

EBRAHIM

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STATEMENT TO THE APARTHEID COURT

'If I were to choose my life all over again I would follow the same path. I could never have remained indifferent to the poverty and suffering of our people. I have a deep commitment for peace, freedom and prosperity for all fellow human beings and have an equal distaste for injustice and oppression' January 1989

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INTRODUCTION

South Africa's prisons are filled with men and women sentenced for political 'crimes' against the notorious apartheid regime. Their 'crimes'? Their desire for a free South Africa, their advancement of democratic ideals and their tireless and self-sacrificing endeavours to end apartheid.

This booklet contains the statement from the dock of one such South African patriot - Ebrahim Ismail Ebrahim. It is a statement that speaks for all those who have already sacrificed their lives and liberty for the struggle, as well as for those who will do so in the hard days ahead. It is an affirmation of the justness and dignity of our cause and of our determination to win freedom.

It is also the personal statement of a man whose strength of conviction, whose belief in the people of South Africa and their liberation movement, the African National Congress, is unwavering.

It is a remarkable statement - one of great political vision and maturity. What renders it even more remarkable is the circumstances in which it was made, coming as it did at the end of two nightmare years of detention and trial designed to break the strongest of spirits. But Ebrahim did not break.

Ebrahim Ismail Ebrahim found himself in the dock because he had been kidnapped by South African agents from his home in Swaziland in 1986, taken at gunpoint to Pretoria, and ultimately charged with treason. The kidnapping was yet another flagrant violation of international law by the South African regime. Ebrahim's detention was a violation of the laws governing human rights. His trial was a travesty of justice. The prosecution sought to prove that it was

justified in snatching Ebrahim - that he was the mastermind behind land mine attacks of Umkhonto we Sizwe in the border farming areas. This charge could be backed up only by the spurious and contradictory evidence of anonymous 'Mr Xs', whose stories the defence were able to prove were badly concocted fiction.

An international campaign demanding Ebrahim's unconditional return to Swaziland was mounted. The ANC challenged the charges against him.

Two

National Executive Committee members of the ANC gave evidence in London

attesting that the structures of the ANC are such that Ebrahim could not be

behind the decision to plant the land mines.

Despite all efforts, Ebrahim and his two co-accused, Mandla Maseko and Simon Dladla, were found guilty and sentenced to 20 years, 23 years and 12 years respectively.

Pretoria's judicial and propaganda machinery had tried to use the trial of Ebrahim to denigrate the ANC. Ebrahim's dignity and determination, despite

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severe duress, confounded these attempts. Ebrahim stood firm, a fearless
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opponent of apartheid, whose entire life has been one of selfless service
to
the cause of freedom.

Ebrahim's political beginnings were in Natal as part of the Natal Indian
Congress in the 1950s. He was part of the Defiance Campaign, part of th
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Congress of the People, and joined Umkhonto we Sizwe in the early sixti
es.
He has already served a 15-year sentence (1964-1979) on Robben Isla
nd
for these activities. His statement is the testament of a man of remarkabl
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courage and conviction; it bears witness to the crimes of apartheid.

Ebrahim Ismail Ebrahim and all other political prisoners and detainees in
apartheid South Africa must be freed unconditionally!

In January 1989 Simon Dladla, Ismail Ebrahim and Mandla Maseko were
sentenced to
terms of imprisonment of 12 years, 20 years and 23 years respectively.

STATEMENT OF
EBRAHIM ISMAIL EBRAHIM

JANUARY, 1989

The ANC walks with pride among the many combinations of men and women which have, this century, through their labour, their sacrifices and their blood, liberated millions of people from colonialism, racial domination and fascism. Its reason for existence is to accomplish precisely these goals. For this, naturally, it has earned the loathing of all those who are fighting a rearguard action to defend colonialism, racial domination and fascism.

Standing in court as members of this organisation, we reiterate our commitment, as the ANC does, to the principle of peace, freedom and justice. We commit ourselves to a ceaseless struggle for the establishment of a fully democratic, non-racial and free and prosperous society in our country.

We stand firmly opposed to all forms of racial discrimination, national oppression and the exploitation of wealth of our country for the benefit of a selected few.

Growing up in a Racially Segregated Community

I am classified by the South African racial laws as an Indian South African. In any other circumstances, and if our country were what it should be, it would be sufficient for me to describe myself simply as a South African.

My parents brought me up to be proud of my language and my culture. There is nothing remarkable in that. What was special for me was that although so much in society discouraged them from seeing themselves as South Africans, their generation helped me understand my South Africanism.

As a Muslim child, I was schooled in Islamic prayers and in the reading of the Holy Quran. As children we learnt of the struggles and the wars of jihad waged by the Holy Prophet of Islam against the oppressive and decadent social order of his time. We grew up listening to the call of the muezzin from the minaret five times a day, declaring to the world the universality of humankind.

We learnt something also of the non-violent passive resistance struggle led by Mahatma Gandhi at the turn of the century and directed against the racial laws of the Boer and British colonial administrations. It is here that Gandhi developed satyagraha, the philosophy of non-violent passive resistance based on the finest tradition of the Veda.

As a young boy, barely able to comprehend the world in which I grew up in an environment where people talked about the defeat of Hitler and fascism, the defeat of Japan and the formation of the United Nations Organisation.

I remember the feeling of euphoria that swept our people when the Indian National Congress of India led a successful struggle against British colonialism,

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and we associated the names of our own leaders such as Dr Yusuf Dadoo and Dr Monty Naicker with the leaders of the struggle for independence against colonialism and imperialism.

In 1946, through the unity of the community, the Indian Congress launched the historic non-violent Passive Resistance Campaign against the Peggings Act of the Smuts government when more than 2 000 Indian men and women courted imprisonment. They defeated the attempts of the government to co-opt the community to the white power structure through spurious indirect representation. It was in this period that the leaders of the Indian Congress and the African National Congress declared the indivisibility of freedom through the Xuma-Dadoo-Naicker Pact. This Pact foreshadowed the formation of the Congress Alliance of the 1950s.

The Nationalist Party swept into power in 1948, amidst the hysteria of racial superiority and I recollect the fear and uncertainty that gripped our people. The Nationalists declared their aim to put the 'Kaffirs' in their place and repatriate the 'Coolies' to India. They promised to force repatriation through compulsory segregation and vowed to destroy the Indian people economically. They set about this task with the relentless fanaticism of a racist ideologue.

They enacted a host of oppressive and odious legislations such as the Group Areas Act, Job Reservation, the Population Registration Act, the Bantu Education Act, the Suppression of Communism Act and many, many more. These racial laws were passed by an exclusively white parliament at the time when the gruesome atrocities of Nazism were still fresh in the minds of the people; when the horror of the racial atrocities against the Jewish population of Europe was still fresh in the minds of our people. The Nats had made no secret of their sympathies with the Nazi Party of Germany.

It is a sad tale to relate how millions of people were uprooted from their

homes,
how whole communities were destroyed and made destitute because the
y
happened to be people of the wrong colour. All this done, we were told, in
defence of some civilised Christian God somewhere.

Like the children of apartheid today, we grew up in the poverty of institu-
tionalised racism. We saw and detested the abject poverty and the humili-
ation
of our people.

The Defiance Campaign

I joined the youth wing of the Indian Congress during the 1952 Defiance
Campaign, and together with members of the ANC Youth League, activel
y
participated in the daily tasks of the campaign. My leaders did not allow
me
to defy unjust laws because if arrested, I would receive a caning as I was
too
young to be imprisoned.

The Defiance Campaign was the largest non-violent political campaign co-
n-
ducted to date jointly by the ANC and the South African Indian Congress.
The
campaign was preceded by a letter addressed to Dr DF Malan from the S
ecretary-

General of the ANC, Comrade Walter Sisulu, in which he called for a round-table conference to discuss important matters affecting the oppressed people. Dr Malan rejected this request and set about suppressing the non-violent resistance of the people.

Over 8 000 volunteers, under the leadership of our volunteer-in-chief, Comrade Nelson Mandela, defied discriminatory laws and courted imprisonment. The Nationalist government moved quickly to suppress the campaign by enacting draconian laws which made it impossible for us to continue the campaign. The practice of criminalising all non-violent campaigns has been a consistent policy of the Nationalist government.

Since 1952 I have remained an active member of the Congress movement and witnessed the growth and expansion of the Congress Alliance. A notable addition to the Alliance was the formation of the Congress of Democrats by numerically small but very active white cadres. Many of them were former members of the banned Communist Party of South Africa and though much persecuted and harassed, they pioneered the full participation of whites in the liberatory struggle under the leadership of the ANC. The Alliance was joined also by the Coloured People's Congress and later by the South African Congress of Trade Unions.

Congress of the People 1955

I became a full member of the Natal Indian Congress and the chairman of its Greyville Branch. I also became a member of the Durban branch of the Congress of the People Committee, which was set up to collect the demands of the people for inclusion in a people's democratic document to be called the Freedom Charter. I actively participated in the organising of meetings and in the collection of the demands of the people from their homes and their places of work.

I was now elected a delegate to the Congress of the People held at Kliptown

held on June 25 and 26, 1955. At this Congress, with some 3 000 delegates present - blacks and whites, workers and peasants, businessmen and intellectuals, youths and students, the young and the old, Christians, Hindus, Muslims and Jews - we discussed the clauses of the Charter and adopted it as a guide to a free, just and prosperous South Africa. At this historic gathering we swore to struggle until we ended all forms of oppression, until we ended the poverty and exploitation of our people.

Looking in retrospect, it is amazing that after so many years of national oppression, of racism and economic exploitation and at the height of the nationalist, racist power, the black oppressed people together at Kliptown defined the concept of a free people in non-racial terms, and sought to assure even the whites that democracy in South Africa would be completely free of any racial oppression. The Charter's anti-racist component makes it a criminal offence for anyone propagating any form of racism. The Charter also recognized the linguistic and

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cultural diversity of our people and the inherent right of people to the development of their language and culture. This is only possible within a single, national identity of an independent, unitary, democratic and non-racial state.

It was the leadership of the ANC, acting on a proposal by the late Professor ZK Matthews, that initiated the nationwide Congress of the People. The subsequent adoption of the Freedom Charter by the National Conference of the ANC speaks volumes for the calibre and organisation and the steadfastness of its leaders.

No political party among the white ruling classes has ever since produced a programme of principles that matches the Freedom Charter in its non-racism, in its democratic ideals, in its social responsibility and in its nobility and humaneness of purpose. Many begrudged us because we wished to right the historical injustices by the redistribution of the wealth of our country. The government regarded our declaration for a free and peaceful South Africa as an act of high treason.

Late 1950s

The second half of the fifties was a period of mass political protest. In this period of struggle, Chief A.J. Luthuli, president general of the ANC, continuously called on the people to refrain from the use of violence in the face of extreme police provocation. In this period, we were actively involved in the potato boycott campaign which was called to protest the inhuman and exploitative conditions of prison farm labourers in the potato fields of Bethal, in the campaign to boycott Nationalist products and in the Pound-a-Day campaign. This period also witnessed the bus boycott campaigns, the struggle in Zeerust and Sekhukhuniland, and the gallant struggle of the Pondoland people and the peasants of Natal.

Clearly this was a period of heightened political struggle against the intensification of apartheid rule and a clear determination by the oppressed people to secure their liberation by non-violent mass political action.

Government Repression

The racist government was eager to destroy this political activism among the people and got the opportunity when its police force opened fire on a peaceful, non-violent protest demonstration in Sharpeville on 21 March 1960, mass murdering 69 people and injuring over 180. They responded to the anger of the people, and of the international community by declaring a State of Emergency, detaining thousands of people and banning the ANC.

This banning was a direct assault on all freedom-loving people in the country because the ANC expressed the hope and aspirations not only of the African majority, but of all the democratic forces in our country. The African National Congress was a senior partner in the Congress Alliance and the vanguard organisation of all the oppressed people. The leadership of the African people

Many combatants were sent to the gallows.

The Judiciary

I joined Umkhonto we Sizwe and became a member of the Natal Regional Command. Our organisation carried out nationwide sabotage attacks on state structures and installations. I was arrested in 1963, detained and tortured and finally tried and sentenced to 15 years' imprisonment. I did not consider myself morally guilty of the acts for which I was convicted, but I at least knew that the testimony of state witnesses was a true reflection of what had actually transpired.

I make this point for the limited purpose of demonstrating that the security police, at that stage, did not fabricate evidence in our trial.

As an oppressed nation, we could never regard our courts as places of justice in the moral sense of the word. We cannot divorce the courts from the apartheid structures for they are a product of an exclusively white racial parliament and are there to enforce laws enacted by this parliament no matter how morally offensive and odious these laws are to the oppressed. Can a basically unjust law be justly applied and can something morally wrong be made kosher just because it passes through a judicial process?

What is, however, shockingly unbelievable about this trial is that of the 3 secret witnesses who testified against me, secret witness XI said two material things that were partially true, i.e. that I was present at a meeting in Biro Triumph and at a meeting called by Mac Maharaj in Swaziland, but the other two witnesses totally fabricated the evidence against me.

Why so much evidence was fabricated by the police is difficult to comprehend. It was probably meant to justify my abduction from Swaziland and the subsequent torture in the police cells. For one thing, even without these fabrications the court would have had no problems in coming to certain conclusions.

Robben Island Years

I served the whole of my 15 years' imprisonment without a day's remission in Robben Island Prison. If any of us harboured any illusions that the prison institution was primarily concerned with the safe-keeping and rehabilitation of prisoners, this was dispelled soon after our arrival on Robben Island.

Although we were all black prisoners, we were under the charge of exclusively white prison warders. The prison, we found, was an extended baton of the security police. In prison we were assaulted, starved, underclothed and exposed to bitter cold weather. We were sworn at and humiliated in the most degrading manner. We broke stones and ate a measly meal. For years we were made to stand stark naked for long periods of time in an open courtyard, sometimes in biting cold weather. One of my close friends died of exposure. Some were given strokes and not allowed legal representation.

If there was still anybody not completely convinced of the horrible wickedness of the apartheid system, their experience in prison changed that. It is

incomprehensible that for 14 years the prison department prevented us from knowing anything of what was happening in the world outside. For 15 years I was not permitted to see a Muslim religious worker and was not even allowed a copy of the Holy Quran.

If the prison authorities intended to break the backbone of political prisoners, it has in reality achieved the direct opposite. The prison with all its pettiness and sheer stupid cruelty became a testing ground for freedom fighters. Is it any wonder then, that most of the former prisoners once again found themselves in the ranks of the liberatory movement?

I was released from prison in 1979 only to be banned and heavily restricted. I was prevented from entering any work place or seeking employment in a factory or a place of education. I was under constant police harassment and found it difficult to live a normal life. In 1980 I left South Africa illegally and went into exile. Abroad, I was once again welcomed into the ranks of the ANC and continued to serve my organisation and my people.

The Supremacy of the ANC

Two years ago (1987) our organisation marked the 75th year of its existence, making it the oldest political organisation on the continent. It was for us a proud and historic Jubilee Year. Our age, our long experience and untold sacrifices as an organisation place on our shoulders a responsibility not to be taken lightly. It is a responsibility not only to ourselves but to the entire peoples of Southern Africa, black and white, and to the international community of nations.

We have discharged this responsibility to the best of our ability, given our history and the repressive conditions under which we operate. Ours is a responsibility that flows out of our deep commitment to secure for all the inhabitants of our country a free and just society. We have rejected the jack-boot morality of the racist regime. We have remained steadfast in the resolve that we should

not reproduce ourselves in the image of our racist oppressors, as terrorists and wanton murderers. It could never be that we should find ourselves conducting a military campaign against civilians, whatever their colour. We have strenuously rejected a policy of terrorism, racial tyranny and reactionary nationalism .

As members of the ANC, we have at all times tried to live up to this responsibility, and have always honoured our organisation, its leadership and its commitment to humanitarian principles. We represent the force of peace, freedom and process.

The formation of the ANC in 1912, though primarily sparked off by the formation of the 1910 Union of South Africa, was in a sense a political continuation of the anti-colonial struggle waged by the African people over the last few centuries.

The ANC never accepted the legitimacy of the white minority government and deeply resented the betrayal of the black population by the British government. It was the British government that conspired to consolidate the white

We have always regarded ourselves as an intrinsic part of the world wide anti-colonial and anti-imperialistic movement. This history of our organisation has, therefore, closely followed the pattern of the anti-colonial struggles in other parts of the world.

Our organisation took its rightful place among the world anti-colonial movements and both the ANC and the Indian Congress were present at the Bandung Conference in 1954.

The leaders of the ANC, both past and present, such as Luthuli, Kotane, Mandela, Marks, Tambo, Sisulu, Dadoo, Slovo, Fischer, Mbeki and many others, belong to the gallery of the heroic leaders of the national liberatory movements such as Nyerere, Nkrumah, Nasser, Neto, Machel, Mugabe, Nehru, Ho Chi Minh and others.

Our identification with the world liberation movements and our struggle to end the colonial racial apartheid system and establish in its place a non-racial democracy has earned us the recognition, respect and support of the whole of humanity. The African National Congress today has more diplomatic representation abroad than does the South African government.

Added to this, the state itself assisted, encouraged and promoted numerous collaborationist groups and created leaders like the Rajbansi's, the Hendrickse's and Rev. Gogotya's.

Yet we can justly claim today that the African National Congress stands as a vanguard organisation and authentic voice of the African people and, therefore, of all the democratic forces in our country. We enjoy an overwhelming legitimacy both inside South Africa and among the nations of the world.

An increasing number of people from the white ruling establishment are coming around to recognise the invaluable role of the ANC in the solution of our problems. Only in the past months the rugby bosses, Afrikaner students and intellectuals, members of the Indian community and the soccer administrators have all had meetings with the African National Congress. A

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there are many, many more who see our organisation without seeking pub
lici-
ty. Is it not time for the government as well to recognise the key role of
the ANC
in creating a just and democratic order? Should it not seek to talk to our org
anisa-
tion? How many more massacres are needed, how many more prisons and
d police
cells, how many more deaths, how many more children must suffer and to
what
level of economic ruin must we fall before the government begins talking
to the
ANC to create a free, non-racial democracy in our country?

Much has been said and documented concerning our half-a-century of non-
violent resistance and the reasons why we finally took up arms to liberate
our
country. The non-violent phase of our struggle encompassed petitions, deputa-
tions, mass meetings with countless resolutions, civil disobedience, national stop-
pages of work and boycotts of different types.

Decades of peaceful, non-violent struggle earned us the contempt of the ruling
classes. The apartheid regime decreed that to resist oppression in any
way was

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illegal. We are in the same situation today. Our country has become a land of political trials and mass detentions without trial. Detainees are brutally tortured and some even die in the police cells. Kidnappings, assassinations and attacks on democratic organisations by secret death squads are becoming common occurrences. Our press is gagged and our gallows are full. The State of Emergency has criminalised all peaceful political struggle, leaving the oppressed people with little alternative but to pursue less peaceful methods of struggle.

The current level of repression, with its vicious State of Emergency, is unprecedented in the history of our country. Never before have so many people, even children, been detained without trial for so long a period. The state has brought everything out of its repressive arsenal to subjugate a people no longer prepared to be subjugated.

A dark cloud looms over South Africa, when even legal organisations are criminalised for treason and terrorism. The thousands who are in prison today have never carried arms. It is foolish thinking that heightened repression could create peace and an oppressive stability in South Africa. It is the level of repression that leads to the escalation of revolutionary violence. History is, therefore, repeating itself because we faced a similar situation in 1961 when, because the Pretoria regime had blocked all avenues for peaceful struggle, we were forced to take up arms.

State Terrorism in Swaziland

Before passing sentence, I request the court to take certain factors into consideration.

I was kidnapped from a foreign state by the South African security forces. At that point, I was carrying an Indian passport, issued to me by the government of India.

The lack of any judicial restraint has given the security forces of apartheid a free hand to continue their abductions with impunity. The violation of th

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borders of a neighbouring state, of its independence and sovereignty, is it
self
a great offence against international law and has in the past resulted in c
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tries going to war. Kidnapping people and forcibly bringing them across t
he border
fences in South Africa is an act of state terrorism.

My abduction was a sequel to the kidnapping of a Swiss couple, a Swazi
lady
and a registered South African refugee, Shadrack Maphumulo - all of whi
ch
took place four days before my own abduction. The South African police
raided
Maphumulo's flat at night and shot him in the stomach. They dragged his
bleeding
body down a flight of stairs and dumped him into the boot of their car. He
died
before he reached the offices of the security police. Muphumulo served t
en years
prison sentence on Robben Island and was among the finest sons of Afri
ca.

Are these abductions and murder not acts of state terrorism? Have our l
aws
given immunity to the perpetrators of these ghastly acts of murder and te
rrorism?

We in the ANC never advocated a policy of murdering or abducting South

African government personnel abroad. Yet it is now an accepted policy of the South African security forces to assassinate and abduct the opponents of the apartheid regime in foreign lands. The situation becomes worse if legal sanctions are given to such acts.

My abduction was followed by police torture to the point where I nearly lost my mind. My two co-accused were also brutally tortured. It is horrifying to note how widespread these tortures are. The very system of detention without trial and without access to lawyers, family or anyone from the outside, creates the ideal conditions for the wicked mind to devise methods of human torture. I have had personal experience of this, both in 1963 and during the present detentions.

When complaining of torture we always face the problem in court that it is only our word against the testimony of police officers. Our experience, unfortunately, or our perception, if you like, is that the courts are always inclined to accept the testimony of police witnesses. It is only in civil matters that such atrocities are exposed. Are we then not entitled to question whether the courts are not giving the police a free hand to continue with their inhuman torture of political detainees?

It is extremely disturbing that the Detainees' Parents' Support Committee is now prevented from monitoring the fate of detainees.

It is instructive to note that, despite my numerous complaints which included a letter to the Minister of Law and Order, concerning my abduction, the theft of my personal property and torture in the police cells, no attempts have been made to investigate my complaints. Since 1986 my attorneys have repeatedly requested the Attorney General to state if he intends prosecuting the criminals who abducted me, and, if not, he should issue a certificate to that effect so that I could institute private prosecutions. To date the Attorney General has not

replied.

The next point I have already mentioned, but it is a crime so grotesque that one is urged to shout about it a million times over. I hope somebody somewhere would be listening. Nearly all the evidence given against me by the secret state witnesses was sheer fabrication. I doubt this could happen in any civilized country in the world today. One conjures up stark and gruesome memories of the Nazi courts in Hitler's Germany. The Nazis began with the Reichstag trial where evidence was falsified against the leader of the German Communist Party. They began with the Communists, then followed the turn of the Jews, the liberals and the anti-Nazi German opposition.

Today the police are permitted to fabricate evidence against us, tomorrow it will surely be the turn of the white liberals, the Afrikaner intellectuals and the churchmen.

What gives the police the right or the perception that they could with such audacity subvert their judiciary for political purposes? Have the police concluded that the judiciary is subject to manipulation in such an outrageous manner? No state has the right, legal or moral, to fabricate evidence against an accused.

goals.

person. This crime is aggravated when it is done to achieve certain political goals.

These witnesses could not have falsely testified without the active collusion of the security police.

What legal protection does a person have in this country when he is abducted from a foreign country, detained and tortured, his personal property plundered and evidence fabricated against him? The criminals are not even investigated, let alone brought to justice.

Justice JM Didcott recently addressing the Second Ernie Wentzel Memorial Lecture described this phenomenon as the lawlessness of the state. I wonder in the future whether freedom fighters should bother to even stand trial. It is painful to say the least that testimony of secret witnesses of despicable character who would sell their own souls for a sixpence is preferred over the testimony of respected leaders of our people.

What Is Justice?

At the beginning of this trial, we said we were not guilty of what we were accused of, and have in the subsequent months insisted on our innocence.

Finding us guilty does not affect the substance of the fundamental issue under contention in this court. Though pronounced guilty, we shall continue to reaffirm and pronounce our innocence. This is simply because it is not we, but the cause we represent, that has been on trial in this court. Finding us guilty is merely a statement that the state considers the struggle for democracy, equality, justice, peace and a non-racial society to be morally and politically reprehensible requiring suppression by judicial and other means.

We would challenge and contest such a statement with all the means in our power. We are firmly convinced that racial tyranny and injustice, and the resort to weapons of war and other forms of force to maintain and defend a system based on these practices, are morally and politically reprehensible. For ju

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to be done, in the larger and more fundamental meaning of that word and concept, requires that this court addresses itself to the issue we have just stated.

To quote Professor DA Kotze, 'In terms of the definition of structural violence, South Africa is regarded internationally as a structurally violent society. This is mainly the result of the fact that this is probably the only society on earth which legally enforces discrimination with all the connotations of inequality and injustices called forward by this term.'

The Afrikaner people themselves would never have tolerated this type of violence if used against them and would not have pursued 50 years of fruitless peaceful protestations.

In the courts of the people of the world, the apartheid system of national oppression, racial tyranny, injustice, repression and war have already been judged guilty, having solemnly and by a formal international convention been categorised as a crime against humanity. This is a crime worse than treason, sedition and criminal murder. We sit in this court because we dared to rise against this crime.

The concept of guilt implies and contains within it a definite morality and distinct set of values. Legislation passed by a legislature which defines guilt in statutory terms and lays down rules for the punishment of guilty behaviour, must itself derive its legitimacy, and, therefore, its right to be recognized as just, from the fact that it is based on universally accepted moral precepts and value systems.

Clearly, therefore, the laws that make up the legal body of a system that is a crime against humanity must themselves be viewed as instruments for the commission of such a crime and have, therefore, to be defied and resisted in the interests of justice itself.

All morality and just legal systems based on this morality, recognise the right of all human beings to life, liberty, happiness and well-being. The statement 'all men are created equal' reaffirms the principle that none has the moral right to deny or take away from another these inalienable rights. None is endowed with superior powers to determine that another is inferior and subject to governance by him who proclaims himself superior.

Governments which base themselves outside the parameters of these fundamental notions and pursue policies designed to undermine or nullify them, can have no right to exist. To borrow from the American Declaration of Independence of 1776, 'When a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce (the people) under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.'

As black citizens of this country we are instructed by one experience. This is an experience of deliberate and systematic oppression, absolute despotism, degradation and denial of our very humanity. This experience obliges us to conclude that the regimes which have ruled our country for 40 years now have, as a matter of policy, based themselves outside the parameters of such human thought and activity as can be considered moral, humane and just. To th

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off such governments, as we must surely try, is to stand on the side of morality,
human decency and justice.

If we had remained passive, we would have contributed to the perpetuation
of a system that is morally and politically offensive in the extreme. We are today
proud to be among the ranks of the revolutionary freedom fighters and honoured
and inspired that the African National Congress counts us among its own.

The Freedom Charter is to us like a lodestar which beckons us to the goal
of genuine emancipation and happiness of all our people, both black and white.
If ever an opportunity arose for freedom and justice in our country to be brought
about by peaceful means and for peace to be achieved by peaceful means, we
should seize the opportunity with both hands. Genuine peace and freedom must
recognise that if South Africa claims to be an independent state, it is one
in which
the majority of the people have never enjoyed independence. It must recognise
the national liberation content of our struggle and aim at the restoration of
usurped land and wealth, and an end to national humiliation in all its forms and

an affirmation of the culture and personality of the rightless majority.

The destruction of apartheid envisages the creation of a country which will restore genuine independence to the majority of its black people and create a non-racial democracy with human rights for all. This can never be achieved by creating and shifting black and white structures and creating a multitude of parliaments.

Violence

Our President, Comrade Oliver Tambo, has pointed out that we who have been victims of violence for centuries know its true meaning. Our own experience taught us to hate violence. Our cultures reject the notion of violence for its own sake. In addition, because we have been targets of colonial and racial violence for centuries, we understand fully the demeaning and painful misery that derives from the mass and systematic application of force. As a movement leading such people, we could not ourselves have inherited or otherwise allowed ourselves to acquire any notions about violence different from those of the people from whom we have come and who we represent.

Accordingly, though we decided on armed struggle, at no point have we allowed ourselves to become slaves to violence, as our President has said. There is nothing in our philosophical outlook which binds us inevitably, and under all circumstances, to the use of revolutionary force to achieve our objectives. Our very being instructs us that if we could avoid its use, then we should.

We think the direct opposite applies to those who have grown up with and been nurtured on notions of racial superiority. We have said for any people to oppress another requires the use of violence. To use violence to maintain a system of racial domination requires that its users rationalise such use of violence to the point where it is seen as an admirable attribute among those who dominate and therefore have to use force daily against the dominated.

A future society will have to contend with the children of violence. People who are taught to wield a gun, a baton and the jackboot, will find it difficult to understand that the use of force to order human relations is not the inevitable condition of human existence.

If coming events cast their shadows before them, then we need to look at the action of a former policeman in Pretoria in late November, 1988. This man for 15 minutes walked through two blocks in the centre of Pretoria, killing and wounding blacks. I doubt if a black person killing whites in Pretoria would have lasted two minutes. And nobody has referred to this murderer of black people as a terrorist.

As for now, we would like to warn our white compatriots who have permitted themselves to be inducted into a cabal of violence for the defence of the apartheid regime, that they will merely reap the fruits of their folly. The adherents of the cult of violence whose victims we are today, will tomorrow turn on white society to assert their right and predestination to determine what the whites themselves

should think and do.

The pursuit of the goal of peace both within our country and internationally is fundamental to our whole outlook. It is precisely for this reason that this objective is stated in the Freedom Charter. We stand here to affirm without any apology that the ANC and the rest of the democratic movement of our country are an important and unchangeable component part of the world peace movement.

We seek a peace in our country based on freedom and justice. These are the necessary conditions without which there can be no peace. Quiescence brought about by repression is not peace, but a mere lull before the storm, a false stillness behind which lurks a thunderous explosion.

We are certain that this court will decide to impose on us various sentences. Though we shall condemn it as a perpetuation of the system of injustice to which millions of our people are subject, we do not fear such an outcome. To fear it would only mean that, when we joined the struggle for emancipation of our people, we did not understand the nature of the enemy we had to confront.

But we know who it is that we and the rest of the freedom-loving people of our country have to fight to turn into reality the dream of a South Africa that shall belong to all the people, both black and white. We have brushed shoulders with the angels of death who guard the king and princes that occupy the apartheid throne. In their hands they carry the gun, the hangman's noose and vile instruments of torture. We know that the throne they defend can only stand if it is surrounded by a moat of human suffering.

As we leave this building to go wherever this court decides, we wish to say to our people, we tried to carry out your behests. We did our best to live up to what you expected of us as members of the African National Congress. There are countless others like us who are prepared to sacrifice their very lives to

achieve the noble goal of the emancipation of our country.

We shall achieve victory soon!

Personal Observations

When writing this statement I thought carefully as to what I should say. After much contemplation I felt it better for this court to know precisely how I honestly feel about the issues raised. To tell the truth no matter how unpleasant. It would be against my nature to tell the court something palatable in mitigation but which does not reflect the truth of my beliefs. The court should, as clearly as possible, know my thinking, and the factors that motivated me in the past and which will motivate me in the future.

When I was detained both in 1963 and 1986 I refused to answer questions during interrogation. To me this was a matter of deeply-held principles. During this detention I told the police and the inspector of detainees that I would rather die in detention than betray the trust of a single person or organisation. When I acknowledged that certain items were removed from my house it was to

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establish the fact that I was indeed abducted by the South African security forces.

The factor that led me not to testify in this trial is that I would refuse to answer questions which would give information to the state security police. This in turn would prejudice my evidence before this court.

I have been actively involved in the struggle for liberation for over 36 years.

I spent about half that period in prison. My life has been one of struggle for peace and natural justice, for a common humanity and a struggle against the greatest single evil of this century, the evil of racism.

If I were to choose my life all over again I would follow the same path. I could never have remained indifferent to the poverty and suffering of our people.

I have a deep commitment for peace, freedom and prosperity for all my fellow human beings and have an equal distaste for injustice and oppression.

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