

IN THE SUPREME COURT OF SOUTH AFRICA.

( TRANSVAAL PROVINCIAL DIVISION )

Before: The Honourable Mr. Justice DE WET, Judge-President.

In the matter of:

THE STATE vs. NELSON MANDELA AND OTHERS.

12th JUNE 1964.

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- JUDGE'S REMARKS IN PASSING SENTENCE -

DE WET, J.P.

I have heard a great deal during the course of this case about the grievances of the non-European population. The accused have told me, and their counsel have told me, that the accused, who are all leaders of the non-European population, have been motivated entirely by a desire to ameliorate these grievances. I am by no means convinced that the motives of the accused were as altruistic as they wished the Court to believe. People who organise a revolution usually plan to take over the Government, and personal ambition cannot be excluded as a motive.

The function of this Court, as is the function of a Court in any country, is to enforce law and order, and to enforce the laws of the State within which it functions.

The crime of which the accused have been convicted, that is the main crime, the crime of conspiracy, is in essence one of high treason. The State has decided not to charge the crime in this form. Bearing this in mind, and giving the matter very serious consideration, I have decided not to impose the supreme penalty which in a case

like this would usually be the proper penalty for the crime. But consistent with my duty, that is the only leniency which I can show.

The sentence in the case of all the accused will be one of life imprisonment. In the case of the accused who have been convicted on more than one count, these counts will be taken together for purpose of sentence.