placed on our

country by the world, South Africa has been trying to do a bit more. It rushed the Bantustan Report so that it would at least have something to say at the World Court.

Only one who is not white and has suffered the way we have can say whether our grievances are real or `so-called`.

Those of us who have some education, together with our uneducated brethren, have always struggled to get freedom....

Your Government, my Lord, undertook a very special responsibility, when it was awarded the mandate over us after the First World War. It assumed a sacred trust to guide us towards independence and to prepare us to take our place among the nations of the world.

We believe that South Africa has abused that trust because of its belief in racial supremacy (that white people have been chosen by God to rule the world) and apartheid. We believe that for 50 years South Africa had failed to promote the development of our people. Where are our trained men? The wealth of our country has been used to train your people for leadership and the sacred duty of preparing the indigenous people to take their place among the nations of the world has been ignored....

I do not claim that it is easy for men of different races to live at peace with one another. I myself had no experience of this in my youth, and at first it surprised me that men of different races could live together in peace. But now I know it to be true and to be something to which we must strive.

The South African Government creates hostility by separating people and emphasizing their differences. We believe that by living together,

people will learn to lose their fear of each other. We also believe that this fear which some of the whites have of Africans is based on their desire to be superior and privileged and that when whites see themselves as part of South West Africa, sharing with us all its hopes and troubles, then that fear will disappear. Separation is said to be a natural process. But why, then, is it imposed by force, and why then is it the whites have the superiority?

I have come to know that our people cannot expect progress as a gift from anyone, be it the United Nations or South Africa. Progress is something we shall have to struggle and work for. And I believe that the only way in which we shall be able and fit to secure that progress is to learn from our own experience and mistakes.

Your Lordship emphasized in your judgement the fact that our arms came from communist countries and also that words commonly used by communists were to be found in our documents. But my Lord, in the documents produced by the State, there is another type of language. It appears even more often than the former. Many documents finish up with an appeal to the Almighty to guide us in our struggle for freedom. It is the wish of the South African Government that we should be discredited in the Western world. That is why it calls our struggle a communist plot; but this will not be believed by the world. The world knows that we are not interested in ideologies.

We feel that the world as a whole has a special responsibility towards us. This is because the land of our fathers was handed over to South Africa by a world body. It is a divided world, but it is a matter of hope for us that it at least agrees about one thing--that we are entitled to freedom and justice.

Other mandated territories have received their freedom. The judgement of the World Court was a bitter disappointment to us. We felt betrayed and we believed that South Africa would never fulfil its trust. Some felt that we would secure our freedom only by fighting for it. We knew that the power of South Africa is overwhelming, but we also knew that our case is a just one and our situation intolerable--why should we not receive our freedom ?

We are sure that the world's efforts to help us in our plight will continue, whatever South Africans may call us.

We do not expect that independence will end our troubles, but we do believe that our people are entitled--as are all peoples--to rule themselves. It is not really a question whether South Africa treats us well or badly, but that South West Africa is our country and we wish to be our own masters.

There are some who will say that they are sympathetic with our aims, but that they condemn violence. I would answer that I am not by nature a man of violence and I believe that violence is a sin against God and my fellow men. SWAPO itself was a non-violent organization, but the South African Government is not truly interested in whether opposition is violent or non-violent. It does not wish to hear any opposition to apartheid.

Is it surprising that in such times my countrymen have taken up arms? Violence is truly fearsome, but who would not defend his property and himself against a robber? And we believe that South Africa has robbed us of our country.

I have spent my life working in SWAPO, which is an ordinary political party like any other.

My Lord, you found it necessary to brand me as a coward. During the Second World War, when it became evident that both my country and your country were threatened by the dark clouds of Nazism, I risked my life to defend both of them, wearing a uniform with orange bands on it.

But some of your countrymen when called to battle to defend civilisation resorted to sabotage against their own fatherland. I volunteered to face German bullets, and as a guard of military installations, both in South West Africa and the Republic, was prepared to be the victim of their sabotage. Today they are our masters and are considered the heroes, and I am called the coward.

When I consider my country, I am proud that my countrymen have taken up arms for their people and I believe that anyone who calls himself a man would not despise them.

I had no answer to the question: `Where has your non-violence got us` ? Whilst the World Court judgement was pending, I at least had that to fall back on. When we failed, after years of waiting, I had no answer to give to my people.

Even though I did not agree that people should go into the bush, I could not refuse to help them when I knew that they were hungry. I even passed on the request for dynamite. It was not any easy decision. Another man might have been able to say `I will have nothing to do with that sort of thing`. I was not, and I could not remain a spectator in the struggle of my people for their freedom.

I am a loyal Namibian and I could not betray my people to their enemies. I admit that I decided to assist those who had taken up arms.

I know that the struggle will be long and bitter. I also know that my people will wage that struggle, whatever the cost.

Only when we are granted our independence will the struggle stop. Only when our human dignity is restored to us, as equals of the whites, will there be peace between us....

My co-accused and I have suffered. We are not looking forward to our imprisonment. We do not, however, feel that our efforts and sacrifice have been wasted. We believe that human suffering has its effect even on those who impose it. We hope that what has happened will persuade the whites of South Africa that we and the world may be right and they may be wrong. Only when white South Africans realize this and act on it, will it be possible for us to stop our struggle for freedom and justice in the land of our birth".

Toivo was sentenced to twenty years` imprisonment.

Eliaser Tuhadeleni

Father of seven children, a market gardener and cattle owner, Tuhadeleni was a member of SWAPO`s executive. He was accused Number 1 in the 1967--1968 trial of 35 Namibians.

To the court in Pretoria, he said:

"I only reached Standard 3 at school and I was convinced that neither I nor my people could progress without education. And so in 1949 I went to the Transvaal to try to gain admission at Stofberg College. I failed to do so and I went to work in Cape Town.

Working in this great city showed me how backward my people were and how urgently they needed education and progress. I was determined to work for this progress. I returned in 1954 to Ovamboland but spent some two years in hospital with tuberculosis.

I left hospital with the situation of poverty and ignorance in my mind and in 1955 when the late Dr. Verwoerd visited Ovamboland I thought here is the man in charge of our affairs: here is my opportunity to take our problems to this powerful man.

I found, however, that we Ovambos were ignorant of procedure and poorly educated and this handicapped us. I spoke to the Commissioner and told him that the Ovambos needed education and training. I believed that this was the way for our future. The Commissioner agreed and I was encouraged and believed that this progress would come.

Then came bitter years. I found that the chiefs and headmen who control us were not interested in discussion at tribal meetings and not prepared to lead the people towards education. Those who spoke out at tribal meetings of our poverty and ignorance were branded as agitators and victimized and not heeded. And in this the chiefs and headmen had the support of the Commissioners and the Government.

Instead of leading us to independence the South Africans were making us part of South Africa in which the white man is master.

I came to realize that we could expect no progress from those who ruled us and that my children could expect no better from life than I had. I thought that we would only gain respect when we ruled ourselves and that we could only make progress when we controlled our own country. I knew that our people were poor but I also knew

from the history of my people that they would struggle to better themselves.

A peaceful struggle was not possible. We of SWAPO were not allowed to hold meetings and our leaders were victimized.

I believed that we must take up arms for the freedom of my people to liberate it from poverty and ignorance. And so I went to the bushes with the others.

The decision to take up arms against South Africa was a troublesome one to me. I am proud of being a South West African and I am especially proud because of the history of my people. My people has a tradition of peace, both in its own affairs and with its neighbours. The place or area settled by a clan or group of families is called Omkunda which means `It Has Been Discussed` and the area settled by a tribe is called Oshilongo, meaning `It Has Been Done`. That is how we have conducted our affairs, by discussion and agreement.

But we find ourselves a conquered people and the master does not discuss with the slave. And so we shall free ourselves and then discussion will again take place between equals.

Our struggle against South Africa is an unequal one.... But David slew Goliath because he had right on his side, and we Namibians have faith that we, too, have right on our side".

Tuhadeleni was sentenced to life imprisonment.

James April

James Edward April was born in Cape Town in 1940. A former student at the University of Cape Town, he was charged in 1971 on four counts under the Terrorism Act, including involvement in guerrilla activities in Rhodesia.

In a statement in mitigation of sentence to the Supreme Court in Pietermaritzburg on 10 May 1971, he said:

"Whenever people are in despair they resort to violence. Violence becomes an act of hope. History shows repeated examples of people struggling and fighting for freedom. Most people in the world today are struggling for freedom, and even in the most stable societies there are strikes and violence. You must realise that these people will not tolerate apartheid.

The ANC is a great movement. It is the spirit of the African people. As long as you do not satisfy the aspirations of the African people you will never crush the ANC, in spite of the fascist Security Police.

When I returned to South Africa I was tired and played out. This led to my capture. I wish to stress that it was this, and not the ingenuity of the Security Police, that led to my arrest.

During my interrogation by the Security Police I was kept in solitary confinement and beaten up. Even though I answered many of their questions there was nothing to please them. This once again proved to me that there are fascist thugs in the Security Police.

Solutions to South Africa's problems can truly be found, but only on a democratic basis, and not on a democracy imposed upon a majority by a minority which has within it a secret Broederbond fascist society.

You whites must realise that eventually you will have to stay in South Africa. You may find that even South Africa will become too small for you. You will have a rough time for the next few years. The prospects for the ANC too are grim, but time is on our side, I guarantee it. Change will take place in our favour, even if there is a world war.

The African people will be victors over the fascist South African Government. Inevitably we shall overcome.

I did these things because I believed I was right. I am still prepared to face the consequences of my actions".

James April was sentenced to fifteen years` imprisonment.

Mosioua Gerard Patrick Lekota

Born in 1949, Lekota was Accused Number 2 in the SASO (South African Students Organisation) trial held in Pretoria from January 1975 to December 1976. An active member of SASO at the University of the North, Turfloop, in 1973 he had been elected Permanent Organiser. He and twelve others were charged under the Terrorism Act and General Laws Amendment Act after being held incommunicado for periods ranging from 85 to 129 days.

Lekota told the Court why he was pleading "Not Guilty":

"My activities in SASO far from being terroristic, have comprised the following: through our literary works we have tried to work towards instilling a spirit of self-pride, of dignity in the black community; we have done this by constantly addressing ourselves to the black peoples

of this country, relating ourselves to the black experience, highlighting the inherent duties of that experience, and that life.

Over the years we have worked relentlessly through our community development programmes ... we have built schools, clinics, dams.... This work was done publicly before everybody, even the Security Police, who happened to have always been very interested in our activities, and it is a fact that a large quantity of our literature has been with the Security Police for years now. If all this work were to be terroristic, I would be guilty, but in my view there is nothing terroristic about it. All I see here is a genuine effort by the black youth to make of his own people a people before the world, to make use of our lives to build our people, people who have been misused and disowned....

Incidentally, even in our writings, our work, we have hardly ever addressed ourselves to white people, we have addressed ourselves continuously to the black peoples of this country, because we felt that is where our task is. And by the way, even the law of this country directed that our responsibility is towards our people, and that we have got nothing to do with white people.... "

Lekota was found guilty with eight others, including Maitsho Mokoape, of conspiring to endanger law and order, and organising "Viva FRELIMO" rallies in 1974 "with intent to encourage racial hostility". Their primary object, said the Judge, was the liberation of the black people. He was sentenced to six years` imprisonment.

Maitsho Nchaube Aubrey Mokoape

Born in 1948, Mokoape is a doctor, married and with two daughters. A founder member of the Black People`s Convention (BPC) and of SASO, he was banned under the Suppression of Communism Act. He was Number 3 among those accused in the SASO trial from January 1975 to December 1976.

He explained to the Court his plea of "Not Guilty", describing the indictment under the Terrorism Act as "a malicious publication, a political frame-up calculated to intimidate Black people and to buy time for White *baasskap* (supremacy)":

"My co-accused and I have been charged with conspiring to overthrow the State by violence, when not once have we resorted to surreptitious plotting. We have at all times proclaimed our gospel of Black Consciousness publicly and forthrightly. We have deplored in no uncertain terms the violence that is meted out against our people in the name of *baasskap*: the violence of the pass laws, the violence of starvation wages, the violence of forced removals.

We as black people have experienced too much violence in this country to wish to perpetuate the evil in any way. We have been charged with inciting racial hostility when that is precisely what we fought.... We have fought policies that reduce our people to mere slavery, that humiliate our people in the streets, in their homes. We have never done anything clandestinely, the Black Consciousness movement is distinguished for its forthrightness and its fierce independence of thought.... We proclaim the arrival of the new black man, whose thinking is unfettered by feelings of inferiority, in whose vocabulary the word *baas* is expunged, who refuses to sit on the sidelines whilst important decisions are being taken about him, such as the fragmentation and the mutilation of our country into Xstans, Ystans and Zstans. All this we fought without resort to criminal acts.

If in our pursuit for the full blossoming of our lives we have offended others, we cannot offer an apology, for such offence can only be the result of their own deep guilt complexes and their paranoid fears. We have never sought anything that belonged to others, we have sought alone those things that belong to us by right of birth in the country of our forebears".

Mokoape was among those sentenced to six years` imprisonment.

Raymond Suttner

Born in 1945, Raymond Sorrel Suttner was educated at the University of Cape Town. In 1972 he was appointed Lecturer in Law at the University of Natal. He published many papers and lectured abroad on African law, the status of African women and other legal subjects. In November 1975 he pleaded guilty to two counts of contravening the Suppression of Communism Act; of having encouraged others to join the ANC and to help produce pamphlets for that illegal organisation.

To Durban Supreme Court, Suttner declared:

"From my earliest encounters with black people I have been aware of the contrast between my own living circumstances and theirs. I felt that it could not be right that some people, merely because they were black, should have to live with less than they needed. In my home background I was encouraged to treat all human beings with dignity and respect.... At school and especially at university I used every opportunity to argue against racism and for a common society where black and white could live together in peace and justice. Despite what I heard from most whites I came to feel that equal rights was not something to be feared but the basis for real security.: . .

The suppression of the ANC, the Communist Party and other allies in the liberation movement has meant that we do not hear calls for equality in one undivided South Africa, as frequently as we should . . . [Because of this] I have been cut off from information about them for most of my life.... In trying to find a meaningful political role in our situation, I sought information about the ANC and its allies. When I read their literature and heard their aims, I saw that they did not, as their detractors suggested, advocate indiscriminate violence nor the setting up of a tyrannical regime, I found that they had simple aims--to make a new society that would benefit not a few, but all....

My own political experience, mainly as a university student, and what I knew of our political history, led me to conclude that radical criticism, no matter how valid, is either ignored, rejected as illegitimate or suppressed....

For many years I participated in protest activities--organising petitions, holding placards, marching and various other demonstrations against racial discrimination. None of these or similar protests had any effect.... Leaders were banned or arrested without trial. Around 1969 I started to ask myself whether I was doing this out of habit or whether these activities were achieving anything. The Minister of Education had left few illusions about their impact when he said in one statement that student petitions went straight into his waste-paper basket. Every year new laws made protest more difficult. Yet every year seemed to make opposition more necessary....

What I heard and read strengthened the admiration I had felt for the selflessness and dedication of men like Albert Luthuli, Bram Fischer, Nelson Mandela, Walter Sisulu, Govan Mbeki, Ahmed Kathrada and Denis Goldberg.... I came to feel that I could contribute most by aiding the ANC and its allies. I came to believe that the course they

followed was the only way to achieve freedom in our country. It is true that this means supporting a policy including the use of violence. The law under which I am charged does not ask the court to enquire what precipitated the violence.... Yet there are factors in the ANC decision that make it abundantly clear that they did not desire violence, that they use it reluctantly. ANC strategies are aimed at minimising conflict and promoting democracy.... Certain types of actions such as terrorism or undisciplined heroic acts, even if well-motivated, are rejected as exacerbating the bitterness and hostility....

The work I have done for the freedom movement made rigorous demands, It was not pleasant to spend my spare time licking envelopes, duplicating, typing, sticking stamps. Most of the time I did this work on my own.... The goals for which I worked warranted whatever sacrifices were required. It is obvious that these activities had to be carried out in secret, that I had to conceal them from closest friends and family.... Though I would have been pleased to debate these ideas freely, I could not jeopardise the security of my organisations and others involved....

Normally I would consider it wrong to break laws.... But I have acted against laws that do not serve the majority of South Africans, laws that inculcate hostility between our people and preclude the tolerance and co-operation that is necessary to a contented and peaceful community....

I have acted in the interest of the overwhelming majority of our people. I am confident that I have their support".

Suttner was sentenced to seven and a half years.

Mosima Gabriel Sexwale

ACCUSED Number 1 in the trial of the "Pretoria 12", Sexwale was born in Soweto on 5 March 1953, the third in a family of six children. He attended a Roman Catholic primary school and later studied at the University of Swaziland.

In the trial, which lasted from mid 1977 until April 1978, he was found guilty under the Terrorism Act of conspiracy to endanger the maintenance of law and order, a conspiracy which included his being trained at ANC military camps in Tanzania and Russia, and his instructing others in the use of firearms and explosives. The main act in the conspiracy arose from his throwing a hand grenade at --and seriously injuring--two policemen who had accosted him and three companions after their illegal return to South Africa, carrying arms and explosives.

To the court in Pretoria, Sexwale said:

"I have not tried to escape responsibility for anything that I did; but now that I have been convicted--and I knew from the beginning that I would be convicted --I want to explain my actions so that you should understand why I chose to join the struggle for the freedom of my people.

During most of my childhood in Soweto, the sole breadwinner in our family was my father. He had fought for his country and for his ideals during World War II, and when the peace returned he was employed as a clerk in the `Non European` section of the Johannesburg General Hospital. He has continued in this position up to this day.

My mother was willing and able to work and indeed needed to work in order to supplement my father's meagre income. However, she had been born in Pietersburg and had come to live in the 'prescribed area' of Johannesburg only after she had married my father. As a result, she was not able to obtain the required permission from the authorities to work in Johannesburg.... Then my uncle passed away and my father had to take over his family responsibility. This meant another six children.... At about this time, my mother finally received permission to work, and this relieved the desperate situation to some extent....

My childhood friends were in much the same sort of situation. We lived in poverty and we were all subjected to the humiliation which the whites imposed upon the blacks. We lived in the same typical 'matchbox' houses; we were continually aware that there was not enough money available to meet our needs for food, clothing and education; and when we went into town and saw the relative luxury in which white people lived, this made an indelible impression on our young minds. There was one respect in which, in comparison with some of my friends, I was privileged: my parents laid great store by education and made considerable sacrifices so that their children could receive a proper schooling . . . and there were real financial problems because school for black children was not free, and school uniforms and books added a further burden....

It was during my primary school years that the bare facts concerning the realities of South African society and its discrepancies began to unfold before me. I remember clearly having to go to school without breakfast because my family could not afford it. The meal of the day was in the evening, and that meal was usually all I had to eat until the next evening. I remember, too, a period in the early 1960s when there was a great deal of political tension, and we often used to encounter armed police in Soweto. We saw slogans painted on walls -- I

remember particularly vividly a slogan reading `Release Nelson Mandela and Others`. I remember the humiliation to which my parents were subjected by whites in shops and in other places where we encountered them and I remember the poverty....

By the time I went to Orlando West High School I was already beginning to question the injustice of the society in which we lived, and to ask why nothing was being done to change it. In this too, I was not unusual. Throughout the universities and high schools of South Africa, the South African Students` Organisation (SASO) and the South African Students` Movement (SASM), were very active in preaching the philosophy of Black Consciousness. Very many of us felt the need for blacks to have a sense of pride in themselves, to abandon old feelings of inferiority, and to stand together. I became an active participant . . . I rapidly appreciated, however, that this activity was all very well, but these were only student organisations. Our efforts were small and ineffective and had no influence on Government policy. I realised that it was only political organisations which could hope to play a part in changing the situation. But these had been banned and silenced. Existing organisations were tolerated either because they operated within the restrictive limits of the unacceptable `Bantustan policy`, or because they had little popular support.... It was clear to me that as an organisation like the Black Peoples` Convention grew, so it would be increasingly harrassed, until it would be finally closed down by the Government--as indeed happened.

The oldest and largest political organisation was the African National Congress. There were many former members living in the townships and the ANC was a common topic of discussion. I talked to former members, read whatever literature I could lay my hands on, and generally informed myself about its ideals, its history and activities.

The ideals appealed to me as authentic, rational and highly democratic.... I learnt that the Government replied to all peaceful efforts with violence and by banning the organisation. I learnt that this, in turn, led to the end of the ANC`s non-violent policy and to the decision in 1961 to turn to the use of force. I sympathised with this decision: I felt that the black people could not simply sit back and fold their hands--and that one could not meet the Government`s machine guns with empty hands....

The non-violent struggle seemed to me a relic of the past, a myth which was suicidal in the 1960s and 1970s. And I supported the policy as set out in the Freedom Charter: a democratic South Africa, belonging to all its people, black and white--a society in which all, and not just the select few, participated in deciding how the country was to be run.

While I was a student in Swaziland, I met exiled members of the ANC and my views were confirmed. I observed the ever increasing unemployment amongst blacks in South Africa: the poverty and degradation in which they lived and the refusal of the whites who ruled us to allow blacks a fair share in the wealth of the country. I saw how immigrants were welcomed and given jobs from which we as blacks were excluded and I saw and witnessed the suffering of my people. And so it was that I decided to join the ANC, and offer it my services.

I did this not for the hope of personal gain or glory, or in a casual manner with out thinking about the consequences. I was, and am, essentially a peaceful person --but I felt myself driven to this position, feeling that to counter the violence meted out against us, we were forced to defend ourselves: there was no option.

It is true that I was trained in the use of weapons and explosives. The basis of my training was in sabotage, which was to be aimed at institutions and not people. I did not wish to add unnecessarily to the grievous loss of human life that had already been incurred. In addition, it was necessary for us to be trained in order that we could defend ourselves if attacked. And finally, we wished to build up a core of trained men who would be able to lead others should guerrilla warfare commence.

It has been suggested that our aim was to annihilate the white people of this country. Nothing could be further from the truth. The ANC--in association with the alliance it has formed with people from all walks of life and representing all sections of the population--is a national liberation movement committed to the liberation of all the people of South Africa, black and white, from racial fear, hatred and oppression. The Freedom Charter, which after more than twenty years is still the fundamental policy document of the ANC, puts forward the ideal of a democratic South Africa, for all its people. We believe, and I believe, that the black people cannot be passive onlookers in their own country. We want to be active participants in shaping the face and course of direction of South Africa.

My lord, these are the reasons why I find myself in the dock today. When I joined the ANC I realised that the struggle for freedom would be difficult and would involve sacrifices. I was and am willing to make those sacrifices. I am married and have one child, and would like nothing more than to have more children, and to live with my wife and children with all the people in this country. One day that may be possible, if not for me, then at least for my brothers.

I appreciate the seriousness of my actions and accept whatever sentence may be imposed on me. That is the sacrifice which I must

make and am willing to make for my ideals. There is no doubt in my mind that these ideals will triumph; the tragedy is that it seems possible that there will be continued conflict and resultant bitterness, before those ideals are achieved".

Sexwale was sentenced to eighteen years` imprisonment.

Naledi Tsiki

Accused Number 2 in the trial of the "Pretoria 12", Tsiki was born in Johannesburg on 11 December 1955. From the age of six he lived with grand parents who were peasants in Lesotho, spending school holidays with his parents in Soweto. On 5 April 1978 he was convicted of conspiracy under the Terrorism Act: specifically, of undergoing military training in the Soviet Union, and, after illegally returning to South Africa, of sabotaging a railway line, of instructing others in the use of firearms, recruiting and encouraging them to undergo military training with the ANC.

In the course of his statement to the Court he said:

"From 1971 to 1973 I did my junior secondary schooling in Lesotho.... I had contact with various groups of people, some of whom were white. They did not have the same attitude towards me as the white people I came across in South Africa....

I read more about the struggle our people had waged against oppression in South Africa. I read about the activities of the ANC . . . also Chief Albert Luthuli`s book, Let My People Go, . . . about how our people used passive resistance to release themselves from the yoke of oppression. But most unfortunately this meekness was met in most

cases with overwhelming shows of strength and violence by the powers that be. Despite these factors, our people led by the ANC kept on waging a non-violent struggle. Indeed the ANC spent most of its lifetime engaged in the strategy of non-violence, until it was forcibly sent underground by those who have the power to do so....

In 1974 I went to attend the Morris Isaacson High School in Soweto. It had very poor facilities. The dilapidated building hardly had any doors or window panes, not to speak of the inadequate classrooms. There were no laboratories for science students, of whom I was one, and neither was there a library in the true sense of the word. That made it very difficult for most students to study and pass their exams, coupled with the fact that we had to buy our own textbooks which most could hardly afford.

My lord, one need only travel to the nearest white school from Soweto to see the adequate studying facilities, not to mention the almost luxurious recreational facilities which are but a mere dream to a black student.

As a young man, I would have liked to advance myself so that I could secure myself a desirable future. But the question I had to ask myself was what were the prospects ? This is the question that brings about frustration bordering on desperation to a great majority of young blacks. I knew that I could not be what I really wanted to be if in the opinion of the powers that be, such an occupation was unfit for blacks. That is to say if I wanted to be a pilot, having the necessary intelligence and ability, I still needed a further feature before I could qualify. That is, in order to be a pilot I would have to be a white man. I could not be a manager of a firm which employed whites, and neither could I be in charge of a hospital regardless of my qualifications.... And, my lord, without wishing to be offensive to the

Court, I should frankly say that I know of no black judge in South Africa. I could not hold any of these positions for the sole reason of the colour of my skin....

I should also let the Court know that the economic and social conditions of the blacks in this country are such that no normal person or right thinking person could tolerate them. In Soweto where I lived, I have seen children die because of malnutrition. I have seen my people slaughter one another so as to get bread in order to survive. In my own family I have seen my brothers and uncles going endlessly to town in a fruitless search for work. I have seen my own father struggle to bring us up. In as far as housing is concerned, one need only look at Alexandra Township, crime-ridden, foul-smelling with the long-forgotten walks being used for sanitary purposes. It hardly compares with the posh white suburb, Kew, just 300 metres away. These things have not passed unabsorbed in my mind.

It is a well-known fact that South Africa is a very wealthy country. I came to realise that the blacks were to produce the wealth of this country, not for their own benefit, but primarily for the benefit of the white people. The vast plantations of fruit in this country are planted and tended by the black people and yet it is the white people who enjoy it while blacks cannot afford to buy it. The gold that has made this country is mined by us, and yet it is the white people who pocket the cash. The towering buildings that make the beautiful cities have been built by our hands, yet we may not live in them. We blacks have been reduced to hewers of wood and drawers of water. All the luxuries are destined for the whites. This situation has directly affected me as a black man.

Eventually, I came to believe that the hardships we suffered were caused by the system of apartheid. I found it to be a system which

ensures the security of the white people by oppressing the black people. A system which makes an inferior being and a servant of one man, and a master of another man, simply because one is black and the other is white. A system which makes it punishable by law for two people of different skin pigments to be lovers, lest the inferior defile the superior.

I found it vital as a young black man to relieve my people of apartheid.

The question that became prime in my mind was how to bring about change such as would ensure the social, economic and political security of both blacks and whites in this country. That is, how could genuine democracy be achieved in South Africa?

I knew that there were organisations like SASO [South African Students` Organisation], SASM [South African Students` Movement], BPC [Black Peoples` Convention], and others; they were merely doing what the ANC had done before it was banned. They would one day suffer the same fate of banning, which indeed did happen. It also became clear to me that whoever stood and publicly opposed the government policies from a position not created by the government itself, would be detained, banned, jailed, or forced into exile. This was certainly not going to change the situation in this country. So I found it worthless to join any of those organisations--I did not want to go to jail for merely talking. I had read the wording of the Freedom Charter of the ANC. I found that the sentiments expressed therein were in complete harmony with my own feelings. The type of limited violence the ANC had decided to embark on seemed to me the only way out of that political impasse.

I subsequently joined the ANC in December 1975 when I left the country. At the time, there was a great need for a sense of discipline

and responsibility so as to control the bursting anger of the black youth and to avoid terrorism in the true sense of the word.

I was therefore trained to be in a position to defend the unarmed should the need arise, and to train others to be in a position to defend themselves. I was taught methods of sabotage against installations, and I was trained to be competent in waging warfare should the need to fight arise. One thing was paramount in what I was taught: that the lives of innocent civilians, of whatever colour, should not be placed in jeopardy.

The incident [of sabotage of a railway line at Dikgale] was firstly intended to show specifically the police and the army how far we could penetrate if we were forced to do so and what our capabilities were. The Court has heard of how the railway was damaged and how trains passed over the damage. To a person who lacks the necessary technical know-how this may seem to have been the result of a miscalculation, but this is not so. The charges were deliberately placed in such a way that no substantial damage should result....

Despite what has been done to my people at Sharpeville, Soweto and several other places, my reaction has not been that of emotionalism. It would be unacceptable to me to go out and shoot children and their unsuspecting parents simply because they are white. That would be sheer terrorism, to which both I and the organisations to which I belong are opposed.

The question of armed struggle seemed to me to be unavoidable and regrettably the only way out as far as I was concerned. That was so because of the uncompromising attitude of the people who governed us. I will never cease to admire the courage of those South Africans

who were prepared to take up arms to rid themselves of unwanted British imperialism [in the Anglo Boer War 1899-1902].

I would have loved to live with my people and my family. I now leave my young wife, my ailing mother, my struggling father and my beloved brothers and sisters. This is not because I so chose, but because I had a duty towards my people.

What I did, I did with my eyes open. By so doing, I was merely trying to make my contribution towards a free and democratic South Africa, free of racism, humiliation and exploitation, a South Africa belonging to all who live in it, regardless of race, colour or creed. To this ideal I have given myself and what ever the consequences I accept them".

Tsiki was sentenced to fourteen years` imprisonment.

Martin Rafefo Ramokgadi

Accused Number 6 in the trial of the "Pretoria 12", Ramokgadi was 68 years old at the time of conviction. Born in Johannesburg in 1910, he grew up in Alexandra Township and went to school there, then to St. Peter`s, Rosettenville. In 1953 he started a general dealer`s business in Alexandra. On 5 April 1978 he was convicted of receiving funds for the outlawed ANC and sending and receiving messages to and from the ANC in Swaziland: therefore of conspiracy under the Terrorism Act.

He told the Court he neither blamed the Judge for the sentence, for he must apply the law as instructed by the law-makers, nor the "unfortunate" people who had given evidence against him:

"I know how they suffered under Section Six detention. There is no one who has undergone that detention and who has not told lies as a result . . . there is no hell worse than that. I myself told lies against innocent people in statements I made to the police while under Section Six detention.

Some of the charges against me were falsely framed and some of the evidence was farfetched and untrue....

Politically I have many grievances against the Nationalist Government but not against the whites as such. The Government has stripped the black man of all his possessions and introduced a reign of terror against him. I was once a landlord but my property was taken and my business was shattered when freehold for black people was abolished. Blacks have been forced to move to the wilderness called Bantustans where there are no industries, people starve and malnutrition is part of life. In the townships, people are raided daily for passes, permits and tax, doors are kicked open in the middle of the night, and generally the police show no respect for family life. Education is inferior and wages are low. It is in fact a sin to be a black man in South Africa.

The Afrikaners were once oppressed by Britain and they rightly, through armed struggle, liberated themselves from British imperialism.... One day the wheel will turn in favour of the black man.

I am a Christian and my Christian conviction is one of love towards my fellow brethren irrespective of race, colour or creed. As I am totally opposed to oppression, I have no reason not to support the liberation movements in South Africa. Right shall prevail".

Ramokgadi was sentenced to seven years` imprisonment.

Isaac Dontry Seko

Seko was born in 1950. At the time of his arrest he was working for De Beers Industrial Diamond Laboratory in Johannesburg. He was convicted under the Terrorism Act of causing an explosion in the Carlton Centre, a shopping and office centre in Johannesburg. Fellow-accused, Wellington Tshazibane, died while in detention.

Seko explained to the court why he had not given evidence under oath:

"I fear that if I am to answer questions under oath truthfully, I will necessarily have to implicate many other people and I fear, from my experience whilst detained in terms of Section 6 of the Terrorism Act, that the authorities will ruthlessly pursue these people and punish them. I don't believe they deserve punishment for their actions".

His supervisor at De Beers testified how Seko had changed after the Soweto uprising of June 1976.

In a statement made in mitigation of sentence, Seko told the court that up to the time of the unrest in Soweto, he had taken no interest in black or white politics. He then described how this had changed:

"As I saw the situation with my own eyes, the police attacked, shot, killed, wounded and seriously injured many scores of young black people, mainly school children who were involved in nothing more than peaceful protests.... This is how the unrest began. After the children were dealt with by the police in this brutal fashion, there was a wave of bitterness and hatred which spread through Soweto like wildfire against the police and the persons on whose instructions they were acting.... In fact, war broke out in Soweto....

I became more and more depressed and I decided that the best way out was to ask for a transfer to a place outside Johannesburg.... My Lord, you don't know what it is like to know and believe that you should be taking part in actions to help your people and yet to know and believe that in doing so the odds are against you. I tried to take the easy way out, that was to get a transfer but it did not work.... In Soweto it was like living in a prison which was a battleground. It was relief to get away from it during the day, to go to work, and it was hell to go back there at night.

The last straw happened on 24 October 1976. I attended a mass funeral for a young black man who had died whilst in detention by the security police. His name was Jacob Mashobane. Hundreds had gathered around the graveside where his coffin had been laid and even as the soil was filling it up, amidst the singing of a hymn, several cars drove up, the vigilantes of `law and order` again, I have no doubt acting under instructions from their `bosses`, alighted from these cars and triggers were pulled. People scattered, running for dear life whilst others were brought down lifeless, some dead, some wounded. Those who managed to scale the cemetery fence were gunned down by a contingent that had stationed itself outside the cemetery.

When the crowd had scattered, myself and a few remaining ones were forced at gunpoint to carry the dead and injured into carts and vans nearby. I remember carrying a badly wounded boy of about fifteen years old. I asked him for his name and address so that I could get in touch with his parents.... All he could say was that he was thirsty. I never heard his name as he spoke no more....

After this funeral I went to work on the Monday. I left work that morning and never returned. I decided to commit myself fully to the cause of the black people....

If I were to say that I am ashamed of what I have done, I would not be telling the truth. If I were to be asked whether I would do this again, I would not know how to answer truthfully today. I have been in detention for a long time, I have suffered the shock and anguish of losing a limb. [Seko lost part of an arm in the explosion]....

There are literally millions of young black people who today are being driven to believe that the only basis of bargaining with the authorities is: an eye for any eye. Unless the outside attitude of white people changes, these millions will continue to believe this".

Seko was sentenced to five, twelve and twelve years, concurrently--in effect to twelve years.

Stanley Nkosi

Born in 1949, one of seven children whose father, a tailor, struggled to earn enough for their education, Nkosi matriculated in 1967 and, after working for four years, could afford to continue his studies at the University of Kwazulu. In 1975 he qualified as an attorney.

Under interrogation while in detention in 1976 he admitted forming an ANC cell in Soweto and then being trained in the use of explosives in Swaziland. He was convicted of possession of explosives and of being trained and training others in their use, as well as storing certain books (including books by Che Guevara, Eldridge Cleaver and James Baldwin).

Nkosi made a statement in mitigation of sentence in the course of which he said:

"I grew up with a belief in law and justice. I qualified myself to work within the framework of the law. Unfortunately the fine words and sentiments about justice did not coincide with reality....

It is interesting to note that even as a lawyer I was expected to lead a different life from other lawyers. Just at the front entrance of this very court there is a sign that that entrance is for `whites only`.

By birth I'm a citizen of this country, but today I'm supposed to owe allegiance to some other `country`--a country I've never seen [i.e. a Bantustan or `Black Homeland`]....

The `white` ruling regime systematically pursues policies of apartheid, separation and discrimination for the sole purpose of keeping the black people in a perpetual state of subjugation.... Such a society is unjust, immoral, undemocratic: only in a free and just society can I hope to see my ideal of living realised.

I then researched the history of the black people in their attempt to effect meaningful change, to establish a just society. I discovered the ANC and was struck by its honest and sincere commitment towards peaceful change even at times when it became obvious that the white regime was determined to see that change never took place.... It was only when the ANC had been banned from peacefully realising their objective that they painfully as a last available means reconciled themselves to armed struggle.

[That] was in the 1960`s and here was I in the 70s still faced with the problem of what to do to improve my lot and that of the black people as a whole.... I became a member of SASO which was part of the black movement peacefully engaged in legal political activity with the object . . . of establishing a just, free society.... The reaction unleashed

by the present white regime left me in no doubt of the unwillingness and determination of that regime to see that meaningful change never took place.

Only then I also reached that painful realisation that the only means now available was armed struggle. The employment of violence is used as a shock method to draw the attention of the whites of this country to the ghastly alternative to peaceful change . . . violence more as a psychological means, not aimed at the destruction of human life....

I honestly and sincerely believe in legality.... But when laws have as their prime aim the protection and promotion of the interest of the few.... I shall forever work towards the destruction of these laws until justice prevails.

I was always aware of the prospect of imprisonment but as others before me I had no alternative except to live as a man and in dignity".

Nkosi was sentenced to ten years` imprisonment.

Petrus Mothlanthe

Born in 1949, Mothlanthe was brought up with his two younger brothers in Alexandra Township, where the family lived in one room. His father was a messenger, and his mother a washerwoman. In 1959 the family was `re-settled` in Meadowlands on the edge of Soweto, where his parents rented a four-roomed house. Petrus had no right to live with them; under the law, he was made to obtain a lodger`s permit. Leaving school in 1968 he got a job with the Johannesburg City

Council; the work-seeker`s permit in his pass read: "Permitted to be in the prescribed area of Johannesburg whilst employed by the JCC".

He was convicted with Stanley Nkosi, of possessing explosives, of undergoing training, and training others, in the use of explosives and of forming an ANC cell.

When he spoke in mitigation of sentence, Mothlanthe described his situation, as a young man in the city of his birth:

"The work-seeker`s permit in my pass . . . meant that I was a migratory worker who is allowed to be in Johannesburg for as long as his labour is needed. This, in spite of the fact that I've lived in Johannesburg all my life. All my hopes of living decently were shattered by this stamp. My self-respect and dignity were attacked every time I was arrested for a technical pass law offence or residential permit offence .

Where I could go, the ability to own my own home in the area of my choosing --these were denied me. I was subjected to rudeness by officials whose duty it was to serve. Insults from whites were a standard part of my life.... My own son who was born here in Johannesburg was classified as a citizen of Lebowa--a place he has never seen. Like me, he is denied citizenship in the land of his birth.

I did not want and do not want my son to be subject to the same laws, discrimination and humiliation which I have experienced. I wanted a better life for my wife, son and for all my people. I questioned for long hours what I could do. I considered the approach of my father`s generation.... The futility of the ANC`s efforts culminated in its banning . . . SASO, BPC, TRAYO [Transvaal Youth Organisation] were weakened by arrests, raids and detentions . . . all these

organisations were violently dealt with, despite their non-violent nature, by the Government.

The decision to resort to arms was a painful one, which I reached after months of soul-searching and consideration as I am essentially a non-violent person. My dearest wish is to co-exist peacefully with all other citizens of South Africa . . .

The most important thing to me is not how long I live but how I live. Those of us who love life as much as we love this country shall never cease to make efforts for the attainment of liberty and equality regardless of creed, race or colour. I am not the first and shall not be the last to be convicted for this just cause".

Mothlanthe was sentenced to ten years` imprisonment.