

NR Mandela

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

THE STATE

against

NELSON MANDELA

and OTHERS

INDICTMENT

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

RUDOLF WERNER REIN, Attorney-General for the
Province of the Transvaal, who prosecutes for and
on behalf of the STATE, presents and gives the
Court to be informed that:

1. NELSON MANDELA,
2. WALTER SISULU,
3. DENNIS GOLDBERG,
4. GOVAN MBEKI,
5. AHMED MOHAMED KATHRADA,
6. LIONEL BERNSTEIN,
7. RAYMOND MAHLABA,
8. JAMES KANTOR,
9. ELIAS MOTSOLEDI and
10. ANDREW MLANGENI,

hereinafter called the accused, are guilty of the offences of:

SABOTAGE, in contravention of section 21(1) of
Act No. 76 of 1962, (two counts),

Contravening section 11(a), read with sections 1 and
12, of Act No. 44 of 1950, as amended, and

Contravening Section 3(1)(b), read with Section 2, of
Act No. 8 of 1953, as amended.

COUNT 1. SABOTAGE in contravention of Section 21(1)
of Act No. 76 of 1962.

In that, during the period 27th June, 1962, to 11th
July, 1963, and at Rivonia, Travallyn and Mountain View
in the Province of the Transvaal, as well as at other places
within the Republic of South Africa, the accused Nos. 1 to
7 personally and by virtue of their being members of an
association of persons, within the purview of section 381(7)

of Act No. 56 of 1955, as amended, known as the NATIONAL HIGH COMMAND, the accused No. 8 personally and by virtue of his being a member of an association of persons within the purview of section 381(7) of Act No. 56 of 1955, as amended, styled JAMES KANTOR AND PARTNERS under which name he conducted his profession in partnership with HAROLD WOLPE, and the accused Nos. 9 and 10, together with

ARTHUR JOSEPH GOLDREICH and HAROLD WOLPE, who were also members of the NATIONAL HIGH COMMAND, VIVIAN EZRA, JULIUS FIRST, MICHAEL HARMEL, BOB ALEXANDER HEPPLER, PERCY JOHN (JACK) HODGSON, RONALD (RONNIE) KASRILS, MOSES KOTANE, ARTHUR LETELE, TENNYSON MAKIWANE, JOHN JOSEPH MARKS, JOHANNES MODISE, GEORGE NAICKER, BILLY NAIR, LOOK-SMART SAULWANDLE NGUDLE, PHILLEMONT DUMA NOKWE, JAMES JOBE RADEBE, ROBERT RESHA, JOSEPH (JOE) SLOVO, HAROLD STRACHAN, OLIVER TAMBO, BENJAMIN TUROK, CECIL GEORGE WILLIAMS, as well as the persons named in paragraphs B.8 and B.9 of the particulars furnished in Annexure "A", attached hereto, and THE SOUTH AFRICAN COMMUNIST PARTY, THE AFRICAN NATIONAL CONGRESS, and the UMKONTO WE SIZ WE (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully, through their agents and servants, commit the following wrongful and wilful acts, namely:

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

- (a) the preparation, manufacture and use of explosives - for the purpose of committing acts of violence and destruction in the aforesaid Republic, and
- (b) the art of warfare, including guerilla warfare, and military training generally - for the purpose of causing a violent revolution in the aforesaid Republic, and
- (ii) the acts particularised and numbered 40 to 193 in Annexure "B", attached hereto,

whereby the accused, injured, damaged, destroyed, rendered useless or unserviceable, put out of action, obstructed, tampered with or endangered -

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) the supply and distribution of light, power or fuel;
- (d) postal, telephone or telegraph services or installations;
- (e) the free movement of traffic on land, and
- (f) the property, movable or immovable, of other persons or of the State.

COUNT 2. SABOTAGE in contravention of section 21(1), of Act No. 76 of 1962.

In that, during the period 27th June, 1962, to 11th July, 1963, and at Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the accused Nos. 1 to 7 personally and by virtue of their being members of an association of persons, within the purview of section 381(7)

of Act No. 56 of 1955, as amended, known as the NATIONAL HIGH COMMAND, the accused No. 8 personally and by virtue of his being a member of an association of persons within the purview of section 381(7) of Act No. 56 of 1955, as amended, styled JAMES KANTOR AND PARTNERS under which name he conducted his profession in partnership with HAROLD WOLPE, and the accused Nos. 9 and 10, did wrongfully and unlawfully conspire each with one another and with

ARTHUR JOSEPH GOLDREICH and HAROLD WOLPE, who were also members of the NATIONAL HIGH COMMAND, VIVIAN EZRA, JULIUS FIRST, MICHAEL HARMEL, BOB ALEXANDER HEPPLER, PERCY JOHN (JACK) HODGSON, RONALD (RONNIE) KASRILS, MOSES KOTANE, ARTHUR LETELE, TENNYSON MAKIWANE, JOHN JOSEPH MARKS, JOHANNES MODISE, GEORGE NAICKER, BILLY NAIR, LOOK-SMART SAULWANDLE NGUDLE, PHILLEMON DUMA NOKWE, JAMES JOBE RADEBE, ROBERT RESHA, JOSEPH (JOE) SLOVO, HAROLD STRACHAN, OLIVER TAMBO, BENJAMIN TUROK, CECIL GEORGE WILLIAMS, as well as the persons named in paragraphs B. 8 and B. 9 of the particulars furnished in Annexure "B", attached hereto, and THE SOUTH AFRICAN COMMUNIST PARTY, THE AFRICAN NATIONAL CONGRESS, and the UMKONTO WE SIZ WE (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

to aid or procure the commission of or to commit the following wrongful and wilful acts, namely:

- (i) the further recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in
 - (a) the preparation, manufacture and use of explosives - for the purpose of committing acts of violence and destruction in the aforesaid Republic, and

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

whereby they would have injured, damaged, destroyed, rendered useless or unserviceable, put out of action, obstructed, tampered with or endangered -

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) the supply and distribution of light, power or fuel;
- (d) postal, telephone or telegraph services or installations;
- (e) the free movement of traffic on land, and
- (f) the property, movable or immovable, of other persons or of the State.

COUNT 3. Contravening section 11(a), read with sections 1 and 12, of Act No. 44 of 1950, as amended.

In that, during the period 1st July, 1961, to 11th July, 1963, and at Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the accused Nos. 1 to 7 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act No. 56 of 1955, as amended, known as THE NATIONAL HIGH COMMAND, the accused No. 8 personally and by virtue of his being a member of an association of persons within the purview of section 381(7) of Act No. 56 of 1955, as amended, styled JAMES KANTOR AND PARTNERS under which name he conducted his profession in partnership with HAROLD WOLPE, and the accused Nos. 9 and 10, together with

ARTHUR JOSEPH GOLDREICH and HAROLD WOLPE, who were also members of the NATIONAL HIGH COMMAND, VIVIAN EZRA, JULIUS FIRST, MICHAEL HARMEL, BOB ALEXANDER HEPPLER, PERCY JOHN (JACK) HODGSON, RONALD (RONNIE) KASRILS, MOSES KOTANE, ARTHUR LETELE, TENNYSON MAKIWANE, JOHN JOSEPH MARKS, JOHANNES MODISE, GEORGE NAICKER, BILLY NAIR, LOOK-SMART SAULWANDLE NGUDLE, PHILLEMON DUMA NOKWE, JAMES JOBE RADEBE, ROBERT RESHA, JOSEPH (JOE) SLOVO, HAROLD STRACHAN, OLIVER TAMBO, BENJAMIN TUROK, CECIL GEORGE WILLIAMS, as well as the persons named in paragraphs B.8 and B.9 of the particulars furnished in Annexure "A", attached hereto, and THE SOUTH AFRICAN COMMUNIST PARTY, THE AFRICAN NATIONAL CONGRESS, and the UMKONTO WE SIZWE (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully, through their agents and servants, commit the following acts, namely:

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

which acts were calculated to further the achievement of one or more of the objects of Communism, as defined in section 1(1)(ii)(b) of Act No. 44 of 1950, as amended.

COUNT 4. Contravening section 3(1)(b), read with section 2, of Act No. 8 of 1953, as amended.

In that, during the period 1st July, 1961, to the 11th July, 1963, and at Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the accused Nos. 1 to 7 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act No. 56 of 1955, as amended, known as The NATIONAL HIGH COMMAND, the accused No. 8 personally and by virtue of his being a member of an association of persons within the purview of section 381(7) of Act No. 56 of 1955, as amended, styled JAMES KANTOR AND PARTNERS under which name he conducted his profession in partnership with HAROLD WOLPE, and the accused Nos. 9 and 10, together with

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did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully, personally and through their agents and servants, solicit, accept and receive money from various persons or bodies of persons, both within and outside the Republic of South Africa, and give money to various persons or bodies of persons, for the purpose of enabling or assisting the commission of offences, namely, SABOTAGE in contravention of section 21(1) of Act No. 76 of 1962, and contravening section 11(a), read with sections 1 and 12, of Act No. 44 of 1950, as amended, in support of a campaign against some of the laws of the Republic of South Africa or in support of a campaign for the repeal or modification of such laws or variation or limitation of the application or administration of such laws.

WHEREFORE, upon due proof and conviction thereof, the said ATTORNEY-GENERAL prays

the judgment of the Court according to law.

(sgd) R. W. REIN

ATTORNEY-GENERAL
(TRANSVAAL PROVINCE.)

PARTICULARS.

Particulars to the aforementioned counts are contained in the schedules, Annexures "A" and "B", attached hereto, which form part of this indictment.

Nelson Mandela Papers, 1962-1964

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