

**GROUNDS OF APPEAL AND ADDENDUM THERETO IN THE MATTER OF EXPULSION FROM
 THE AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA OF**

1. Buthelezi, Jega
2. Hempe, Wimo
3. Khombisa, Alfred
4. Mbali, Wilson
5. Mlenze, Jackson
6. Nkosana, Chris
7. Pitso, Bruce

Whereas we, the above-named members of the ANC, were expelled by a Tribunal in Lusaka on 25th March 1969, and whereas the sentence of expulsion was confirmed by 'Headquarters' in Morogoro on the 29th March 1969, we hereby appeal against the sentence to the National Conference of the ANC as being the highest authority of Congress and the final judge in all matters relating to Congress. We appeal on the following grounds:

1. The events leading to the expulsion and set out in the Addendum arose out of differences of opinion concerning policy and out of criticisms of various leaders of the ANC. Our complaints were of a political nature and should have been dealt with in a comradely manner as a political issue. Instead, our senior comrades transformed the issue into a matter of military discipline, and thereby obscured and diverted attention from the political questions involved.

2. Various senior comrades took up an attitude of hostility against us, and revealed a strong prejudice even before the tribunal was constituted. This attitude was manifested in the following ways:

- (a) Military Headquarters suspended Comrades Mbali and Pitso from their posts;
- (b) Comrade Jega, a member of the Military Headquarters, was excluded therefrom;
- (c) Comrades Hempe and Nkosana, both members of the Commissariat, were excluded therefrom
- (d) Comrade Thabo More refused to allow Comrades Mlenze and Nkosana to take part in a meeting of the Wankie comrades.
- (e) All of us were barred from taking part in the activities of the ANC before the appointment of the tribunal

3. The charges against us were at no time presented in writing. On being summoned to appear before the tribunal we were informed verbally that we were accused on two counts:

- (a) that we had drafted and produced a document and circulated it without authority;
- (b) that we had communicated military information or classified material to unauthorised persons.

We were not provided with details of these charges, and consider them vague and embarrassing.

4. The tribunal consisted of three members of the Military and two members of the National Executive Committee in Exile. Since the proceedings arose out of our criticisms of the policies of the National Executive Committee in Exile and of the quality of its leadership, we submit that it was improper for members of the National Executive Committee in Exile to sit in judgment on us. Furthermore, one of the tribunal from Military Headquarters had shown bias and hostility towards us during the discussions that preceded the appointment of the tribunal. We therefore submit that the tribunal was improperly constituted and incapable of doing justice to us.

5. The tribunal summoned us to appear separately and individually. Each of us in turn protested against this procedure on the ground that we had acted jointly in the matters before the tribunal and that the charges were the same against all of us. We asked to be allowed to appeal against this procedure to the National Executive Committee in Exile but were denied this right. We submit that the tribunal acted irregularly and without proper reason in refusing us to stand trial collectively.

6. The witnesses who testified against us appeared before the tribunal in our absence. The tribunal did not inform us who these witnesses were and did not give us an opportunity to cross-examine them. We submit that this procedure was irregular and that it violated the elementary rules of justice.
7. The tribunal never furnished us with a statement of its findings. We therefore find ourselves in the difficult position of not knowing whether we were convicted on both charges or only on one.
8. We did not distribute the memorandum of criticism to any unauthorised person and cannot therefore be said to have communicated classified information to unauthorised persons.
9. Expulsion is the most severe penalty that Congress can impose on its members, and should be reserved only for traitors, informers, deserters or persons who wilfully and maliciously disrupt our movement or who act in such a way to endanger it or to bring it into disrepute. It has not been alleged that any of us fall into one or other of these categories. Our record as members of the organisation and the positions we hold are sufficient to refute any such accusation. We submit that the sentence was excessive and contrary to the evidence.
10. We therefore ask the National Conference to set the conviction and sentence aside on the ground that the proceedings were irregular and contrary to the principles of justice; that the conviction was unsupported by the evidence; and that the sentence was excessive. Moreover and above all, we appeal on the ground that the dispute in this matter arose out of a political issue, that it did not involve a breach of discipline, and that the difference should be resolved not by punitive action but by a frank exchange of views for the purpose of arriving at a correct revolutionary strategy.

ADDENDUM

1. Two of us were included in the first party of freedom fighters to invade Zimbabwe in 1967, and were among those who served a sentence of imprisonment in Zi Botswana. One of the two was a commander of a section; the other was a detachment commissar who has a sentence of 18 months imprisonment pending against him in South Africa. A third member of our group was a deputy leader of Communications in Lusaka. A fourth was in charge of medical supplies and at various times entered Zimbabwe on medical missions. A fifth member worked for the Commissariat and also entered Zimbabwe on various occasions. All of us are loyal members of the organisation and have always been so.
2. Towards the end of 1968 we realised that there was a widespread feeling of dissatisfaction in the movement and that there was an urgent desire for radical changes in organisation, policy and strategy. We agreed to act with the sole intention of invigorating the movement with a new spirit. We wished to create a feeling of urgency that would lead to a renewal of the offensive against the enemy.
3. Our main and immediate concern was to return to our country in order to confront the enemy. We were then prepared and are now ready to vindicate ourselves by taking up the struggle at home.
4. With this in mind we drew up a list of points for discussion and delegated three of our members to interview the Secretary General with a request for a discussion with members of the National Executive in Exile. The Secretary General took up a hostile attitude, said that the questions we had raised were trivial, and proposed to interview us individually. We objected that this procedure was unpolitical. He then told our representatives to arrange a meeting with members of the Executive.
5. The Commissariat then agreed to a meeting between us and the National Executive in Lusaka. Six members of the Executive attended

the meeting. Having read a prepared draft statement, we were told to have it typed and to provide all members of the Executive with copies.

6. We did this. Our memorandum contained a political analysis and attributed the weaknesses we complained of to wrong policies and to personal failures of some of the leaders. The staff of the organisation typed, stencilled and duplicated copies of the memorandum at the offices of the ANC in Lusaka. We supplied copies to members of the Executive and to selected members of MK. We cautioned them to treat the memorandum as highly confidential and in no circumstances to show it to persons outside the organisation.

7. When we next met the Executive we found to our great surprise that members of the Military Headquarters (including the Military Regional Administration) were present. We were told that they had been called in because we had introduced a new element by circulating copies of the memorandum to members of MK. We protested that we had been given an assurance that our point of view would be dealt with only by the Executive and argued that the first thing was to discuss the political content of the memorandum. The members of the military threatened to 'deal' with us, apparently for alleged violations of security and our oath. We urged that the alleged irregularities should be investigated only after a full political discussion. Having rejected our plea, the Chairman of the meeting suspended proceedings indefinitely.

8. It came to our notice that orders had been given for our arrest, and that dungeons were being prepared for us at Livingstone. Only the intervention of a leading comrade saved us from being thrown into these dungeons. The Acting President ordered the cancellation of the instruction to arrest us, and convened a meeting of militants to consider our case. This was done, although the Executive had failed to discuss the memorandum with us. The Acting President told the meeting that the memorandum was not our work, and that were being used as tools by certain unnamed individuals. He appealed to the meeting not to be hostile to us; and undertook to deal with the alleged instigators. He appealed for a return to normal conditions pending discussion by the National Executive Committee Conference.

9. After the Conference had taken place, the Acting President announced that it had appointed a tribunal to investigate the distribution of the memorandum. We objected that the appointment of the tribunal would have the effect of sidetracking the political points we had raised. We wanted discussion and guidance, not trials and punishment. We agreed however in the interests of the movement to appear before the tribunal.

10. As explained in our notice of appeal, the tribunal refused to hear us collectively, and insisted on us appearing one by one. We protested that we had acted as a group and asked to be heard jointly and collectively. Our request that the question of procedure should be referred to the National Executive Committee was rejected. Our stand on this issue must be examined and judged in the light of the events described, and against the background of our attempts throughout the proceedings to be heard on the political issues involved.

Signed:

March 1969