



## The Delmas Treason Trial

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#### THE DELMAS TREASON TRIAL

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-2-

#### BACKGROUND

The Delmas Treason Trial was the longest running political trial in South Africa's history. It involved, among others, four prominent leaders of the United Democratic Front (UDF), the largest organization in South Africa opposing apartheid by peaceful means. UDF played a crucial role in the widespread boycott of the 1984 elections to the tricameral parliament, which excluded Africans. The boycott was a catalyst in the nation-wide uprising against the apartheid regime in 1984.

The trial focused on the activities of UDF and its role in the 1984 uprising. As such, it placed UDF on trial. The convictions and harsh sentences delivered effectively made it a "crime" to participate or take a leadership role in the movement of peaceful opposition to apartheid.

#### THE TRIAL

In 1985, 22 black South Africans were charged with treason in what has become known as the "Delmas Treason Trial". On 8 December 1988, four of them were convicted of treason and sentenced as follows:

Patrick Lekota, the UDF Publicity Secretary (who had already spent 6 years in the Robben Island prison)

- 12 years;

Popo Molefe, the UDF General Secretary - 10 years;

Moss Chikane, the Secretary of the UDF Transvaal region

- 10 years;

Tom Manthata, a senior employee of the South African Council of Churches - 6 years.

Seven community leaders of the Vaal Triangle, an area which includes the township of Sharpeville, were sentenced to five years imprisonment for statutory "terrorism" in connection with the organization of a "stay away" and a march to protest a rent increase of government owned houses. The march was dispersed with tear-gas and gun fire.

Six of the seven leaders received sentences suspended for five years.

The other 11 were acquitted at various stages of the trial. The conditions of suspension of the sentences of the six deprived them of the right to participate in any political activity.

Unbridled violence had broken out on 3 September 1984. The South African Government, in public statements before the trial started and during its lengthy course, maintained that UDF was responsible for the violence. Most of the organization's top leadership were arrested and put on trial in the Natal Province. They were acquitted by Judge John Milne after the prosecution conceded that it had no case.

The fate of those in the Transvaal turned out to be different. They were brought to trial in the small village of Delmas, some 100 kilometres to the

-3-

east of Johannesburg and Pretoria. Unlike the Natal case, they were all originally refused bail and spent about two years in custody. The three UDF leaders were refused bail throughout, even though no less than five applications were made on their behalf.

The Delmas Treason Trial was heard by Judge Kees Van Dijkhorst and two assessors, Professor Willem A. Joubert, an eminent academic lawyer and writer, and Mr. W.F. Krugel, the President of the Regional Court in Pretoria. The prosecution tried to saddle all the accused with being in conspiracy with the African National Congress of South Africa (ANC) to overthrow the State by violence. It led over 150 witnesses. The defence led over 130 witnesses maintaining that the evidence to connect the accused with violent conduct was false and that although they wanted to put an end to apartheid and establish a non-racial democracy in South Africa, as did ANC, theirs was a peaceful struggle. The record, together with the documentary exhibits, ran to over 40,000 pages.

The trial did not have a smooth course. Professor Joubert was dismissed by the judge because he volunteered the information that he had signed a Million Signature Campaign form stating his opposition to the racially separated tricameral system which had left the African majority disenfranchised. The defence countered that the judge had no power to do this and in any event that he and the remaining assessor had to recuse themselves, particularly as Mr. Krugel, the remaining assessor, was discovered to be a member of Die Broederbond, a secret Afrikaner organization. Die Broederbond was responsible for the formulation and execution of the very policies which the accused and their organizations had vociferously opposed. The application for the stopping of the trial was refused. The strained atmosphere in which the trial was conducted became worse. The defence continued to plead in the absence of Professor Joubert that the accused had done no more than protest

peacefully, that the violence in the country had come about as a result of the frustrations of the majority of the population with the appalling local conditions and the absence of political justice for the majority in the country of their birth for no reason other than that they were black.

The trial was transferred to Pretoria in August 1987, to the very courtroom in which Nelson Mandela and other leaders were convicted in 1964. The interest of the public and the diplomatic corps increased as the trial was drawing to a close. The convictions and sentences were criticized throughout the world and were said to be a blow to peaceful extraparliamentary politics in South Africa.

The case is to be appealed on various grounds, including: that the dismissal of Professor Joubert was irregular; that the Judge unduly interfered with the conduct of the case; that video and documentary evidence that was presented was inadmissible; and that the evidence presented was not trustworthy.

Calls have been made to all concerned to secure an early appeal and for the accused to be freed on bail while the appeal process is taking its course.

#### CONCLUDING REMARKS

The Delmas Treason Trial was the most important treason trial in South Africa since 1961, when Nelson Mandela and other ANC leaders were tried

-4

and sentenced to life imprisonment. The outcome of the case was significant both for the grounds on which the convictions were reached and the severity with which the judge treated political dissent in a country where blacks are excluded from the political process. The judge concluded that "one can commit high treason without violence". None of the three men who received the heaviest sentences were found to have either planned, or engaged in, specific acts of violence. The trial was essentially a trial of their ideas and the legitimacy of their opposition. The verdict showed that even though the regime has recently taken certain measures regarding detainees and political prisoners, it is still unwilling to accept legitimate and peaceful opposition to its apartheid policies.

Reacting to the verdict, Archbishop Desmond Tutu, Anglican Archbishop of Southern Africa, said:

"... If this is treason, then I am guilty of treason ...."

Reverend Frank Chikane, General-Secretary of the South African Council of Churches, said:

"What shocked me in particular in the nature of the judgement is that you are found guilty of terrorism for simply providing leadership and for understanding the political situation in this country."

Ms. Helen Suzman, Member of Parliament of the Progressive Federal Party, said:

"The verdict 'narrows the field' where peaceful opposition to apartheid can be played out."

The United States Embassy in Pretoria likewise said that the judgement was:

"... regrettable because of its grave implications for those who are committed to pursuing political change through political means."

As the three UDF leaders began their lengthy prison sentence, they smuggled out a joint statement, which is a message of hope for South Africa: "We view the present trial as an interim affair. Somewhere in the future lies a date when black and white South Africans will take a second look at these moments of our history. They will evaluate afresh the events now in contention and our role in them. And since the privilege will belong to them, they will pass final judgement. We are convinced that theirs will be contrary to the present one. They will vindicate us."