

#haydarpasamun'24



# STUDY GUIDE

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## Rivonia Trial



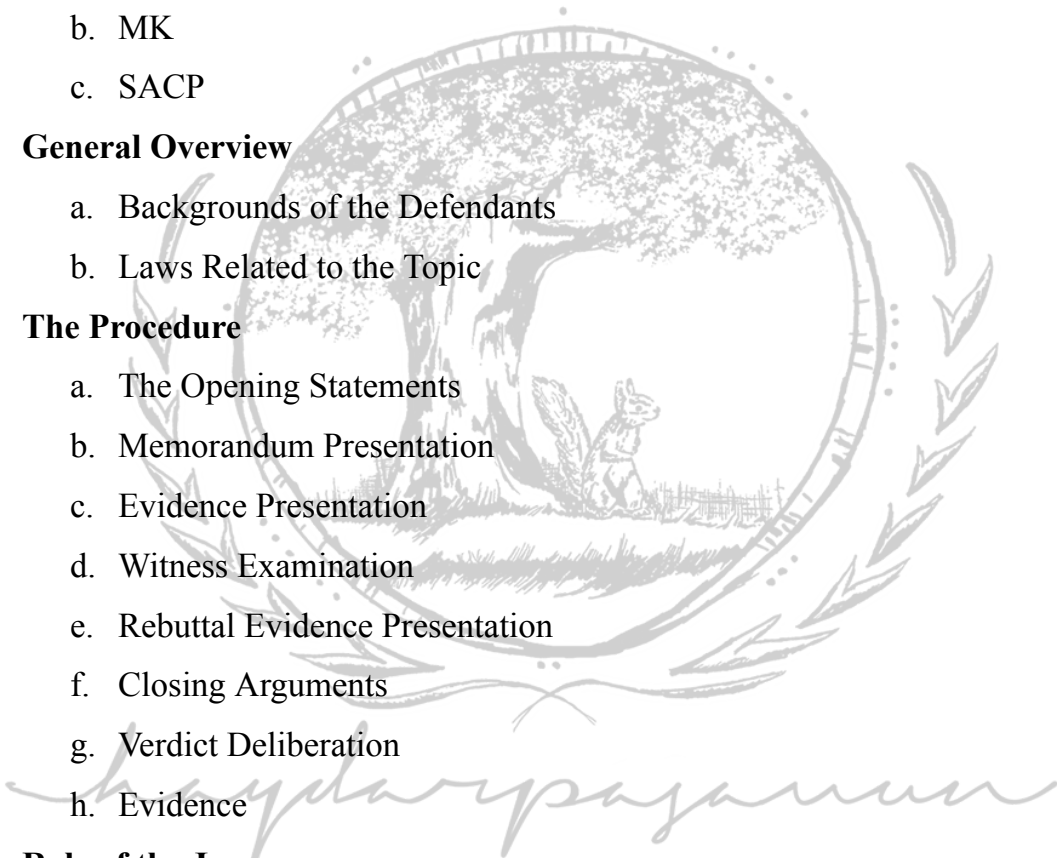
**HAYDARPAŞAMUN'24 TRIAL COMMITTEE**  
**RIVONIA TRIAL STUDY GUIDE**



*haydarpaşamun*

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## 1. Letter from the Chairboard

Dear Jurors,

It is with great pleasure and delight that I extend a warm welcome to the esteemed participants of the Committee of Rivonia Trial at HAYDARPASAMUN'24. I am Cemil Türk, a sophomore at Kabataş Erkek High School, and the President of Specialized Agencies of KMUN'24. As the Presiding Judge for this trial, I find this committee, along with its unique procedure and structure by which it is to progress over the course of 4 days in this conference, of much gravitas. It is no secret that you, the Jurors, constitute the most important element of discourse for the trial.

You have been entrusted with a unique role, which you may be bearing for the first time; I recommend you to **aspire to catch the zeitgeist of 1960s South Africa**, since the clash of the defiance of the brave and the iron fist of the regime is to hearken back to the rowdy chapters of history.

With this role, your main task is to pose questions that ignite a chain of inquiry. However, I shall let you know that the way culpability is perceived, and how it was used to be so by then-laws of South Africa, at the Palace of Justice, in 1963 may differ greatly.

Should you desire further elaboration with respect to the committee, please do not hesitate to reach out to me at [cemil\\_163@icloud.com](mailto:cemil_163@icloud.com). Indubitably, we will get to witness a set of new challenges, perspectives, and insights, through which I aim for you to have an unforgettable experience!

Yours truly,

Cemil Türk

Dear Jurors,

I am delighted to extend my warmest greetings and welcome you to Rivonia Trial Haydarpaşa MUN'24. I am Z. Neris Bahrioğlu, a 10th grader at Kabataş Erkek High School and I am active as the Deputy Head of Academy of KMUN'24. It is an honor to be the Vice-President of this committee and I feel delighted to be able to tackle this case with you throughout this conference.

I feel the need to remind you that the success of our committee depends on your active participation, constructive engagement, and willingness to collaborate. On the other hand, do not forget to enjoy and make sure to leave good memories of this conference behind. If you have any questions regarding our committee feel free to reach me out at any time via my e-mail [neriszeynepbahrioglu@gmail.com](mailto:neriszeynepbahrioglu@gmail.com).

I am really excited to meet you all :)

Best regards,

Z. Neris Bahrioğlu

## 2. Introduction to the Committee

Transvaal Provincial Division, also called TPD, was responsible for governing legal processes. TPD had a significant role in the South African law system during Apartheid Era. TPD had jurisdiction over compelling cities and states including Johannesburg, Pretoria, Gauteng, Limpopo and the Northwest. Due to it being the executive supreme court TPD had authority to examine the political cases, especially Anti-Apartheid movements, handling the disorder and imposing the culprit's life sentence. A notable affair that raised awareness of the TPD was the Rivonia Trial, but it was more strongly associated with the political developments than the court's overall standing.

The Rivonia Trial got its name from a suburb of Johannesburg which ANC's hideout Liliesleaf Farm was located on. Nelson Mandela moved onto the farm in October 1961, eluded from the security police and masqueraded. Mandela was arrested on 5 August 1962 without anyone from the farm. ANC activities proceeded in the hideout until the farm was raided on 11 July 1963 by South African Police. Lionel Bernstein, Denis Goldberg, Arthur Goldreich, Bob Hepple, Abdulhay Jassat, Ahmed Kathrada, Govan Mbeki, Raymond Mhlaba, Andrew Mlangeni, Moosa Moolla, Elias Motsoaledi, Walter Sisulu and Harold Wolpe were all arrested. The General Law Amendment Act No. 37 of 1963, which permitted imprisonment for a maximum of ninety days, was used to justify their detention.

## 3. History of the Topic

### *a. South Africa's Regime:*

Apartheid is a policy of racial segregation implemented by the country's all-white government that was initiated in South Africa and South West Africa in 1948. Non-white South Africans, who compose the majority of the population, are forced to live apart from white people, use separate public spaces, and have barely any contact with white people. Apartheid was typified by a baasskap-based authoritarian political system that guaranteed the minority white population of South Africa would dominate the country's social, political, and economic spheres. Apartheid Regime encompassed a hierarchical structure within itself where white citizens had the highest stature, followed by Coloureds and Indians, then Black people. In 1948, after the National Party won that year's elections, Apartheid became a social project of the government based on a series of laws which made it legal. The social architecture

intensified with the use of Afrikaans as the official language for working, communication and education. Black Africans were not allowed to vote or engage in politics and were reduced to labor for the whites.

***b. ANC's establishment:***

The African National Congress, also known as ANC, was founded on 8 January 1912 by three committed activists; Pixley ka Isaka Seme, John Dube, Sol Plaatje in Bloemfontein with the predominant purpose of promoting the rights and equality of the Black population in South Africa. During the orient period of the ANC, it pursued a peaceful struggle. ANC concentrated on using lawful and non-violent methods to defend Black community. Through the time, the organization took on legal issues and raised awareness of racial inequality among the general public by assisting activism, teaching and community organizing. The Peaceful Struggle resumed until the formal establishment of Apartheid Regime in 1948.

**4) Key Parties**

***a. ANC***

Following World Wars I and II, black laborers in South Africa had a profound political awakening as they engaged with the issues of returning from European battlefields. This increased political consciousness encouraged the ANC to step up its agitation for black people's rights in the 1950s. However, this period occurred against the settings of the legal formation of the apartheid state in 1948, which resulted in a systematic reinforcement of discriminatory laws against black people. As the ANC fervently fought for stronger resistance to black rights, ANC comprehended the inadequacy of tranquil activism and legal protests in this climate. In the 1950s, the ANC changed its approach to the growing tyranny and adopted a more proactive and assertive voice to apartheid. A pivotal phase of change for the organization was brought about by this strategic shift, which also raised activism and resistance. The arrest of the ANC's leaders was a hub of ANC activity and came to represent the fight against ethnic pressure.

### ***b. MK***

Umkhonto we Sizwe (MK), meaning ‘Spear of the Nation’, was the armed wing of ANC established in 1961. The decision to form MK was motivated by the understanding of the inadequacy of peaceful struggle against the growing apartheid discrimination. The establishment of MK demonstrated the ANC's unwavering commitment to more confrontational methods, marking a turning point in the struggle for equality and justice at a key juncture in South African history.

### ***c. SACP***

The South African Communist Party (SACP) played a pivotal role in the Rivonia Trial where central figures such as Nelson Mandela and Walter Sisulu confronted charges regarding anti-apartheid activities. As committed SACP members, these people accepted the socialist and communist based political principles of the organization. The SACP worked extensively with the ANC in their combined efforts against the oppressive Apartheid system in strategic alliance in both military and political spheres. The ANC integrated socialist principles into their purpose of a non-racial, fully democratic South Africa after being influenced by the ideals of SACP. This ideological integration was crucial in forming the ANC's legislations and goals throughout a tumultuous time of resistance and the quest for social justice. Despite their shared battle for an equitable and republican South Africa, the Rivonia Trial is a monument to the entwined legacies of the ANC and the SACP.

## **5) General Overview**

### ***a. Backgrounds of the Defendants***

#### **Nelson Mandela:**

Nelson Rolihlahla Mandela born on 18 July 1918, is an activist and essential individual in the battle with Apartheid system. Mandela's early involvement, as a co-founder of the ANC Youth League, led the path for a legal career that was characterized by the defense of Black South Africans' rights. Mandela participated in the founding of MK in reaction to growing

government persecution. His significant involvement in the armed conflict resulted in his arrest.

**Walter Sisulu:**

Walter Max Ulyate Sisulu, born on 18 May 1912 is an activist and ANC member. A vital component of the ANC, Sisulu's early involvement helped to shape the movement and he became an accessory mentor for Nelson Mandela. Sisulu, who gained notoriety for supporting peaceful resistance, had a profound influence upon the struggle.

**Lionel Bernstein:**

Lionel Bernstein born in 1920 is a committed reformer. His commitment led to his appearance in ANC. Bernstein played a pivotal role in the Anti-Apartheid Struggle by actively participating in various campaigns.

**Denis Goldberg:**

Dennis Goldberg, born in Cape Town, in 1933, stood as a dedicated anti-apartheid activist committed to justice and equality. As an active member of the ANC, he contributed significantly in challenging the discriminatory policies of the apartheid government.

**Arthur Goldreich:**

Arthur Goldreich born in Pietersburg, in 1929 is a South African-Israeli abstract painter and activist in Anti-Apartheid movement in the country of his birth and a critique of Zionism practiced in Israel. He participated in the 1948 Arab-Israeli war as a member of the Palmach, the elite military wing of the Haganah.

**Bob Hepple:**

Sir Bob Alexander Hepple born on 11 August 1934, was a renowned scholar and professor. Despite not being personally involved in Anti-Apartheid movements, he was highly esteemed in the legal profession for his substantial contributions to labor law and human rights. He was an important participant in the development of global labor standards and the defense of workers' rights. His scholarly research frequently examined the relationships between social equality, justice and the law. His father Alexander Hepple was the leader of the South African Labour Party.



**Abdulhay Jassat:**

Abdulhay Jassat is a South African-Indian activist. He became involved in politics as a member of Transvaal Indian Congress, which was an affiliate of the Congress Alliance in the 1950s. In 1958 Jassat was arrested with twenty-eight other members of the Congress Alliance for incitement. They enlisted the service of Harold Wolpe and Ismail Mahomed as their legal representatives and were acquitted after a six months' trial. In 1961 Jassat joined MK and acted steadily.

**James Kantor:**

James Kantor born on 26 February 1927 is an originally Jewish, South African lawyer and writer. A prominent Johannesburg lawyer in the 1950s, Kantor was the attorney of Nelson Mandela until their arrest. He is the brother in law of Harold Wolpe.

**Ahmed Kathrada:**

Ahmed Kathrada, known for his nickname 'Kathy', was born on 21 August 1929 is a politician and emerged as a steadfast anti-apartheid activist deeply committed to ANC's principles.

**Govan Mbeki:**

Govan Archibald Mvunyelwa Mbeki born on 9th of July 1910 is a politician, military commander and Communist leader who served as the Secretary of MK at its inception in 1961. He was a leader of SACP and ANC.

**Raymond Mhlaba:**

Raymond Mphakamisi Mhlaba born on 12 February 1920 is an activist and communist. In 1943 he joined the Communist Party of South Africa and became Secretary for the Port Elizabeth branch until the party was banned in 1950. From 1944 Mhlaba maintained dual membership of the ANC and the CPSA.

**Andrew Mlangeni:**

Andrew Mokete Mlangeni born on 6 June 1925 is a political activist and campaigner. After having to give up his studies owing to poverty, after 1946 he experienced worker exploitation as a factory worker. When working as a bus driver, he was active in a strike for better working conditions and a living wage, and in 1951, joined the African National Congress Youth

League, also known as ANYC. In 1954, he joined the ANC. In 1961, he was sent for military training outside the country.

**Moosa Moolla:**

Moosa Moolla born on 12 June 1934 is an Indian-South African diplomat and activist. A member of ANC, Moolla was arrested and eventually found not guilty in 1951 Treason Trial. In 1961, he was arrested and tried for incitement at the time of the May 1961 stay-at-home protest.

**Elias Mootsaeladi:**

Elias Mathope Mootsaeladi, born on 26 July 1924, is an Anti-Apartheid campaigner. Mootsaeladi joined the Communist party of South Africa in 1945 and then the ANC in 1948. He soon became involved with trade unions. He joined the Leather Workers' Union in 1949, served as chairman of the Committee of Non-European Trade Unions, which was formed in 1941. He was elected chairperson of CNETU in 1953. later played an active role in the establishment of the South African Congress of Trade Unions.

**Harold Wolpe:**

Harold Wolpe born on 14 January 1926 originally Jewish-Lithuanian, South African lawyer, sociologist, political economist, activist. Wolpe is best known for the theory that cheap labor in South Africa was sustained by the articulation of capitalism with subsistence economies in rural areas. He was a crucial member of SACP and ANC.

*Haydar Yazgan*  
**b. Laws related to the topic**

**Sabotage Act:** The Sabotage Act is the act that brought accusations against the defendants. This law was made to redefine the word and prohibit sabotage against the government. It broadened the definition of sabotage. The new definition included strikes, trade union activity, and writing slogans on walls. The minimum penalty was 5 years in prison, and the maximum was death by hanging. The law also changed the definition of 'Burden of Proof'. The defendants were now thought to be guilty until proven innocent, which is the exact opposite definition of the phrase. The act gave power to the white supremacist authorities, especially the Minister of Justice, who now had the power to ban people and organizations.

**Suppression of Communism Act:** One of the apartheid-era statutes that was applied during the Rivonia Trial was the Suppression of Communism Act of 1950. This law officially banned the Communist Party of South Africa and gave the government the authority to outlaw anybody or any group believed to be sympathetic to communism or hostile to the state. It also redefined the word 'communism', which now meant "a plan to achieve change -economic, social, political, or industrial- by the promotion of disturbance or disorder" or "any act encouraging feelings of hostility between the European and the non-European races, calculated to further disorder".

**Explosives Act:** The Explosives Act of 1956 prohibited the manufacturing and possession of any explosives or blasting materials without permit. It also banned the transportation of any explosives. While the Act was set to maintain national security, it was mostly used to target and oppress anti-apartheid activist groups. The penalty for unpermitted use or manufacturing could lead up to a life sentence.

## 6) The Procedure

In every part of the trial except the time when the defense brings their own witness, the prosecution part will start, and the defense will continue. The trial will proceed as follows,

### a. *The Opening Statements:*

The purpose of opening statements by each side is to tell jurors about the case they will be hearing. This is each party's opportunity to set the basic scene for the jurors, introduce them to the core dispute(s) in the case, and provide a general road map of how the trial is expected to unfold. The opening statements must be confined to facts that will be proved by the evidence, and cannot be argumentative.

**b. *Memorandum Presentation:***

The Memorandums will be presented by each counsel. After it is approved by the Judge, each counsel will come to the floor to read and explain their Memorandum on the screen. The advocates may not add personal or argumentative comments that are not written in the Memorandum when they are presenting the document. The Memorandums will later on be given to the Jury members. It is important to understand that Memoranda are not considered tangible pieces of evidence.

**c. *Evidence Presentation:***

Advocates will come to the floor to present their pieces of evidence. The other counsel has the right to object to the evidence if it is not authentic or genuine. The other counsel MUST provide the reason for objection to a piece of evidence in the sidebar , and NOT in a place where the jurors may hear.

**d. *Witness Examination:***

Witnesses are conference participants who role-play key figures in the case during witness examination. The statements of witnesses - or the oral testimony of witnesses who speak under oath- are evidence so it is very crucial for the jurors to take notes during witness examination and witnesses have to be aware of what they are talking about. Any contradiction with a piece of evidence would affect the credibility of the witness. The lawyer who has called a particular witness asks a series of questions referred to as the direct examination, and the opposing lawyer follows with the cross-examination. The Judge may give the advocates the chance to re-direct examine or re-cross examine the witnesses.

**e. *Rebuttal Evidence Presentation:***

Advocates will come to the floor to present their rebuttal pieces of evidence. The maximum number of these pieces of evidence will be told by the Judge during the trial. These pieces of evidence are provided to discredit the provided pieces of evidence by the opposing counsel. The same procedure applies, however this time each party is only entitled to present fewer pieces of evidence. Each counsel will present their evidence and proceed with their closing statements. Closing statements are crucial for the advocates to gather their arguments and claims for the last time. Therefore, the advocates should also emphasize and point out important parts of their rebuttal evidence if they feel the need to do so, since this will be their last chance to speak before the court reaches a verdict.

**f. Closing Arguments:**

Closing arguments are the opportunity for each party to remind jurors about key evidence presented and to persuade them to adopt an interpretation favorable to their position. At this point, parties are free to use hypothetical analogies to make their points; to comment on the credibility of the witnesses, to discuss how they believe the various pieces of the puzzle fit into a compelling whole, and to advocate why jurors should decide the case in their favor. In closing arguments, the parties are free to argue the merits. During Closing Arguments, the advocates must state their “prayer”, what each side is requesting for a judgment.

**g. Verdict Deliberation:**

The jurors will deliberate to make a final verdict. The verdict of each individual jury will be collected privately by the judge and the Registry. A unanimous vote from the jury is needed for the death penalty. However, a unanimous vote is not required to find the defendant guilty or not guilty, an 2/3 is needed.

**h. Evidence:**

Pieces of Evidence presented in the Evidence Presentation and witness testimonies are considered evidence. Pieces of Evidence are documents submitted to the Court by each Council to support their argument. The registry will keep these pieces of evidence and provide the Court with a certain document if it's needed. When objected to a piece of evidence - a statement made by the witness or written evidence-, advocates will be called to the sidebar. Memorandum, Opening Statements, or the Closing Statements are NOT evidence.

## 7) Role of the Jurors

The jurors are the chief decision-makers of the court. The jurors do not represent a delegation or a party, but only themselves. The jurors are expected ***NOT TO MAKE RESEARCH*** on the topic on their own. In fact, the jurors should not have knowledge of the content of the issue before they come to court since they are expected to formulate a verdict on the case based on facts put forth by both councils during the sessions. It is vital that jurors remain unbiased until the final deliberation and the process of writing the verdict.

The most important thing that jurors should keep in mind about the advocates is that the statements of the advocates are not considered evidence. The idea is that they are being “paid” to present their arguments regarding the case and they will do or say whatever to make sure they succeed.

The jurors will evaluate pieces of evidence, witnesses, and the strength of arguments brought to the court by both councils. Jury members are responsible for making research about themselves and providing a paragraph explaining their character. This paragraph will be asked to send on the first day of the Trial, further information regarding the submission of the paragraphs will be given in the first session. Unlike the advocates, the real duty of the jurors begins when they come to the Court.

The main duty of the jury is to deliberate. Deliberation sessions will be planned and announced to the jurors during the trial.

The jurors are expected to take notes of the proceedings. There usually is a misbelief that everything that is presented can be kept in the mind. However, the reality is that the human brain cannot simply process that much flow of information at the same time. Therefore, note-taking is essential to keep track of the information communicated to the court.

During the trial, the Jurors *cannot raise their hand to ask a question*. However, they may send a note paper to the Judge, and their question will be answered regarding the legal procedure.



## 8) Role of the Advocates

The advocates are present as the Prosecution and the Defense parties. The Advocates are responsible for making an Opening Statement, preparing a Memorandum, presenting pieces of evidence, preparing and examining the witnesses, and finalizing the case with a closing argument.

The advocates will also have the responsibility of preparing a Memorandum which they will send to the Judge at least two days prior to the conference along with the witness list. A memorandum basically provides brief information about the background of the case, which is

an explanation of what the council would like the court to declare in the final verdict. The advocates may also include articles from related legal documents to support their arguments.

Each Counsel is entitled to submit only up to 25 pieces of evidence. Evidence submitted by the Prosecutors is marked in letters and evidence submitted by the Defense is marked in numbers therefore should be referred in compliance with the marking procedure.

Witnesses are brought to the court by each Counsel and they are expected to be trained by the advocates before the witness examination. The advocates should keep in mind that witnesses will be expected to answer questions directed by both councils. Therefore should be knowledgeable on their part in the case. The advocates are also expected to provide the Judge and the opposing Counsel with a witness list prior to the conference (the deadlines will be announced by the Judge). Each party can provide the court with no more than 3 witnesses. This does not mean that the Councils have to bring 3 witnesses. Also, any contradiction with a piece of evidence would affect the credibility of the witness.

Advocates will say or do anything to manipulate the court into thinking they are just. So, of course, Memoranda play a vital part in the presentation of the case, but jurors should not determine the credibility of a party to the case based on their Memoranda. Advocates, this definitely does not mean that memoranda are not a crucial part, your Memoranda represent how well you are prepared for the case and the quality of your arguments. After all, “A well-prepared lawyer never loses” - Robert Stern

***Objections to Witness Examination:*** Both sets of advocates have the right to object to the questions that are asked by the opposing counsel to the witnesses. The advocates may say “OBJECTION + the reason” during the presentation and where the jury members may hear. The reasons may include hearsay, leading, argumentative, asked and answered questions etc. It is the advocate's responsibility to get to know and properly use objections.

***Objections to Pieces of Evidence:*** Both sets of advocates have the right to object to pieces of evidence presented to the court by the opposing counsel. These objections can be raised due to the credibility of the evidence or bias (for example, if the author of the evidence is not provided there may be an objection due to credibility). These objections will be noted by the Registry and will be taken into consideration by the Judge. The advocates may say “OBJECTION” during the presentation and where the jury members may hear. However, the advocate **MUST** provide the reason for objection to a piece of evidence in the sidebar , and **NOT** in a place where the jurors may hear.

The Judge can respond in two ways:

They can either "*overrule*" the objection or "*sustain*" it. When an objection is overruled it means that the evidence is properly admitted to the court, and the trial can proceed. When an objection is sustained, the lawyer must rephrase the question or otherwise address the issue with the evidence to ensure that the jury only hears properly admitted evidence. In theory, the jury should even disregard the improper question asked, although this can be difficult to do.

Statements made by the Judge **cannot** be objected to at any time.



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## 9) Bibliography

- <https://www.jstor.org/site/struggles-for-freedom/southern-africa/rivonia-trial-papers/>
- <https://www.dailymaverick.co.za/article/2023-08-08-the-physical-and-emotional-effects-of-torture-have-endured-my-whole-life-charlie-and-harlene-jassats-story/>
- <https://en.wikipedia.org/>
- <https://www.anc1912.org.za/rivonia-trial-the-rivonia-trial/>
- [https://www.nelsonmandela.org/uploads/files/12\\_June\\_sentence.pdf](https://www.nelsonmandela.org/uploads/files/12_June_sentence.pdf)
- <https://www.sahistory.org.za/people/govan-mbeki>
- <http://law2.umkc.edu/faculty/projects/ftrials/mandela/mandelachronology.html>
- <https://www.sacp.org.za/>
- <https://www.britannica.com/topic/Rivonia-Trial>
- <https://aaregistry.org/story/a-dedicated-african-activist-walter-sisulu/>
- [https://en.wikipedia.org/wiki/Suppression\\_of\\_Communist\\_Act,\\_1950](https://en.wikipedia.org/wiki/Suppression_of_Communist_Act,_1950)
- [https://en.wikipedia.org/wiki/General\\_Law\\_Amendment\\_Act,\\_1962](https://en.wikipedia.org/wiki/General_Law_Amendment_Act,_1962)
- [https://www.saps.gov.za/resource\\_centre/acts/downloads/juta/act26of1956.pdf](https://www.saps.gov.za/resource_centre/acts/downloads/juta/act26of1956.pdf)



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