

# South African Judge Gives Nelson Mandela A Divorce

By SUZANNE DALEY

*March 20, 1996*

JOHANNESBURG, March 19 — Saying he could see no likelihood that President Nelson Mandela and his wife, Winnie, would ever be reconciled, a judge here granted Mr. Mandela's petition for a divorce today, ending a 38-year marriage that endured the persecution of apartheid only to founder after he was released from prison.

The ruling brought a quick end to a two-day spectacle that had transfixed South Africans as they listened to hourly radio accounts of the events unfolding. The 77-year-old president laid bare the most intimate details of his relationship with his wife, which were plastered across the newspapers and discussed everywhere.

During the court proceeding, Mr. Mandela was the only witness to take the stand. At the prodding of his own lawyer, he quietly described how he had been "the loneliest man" after he was released from a 27-year imprisonment in 1990 and went to live with his wife. Mrs. Mandela, he testified, was having an affair with a young colleague and never entered his bedroom while he was awake.

The ruling came after a day in which Mrs. Mandela, in a last-ditch effort to delay the proceedings, had abruptly dismissed her lawyer and then, in a wavering voice, begged the court for a postponement. But the judge, unimpressed, simply ordered her to defend herself.

She repeatedly refused. "I do not know what to do, My Lord," Mrs. Mandela said at one point. "I am not the state president. I am an ordinary person."

After the divorce was granted, Mr. Mandela stood and gazed at Mrs. Mandela, who was seated only a few feet away. But she only turned her back to him and left quickly without comment.

The breakup of the Mandela marriage marks the end of one of the great partnerships in the history of liberation politics. During Mr. Mandela's years in prison, Mrs. Mandela served as her husband's surrogate, testifying to his continuing adherence to the struggle and campaigning for his release. She did so in the face of great pressure by the South African security forces.

Mr. Mandela announced his separation from his wife in 1992, at the time speaking of her with great tenderness and affection. But within months, Mr. Mandela testified in court, a newspaper editor had shown him a letter that Mr. Mandela said showed his wife was being unfaithful. It was then, he said, that he decided they could never be reconciled.

Mr. Mandela said in court today that since then he had sent several emissaries to his wife, hoping to negotiate a quiet divorce. But she had treated several of them badly, in one case literally “chasing them out of her house,” he said.

In his court papers, Mr. Mandela said he was seeking the divorce because he found having a marriage in name only “embarrassing” and because Mrs. Mandela “takes opportunities at public functions to show affection for him,” which he considers distasteful.

He said that at home, months went by when they barely talked to each other.

Mrs. Mandela had contested the divorce, saying the couple had not yet tried traditional efforts at reconciliation, which involve mediation by tribal elders. But today it seemed clear that she had no coherent strategy beyond asking for postponements.

In granting the divorce, the judge, Frikkie Eloff, said he based his decision on three facts: The couple had lived apart for four years; one partner, Mr. Mandela, had no desire to reconcile; and Mr. Mandela had presented evidence of Mrs. Mandela’s adultery that neither she nor her lawyer attempted to rebut.

During most of the morning, Mrs. Mandela’s lawyer, Ishmael Semanya, questioned Mr. Mandela about the hardships Mrs. Mandela had endured during his time in prison. He appeared to be building a case for a financial settlement without addressing the grounds for divorce.

The judge grew impatient with this line of questioning and pressed Mr. Semanya to move on. He asked for a postponement. When the judge refused, Mrs. Mandela dismissed her lawyer and asked for the postponement herself so she could get a new lawyer.

Mr. Mandela’s lawyer, Wim Trengove, objected, calling Mrs. Mandela’s maneuver the “oldest trick in the book.”

The judge agreed and after several exchanges in which Mrs. Mandela refused to present her own case, Judge Eloff ruled that her defense was complete.

During most of his testimony on Monday, Mr. Mandela described his disappointments in the marriage and his suspicions of Mrs. Mandela’s relationship with the junior colleague, Dali Mpofo. Taking the stand again today, Mr. Mandela was often generous in praising his wife’s efforts while he was in jail. He agreed that she had suffered a great deal.

The Mandelas, who were married in 1958, only had a few years together before he

was sentenced in 1963 to life in prison for his political activities. But the birth of their romance is described in Mr. Mandela's autobiography.

"I cannot say for certain if there is such a thing as love at first sight," he wrote. "But I do know that the moment I first glimpsed Winnie Nomzamo, I knew that I wanted to have her as my wife."

Since their separation, Mrs. Mandela has been involved in several scandals, including some related to the government. In recent months, she has been in the news because of her frequent battles with creditors.

The ruling is hardly likely to help. In granting the divorce, Judge Eloff ordered Mrs. Mandela to pay the court costs.

A hearing to determine the divorce settlement is scheduled to begin on Wednesday. Mrs. Mandela has asked for half of Mr. Mandela's assets, which she has valued at about \$5 million.