

~~I. Joffe~~
F. Zumbansen

44-4477
834-1496

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

The Attorney-General for the Province of the Transvaal, who prosecutes for and on behalf of the STATE, presents and gives the Court to be informed that:

1. WILTON MKWAYI,
2. IAN DAVID KITSON,
3. LALOO CHIBA,
4. JOHN EDWARD MATTHEWS and
5. SATHYANDRANATH RAGUNAN MAHARAJ,

hereinafter called the accused, are guilty of the offences of:

SABOTAGE, in contravention of section 21(1) of Act No. 76 of 1962, (two counts),

Contravening section 11(a), read with sections 1 and 12, of Act No. 44 of 1950, as amended, and

Contravening Section 3(1)(b), read with section 2, of Act No. 8 of 1953, as amended.

COUNT 1. SABOTAGE in contravention of section 21(1) of Act No. 76 of 1962.

In that, during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travelling and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph

Goldreich and Harold Wolpe, members of the National High Command, Elias Mötsoaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silora, Brian Somana, Isaac Lewitton, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo as well as the persons named in Annexure A attached hereto, and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused Nos. 4 and 5, together with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayat, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan, as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of Nation), as well as other persons unknown to the Prosecutor, did, acting in concert and in the

execution of a common purpose, wrongfully and unlawfully, personally and through their agents and servants,

1. commit the following wrongful and wilful acts, namely:-

- (i) the recruitment of persons for instruction and training, both within and outside the Republic of South Africa in,
 - (a) the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and
 - (b) the art of warfare, including guerrilla warfare, and military training generally for the purpose of causing a violent revolution in the aforesaid Republic; and
- (ii) the acts particularised and numbered in Annexure B hereto,

Whereby the accused, injured, damaged, destroyed, rendered useless or unservicable, put out of action, obstructed, tampered with or endangered,

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) the supply and distribution of light and power or fuel;
- (d) postal, telephone or telegraph services or installations;

- (e) the free movement of traffic on land, and
 - (f) the property, movable or immovable, of other persons or of the State;
2. in contravention of the law, possess explosives;
 3. in contravention of the law, possess fire-arms.

COUNT 2.

In that during the period 27th June 1962 to December 1963, and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa the said accused did wrongfully and unlawfully conspire each with one another and with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Motsaedi, Andrew Mhlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nkwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silora, Brian Somana, Isaac Lewitton, Amien Cajee, Nandhagopaul Naidoo, Petrus Arnoldus Bernardus Byleveld, Lionel Gay, Cyril Solomon Jones as well as the persons named in Annexure A, attached hereto, and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused Nos. 4 and 5, did wrongfully and unlawfully conspire each with one another and with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naideo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor, to aid or procure the commission of or to commit the following wrongful and wilful acts, namely:-

- (i) the further recruitment of persons for instruction and training, both within and outside the Republic of South Africa in,
 - (a) the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and

(b) the art of warfare including guerilla warfare and military training generally for the purpose of causing a violent revolution in the aforesaid Republic,

(ii) further acts of violence and destruction of the nature described in Annexure B attached hereto,

whereby they would have injured, damaged, destroyed, rendered useless or unservicable, put out of action, obstructed, tampered with or endangered:-

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) the supply and distribution of light and power or fuel;
- (d) postal, telephone or telegraph services or installations;
- (e) the free movement of traffic on land, and
- (f) the property, movable or immovable, of other persons or of the State.

COUNT 3.

Contravening section 11(a) read with sections 1 and 12 of Act 44/1950 as amended.

In that, during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed

Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Motsoaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silora, Brian Somana, Isaac Lewitten, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo as well as the persons named in Annexure A, attached hereto, and the South African Communist party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused numbers 4 and 5 together with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan, as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation) as well as other persons unknown to the Prosecutor, did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully,

personally and through their agents and servants, commit the following acts, namely:-

- (i) the recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in
 - (a) the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and
 - (b) the art of warfare, including guerilla warfare, and military training generally for the purpose of causing a violent revolution in the aforesaid Republic; and
- (ii) the acts particularised in Annexure B hereto;
- (iii) in contravention of the law, possess explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic;
- (iv) in contravention of the law, possess fire-arms for the purpose of committing acts of violence in the aforesaid Republic.

Which acts were calculated to further the achievement of one or more of the objects of communism, as defined in section 1(1)(ii)(b) of Act 44 of 1950 as amended.

COUNT 4.

Contravening section 3(1)(b) read with section 2 of Act 6 of 1953 as amended.

In that during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Motscaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silera, Brian Somana, Isaac Lewitton, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo, as well as the persons named in Annexure A, attached hereto, and the South African Communist party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused numbers 4 and 5 together with Lionel Gay, a member of National High Command, Cyril

Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan as well as the persons named in Annexure A attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation) as well as other persons unknown to the Prosecutor, did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully personally and through their agents and servants, solicit, accept and receive money from various persons or bodies of persons, both within and outside the Republic of South Africa, and give money to various persons or bodies of persons, for the purpose of enabling or assisting the commission of offences, namely, SABOTAGE in contravention of section 21(1) of Act 76 of 1962 and contravening section 11(a) read with sections 1 and 12 of Act No. 44 of 1950, as amended, in support of a campaign against some of the laws of the Republic of South Africa or in support of a campaign for the repeal or modification of such laws or variation or limitation of the application or administration of such laws.

WHEREFORE, upon due proof and conviction thereof, the said ATTORNEY-GENERAL prays the judgment of the Court according to law.

N.C. MASTERS
DEPUTY ATTORNEY-GENERAL.

ANNEXURE A.

The agents and servants of the accused in respect of the acts particularised in Annexure B are alleged to be:-

(a) Transvaal:

1. Bakaba, Alpheus - ~~C~~ C
2. Diale, Nelson C
3. Dingaka, Michael (Mike)
4. Gubonyana, Zachariah
5. Kekane, Ephraim
6. Kgasago, Alfred ~~C~~ - *Sing Witness*
7. Letoboko, Johannes "
8. Loabile, Lameck
9. Mahlatsi, Hillary
10. Mahlatsi, William
11. Maleka, Uriah
12. Mashaba, Andrew C
13. Moshiloane, English Tolo *A*.
14. Masupye, John Tseling *A*
15. Matibela, Enoch C
16. Mdakane, Philemon
17. Mofokeng, William Ramokgele - *Witness*
18. Mogano, Peter C
19. Mogutyane, Johannes
20. Mokoetsi, Josiah Seleke
21. Molefe, Petrus
22. Molefi, Levy Moses C
23. Morodi, Graham
24. Motosepe, Joseph
25. Mtakani
26. Mtembu, Abel *A*
27. Nchabaleng, Petrus C
28. Ngcayiyi, Wilson (Xaba) *A*.
29. Ntsoane, Jackson C

30. Ntuli, Charlton
31. Ntuli, Richard
32. Ramotsi, Benjamin
33. Seoma, Andries C
34. Setlabaku, Diamond (Mekwena)
35. Tshikane, Peter (Tau)

As well as other persons unknown to the
Prosecutor.

(b) NATAL.

1. Baberia, Natverlal
2. Chaitow, Brian A
3. Dhlamini, Stephen C
4. Duma, Ablon
5. Ebrahim
6. Ismael, Ebrahim C
7. Kasrils, Ronald E
8. Kumalo, Jerry
9. Mazuku, Michael
10. Mbanjwa, Solomon A
11. Mkwanzazi Riot C
12. Mecnnsamy, Kisten C
13. Mpanza, Justice
14. Mtolo, Bruno A
15. Mtolo, Gerard
16. Mtshali, Stephen A
17. Mtshali, Eric
18. Mvemve, James
19. Naicker, Coetzee
20. Naicker, George
21. Naicker, M.P.
22. Nair, Billy C

23. Ndawonde, David C
24. Ndhlovu, Curnick C
25. Ndoli, Joseph
26. Pillay, Siva
27. Ponqulu, Johannes
28. Sepho
29. Shezi, Teresa

As well as other persons unknown to the Prosecutor.

(c) Port Elizabeth:

1. Boyce
2. Daweti, Thompson
3. Dubasi
4. Fihla, Benson
5. Freddy
6. Jobo, Titus
7. Joxo, Michael
8. Jonas, Samuel
9. Kame, William
10. Khayingo, Wilson C
11. Kula, Albert
12. Mabonga
13. Maliwa
14. Masondo C
15. Mati, Faniso
16. Maga
17. Mbanjwa, Robert
18. Mdwayi Kolisile A
19. Mini, Vuyisile C
20. Mkaba, Douglas
21. Mkaba, Zinakile C
22. Mlingi
23. Motsoening, Thaba - STATE WITNESS

24. Mpongoshe, Layton
25. Ndongeni, David
26. Ngcondela, James
27. Ngoyi, Edgar
28. Ngcza
29. Nobomou, Peter *CAA*
30. Nqini, Zola
31. Sikundla, Jacob
32. Silas
33. Sonkwala, Jeffry
34. Tabata, Joseph
35. Thomas
36. Tolo, Vuyisilo
37. Twalo
38. Twebe, Simon
39. Xashimba
40. Yonke
41. Zweni, Ngonza

As well as other persons unknown to the Prosecutor.

Persons known to have been recruited for instruction and training as set out in 1(i) of Count 1, and (i) of Count 3 of the indictment.

1. Abrahams, Adam
2. Bambane, Harry C+A
3. Begela, Phillemon
4. Bengu, Morris
5. Chirwa, James C
6. Daleno, John
7. Dhlamini, Cyril
8. Dhlamini, Simon
9. Fadana, Sanson C
10. Fazzie, Henry C
11. Guxamba, Gladstone
12. Geniewe, Jomani
13. Gqabi, Joe C
14. Gqnaa, Mobbs
15. Jakabulu, Hubert
16. Jantjies, Alfred C+A
17. Jayiya, Mxosisi
18. Jobo, Titus
19. Kaia, Zulu
20. Khonyile, William
21. Khonza, Alfred
22. Khoza, David
23. Komo, Amon
24. Kuswayo, Yudson C
25. Legema, Freddie
26. Lengane, Ignatius
27. Mabebe, Vizile
28. Mabogadi, Samuel
29. Maboya, Lazarus
30. Madikana, Jack
31. Maduma, Pristual
32. Mafonoke, David
33. Magadla, Wilson

34. Magango, Joshua
25. Mahalima, Mathews
36. Mahlangu, Michael
37. Mahlongu, Benati
38. Majiba, Joseph
39. Makatini, Johany
40. Maketu, William
41. Makgothi, Henry
42. Makoba, Vincent
43. Maleni, Alvern
44. Maletani, Asaf
45. Malgas, Ernest C
46. Mapanga, Russel
47. Maqungo, Joshua
48. Masuku, Mazigaise
49. Mathlangu, John
50. Mathlangu, Piet
51. Mathlauli, Goodman
52. Matlala, Moses
53. Matonsela, David
54. Matsha, Cloud
55. **Mayekiso**, Maxwell
56. Mbane, Russel
57. Mbata, Lombard C
58. Mbatyoti, Papa
59. Mbebe, James
60. Mbombane, Vuyisile
61. McDonald, Masala
62. Mchunu, John
63. Mgabusana, Petrus
64. Mgcamu, Rayzamu
65. Mkiza, Kaifas
66. Mkize, Edward
67. Mkize, Victor

68. Mkwanzazi, Riot *C - See Column A'*
69. Mlangeni, Paulus
70. Mlasana, Tandiwe
71. Mogadla, Wilson
72. Mokhele, Abiah
73. Montoedi, Solomon
74. Mosehli, Johannes
75. Motsabi, Adam
76. Motsabi, Nicolaas
77. Mpaqo, Stephen
78. Mpangoshe, Layton
79. Mpanza, Justice,
80. Mpela, Markus
81. Msimang, William
82. Mthembu, Alfred
83. Mthunywa, Osborne
84. Mtolo, Gerard *- See Column A'*
85. Mtshali, Eric
86. Mtsuku, Badman
87. Mushugi, Daniel
88. Mvaso, Pakamile
89. Mzimela, Clatus
90. Mzuzo, Jack
91. Ncgobo, Alexander
92. Ncobo, Nquzila
93. Ndabane, Price
94. Ndlangisa, Samuel
95. Nduli, Joseph
96. Ndluli, Paulus
97. Ndzuzo, Jack
98. Nene, Samson
99. Ngalo, Sardite
100. Ngcamy, Roy

101. Ngcongco, Sazi
102. Ngkumze, Steyebi
103. Ngobe, Mziwakke
104. Ngokose
105. Ngwenya, Patrick
106. Ngwenya, Phillip
107. Nkosi, Temba
108. Nkozi, David
109. Nabebe, Fezile
110. Ntlebi, Malgid
111. Ntuli, Lucas
112. Nxobo, Mathews
113. Nzozo, Jack
114. Papane, Samuel
115. Pheru, Dumani
116. Phungula, Johannes
117. Polson, David
118. Poraso, Nathaniel
119. Ramabe, Samuel
120. Rani, Izak CFA
121. Roxo, Khalisile
122. Sayonvala, Ebrahim
123. Sebeko, David
124. Sebeko, Petrus
125. Shabalala, Edward
126. Sibulo, Mawase
127. Siganga, John.
128. Sitoto, Gladwell
129. Sitoto, Lizo
130. Siwa, Welcome
131. Tabata, Joseph
132. Tana, Simon
133. Tlomo, Jackson

- 134. Tsae, William
- 135. Twebe, Simon
- 136. Tyulu, Freddy
- 137. Vuso, Shimwell
- 138. Xaba, Antony
- 139. Zuma, Albert.

ANNEXURE B.

<u>Serial No.</u>	<u>Object and place of commission of act</u>	<u>Date</u>	<u>Time</u>	<u>Description of Act.</u>
	1. Telephone wires between Swartkop and Redhouse, Port Elizabeth.	Aug. 1962	night	Telephone wires cut.
50	2. Residential quarters, S.A. Police, New Brighton, Port Elizabeth.	22/9/62	night	Setting fire to the single residential quarters
54	3. Cerebos Salt Factory, Port Elizabeth	24/9/62	night	Set on fire with a petrol bomb.
55	4. Factory of Dunell Ebden & Co., (Pty) Ltd., Port Elizabeth	24/9/62	night	Set on fire, with petrol bomb.
56 - New Arrivals	5. Shop of Maneli New Brighton, Port Elizabeth	24/9/62	night	Set on fire.
60	6. House of Mnyanda New Brighton, Port Elizabeth	25/9/62	night	Set on fire.
70	7. Petrol depot - Sasol, Langlaagte, Johannesburg.	7/10/62	2 a.m	Chemical bomb exploded damaging outside of tank.
74	8. Railway Signal cables, near George-dale, Durban.	14/10/62	9.15. p.m.	Cables cut in three places.
75	9. Security Police office, Durban	14/10/62	9.30 p.m.	Incendiary bomb, Detonator exploded but not tin with inflammable substance.
76	10. Railway carriage, Phoenix Station, Durban.	14.10.62	9.30 p m.	Incendiary bomb. Detonator exploded but not tin with inflammable substance.
77	11. Bantu Administration office, "F" Section, KWA Mashu, Township, Durban.	14.10.62	10.00 pm.	Incendiary bomb placed against door and exploded.
86	12. Kwazekele, Port Elizabeth.	21.10.62	night	4 telephone wires cut.
88	13. Telephone wires, New Brighton Port Elizabeth	29.10.62	night	12 wires cut.

- 89- 14. Pylon near Sarina 1.11.1962 9.45 pm. Pylon damaged
Railway Station, by explosion of
Pinetown, Durban. dynamite.
- 90- 15. Pylon near Cleare- 1.11.1962 10.45 pm. Pylon damaged
mont Location, by explosion of
New Germany, dynamite.
Durban.
- 91- 16. Pylon near Mont- 1.11.1962 10.45 pm. Pylon damaged
clair Quarry, and overturned
Durban. by explosion of
dynamite.
- 94 17. Telephone wires, 7.11.1962 night 20 wires cut.
Kwazakele, Port
Elizabeth.
- 104 18. Railway Bridge mast 19.11.1962 7.30 pm. Dynamite explo-
Cliffdale, Durban. sion destroyed
one leg of mast.
- 103 19. Telephone wires, 20.11.1962 night Two wires cut.
New Brighton,
Port Elizabeth
- 120- 20. Electric Transmis- 5.12.62 8.30 pm. Dynamite explo-
sion pole at Umlaas sion damaged
Bridge, Durban. pole.
- 122- 21. Office of Indian 9.12.1962 7.30 pm. Dynamite and
A.S. Kajee, safety fuse
Durban. placed against
door and ex-
ploded.
- 123- 22. Railway Bridge 9.12.1962 10.20 pm. Dynamite explo-
Mast near Hammer- sion damaged
sdale Station. mast.
- 127 23. Bantu dwelling - 12.12.1962 10.00 pm. Home-made bomb
E.307, Kwa Mashu thrown through
Township, Durban window.

- 128 24. Bantu dwelling - 12.12.62 10.00 pm. Home-made bomb placed against window.
Kwa Mashu Township (E.307), Durban.
- 129 25. Bantu dwelling - 12.12.62 10.00 pm. Home-made bomb placed in front of door.
G914, Kwa Mashu Township, Durban.
- 133- 26. Main Post Office, 23.12.62 9.30 pm. Home-made bomb placed in Air Mail Post Box.
West Street, Durban.
- 134- 27. Railway Calbe on the 23.12.1962 10.00 pm. Home-made time bomb made with a water pipe fixed to cable.
Esplanade, next to bay on main line from docks to Weats Station, Durban.
- 135- ^{-Outside Police} 28. Railway line between Umgababa and Karridene stations. 0.1.1963 10.10 pm. Main Railway line damaged by Dynamite explosion.
- 137- 29. Bata Shoe Factory, 11.1.63 10.10 pm. Home-made bomb thrown into letter box.
Durban.
- 139- 30. Telephone Inspection pit, Mobeni, 15.1.1963 10.00 pm. Dynamite blew off one cable and broke lid.
Durban.
- 140 31. Telephone pole, 16.1.1963 night Telephone pole out down.
New Brighton, Port Elizabeth.
- 141 32. Telephone pole and 16.1.1963 night Pole out down and 24 wires out.
wires, New Brighton, Port Elizabeth.
- 146 33. Office of "Die Natal-18.1.1963 9.15 pm. Front walls, windows and office furniture badly damaged by an explosion. Passer-by injured.
ler", Durban.

- 147 34. Bantu room at Mc- 18.1.1963 11.00 pm. Home-made bomb
Eord Zulu Hospital, placed in room.
Durban.
- 148- 35. Old Jewish Syna- 24.1.1963 2.00 am. Bucket containing
gogue, Pretoria. sticks of dyna-
mite and a tin of
raw linseed oil
found in building.
- 149-? 36. Signal box S.A.R. 31.1.1963 12.45 am. Dynamite placed
& H. between Dube in signal box.
and Phomalong Stations,
Johannesburg.
- 150- 37. Telephone poles at 31.1.1963 night Three telephone
Avoca, North poles sawn off.
of Durban.
- 154- ^{Outside Policy} 38. Municipal beer 10.2.1963 1.15 pm. Home-made bomb
Hall, Durban. placed under
table. Explosion
injured 3 bantus.
- 174-? 39. Signal box, corner 8.3.1963 night Safety fuse,
End & Noord Streets, gelignite and
Johannesburg. two percussion
caps.
- 175- 40. Bantu Affairs 10.3.1963 6.30 pm. Dynamite bomb
Commissioner's placed against
Office, Durban. temporary
structure.
Damaged wall and
windows.
- ^{Outside Policy - S.M.A. - Watson}
176- 41. Railway line under 21.3.1963 1.05 a.m Part of rail
Victoria Street, ripped away by
Bridge, Durban. dynamite
explosion.
- 180- 42. Bantu Administra- 22.3.1963 10.20 pm. Dynamite
tion Building, explosion caused
Ferreirastown, damaged to
Johannesburg. floor and
windows.

- 181-115744
43. Passenger train 7.4. 1963 7.30 p.m. Two bottles containing inflammable substance thrown on 1st and 4th carriages of moving train carrying European and Non-European passengers.
- 184-
44. Empty Building and Signal Box of S.A.R. & H., Riverlea, Johannesburg. 17.4.1963 12.30 am. Empty building blown up with dynamite.
- 189-
45. Railway Signal Box, 1/2 mile from Duffs Road Railway Station, Kwa Mashu, Durban. 21.6.1963 1.50 a.m. Railway Signal box damaged by dynamite explosion.
46. Post Office Waterkloof, Pretoria. 18.12.1963 9.30 pm. Door damaged by Dynamite explosion.
47. Post Office, Vrededorp, Johannesburg. 14.6.64 9.pm. Pipe bomb used - door and windows damaged.
48. Railway line between Pimville and Nancefield, Johannesburg. 15.6.64 8 pm. Pipe bomb used but not exploded.
49. Railway line between New Canada and Mlamlamkunzi, Johannesburg. 15.6.64 2.30 a.m. Pipe bombs placed under rail - not exploded.
50. Railway line between New Canada and Phomolong, Johannesburg. 15.6.64 1.30 a.m. Pipe bomb placed under rail exploded.

51.	Railway line between Phomolong and Mzimhlope, Johannesburg.	15.6.64	2.00 a.m	Pipe bomb placed <u>under rail.</u> Not exploded.
52.	Post Office, Pimville, Johannesburg.	2.7.64	8.15 pm.	Pipe bomb used. Telephone wall and floor damaged.
53.	Signal cabin Nancefield, Johannesburg.	3.7.64	2.50 pm.	Pipe bomb used <u>not exploded.</u>
54.	Johannesburg Fort, Hillbrow, Johannesburg.	9.7.64	10.30 pm.	Pipe bomb used. Asbestos pipe and a few bricks damaged.
55.	Railway signal Nancefield, Johannesburg.	7.8.64	10.15 a.m	Pipe bomb <u>attached to signal</u> but not exploded.
56.	Ticket office, Pimville, Johannesburg.	19.8.64	12.08 a.m.	Pipe bomb used. Water pipe and windows damaged.
57.	Post Office, Dube, Johannesburg.	19.9.64	2.00 p.m	Pipe used. Telephone booth and wall damaged.
58.	Post Office, Jabavu, Johannesburg.	19.9.64	2.15 p.m	Pipe bomb used. Telephone booth and wall damaged.

ANNEXURE C.

With regard to the association of persons known as the National High Command:-

1. Particulars are unknown to the Prosecutor with regard to:-

- (a) the persons by whom, the date when and the place where the said association was formed;
- (b) whether the business or affairs of the said association were governed or controlled by a committee or other similar governing body;
- (c) the requirements of the said association regarding the admission to, or cessation of, membership;
- (d) the date when, the place where and the manner in which each of the accused Nos. 1 to 3, as well as Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Nhlaba, Arthur Joseph Goldreich and Harold Wolpe became members of the said association, and
- (e) by whom and where the affairs or business of the association was conducted during the period 12th of July 1963 to December 1963. *

2. The State, however, alleges that Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe were during the earlier period mentioned in these charges, while the accused Nos. 1 to 3 were during the later period mentioned in these charges members of the said association, and that the business or affairs of the said association were conducted, and

its interests furthered, with the exception mentioned in paragraph 1(e) supra, at the places and during the periods mentioned in the indictment and in Annexure B; in that they:-

- (a) during the earlier period mentioned in the charges lived at or frequently visited "Lilliesleaf" farm at Rivonia, the, at that time, secluded and secret headquarters of the association;
- (b) obtained and compiled data and information considered necessary for the business or affairs of the association;
- (c) provided for such equipment as would enable the business or affairs of the association to be conducted;
- (d) during the later period accused Nos. 1 to 3 issued advices, directions and instructions in regard to the business or affairs of the association, whereas during the earlier period they acted on and carried out such advices, directives and instructions issued by the then members of the association, and
- (e) during the later period accused Nos. 1 to 3 assisted generally in the conduct of the business or affairs of the association, whereas during the earlier period the then members of the association assisted generally in the conduct of the business or affairs of the association.

With regard to the averments in Count 1:

3. The exact date when, the place where and the manner in which each of the accused and each of the other persons and associations commenced acting in concert in the execution of a common purpose are unknown to the Prosecutor, save that it is alleged that the accused participated in the concerted action and common purpose at all times relevant to the charge.

4. The State, however, relies on the facts set out in 2(a) to (e) in order to establish the complicity of accused No. 1 to 3.

5. In addition it is alleged that during the earlier period mentioned in this charge all the said accused acted on and carried out the advices, directives and instructions referred to in paragraph 2(d) supra, whereas during the later period accused Nos. 4 and 5 carried out such advices, directives and instructions.

6. It is unknown to the Prosecutor whether there was an express or implied agreement as to the concerted action and common purpose. For the inference that such in fact existed, the State, in addition to the facts set out in paragraphs 2(a) to (e), 3, 4 and 5, will rely on the following facts:-

- (a) the occupation, during the earlier period, of secluded properties at Rivonia, Travallyn and Mountain View, designed to serve as secret bases in order to carry out the plans, acts and operations in execution of the common purpose;

- (b) the recruitment of persons for training and instruction both within and outside the Republic of South Africa;
- (c) the commission of various acts of violence and destruction, the manner of commission and the selection of targets, and
- (d) the facts set out in paragraphs 2 and 3 of Count 1.

7. As to the complicity of each of the associations, the State will in addition to the foregoing, rely on the following facts:-

- (a) members of these associations acted as such in furthering the interests of the associations and in execution of the common purpose, and
- (b) booklets, circulars, leaflets, pamphlets and other documents were issued by and in the name of the said associations in furtherance of their interests and in the execution of the common purpose.

8. The names of the person or persons who represented the South African Communist Party, the African National Congress and the Umkonto We Sizwe in entering into the concerted action in execution of the common purpose are unknown to the Prosecutor.

9. When, where and in what manner the South African Communist Party, the African National Congress and the Umkonto We Sizwe decided to participate in the concerted action in execution of the common purpose is also unknown to the Prosecutor.

10. It is alleged that all the acts specified in the indictment and Annexure B hereto were performed in execution of the common purpose.

With regard to the averments in Count 2.

11. The exact date when, the place where and the manner in which each of the accused and each of the other persons and associations joined the conspiracy are unknown to the Prosecutor, save that it is alleged that the accused and the other persons and associations mentioned adhered to the conspiracy at all times relevant to the charge.

Further, the State relies, mutatis mutandis, on the facts set out in paragraphs 2(a) to (e), 3, 4, 5 and 6 to establish the complicity of each of the accused.

12. It is unknown to the Prosecutor whether there was an express or implied agreement with regard to the conspiracy. For the inference that a conspiracy existed, the State relies on the facts set out in paragraphs 2(a) to (e), 3, 4, 5 and 6.

13. As to the complicity of the other associations mentioned in the charge, the State in addition to the facts enumerated in paragraphs 2(a) to (e), 3, 4, 5 and 6 relies on the facts set out in paragraph 7 above.

With regard to the averments in Count 3.

14. The exact date when, the place where and the manner in which each of the accused and the other persons and associations commenced acting in concert in execution of the common purpose are unknown to the Prosecutor,

save that it is alleged that the accused participated in the concerted action in execution of the common purpose at all times relevant to the charge.

Further, the State relies, mutatis mutandis, on the facts set out in paragraphs 2(a) to (e), 3, 4, 5 and 6 to establish the complicity of each of the accused.

15. It is unknown to the Prosecutor whether there was an express or implied agreement with regard to the concerted action and common purpose. For the inference that such in fact existed the State relies on the facts set out in paragraphs 2(a) to (e), 3, 4, 5 and 6.

16. As to the complicity of the other associations mentioned in the charge, the State in addition to the facts enumerated in paragraphs 2(a) to (e), 3, 4, 5 and 6 relies on the facts set out in paragraph 7 above.

17. The agents and servants of the accused in respect of the acts particularised in Annexure B are alleged to be the persons mentioned in Annexure A. ||

18. It is alleged that the acts mentioned in this charge were calculated to further the achievement of the objects of Communism, as set out in the charge, because they aimed at bringing about political, industrial, social or economic changes within the Republic of South Africa by the promotion of disturbance and disorder, by unlawful acts as set out in the charge, and by means which included the promotion of disturbance or disorder.

With regard to the averments in Count 4.

19. As to the existence of a concerted action in the execution of a common purpose, the State relies, mutatis mutandis, on the same facts for drawing such inference as it does in Count 3.

20. As to the complicity of each of the accused and the other persons and associations mentioned in the charge, the State again, mutatis mutandis, relies on the same facts as it does in Count 3.

21. It is alleged that all the members of the South African Communist Party and the African National Congress, as well as their supporters and sympathisers, both within and outside the Republic, were solicited.

22. It is alleged that the soliciting took place at all times relevant to the charge, both within and outside the Republic of South Africa.

23. The precise terms of the soliciting are unknown to the Prosecutor.

24. It is alleged that all the accused, together with the other persons and associations mentioned in Count 4, received or accepted money for the purpose set out in this count.

25. It is alleged that the money was accepted or received from members of the South African Communist Party, the African National Congress and their supporters and sympathisers, both within and outside the Republic.

26. It is alleged that the money was given by the accused and the other persons and associations mentioned in the charge to:-

- (a) the individuals charged with the recruiting, transport and training of persons as set out in 1(i), (i) and (i) of counts 1, 2, and 3 respectively;
- (b) the persons recruited for the purposes set out in 1(i), and (i) of Counts 1 and 3, respectively;
- (c) the perpetrators of the acts of violence and destruction as particularised in annexure B;
- (d) the sellers of hardware, radio and electrical parts and accessories, tools, chemicals, etc., and
- (e) to various other persons unknown to the Prosecutor.

27. It is alleged that the acts set out in counts 1, 2 and 3 above constitute the campaign, envisaged in terms of the common purpose and conspiracy, and aimed at bringing about political, industrial, social or economic changes within the Republic of South Africa, and the laws referred to in this count are such as would have been affected by such changes.

J.C.J

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

ANNEXURE D TO INDICTMENT.

REQUEST FOR FURTHER PARTICULARS
ON BEHALF OF THE ACCUSED AND THE
STATE'S REPLY THERETO.

1. (a) AD COUNTS 1,2,3 and 4:

Precisely what acts is each of the accused personally alleged to have committed in pursuance of the conspiracy or common purpose? The State is requested to detail separately the acts alleged to have been committed by each accused and to indicate, inter alia, when and where each of the accused committed such acts, and generally to furnish sufficient particularity to enable each accused to know the details of the case he has to meet.

The State will rely on the particulars contained in the indictment and annexures thereto. See too paragraphs 2 and 3 hereof.

It is not known precisely what all the acts are which each of the accused personally committed in pursuance of the conspiracy or common purpose.

Some of the acts which the accused performed personally are:

ACCUSED No. 1

- (i) From 1960 to 1962 he received military training in Guerilla Warfare and Sabotage in China;
- (ii) During the latter part of 1962, at Johannesburg, he instructed Thaba Motsoening, William Ramokgele Mafokeng and others how to make bombs;

*Nov 11 1964
Transd. of Admissions
to CAJ.*

No.

7 Query

- (iii) During the early part of 1963, he represented the National High Command at a meeting of the Port Elizabeth Umkonto We Sizwe held at Port Elizabeth; to Meeting RE
source
a/ NAWAYI
- (iv) From the beginning of 1963 until July 1963 he resided at [the Head Quarters] of the National High Command at Rivonia, Johannesburg. a/ Gay
a/ NAWAYI
a/ NAWAYI
a/ NAWAYI
- (v) During 1963 he served on the Logistics Committee of the National High Command at Johannesburg; a/ Gay
- (vi) During June 1963 at Johannesburg he instructed a co-conspirator, accomplice and saboteur, Bruno Matolo in the making of gun-powder and the construction of a land mine; a/ NAWAYI
- (vii) During 1963, at Rivonia, Johannesburg, he assisted in laying a cable for a transmitter to be used for an illegal radio broadcast. a/ Gay
- (viii) During the time that he served as a member of the National High Command, he made a recording of a speech intended to be illegally broadcasted; Gay
- (ix) From early 1964 until the 17th June 1964, [with one exception] he regularly attended meetings of the National High Command held approximately every 3 weeks. These meetings were held at Johannesburg, either at the house of Lionel Gay or the house of Ian David Kitson or "on the road"; Gay

- (x) During January 1964 at Johannesburg he obtained illegal possession of a fire-arm Cap
[and passed same on to a co-conspirator, accomplice and saboteur, John Tseleng Masupye;
- (xi) During 1964, after the detention of the other members of the National High Command, he continued to carry on the **aims** , objects and activities of the National High Command at Johannesburg; Always Lense
- (xii) During October 1964 he was in illegal possession of a fire-arm at Johannesburg.

ACCUSED NO. 2.

- (i) From 1962 until May 1963, at Johannesburg, he served on the Technical Committee of the National High Command;
- (ii) During the early part of 1963, at Johannesburg, he attended a meeting of a Regional Committee of Umkonto We Sizwe, where the implementation of the policy of the National High Command was discussed;
- (iii) From May 1963, at Johannesburg, he served on the Logistics Committee of the National High Command;
- (iv) During the earlier period mentioned in the Indictment he visited the Head Quarters of the National High Command;
- (v) During January 1964, at Johannesburg, he obtained illegal possession of a fire-arm, which was handed over to accused No. 1.
- (vi) During 1963 and 1964, at Johannesburg, he obtained the parts to make bombs and the ingredients for explosives;
- (vii) During 1964, at Johannesburg, he assisted with an attempted illegal radio broadcast scheduled for the 26th of June 1964, and purchased various parts required for the transmitter;
- (viii) From early 1964 until the 17th June 1964, with one exception he regularly attended meetings of the National High Command held approximately every 3 weeks. These meetings were held at Johannesburg, either at the house of Lionel Gay or the house of Ian David Kitson or "on the road";

Gay
Norden

No
Norden

Gay

Gay

False - Gay
Norden

False - Gay

Gay

Gay

(ix) During 1964, at Johannesburg, the instructed that a typewriter on which exhibits in a sabotage trial, then pending, had been typed, be disposed of;

*1/2 page -
Gay*

(x) During 1964, at Johannesburg, he assisted with the publication and distribution of a pamphlet known as "Freedom Fighter" and other documents and pamphlets.

*Gay
FALSE*

ACCUSED NO. 3

- (i) During 1962 he went to Russia for training as a communist; *True*
- (ii) During 1963, at Johannesburg he was a member of a sabotage cell of Umkonto We Sizwe; *True*
- (iii) During 1964, at Johannesburg, he assisted with and attempted illegal radio broadcast scheduled for 26th of June 1964; *Gay
Bussa*
- (iv) During 1964, at Johannesburg, he arranged for accused No. 5 to meet Lionel Gay so that Gay could be taken to Amien Cajee to instruct him in the manufacture of explosives; *Gay
Case*
- (v) During 1964, at Johannesburg, he obtained ingredients for explosives; *Gay +
Bussa*
- (vi) From early 1964 until the 17th June 1964, with one exception he regularly attended meetings of the National High Command held approximately every 3 weeks. These meetings were held at Johannesburg, either at the house of Lionel Gay or the house of Ian David Kitson or "on the road"; *Gay*
- (vii) During 1964, at Johannesburg, he disposed of a typewriter on which exhibits in a sabotage trial, then pending, had been typed. *Gay*

a) MATTHEWS - letter exhibit K
typed on exhibit 23
b) exhibit 23 furnished for copy
& address.

ACCUSED NO. 4.

- (i) During 1962 he went to Russia for training as a communist;
- (ii) During the period covered by the Indictment he served on the Technical Committee of the National High Command, at Johannesburg;
- (iii) During the period covered by the Indictment, at Johannesburg, he assisted in the manufacture of bombs and timing devices for explosives;
- (iv) During the period covered by the Indictment, at Johannesburg, he was in possession of explosives, including ammunition;
- (v) During the years 1963 and 1964, at Johannesburg, he assisted in the building, transport and storage of an illegal radio transmitter;
- (vi) During 1964, at Johannesburg, he assisted with the publication and distribution of a pamphlet known as "Freedom Fighter";
- (vii) During 1964, at Johannesburg, he was in possession of cash monies to the sum of R5,250.00. For further particulars in regard to these monies see Count 4 and Annexure C paragraphs 19 to 24 of the Indictment.
- (viii) During 1964, at Johannesburg, he typed a document on behalf of the Secretariat of the African National Congress.

Gay

Bomb. Fact

- Gay

HALF TONS

Police

Gay

BEYOND

Found by police

?

ACCUSED NO. 5.

- (i) During 1963, he visited the Head Quarters of the National High Command at Rivonia, Johannesburg and assisted in the duplication of documents;
- (ii) During May 1963, at Stanger, he personally conveyed an instruction to Nandhagopaul Naidoo to report to Johannesburg in connection with the activities of the National High Command;
- (iii) During July 1963, at Johannesburg, he personally conveyed an instruction to the said Nandhagopaul Naidoo to build certain radio appliances;
- (iv) During December 1963, at Johannesburg, he personally conveyed an instruction to Paul Joseph to collect from the said Nandhagopaul Naidoo in Durban the said radio appliances;
- (v) On the 18th October 1963, at Johannesburg, he purchased a motor car on behalf of the National High Command for R1000.00;
- (vi) During March 1964, at Johannesburg he personally introduced Lionel Gay to the said Nandhagopaul Naidoo;
- (vii) During May or June 1964, at Johannesburg he arranged for the said Lionel Gay to meet Amien Cajee at his (accused No. 5's) house for the purpose of the said Lionel Gay instructing the said Amien Cajee in the manufacture of explosives;

Final report 1963

?

?

?

?

Gay

Gay

- (viii) During 1964, at Johannesburg, he purchased and agreed to purchase articles required for the manufacture of bombs; ?
- Sankaran
- (ix) During 1964, at Johannesburg, he assisted with an attempted illegal radio broadcast scheduled for 26th June 1964; Gay
- (x) During 1964, at Johannesburg, he assisted with the publication and distribution of a pamphlet known as "Freedom Fighter"; Beyleveld
+
Kupura
- (xi) During 1964, at Johannesburg, he received R180 from P.A.B. Beyleveld for the purpose of purchasing a duplicating machine; Beyleveld
- (xii) During 1964, at Johannesburg, he was in illegal possession of a fire-arm; Pouss
- (xiii) During 1964, at Johannesburg, he hired various post boxes under false names and addresses for the purpose of receiving correspondence on behalf of the National High Command. C.P.
?
Beyleveld-

1. (b) What precisely did each of the following co-conspirators personally do in pursuance of the conspiracy or common purpose:

- | | |
|--------------------|-----------------------|
| (i) Benjamin Turok | (ii) Levy Silore |
| (iii) Brian Somana | (iv) Isaac Lewiton |
| (v) Amien Cajee | (vi) P.A.B. Beyleveld |
| (vii) Lionel Gay | (viii) C.S. Jones |
| (ix) N. Naidoo | (x) R. Slovo |
| (xi) H. Bernstein | (xii) A. Bhabah |
| (xiii) P. Joseph | (xiv) S.M. Mayet |
| (xv) E. Barsel | (xvi) B. Nanan |

The State is only requested to particularise those specific acts upon which it will rely in establishing its case against the accused.

(i) B. Turok:

- (a) During 1962, at Johannesburg, he committed an act of Sabotage, by attempting to set on fire the Rissik Street Post Office;
- (b) On Lionel Gay's request to be put in touch with the Communist Party, he introduced him to Harold Wolpe.

(ii) Levy Silore:

- (a) During 1963, at Johannesburg, he assisted Bruno Motolo to get in touch with members of the National High Command;
- (b) During 1963, at Johannesburg, he recruited persons for Umkonto We Sizwe.

(iii) Brian Somana:

- (a) During 1963, at Durban, he represented the National High Command at a meeting of the Durban Regional Command;
- (b) During 1963, at Johannesburg, he took Bruno Motolo to the head quarters of the National High Command.

(iv) Isaac Lewiton:

- (a) During 1962 and 1963 he was a member of the Technical Committee of the National High Command;
- (b) During June 1963, at Johannesburg, an illegal radio broadcast was made from his

house, and he assisted with the storing of the transmitter after the broadcast;

- (c) During 1963, at Johannesburg, a meeting of the Regional Committee of the National High Command was held at his house.

(v) Amien Cajee:

- (a) Received instruction in the manufacture of explosives, as a result of a decision of the National High Command;
- (b) His name and address appears, as a person to whom subversive literature may be sent for distribution, on a National High Command document.

(vi) P.A.B. Beyleveld:

- (a) Is a member of the Communist Party, named as an accomplice and co-conspirator;
- (b) Assisted in the publication of the pamphlet known as "Freedom Fighter";
- (c) Supplied funds to accused No. 5 for the purchase of a duplicator;
- (d) During 1963, he received R16,000 from people outside the Republic for the purposes set out in count 4 of the Indictment.

(vii) Lionel Gay:

- (a) As a member first of the Tehnical Committee, later of the Logistics Committee and still later of the National High Command, he attended meetings of these bodies and generally assisted in carrying out the aims, objects and activities of the National High Command. See also the State's reply to your paragraph 1(a).

(viii) C.S. Jones:

- (a) During 1963 and 1964 at Johannesburg he rendered assistance in regard to illegal radio broadcasts scheduled for 26th June 1963 and 26th June 1964 respectively;
- (b) During 1964, at Johannesburg, he assisted with the publication and distribution of a pamphlet known as "Freedom Fighter".

(ix) N. Naidoo:

- (a) During 1962 he received training in radio in China, at the same time as accused No. 1 received training there;
- (b) During 1963 and 1964, he built radio appliances at the request of accused No. 5.

(x) R. Slovo:

- (a) She was a member of the Communist Party;
- (b) During 1963 she advised a member of the National High Command to build a radio transmitter;

- (c) During 1964 she recommended to a member of the National High Command that accused No. 5 be appointed a member of the National High Command;
- (d) During 1963, at Johannesburg, she suggested that the National High Command use the services of N. Naidoo in the radio field.

(xi) H. Bernstein:

- (a) She was a member of the Communist Party;
- (b) During 1964, at Johannesburg, she assisted with the publication of the pamphlet known as "Freedom Fighter";
- (c) During July 1963, at Johannesburg, she was given R4000, by P.A.B. Beyleveld, which was money received from people outside the Republic for the purposes set out in Count 4 of the Indictment.

(xii) A. Bhabah:

- (a) Assisted with an attempted illegal radio broadcast scheduled for 26th June 1964;
- (b) During June 1964 at Johannesburg, he approached S.M. Mayet to join Umkonto We Sizwe.

(xiii) P. Joseph:

- (a) He is a member of the Communist Party;
- (b) During 1964, at Johannesburg, he assisted with the publication and distribution of a pamphlet known as "Freedom Fighter".

(xiv) S.M. Mayet:

- (a) Assisted with an attempted illegal radio broadcast scheduled for 26th June 1964.

(xv) E. Barsel:

- (a) She is a member of the Communist Party;
- (b) During 1964, at Johannesburg, she assisted with the publication and distribution of a pamphlet known as "Freedom Fighter".

(xvi) B. Nanan:

- (a) He is a member of the Communist Party;
- (b) Assisted with the publication and distribution of the pamphlet known as "Freedom Fighter".

2. AD COUNTS 1 and 3:

Which of the accused personally possessed:

- (a) Explosives
- (b) Firearms

The State is requested to indicate when, where and what was possessed by each accused.

These particulars refer to the later period mentioned in the Indictment only.

The State alleges that, as the possession of the fire-arms and explosives as set out below were in furtherance of a purpose common to all the accused, all the accused were in possession of all the fire-arms and explosives mentioned.

(a) Explosives:

(i) Accused No. 1: personally possessed

(a) 7 round .22 ammunition on 2nd October 1964 at Johannesburg, and (b) 20 rounds 9 m.m. ammunition during January 1964 at Johannesburg;

- Found in No. 1
- Given by G.A.J. G.A.J.

(ii) Accused No. 2: personally possessed 20 rounds 9 m.m. ammunition during January 1964 at Johannesburg;

. False
G.A.J.

(iii) Accused No. 3: personally possessed 20 rounds 9 m.m. ammunition during January 1964 at Johannesburg;

False

(iv) Accused No. 4: personally possessed (a) 28 rounds .303 ammunition during June 1964 at Johannesburg and (b) a quantity of potassium chlorate, an authorised explosives;

of Innocent
by H.A.J. 1964

(v) Accused No. 5: personally possessed (a) 6 rounds 6.35 ammunition during July 1964 at Johannesburg and (b) 2 rounds .22 ammunition during July 1964 at Johannesburg.

(b) Fire-arms:

(i) Accused No. 1: personally possessed a pistols - see paragraphs (x) and (xii) under this heading in paragraph 1(a) supra.

- (ii) Accused No. 2: personally possessed 1 pistol - see paragraph (v) under this heading in paragraph 1(a) supra; *Uwame*
Gry
- (iii) Accused No. 3: personally possessed 1 pistol at Johannesburg during January 1964; *file*
- (iv) Accused No. 5: personally possessed 1 pistol - see paragraph (xii) under this heading in paragraph 1(a) supra.

3. AD COUNT 4:

What amounts did each accused personally solicit, accept, receive or give? The State is requested to indicate the details of any particular transactions that will be relied upon by the State.

All the amounts each of the accused personally solicited, accepted, received or gave are not known to the Prosecutor.

In regard to:-

- (1) Accused No. 1.
 - (a) During July - August 1964, at Johannesburg, he gave R10.00 to Alfred Kgasago; *KLASAGO*
 - (b) During 1964, at Johannesburg, he received various sums of money from accused No. 2;
 - (c) During 1964, at Johannesburg, he solicited, accepted or received R25.00.

(2) Accused No. 2:

(a) During 1964, at Johannesburg, he gave various sums of money to accused Nos. 1, 3, 4 and Lionel Gay.

*Gay
Not known name
No. 4*

(3) Accused No. 3:

(a) During 1964, at Johannesburg, he received various sums of money from accused No. 2.

Admission

(4) Accused No. 4:

(a) During 1964, at Johannesburg, he received various sums of money from accused No. 2;

False

(b) During 1964, at Johannesburg, he solicited, accepted or received R5,250.00

Found on 11/11

(5) Accused No. 5:

(a) During October 1963, at Johannesburg, he received R1000 to purchase a motor car on behalf of the National High Command;

?

(b) During 1964, at Johannesburg, he received from P.A.B. Beyleveld R180 to purchase a duplicating machine.

?

DATED AT JOHANNESBURG THIS 4th DAY OF NOVEMBER 1964.

DEPUTY ATTORNEY-GENERAL.

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT.

AND TO:
MESSRS. HAYMAN & ARONSOHN,
205 National Mutual Buildings,
41 Rissik Street, Johannesburg.

RECEIVED COPY THIS 4TH DAY OF NOVEMBER 1964.

DEPUTY ATTORNEY-GENERAL.

Collection Number: AK2520

MKWAYI, W and others, Trial, 1964

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