

Sunday Express Reporter

MR. GERALD GARDINER, Q.C., the British barrister who attended the treason inquiry in the Johannesburg Drill Hall as a special observer, has openly and publicly attacked the South African Courts. He has impugned the integrity of the Judges, and suggests that the treason trial, when it comes before a special court, will not be a fair one.

Mr. Gardiner recently returned to Britain after attending the sessions of the treason inquiry during December, and his views are set out in a letter to the weekly journal "New Statesman and Nation" in its issue of January 5.

Mr. Gardiner writes:

"The opening speech for the prosecution in the South African treason trials contained a good many references to Communism, and it may be that additional or alternative charges under the Suppression of Communism Acts will be made against some of the accused when committed for trial.

"It may therefore be of importance that English readers should be aware of exactly what 'high treason,' 'Communism' and 'Communist' mean in South Africa today, even though it means setting out their definitions at length."

The smear

Mr. Gardiner then sets out the common law definition of "high treason" and the statutory definitions of "Communism" and "Communist."

And then comes the smear. For this is what he writes:

"When there are borne in mind the number and nature of the judicial appointments made by the Nationalist Government of South Africa, the fact that the Government is entitled to order such a case to be tried without a jury before a special court, the width

HUDDLESTON, "TREASON" AND M.C.C.

Sunday Express Correspondent

LONDON, Saturday.

FATHER TREVOR HUDDLESTON launched another attack on the South African treason trial in London yesterday.

In a double-page article in the Bevanite Labour weekly, "Tribune," he deplores the indifference to the implications of the mass arrests: "It is doubtful whether the present treason trial in South Africa will rock even one member of the M.C.C. or its supporters."

And he adds: "If to affirm human rights and decencies is Communism, then I am a Communist, and if to fight for them is high treason, I am proud to be a traitor."

of the above definitions and the fact that the accused, both European and Non-European, include a number of prominent members of the Christian community in South Africa, it is perhaps not surprising to find that these treason trials are a matter of deep concern to all those in Britain, to whatever political party they may belong, who care for civil liberties."

That is the end of the statement.

Mr. Gardiner watched the treason inquiry proceedings on behalf of Christian Action, the Bar Council, the Inns of Court Conservative and Unionist Society, the Society of Labour Lawyers, the

Association of Liberal Lawyers, and "Justice," a new organisation representing the last three societies for the purposes of civil liberties.

Mr. Gardiner's insulting and contemptuous reference to the South African Bench is not an isolated case.

In December, the Daily Telegraph, one of the most important and influential newspapers in Britain, also used the smear technique. Out of the blue, and for no apparent reason, it implied that there might be some doubt about the integrity of the South African judiciary.

Its main leading article of December 8 was devoted to the mass arrests in South Africa, and ended with these words:

"But the issue is now in the hands of the South African Courts of Justice. Britain and the rest of the Commonwealth look to them to maintain a high standard of equity and impartiality."

The Daily Telegraph does not explain why the Courts' "equity and impartiality" should be called into question, or why, as in Britain, it should not be taken for granted.

The most scurrilous and abusive reference of all is contained in the "Spectator," a weekly journal.

"Convenient"

Its columnist "Pharos," commenting on the mass arrests, makes this statement:

"The Criminal Procedure and Jurors' Amendment Act of 1954 gives the Minister of Justice power to set up a special criminal court without a jury to try any political offence which he directs. If Mr. Swart uses this convenient procedure, it would be interesting to see which judges he chooses. I would tip two from the Transvaal Division of the Supreme Court — Mr. Justice — and Mr. Justice —."

And "Pharos" has the insolence to mention two Judges by name. The meaning of this comment is plain. It is intended to convey to British readers that Mr. Swart, conveniently relieved of the burden of an honest jury, will place the trial in the hands of judges with whom he has made a prior "arrangement."

IN OTHER WORDS, BRITISH READERS ARE TOLD, THE TRIAL HAS BEEN "FIXED."