

FREE THE PRETORIA 12

BACKGROUND PAPER III

Eleven men and one woman are on trial in South Africa for allegedly assisting the underground organisation of the African National Congress.

Under the Terrorism Act they face a minimum sentence of five years - the maximum penalty is death.

The background paper provides information on the course of the trial so far.

FREE THE PRETORIA TWELVE CAMPAIGN

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THE TRIAL OF THE PRETORIA TWELVE

This is the third background document on the Trial of the Pretoria Twelve which is widely regarded as the most important political trial in South Africa since that of Rivonia in 1964, when leaders of the African National Congress were incarcerated for life. The Pretoria Twelve have become a symbol of the heroic struggle of the oppressed people of South Africa who despite the racist onslaught have intensified their fight for freedom.

The following account of the progress of this trial underlines the urgent need for even greater action on the part of the international community to campaign for the release of the Pretoria Twelve. Due to the death of the presiding Judge in November 1977, just before the defence was due to open its case, a complete re-trial has to be held. The State had just completed its case which as we shall show, unwittingly exposed the vicious methods used by the Special Branch in gathering together their evidence against the Twelve.

Charges against the Pretoria Twelve

On the 9th May 1977, eleven men and one woman were brought into the Pretoria Supreme Court shackled in leg irons and surrounded by police. The State alleged that they were members or supporters of the African National Congress (ANC), the South African Communist Party (SACP), or the military wing of the ANC Umkhonto we Sizwe, and charged with 79 separate allegations involving attempts to overthrow the apartheid regime between 1962 and 1977. The main charge against them alleged that they "wrongfully and unlawfully conspired to overthrow the Government of South Africa by violent means or means which envisage violence and in furtherance of the said conspiracy the accused committed certain acts."

All twelve originally pleaded not guilty to the charges. After the state case closed at the end of September, two of the accused changed their pleas (through their defence) on certain charges. Mosima Sexwale and Naledi Tsiki admitted leaving the country for military training; Sexwale admitted being involved in the hand -grenade attack on a police Land-rover in the Eastern Transvaal when two policemen were seriously injured, and Tsiki admitted involvement in a sabotage incident on the Pretoria-Pterensburg railway line in October 1976.

The Pretoria 12 have been accused of planning and organising to overthrow a regime whose policies have been universally condemned and declared a crime against humanity.

It is not the Pretoria 12 who should be on trial but the apartheid system.

The apartheid rulers have recently showed their attitude to opposition of any sort. In the face of increasing resistance by Black South Africans, the regime is hardening as far as outside opinion is concerned while it carries out its fascist repression inside the country. Every effort will be made to convict the Twelve and to obtain the maximum possible penalty. Under the Terrorism act this penalty is death.

The Prosecution Case.

The trial of the Pretoria 12 began within a year of the Soweto uprising. Unable to contain the mounting resistance of the people since June 1976, the Pretoria regime has unleashed a brutal campaign of repression. In the months after June 16 the Liberation Movement has increasingly developed more advanced forms of resistance, sophisticated sabotage has been carried out against enemy targets, armed confrontations have taken place on South African soil and arms caches have been established.

In an attempt to find "culprits" the Security Police began detaining Known ANC members and particularly Robben Island prisoners. Four of the twelve are former Robben Island prisoners.

The prosecution opened their case on June 20 and the state case ran until the end of September. More than 80 people appeared as witnesses for the state. Much of the evidence was by witnesses who reported seeing an accused in Swaziland or Mozambique or of having driven people to Swaziland. Other witnesses alleged that some of the accused had recruited people into the ANC. Some witnesses made statements linking some of the accused with arms caches in Soweto and other places in the Transvaal. Others alleged that they had been given training inside the country in the handling of machine guns and explosives and evidence was lead on the sabotage of railway lines. Two policemen who were seriously injured in the grenade attack on their Land-Rover, gave evidence that Sexwale was one of the four men involved in the attack.

The authenticity of the evidence of these witnesses must be seriously questioned. A number of the witnesses were police; the Biko inquest has already revealed the contempt of the South African police for the truth. Few, if any of the other witnesses, gave evidence voluntarily. Some witness refused to give evidence on reaching the witness box and spoke of torture; others revoked their evidence when cross examined by the defence, and others explained that they only gave evidence because they were scared of refusing to do so.

The following are some examples which illustrate the unreliability of the police case:-

The State first and chief witness was Ian Rwaxa. He had been detained since December 1976 when, after a few days in the hands of the Special Branch he was taken to his home by armed police, apparently to identify the place where a tin containing dynamite was buried in the yard. He was seen on this occasion by several people who reported that his clothes were bloodstained and that he was wearing a hood to conceal injuries to his face and head.

For four days Rwaxa gave evidence for the State. He told of recruiting 260 people for military training and of ferrying them across the border. On June 29th, heavily armed police stood guard outside the court as several hundred people sang freedom songs and chanted "Amandla Ngawethu" - "Power To The People!". In court, Rwaxa continued to give evidence, but now he turned to the judge and said the evidence he had given was not true. He began to explain how his previous evidence had been extracted. He described how he had been repeatedly assaulted by the police and forced to make confessions implicating the Twelve. He began a harrowing account of his experiences since detention. He was kept in solitary confinement and interrogated by Security Branch Police in John Vorster Square. He confirmed the visit to his home with his face covered by a hood. During assaults he had been beaten, kicked and suffocated with wet cloths. Twice he had lost consciousness and had been threatened with death by Lieutenant Coetzee. On one occasion he had been taken to a cell where he saw one of the accused, Mosima Sexwale, lying naked, bound and shivering on the floor. On one of his many trips to Security Police Headquarters in Pretoria, where he was brutally tortured, he found another of the Twelve, Lele Motaung, unable to sit down after assaults on him. Eventually when he could take no more, Rwaxa agreed to make a statement "and I wrote what Lieutenant Coetzee told me to write". As a result the torture stopped and he was given R200 and even allowed visitors. He was taken over his statement 5 times "so I could rehearse it", he told the court. After several hours of detailed evidence in the witness box, Rwaxa appealed to the Judge to grant an order protecting him from police retaliation. Judge Davidson replied that he had no power to give such an order. Rwaxa's courageous exposé of the police methods was a major setback for the State in the trial, particularly as he was chief state witness. His fears of police retaliation were confirmed when, ten days later the State applied to recall him.

They claimed he had changed his mind about some of the allegations he had made in court. What happened when he was led out of the court and back into the interrogation cell in the intervening period is clear enough. In the event the Judge refused the application but agreed that Rwaxa may be recalled at a later stage to corroborate other evidence. There are grave fears for Rwaxa's life whilst he remains in the hands of his torturers, in complete isolation and unprotected from their brutal attentions.

The courage of those on trial of several of the 'state witnesses' is inspiring. One such witness, Mr Elias Tsimo, who has already served a sentence on Robben Island for ANC activities, survived merciless torture during which he was forced to sign a false statement. When he was brought to the court he described how he had been assaulted and given electric shocks. Tsimo told the court that his interrogators had tried to frighten him by showing him photographs of a man hanging from a grill in his cell. This person was DrNabaoth Ntshuntsha who had been arrested with him. (Dr Ntshuntsha died in detention in January. His corpse was cut open by 'unauthorised personel' before the post mortem and this prevented a private pathologist from establishing the cause of his death. (Rand Daily Mail 29/30.7.77))

Other key witnesses refused to give evidence for the State. Super Maloi, Matheson Morove and Billy Masethla were all sentenced to 6 months imprisonment for refusing to give evidence. Another witness Newton Mosime, retracted the evidence he had given against Michael Ngubeni, saying his original statement had been made after assaults in the Rustenberg police station. Alec Nchabaleng refused to give evidence against his father. (Focus 13 p.6)

Pauline Mohale

Of course the Pretoria Twelve have also been subjected to merciless torture. Pauline Mohale, the only woman accused was admitted to hospital in January 1977 for treatment of injuries sustained during her detention. Reports have emerged that her most serious injuries suffered during detention were caused when she was thrown out of a window on the second floor during interrogation.

Conclusion

The Pretoria Twelve and those witnesses who took a courageous stand remain in the hands of Vorster's murderers awaiting the re-opening of the trial. In 1964 international campaigning saved the lives of African National Congress leaders Nelson Mandela and other Rivonia trialists. The campaign to FREE THE PRETORIA TWELVE is of utmost importance - not only for the Twelve on trial but for the hundreds of other opponents of apartheid in detention or on trial in South Africa today.

APPENDIX I: CHARGES AND BIOGRAPHIES

Charges against the Pretoria Twelve

The accused are alleged to have 'conspired' with 47 others in order to distribute propaganda calling for the overthrow of the racist regime; to recruit or attempt to recruit people to join or support the Liberation Movement; to train or attempt to train people in the art of 'waging war and/or subversion' and in doing this to secretly take people out of South Africa for their training and return into the country with arms, ammunition and explosives; to establish arsenals and hide-outs in the Republic; commit acts of sabotage; infiltrate associations; seek to establish and/or extend an underground organisation in South Africa by the creation of secret cells and arrange the finance to further their cause.

The Accused

Martin Mafefo Ramokgadi (67) is alleged to have been a head of the central structure of the ANC in Johannesburg from June 76- January 77. He is accused of receiving funds for the ANC and recruiting new members. He has served an 11 year sentence (1963-73) on the notorious Robben Island for furthering the aims of the ANC and recruiting ANC members for military training. He was banned on release. Ramokgadi has been in poor health since his imprisonment on Robben Island. His wife died in 1976; he has several children- the youngest is an 18 year old daughter.

Joe Nzingo Gqabi (48) is alleged to have been head of the ANC underground in Johannesburg from June 76-January 77. He is accused of distributing political books and arranging a meeting with the student leaders of Soweto; attending an ANC meeting where the violent overthrow of the racist regime was discussed. Joe Gqabi was formerly a journalist on the journal 'New Age' and served a 12 year sentence on Robben Island from 1963-1975 for furthering the aims of the banned ANC, Gqabi was in fact tried twice; the first trial in April 1963 where he was sentenced to 2 years for attempting to leave the country and the second trial in 1965 when he was convicted of attending a course of military training outside South Africa, and sentenced to a further 10 years. Gqabi had previously played a leading role in the Defiance Campaign of 1952 and other activities of the ANC. He was released in August 1975 and immediately banned. He is married with two children.

Petrus Mamogoane Nchabeleng (50) is alleged to have tried to recruit members for the ANC in Sekhukhuneland in October 76. Mr Nchabeleng has served an 8 year sentence on Robben Island with Nelson Diale (41) (another of the Pretoria Twelve) after being convicted for being members of Umkhonto we Sizwe. They were both banned and banished on release in 1972. Both Nchabeleng and Diale are married and originally came from Pretoria.

Michael Mpendeni Ngubeni (42) is alleged to have advised people to undergo military training or to form ANC cells. He was a primary school teacher until 1964 when he was sentenced to 12 years under the Sabotage Act. He was released in October 1976 and immediately banned to Rustenberg for 2 years on his release. But within months he was back in detention in the hands of Vorster's torturers. He is married with three children; the youngest is a daughter called Rivonia, born after he had been sentenced.

Paulina Managotla Mohale (26) is alleged to have tried to recruit or to have recruited a person for military training during October and November 1976 and to have typed or duplicated a pamphlet entitled 'The Voice of the ANC' (Spear of the Nation).

Naledi Tsiki (21) is alleged to have undergone military training outside South Africa and on returning to his country to have been involved in recruitment for the ANC. It is further alleged that he sabotaged the railway line at Dikgale, Pietersburg district in October 1976. Mr Tsiki was detained along with his father, sister and brother in December 1976.

Mosima Sexwale (24) a former student at Roma University in Swaziland, is the number one accused. He is charged with undergoing military training outside South Africa, of the hand grenade attack on two policemen and of bringing arms and ammunition into the country.

The other accused are; Lele Jacob Mataung (23), Simon Samuel Mohlanyaneng (23), Elias Tieho Masinga (24), Jacob Gaonakala Seatlhole (47).