

# MEMORY OF THE WORLD REGISTER

## Criminal Court Case No. 253/1963 (State Versus N Mandela and Others)

REF N° 2006-25

### PART A – ESSENTIAL INFORMATION

#### *1 SUMMARY*

The Rivonia Trial was the first time that the state used its powers under the Acts, that banned the African National Congress (ANC) and the Pan Africanist Congress (PAC) in 1960, to arrest and prosecute the top leadership structure of the largest internal anti-apartheid organisation involved in the struggle for a democratic South Africa. This trial gave Nelson Mandela the opportunity to proclaim the aim and goal of the ANC from the dock to the public at large. The court case led to the imprisonment of leaders such as Nelson Mandela on Robben Island and other prisons until their release in 1990.

#### *2 DETAILS OF THE NOMINATOR*

##### **2.1 Name (person or organisation)**

The National Archivist, National Archives and Records Service of South Africa

##### **2.2 Relationship to the documentary heritage nominated**

Custodian

##### **2.3 Contact person (s)**

The National Archivist: Dr Graham Dominy

The Deputy National Archivist: Ms Mandy Boatametse Gilder

##### **2.4 Contact details (include address, phone, fax, email)**

24 Hamilton Street, Arcadia, Pretoria, 2000

Private Bag x236, Pretoria, 0001

Tel: 2712 3235300

Fax: 2712 3235287

e-mail: [graham.dominy@dac.gov.za](mailto:graham.dominy@dac.gov.za)

[mandy.gilder@dac.gov.za](mailto:mandy.gilder@dac.gov.za)

[archives@dac.gov.za](mailto:archives@dac.gov.za)

#### *3 IDENTITY AND DESCRIPTION OF THE DOCUMENTARY HERITAGE*

##### **3.1 Name and identification details of the items being nominated**

Criminal court case No. 253/1963 called The State versus N Mandela and Others, heard in the Supreme Court of South Africa (Transvaal Provincial Division)

##### **3.2 Description**

**File cover with handwritten notes, including the sentences that were passed:** The clerk of the court recorded the sentences that were passed together with the names of the accused on the cover of a file in blue ink.

**Extracts of evidence by state witnesses (3 vols.):** These volumes include records by the attorney for the accused, Mr. B Fischer, applying for the postponement of the proceedings and

the reply by Dr Yutar, the State's main prosecutor. Further records include the verbatim transcriptions of evidence given by state witnesses.

**Evidence for defence (1 vol.):** Include verbatim transcriptions of evidence given by Ahmed Kathrada, Raymond Mhlabo, Lionel Bernstein and Govan Mbeki.

**Rivonia Exhibits (1 vol.):** The exhibits include documents seized by the police at Liliesleaf and deals with topics such as the Transkei; Operation Mayibuye; The new draft programme of the South African Communist Party (SACP); names and addresses of ANC and SACP members; a copy of Sibanye, a newsletter; documents discussing problems in the democratic movement, the Nationalists invasion scare, the general predictions for 1963; handwritten notes on freedom movements elsewhere in Africa; an article by E Rosenthal on General De Wet; a syllabus on the fundamental principles of Marxism; a pamphlet named A Call to the Youth; a manual on rock blasting; the rules of the SACP; sketch of Tunisia; Handwritten notes on the Kenya Youth Wing Organisations; SACP newsletter on the China / India border dispute; Statement by the SACP on conditions in South Africa; Document on the differences in the Communist movement; invoices from Ace Auto electricians; Press statement by Nelson Mandela on 26 June 1961.

**State's Concluding Address (4 vol's):** These volumes are divided into three parts. The first part deals with a factual analysis of documentary exhibits handed in, and of oral testimony given, by state witnesses. Part two deals with a factual analysis of the documentary exhibits handed in, and of the oral testimony given, by state witnesses (continued). The third part deals with the Rivonia exhibits.

**Two volumes** consisting of Judge's remarks in passing sentence; The Attorney General for the Transvaal's statement explaining which of the accused was found guilty of what offences; a part of the judgement and verbatim transcriptions of the court proceedings

**Judgement** (1 vol):

**Dictabelts** covering the whole case (8 vols.)

In addition to the records described above the Brenthurst Library in Johannesburg also provided the National Archives and Records Service of South Africa with photocopies and microfilms of Rivonia Trial records that were provided to them by the Chief State Prosecutor, Dr Percy Yutar. A list of these records is attached as Annexure A to this document.

#### **4 JUSTIFICATION FOR INCLUSION/ ASSESSMENT AGAINST CRITERIA**

##### **4.1 Authenticity**

These records were created by the Department of Justice and were in the custody of the High Court in Pretoria until they were transferred to the National Archives Repository (NAR). Their authenticity has been established.

##### **4.2 World significance, uniqueness and irreplaceability**

Even before the creation of the Union of South Africa on 31 May 1910 there were attempts by Black people to be recognised in their own country. The Union of South Africa came about as a result of reconciliation between Afrikaans and English-speaking White people and in this process the Black population was ignored to a large extent. As a result on 8 January 1912, a few hundred Africans assembled in Bloemfontein, and the South African Native National Congress (ANC) was founded. In 1923 the name changed to the African National Congress. In the beginning the protest actions that they propagated were non-violent and included civil disobedience campaigns and supporting strike actions. In 1928, the Communist Party of South

Africa (CPSA) started forging links with the ANC and together and separately mass actions were planned and executed. These included the Alexandra Bus Boycotts of 1940 and 1945 and the Johannesburg squatters' movement in the 1940s. In April 1944, the ANC Youth League (ANCYL) was established. Nelson Mandela and Walter Sisulu later became leaders of the ANCYL. Mandela became its president in 1950. Throughout this whole period the South African government adopted laws that took away even the little freedom that Black people had. Examples of these were the Land Acts of 1913 and 1936 that deprived Black people of land. Also in 1936, legislation was passed to remove Africans from the common voters roll. In 1948, the National Party came to power, and an even more conservative (repressive) approach to racial issues was followed. In 1949, during the ANC Annual Congress a Programme of Action was adopted. This was the most militant statement of principles adopted in the history of the ANC. Some of these principles called for political independence, the rejection of all forms of segregation, boycotts and strike actions and the expansion of African economic power. In 1950, the South African government approved the Suppression of Communism Act thereby banning the CPSA.

During its annual meeting in Bloemfontein in 1951 the ANC accepted what became known as the Defiance Campaign. This campaign was officially launched on 6 April 1952 and started on 26 June. Its main aim was the disciplined trespassing of specific laws in order to fill all the jails in the country and thereby making it impossible for the National Party to continue governing the country. This action led to the public Safety Act of 1953 and the Criminal Law Amendment Act which made provision for harsh sentences for persons protesting or campaigning against any law. Nelson Mandela conceived the M-plan whereby the ANC were split into smaller units called wards, zones and cells making it more difficult for the government to destroy the ANC as an organisation. This plan was never implemented

In 1953 the government implemented the Bantu Education Act which ensured the Black persons would get an inferior education. The Act became operational on 1 April 1955 and resistance to it grew into a boycott campaign that fizzled out after a few years. Also in 1955 government started removing Black persons from Sophiatown to what became known as the South Western Townships (Soweto). The ANC advised non-violent non-co-operation, but this was not successful and Sophiatown was vacated by 1960 and destroyed.

In 1955 the Congress of the people was held at Kliptown near Johannesburg. During the proceedings that stretched over 2 days the Freedom Charter was adopted. The preamble of the Charter states in part "That South Africa belongs to all who live in it, black and white..." The Charter became the cornerstone of ANC policy and the guiding principle of the Constitution of democratic South Africa.

In August 1956 20,000 women took part in a march to the Union Buildings in Pretoria to demonstrate against the fact that January of that year Black women were required to carry passes. The government choose to ignore them.

For the government the protest actions and especially the adoption of the Freedom Charter suggested treason and in 1956, 156 members and supporters of various organisations were arrested and charged with treason. Names include Tambo, Mandela, Sisulu, Naicker, Luthuli, Kathrada, Kotane and Slovo. The Treason Trial as it became known lasted until 1961 and no-one was found guilty of treason.

In 1958 Pan Africanist Party (PAC) was born when Africanists split from the ANC. Robert Sobukwe became the first president of the PAC. In 1959 the PAC launched a campaign against the pass laws. On 21 March 1960 a crowd gathered outside the Sharpville police station. The police opened fire and 69 Africans were killed and 180 wounded. This tragic event for the first time really focussed world attention on South Africa and its policy of Apartheid. Unrest grew in the country and in retaliation by the government the ANC and the

PAC were officially banned on 8 April 1960. This led to the establishment in 1961 of Umkhonto We Sizwe and Poqo as the military wings of the ANC and PAC respectively. Nelson Mandela was chosen as the leader of Umkhonto. The leadership or High Command of Umkhonto based itself at Lilliesleaf Farm in Rivonia near Johannesburg. In December 1961 a campaign of sabotage against the National Party government was launched. Nelson Mandela was arrested on 5 August 1962 after returning to South Africa after an extended visit overseas.

The leaders of Umkhonto we Sizwe, the military wing of the National African Congress, were captured at Rivonia on 11 July 1963. These leaders, including Nelson Mandela (arrested in 1962), were Walter Sisulu, Ahmed Kathrada, Govan Mbeki, Dennis Goldberg, Raymond Mhlaba, Lionel Bernstein, James Kantor, Elias Motsoaledi and Andrew Mlangeni. The trial started in October 1963 and ended in June 1964. The trial became known as the Rivonia Trial. Of the 11 accused one turned state evidence and was released, 8 were sentenced to life imprisonment and two were released.

As result of this trial the world attention was focused on South Africa and the Apartheid Regime. The world began to understand the evil of the system and this contributed to the United Nations later on declaring Apartheid a Crime against Humanity. The leadership of the Freedom movements moved over the borders and to a large extent managed the struggle from outside South Africa. Steady pressure from both the Freedom Movements and other governments lead to the unbanning of the Freedom Movements in 1990 and ultimately to the first democratic elections on 27 April 1994.

#### **4.3 Criteria of (a) time (b) place (c) people (d) subject and theme (e) form and style**

- (c) On 20 April 1964 Nelson Mandela read a statement from the dock in which he set out the framework for the testimony to follow. He also realised that this was a rare opportunity to present the rationale behind the actions of the ANC and Umkhonto we Sizwe to a wide audience in a country where censorship was strictly enforced. He ended off the statement with the words: "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 achieve. But if needs be, it is an ideal for which I am prepared to die." He was subsequently sentenced to life in prison and was only released in February 1990 and went on to become the first president of a democratic South Africa on 10 May 1994.

Another of the accused, the late Govan Mbeki, is the father of the current President of South Africa.

Ahmed Kathrada became a minister in the first cabinet of a democratic South Africa. He is currently the Trustee of the Robben Island Museum.

- (d) The Rivonia Trial was the first time where the white minority government was successful in prosecuting the leadership of the ANC and thereby setting off the next phase of the struggle against Apartheid that ended with the first democratic elections on 27 April 1994.

#### **4.4 Issues of rarity, integrity, threat and management**

Over the years most of the paper records disappeared from the holdings at the High Court in Pretoria. The paper records that remained are:

Extracts of evidence by state witnesses (3 vol's.)

File cover with handwritten notes, including the sentences that were passed

Evidence for defence (1 vol.)

Rivonia Exhibits (1 vol.)

State's concluding Address (4 vol's)  
Judgement (1 vol)  
Judge's remarks in passing sentence (2 vol's)  
Dictabelts covering the whole case (8 vol's.)

## **5** *LEGAL INFORMATION*

### **5.1. Owner of the documentary heritage (name and contact details)**

The National Archives and Records Service of South Africa  
24 Hamilton Street, Arcadia, Pretoria, 2000  
Private Bag x236, Pretoria, 0001  
Tel: 2712 3235300  
Fax: 2712 3235287  
e-mail: [graham.dominy@dac.gov.za](mailto:graham.dominy@dac.gov.za)  
[mandy.gilder@dac.gov.za](mailto:mandy.gilder@dac.gov.za)  
[archives@dac.gov.za](mailto:archives@dac.gov.za)

### **5.2 Custodian of the documentary heritage (name and contact details, if different to owner)**

The same as above

### **5.3 Legal status:**

(a) Category of ownership

(b) Accessibility

Access is granted to all interested researchers

(c) Copyright status

Copyright belongs to the National Archives and Records Service of South Africa (Department of Arts and Culture, Government of the Republic of South Africa)

(d) Responsible administration

National Archives and Records Service of South Africa.

(e) Other factors

None

## **6** *MANAGEMENT PLAN*

### **6.1 Is there a management plan in existence for this documentary heritage? YES**

The collection forms part of the documentary heritage held by the National Archives and Records Service of South Africa, on behalf of the government and people of South Africa. The collection is managed according to the relevant legislation in place; The National Archives and Records Service of South Africa Act, No 43 of 1996 (as amended) and Regulations; the Promotion of Access to Information Act, No 2 of 2000 and the South African Constitution, Act No 108 of 1996. Please see Annexure B.

The records are kept on steel shelves in a climatically controlled vault. The temperature is kept at 20 degrees Celsius and the humidity is 45%. There is an automatic fire protection system installed in the vault operating on CO2 gas. There are also 4 hand held fire extinguishers in the

vault. All entrances to the vault are security monitored. Security in the Archives has recently been beefed up by establishing a Security Management Sub-Directorate.

## **7 CONSULTATION**

7.1 Provide details of consultation about this nomination with (a) the owner of the heritage (b) the custodian (c) your national or regional *Memory of the World* committee

According to the guidelines of the South African National Committee of the Memory of the World, all nominations to UNESCO will go via the National Committee to the Minister of Arts and Culture for his approval before sending proposals to the Memory of the World programme for enlisting. (The guidelines document of the South African National Committee is attached as Annexure C)

## **PART B – SUBSIDIARY INFORMATION**

### **8 ASSESSMENT OF RISK**

8.1 The environmental conditions under which the records are kept are fairly good. The only risk would be if the air-conditioning units fail as there is no back-up system.

South Africa is politically a very stable country. Government is sympathetic to the preservation of heritage.

The physical condition of the paper records and the dictabelts is fairly good. Plans are being implemented to digitally preserve the contents of the dictabelts. This is a long term preservation project that the Archives is working on.

### **9 ASSESSMENT OF PRESERVATION**

9.1 Currently no finding aid has been prepared on this group. The individual volumes are numbered with a source code and a volume number. If a volume is removed from the shelf for a researcher the researcher's details are left in the place of the volume on the shelf. The volume is only accessible to a researcher in the Reading Room where there is constant supervision by archival staff. The volume has to be returned to its correct vault and shelf on the same day on which it was retrieved.

The vault in which it is stored does not have any windows. The vault is climatically controlled and has a fire and security system in place. The records are kept in archival boxes to further prevent UV light, dust or insects from damaging them. All the lights in the vault are fitted with UV protection fittings. The records are kept on steel shelves and the lowest shelf is about 10 centimetres from the ground. There are no water pipes in or near the vault. The vault is fumigated every six months.

#### **Structure and format**

The paper documents are bound together using a screw-post binding style. The dictabelts are stored in small brown envelopes that are glued onto thick Manila paper which are also bound using the similar binding style as the paper volumes. The covers are still holding but are weak and losing flexibility especially the calico that was used for covering the boards.

#### **Preservation needs**

The best way to preserve these volumes is to have a bi-fold approach where the information can be reformatted onto more stable medium. Both paper records and the dictabelts can be

digitized and stored as a collection electronically. The most worrying are those paper records that are on Xerox paper and the ink is fading fast due to the unstable nature of the surface coating on the paper. These will need to be copied fast and proper strategies for preserving the originals investigated so as to arrest any further deterioration of the records.

Once copied, the originals can then be properly preserved in archival containers. The bindings can either be replaced or repaired. The originals can then be stored away and copies can be used for access.

**PART C - LODGEMENT**

This nomination is lodged by:

(Please print name) Dr Graham Dominy

(Signature)..... (Date).....