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SABOTAGE TRIALS IN OPERATION. 2006/2/11/2



Sabotage trials are being held or are about to be held all over the Republic. While public attention is focussed largely on the "Rivonia" trial, accused all over the country are facing the possibility of the death penalty or of life-long prison sentences. We here attempt to give a general picture of current Sabotage trials and the circumstances in which they are being conducted.

1963

PRETORIA

I. The "Rivonia" Trial

11 men, including Nelson Mandela, Govan Mbeke, Lionel Bernstein, Ahmed Kathrada and Dennis Goldberg, are being charged with complicity in 199 Acts of Sabotage. On 9/10/63, Mr. A. Fischer Q.C. applied for the case to be postponed for at least a month, as the accused had been kept in solitary confinement for 3 months and had been subject to "stresses and strains", having been interrogated, threatened and even offered rewards. Despite this, the trial was only adjourned until October 29th. (The Defence had only just seen the indictment.) When the case opened on that date, Mr. Fischer made application for the indictment to be quashed on the grounds that applications for particulars of the charges had been met either with a blank refusal or the replies had been totally inadequate. Mr. Fischer instanced the fact that Mandela was in goal during the period at which 156 of the Acts of Sabotage with which he is charged had taken place. Mr. Justice de Wet has now quashed the indictment and the State must therefore re-indict 10 of the accused (It is reported that the 11th, Bob Hepple, will now give evidence for the State) allowing them sufficient particulars of the charges and sufficient time to prepare the Defence. It is probable that the case will not be held until next year. Meanwhile the accused have been re-detained under the "90-day" clause. Having already suffered 3 months' solitary confinement and interrogation - they now must apparently face a further term. with what purpose?

2. In the Pretoria Magistrates Court on Oct. 7th, (42) Africans appeared on allegations under the Sabotage Act. The Magistrate ordered, at the request of the prosecutor, that publication of their names was forbidden. The accused were not represented by a lawyer. They were remanded provisionally until November 8th. The case could begin earlier if the prosecutor so decided.

3. On the same day (Oct 7th), (32) Africans were charged with Sabotage. The court was cleared of all African spectators. This group was remanded provisionally until November 7th.

It is believed that many "90-day" detainees were included in both Groups 2 and 3.

PIETERMARIITZBURG

Few people knew the trial was due when, on Tuesday October 22nd, 10 Africans and 9 Indians appeared, charged with (23) counts of Sabotage. Many of these accused had been held for more than 3 months under the "90 Day" Clause. Counsel asked for a remand until Dec 2nd, in order to have time to prepare Defence. (One of the accused had only been arrested that day.) The case was however only remanded until November 11th. Mr. R. Arenstein of Durban, has applied to the Minister for permission to defend these accused. (He is under House Arrest, is not allowed to leave Durban and as a banned person is forbidden to communicate with 2 of the accused who are also banned.)

PORT ELIZABETH

During October, (90) people have been charged under the Sabotage Act. The case of 40 Africans was remanded until November 4th. A further case, involving (22) Africans and 1 Indian (a doctor) was



remanded to the same date. We have not been able to obtain details of the other 23 charged.

#### EAST LONDON

106 Africans (some of whom have been in custody, uncharged, for more than six months) were charged with Sabotage during October. They have been remanded as follows:

- East London - 18 will appear on Nov. 15.  
 - 52 were remanded until Nov 14th "for further investigation."  
Butterworth - 26 appeared on Oct. 28th.  
 - 10 will appear on Nov 11th.

#### CAPE TOWN

The case of Dr. Neville Alexander and 10 others, charged with "plotting a revolution" has been remanded until November 4th. The accused in this case are leading members of the Coloured Community, both male and female.

This cannot be said to be a complete report of the trials now taking place. On Sept 30th, a Johannesburg prosecutor said that there had been only 2 prosecutors to handle the 360 political trials which had taken place in Johannesburg during the past 6 months. Nothing like this number of cases has been reported in the Press. (The latest figures published by "Forward" indicate that records exist, over the Republic during the past few months, of 78 trials involving 997 persons, of whom 40 were sentenced to death, 8 to life imprisonment and 650 to goal terms totalling 4,020 years.) The possibility of closed trials can therefore not be ruled out.

Mr Vorster called the request by the International Commission of Jurists to send an observer to the "Rivonia" trial "an affront to our system of justice and to our Bench and Bar" and added that "Our courts are at all times open to everyone." Yet when 7 Africans were recently sentenced to 20 years imprisonment each for receiving military training in Ethiopia "to further the aims of the banned African National Congress", "until sentence was passed, the nature of the charges and the evidence were heard behind locked doors." (Cape Argus 1.10.63.) In this case, the accused were not represented, although Mr. Justice Theron, pronouncing sentence, said: "I have considered whether the appropriate sentence would not be the death sentence." So, not only - in contradiction of Mr. Vorster's assertion - was this case closed to the public. Unrepresented accused could have been sentenced to death. We feel that investigation of the claim that all those charged with capital offences must receive pro deo defence is more than overdue.

A further point, which in itself calls for an agonising re-appraisal of the situation in this country on the part of all South Africans, is the increasing frequency with which allegations of torture by the police are being made...and apparently ignored. When in April 1963, 5 Indians appeared in Johannesburg on a sabotage charge, counsel made these allegations and, in the words of the Cape Argus (19.4.63.), "Vandeyer limped into court. He bore scars on his head. Naidop had his right arm in a sling. Chiba had a bruised eye and Nanabhai's face was swollen." Since that time, the death of Locksman Solwandle has taken place and we have heard further allegations of torture of "90-day" detainees. (One man is reported to have had both cheekbones broken, another to have lost his hair as a result of electrical torture.) It is a significant fact that so many of the accused in the present spate of sabotage cases have been held for long periods under the "90-day" clause. And the question arises of whether it is possible to consider any "evidence" obtained under these conditions as valid.



(3)

Something which all those studying the accused in sabotage cases must notice is the high calibre of their character - and the fact that their number includes lawyers, doctors, teachers, architects, engineers, trade union leaders and others with advanced professional qualifications. This taken in conjunction with the fact that no legitimate means of protest have been left open to Non-White citizens of this country (conventions, meetings, strikes, demonstrations have all been prohibited) surely casts light on the present situation.

Can it be wondered at that the United Nations demands the release of South Africa's political prisoners, when hundreds of citizens are facing sentences whose pattern can be instanced by the fact that a 16-year old boy was recently sentenced to 10 years imprisonment for "conspiring to commit sabotage"? Is it surprising that democratically-minded people overseas are trying to collect money to pay for the Defence (where Defence is allowed) of these citizens? But the main burden of providing defence and of protest obviously rests with us here in South Africa. We must contribute all that we can for obviously, in the last resort, a change in the situation can only come from our efforts. By collecting funds, by voicing our protests - we must act now.

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