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UNITED NATIONS SYMPOSIUM
ON
THE EXPLOITATION OF THE BLACKS
IN SOUTH AFRICA AND NAMIBIA AND
ON PRISON CONDITIONS IN THE SOUTH AFRICAN JAILS

Maseru, Lesotho, 17-22 July 1978

Letter addressed to the Ministry of Justice, Cape Town,
from Nelson Mandela, Robben Island Prison, dated 22.4.1969

The Commissioner of Prisons,
PRETORIA

N.R. Mandela.
Single Cell Section
ROBBEN ISLAND PRISON
22.4.69.

The Minister of Justice,
Parliament Buildings,
CAPE TOWN.

Dear Sir,

My colleagues have requested me to write and ask you to release us from prison and, pending your decision on the matter, to accord us the treatment due to political prisoners. At the outset we wish to point out that in making this application we are not pleading for mercy but are exercising the inherent right of all people incarcerated for their political beliefs.

The persons whose names appear in schedule A attached to this letter live in the Single Cell Section of Robben Island Prison and are completely isolated from the rest of the prisoners on the Island. For this reason we are unable to furnish you with a full list of all the persons on this Island and in other prisons on behalf of whom this application is made.

Prior to our conviction and imprisonment we were members of wellknown political organisations which fought against political and racial persecution, and which demanded full political rights for the African, Coloured and Indian people of this Country. We completely rejected as we still do, all forms of white domination, and more particularly the policy of separate development, and demanded a democratic South Africa free from the evils of Colour oppression, and where all South Africans, regardless of race or belief, would live together in peace and harmony on a basis of equality.

All of us, without exception, were convicted and sentenced for political activities which we embarked upon as part and parcel of our struggle to win for our people the right of selfdetermination, acknowledged throughout the civilised world as the inalienable birthright of all human beings. These activities were inspired by the desire to resist racial policies and unjust laws which violate the principle of human rights and fundamental freedoms that forms the foundation of democratic government.

In the past the governments of South Africa have treated persons found guilty of offences of this nature as political offenders who were released from prison, in some cases, long before their sentences expired. In this connection we refer you to the cases of Generals Christiaan De Wet, J.C.G. Kemp and others who were charged with high treason arising out of the 1914 rebellion. Their case was in every respect more serious than ours. 12,000 rebels took to arms and there were no less than 322 casualties.

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Towns were occupied and considerable damage caused to government installations, while claims for damage to private property amounted to R500,000. These acts of violence were committed by white men who enjoyed full political rights, who belonged to political parties that were legal, who had newspapers that could publicise their views. They were able to move freely up and down the Country espousing their cause and rallying support for their ideas. They had no justification whatsoever for resorting to violence. The Leader of the Orange Free State rebels, De Wet, was sentenced to 6 years imprisonment plus a fine of R4,000. Kemp received a sentence of 7 years and a fine of R2,000. The rest were given comparatively lighter sentences.

In spite of the gravity of their offences, De Wet, was released within 6 months of his conviction and sentence, and the rest within a year. This event occurred a little more than half a century ago, yet the Government of the day showed much less intransigence, in its treatment of this category of prisoner than the present Government seems prepared to do 54 years later with black politicians who have even more justification to resort to violence than the 1914 rebels. This Government has persistently spurned our aspirations, suppressed our political organisations and imposed severe restrictions on known activists and field workers.

It has caused hardship and disruption of family life by throwing into prison hundreds of otherwise innocent people. Finally it has instituted a reign of terror unprecedented in the history of the Country and closed all channels of constitutional struggle. In such a situation resort to violence was the inevitable alternative of freedom fighters who had the courage of their convictions. No men of principle and integrity could have done otherwise. To have folded arms would have been an act of surrender to a Government of minority rule and a betrayal of our cause. World history in general, and that of South Africa in particular, teaches that resort to violence may in certain cases be perfectly legitimate.

In releasing the rebels soon after their convictions the Botha-Smuts Government acknowledged this vital fact. We firmly believe that our ~~case~~ case is no less different, and we accordingly ask you to make this privilege available to us. As indicated above, there were 322 casualties in the Rebellion. By way of contrast, we draw attention to the fact that in committing acts of sabotage we took special precautions to avoid loss of life, a fact which was expressly acknowledged by both the trial Judge and the prosecution in the Revonis Case.

An examination of the attached schedule shows that if we use De Wet's case as the standard, then every one of us ought to have been released by now. Of the 23 persons whose names are listed therein, 8 are doing life imprisonment, 10 are serving sentences ranging from 10 to 20 years, and 5 between 2 and 10 years.

Of those doing imprisonment for life 7 have completed 4 years 10 months, and 1 has done 4 years and 4 months. The man with the longest sentence amongst those serving terms between 10 and 20 years is Billy Nair who has already completed a 1/4 of his sentence.

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Joe Gqabi, Samson Fadana and Andrew Masondo, the first to be convicted in this group have each completed 6 years of their respective sentences of 12, 8 and 13 years. The last men to be sentenced in the same group were Jackson Fuzile and Johannes Dangala who received 12 and 7 years respectively. Fuzile has completed a 1/4 of the sentence whereas Dangala will have done exactly half of his on 19th May 1969. Every one of those serving terms between 2 and 10 years has at least completed a 1/4 of his sentence.

Our claim for release becomes even stronger when examined in relation to the cases of Robey Leibrandt, Holm, Pienaar Strauss and others. Leibrandt, a national of the Union of South Africa, arrived in the Union from Germany at a time when that Country was at war with the Union. He then proceeded to set up a para-military underground organisation with the purpose of overthrowing the Government and establishing in its place one modelled on that of Nazi Germany. He was found guilty of high treason and sentenced to death, later commuted to imprisonment for life. Holm, Pienaar and Strauss were also imprisoned for high treason, it being alleged that they collaborated with the enemy in prosecuting the war against the Union and its allies. On coming to power, however the present Government released these and other prisoners sentenced for treason and sabotage, notwithstanding the fact that they had been arrested in circumstances which made them appear to many South Africans as traitors to their own Country. Again by way of contrast, we draw attention to the fact that our activities were at all times actuated by the noblest ideals that men can cherish, namely, the desire to serve our people in their just struggle to free themselves from a Government founded on injustice and inequality.

We further wish to remind you that in 1966 your predecessor released Spike de Keller, Stephaney Kemp, Allan Brooks and Tony ~~Daniels~~ ~~Kemp~~ ~~Brooks~~ ~~True~~, all of whom originally appeared jointly with Edward Joseph Daniels (whose names appear in the schedule) on a charge of Sabotage. Kemp, Brooks and True pleaded guilty to an alternative charge, and a separation of trial was ordered. The case against Daniels and De Keller proceeded on the main charge and on the 17th November 1964 they were found guilty and sentenced to 15 and 10 years respectively. Kemp, Brooks and True were found guilty on the alternative and sentenced 5, 4 and 4 years respectively, each of which was partly suspended. We are informed that De Keller was released after he had served approximately 2 years, or less, of his sentence of 10 years, whilst Kemp, Brooks and True were also released before they had completed their sentences.

We do not in any way begrudge those who were fortunate enough to be released and who escape the hardship of prison life and are happy to know that they now lead a normal life. But we refer to their case for the limited purpose of showing that our request is reasonable, and also to stress that a Government is expected to be consistent in its policy and to accord the same treatment to its citizens.

There is one important difference between our case and that of De Wet and Leibrandt. They were released only after the rebellion had been crushed and after Germany had been conquered and they were thus no threat to the safety of the State when they were freed.

In our case, however, it may be argued that our revolution is planned for the future and that security considerations require that we be treated differently. Add to this fact that our convictions have not changed and our dreams are still the same as they were before we were jailed; all of which would seem to confirm the opinion that our case is distinguishable from all the previous ones. We feel sure, however, that you will not be tempted to think along these lines, as such an argument would carry sinister implications. It would mean that if security considerations today require that we would be kept in prison, we would not be released when we complete our respective sentences, if the present situation remains unaltered, or if the position worsens. The plain truth is that the racial strife and conflict that seriously threatens the Country today is due solely to the shortsighted policies and crimes committed by this Government.

The only way to avert disaster is not to keep innocent men in jail but to abandon your provocative actions and to pursue sane and enlightened policies. Whether or not evil strife and bloodshed are to occur in this country rests entirely on the Government. The continued suppression of our aspirations and reliance on rule through coercion drives our people more and more to violence. Neither you nor I can predict the price the country will have to pay at the end of that strife. The obvious solution is to release us and to hold a round table conference to consider an amicable solution.

Our main request is that you release us and pending your decision, to treat us as political prisoners. This means that we should be provided with good diet, proper clothing outfit, bed and mattress, newspapers, radios, bioscope better and closer contact with our families and friends here and abroad. Treatment as political prisoner implies the freedom to obtain all reading material that is not banned and to write books for publication, we would expect to be given the option to work as one desires and to decide the trades one would like to learn. In this connection we wish to point out that some of these privileges were enjoyed both by the 1914 rebels as well as by Leibbrandt and Cooleagues all of whom were treated as political prisoners.

The prison authorities attempt to answer our demand for treatment as political prisoner by pointing out that we were convicted by the Courts for contravening the laws of the Country, that we are like any other criminals and, therefore, cannot be treated as political offenders.

This is a spurious argument which flies in the face of the facts. On this view De wet, Kemp, Maritz, Leibbrandt and others were ordinary criminals. Treason, sabotage, membership of an illegal organisation were all criminal offences then as now. Why then were they treated differently. It seems to us that the only difference between the two cases is one of Colour.

Serious differences of opinion on a specific issue had emerged amongst the whites, and those who lost in the contest that flowed from those differences eventually found themselves behind bars.

On all other issues, especially on the Major question of colour both victor and vanquished were in agreement. The conflict having been solved it was possible for the Government to adopt a conciliatory attitude and to extend to the prisoners all sorts of indulgences. But today the position is altogether different. This time the challenge comes, not from white men, but mainly from black politicians who disagree with the government on almost everything under the sun. The victory of our cause ~~means means~~ means the end of white rule.

In this situation the Government regards the prison not as an institution of rehabilitation but as an instrument of retribution, not to prepare us to lead a respectable and industrious life when released, and to play our role as worthy members of society, but to punish and cripple us, so that we should never again have the strength and courage to pursue our ideals. This is our punishment for raising our voices against the tyranny of colour. This is the true explanation for the bad treatment we receive in prison - pick and shovel work continuously for the last 5 years, a wretched diet, denial of essential cultural material and isolation from the world outside the jail. This is the reason why privileges normally available to other prisoners, including those convicted of murder, rape and crimes involving dishonesty are withheld from political offenders.

We get no remission of sentence. Whilst the ordinary prisoner is classified in C group on admission political offenders are put in D which carries the least privileges. Those of us who managed to reach group A are denied privileges normally enjoyed by criminals in the same group. They are compelled to do pick and shovel work, are not allowed newspapers, radios, bioscope, contact visits and even groceries are given grudgingly.

As already indicated in the second ~~prx~~ paragraph above, I make this application on behalf of all my colleagues on the Island and in other jails and I trust that any concessions that may be granted will be made available to all without exception.

The Prisons Act 1959 gives you the necessary powers to grant the relief we seek. Under its provisions you are entitled to release us on parole or probation. De Wet and others were released under the same method. In conclusion, we place on record that the years we have spent on this Island have been difficult ~~xxxx~~ years. Almost every one of us has had a full share in one way or another of the hardships that face non-white prisoners. These hardships have at times been the result of official indifference to our problems, other times they were due to plain persecution. But things have somewhat eased and we hope even better days will come. All that we wish to add is that we trust that when you consider this application you will bear in mind that the ideas that inspire us, and the convictions that give form and direction to our activities constitute the only solution to the problems of our country and are in accordance with the enlightened conceptions of the human family.

Yours faithfully,
Signed N. Mandela