

VOLUME I

INDICTMENT

Regina

*vs.*

Adams and Others

HIGH TREASON, ETC.

---

THE GOVERNMENT PRINTER, PRETORIA

IN THE SUPREME COURT OF SOUTH AFRICA

(Special Criminal Court constituted in terms of Section 112 of Act 56 of 1955, as amended).

The Attorney-General of the Transvaal Province, who as such prosecutes for and on behalf of Her Majesty the Queen, presents and informs the Court that:—

At Preparatory Examination.		At Preparatory Examination.
1.	(1) FARIED ADAMS.	28. (40) THEOPHILIS MMUSI.
2.	(4) H. BARSEL.	29. (41) JOHANNES MODISE.
3.	(5) LIONEL BERNSTEIN.	30. (42) PATRICK MOLAOA.
4.	(6) PIETER BEYLEVELD.	31. (43) JOSEPH MOLIFE.
5.	(8) ANDRIES CHAMILE.	32. (44) MOOSA MOOLLA.
6.	(10) BARTHOLOMEW H LAPANE.	33. (45) H. M. MOOSSA.
7.	(11) ALFRED HUTCHINSON.	34. (46) E. P. MORETSELE.
8.	(12) P. J. HODGSON.	35. (47) OBED MOTSABI.
9.	(13) HELEN JOSEPH.	36. (50) SULIMAN N. NATHIE.
10.	(14) PAUL JOSEPH.	37. (51) PHINEAS NENE.
11.	(15) FISH KEITSING.	38. (52) LILLIAN NGOYI.
12.	(16) MOSES KOTANE.	39. (54) JOHN N. NKADIMENG.
13.	(17) JERRY KUMALO.	40. (56) P. P. DUMA NOKWE.
14.	(18) A. M. KATHRADA.	41. (57) P. P. NTHITHE.
15.	(20) LEON LEVY.	42. (58) AHMED E. PATEL.
16.	(22) STANLEY LOLLAN.	43. (60) RONALD E. PRESS.
17.	(23) FRANK MADIBA.	44. (63) ROBERT RESHA.
18.	(24) AARON MAHLANGU.	45. (64) BENNETT SEITSHIRO.
19.	(27) TENNYSON X. MAKIWANA.	46. (65) NIMROD SEJAKE.
20.	(28) J. MAKWE.	47. (66) PETER SELEPE.
21.	(29) H. G. MAKGO THI.	48. (67) SYDNEY SHALL.
22.	(31) SAMPI MALUPI.	49. (70) WALTER M. SISULU.
23.	(32) NELSON R. MANDELA.	50. (71) GERT SIBANDE.
24.	(34) LESLIE MASINA.	51. (72) JOSEPH SLOVO.
25.	(36) BERTHA MASHABA.	52. (73) RUTH SLOVO (NÉE FIRST).
26.	(37) PHILEMON MATHOLE.	53. (75) SIMON TYIKI.
27.	(38) JONAS MATLOU.	54. (77) HENRY TSHABALALA.

A. Preparatory Examination.		A. Preparatory Examination.
55. (78)	DOUGLAS C. THOMPSON.	74. (119) B. NDIMBA.
56. (79)	SONIA BUNTING.	75. (120) J. NKAMPENI.
57. (81)	FRED CARNESON.	76. (121) F. NTSANGANI.
58. (83)	LIONEL FORMAN.	77. (122) A. NOGAYA.
59. (84)	I. O. HORVITCH.	78. (123) T. TSHUME.
60. (85)	ALEX LA GUMA.	79. (124) T. E. TSHUNUNGWA.
61. (87)	D. MGUGUNYEKA.	80. (127) W. Z. CONCO.
62. (93)	GEORGE PEAKE.	81. (128) S. DHLAMINI.
63. (97)	BEN TUROK.	82. (131) G. HURBANS.
64. (104)	J. JACK.	83. (133) P. J. S. MANANA.
65. (106)	L. KEPE.	84. (138) M. M. MOTALA.
66. (108)	J. G. MATTHEWS.	85. (139) G. M. NAICKER.
67. (109)	Z. K. MATTHEWS.	86. (140) M. P. NAICKER.
68. (110)	W. MATI.	87. (141) N. T. NAICKER.
69. (113)	C. MAYEKISO.	88. (142) BILLY NAIR.
70. (114)	V. MINI.	89. (146) D. A. SEEDAT.
71. (116)	S. NKALIPI.	90. (150) P. H. SIMELANE.
72. (117)	W. MKWAYI.	91. (151) M. B. YENGWA.
73. (118)	T. MOOTA.	92. (154) A. E. LETELE.

hereinafter called "the accused", who were committed for trial by the Magistrate for the district of Johannesburg, are guilty of the crime of

**HIGH TREASON or, ALTERNATIVELY,**

contravening section 11 (b) of Act 44 of 1950, as amended by Act 50 of 1951 and Act 15 of 1954, or, *alternatively*, contravening section 11 (a) of Act 44 of 1950, amended as aforesaid:

**MAIN CHARGE.**

**PART A.**

That the accused are guilty of **HIGH TREASON** in that during the period 1st October, 1952, to 13th December, 1956, while owing allegiance to Her Majesty Queen Elizabeth the Second and her Government in the Union of South Africa (hereinafter called "the State") and at or near Johannesburg, Pretoria, Bloemfontein, East London, Port Elizabeth, Durban, Cape Town, Uitenhage, Queenstown, Cradock, Kimberley, Ermelo, Evaton and other places within the Union

of South Africa, the said accused, acting in concert and with common purpose and in breach and violation of such allegiance, wrongfully, unlawfully and with hostile intent against the State, namely, to subvert or overthrow the State or to disturb, impair or endanger the existence, independence, security, safety or authority of the State, did in their individual capacities and/or as members of one or more of the associations of persons, and/or ~~as directors or servants of the corporate bodies, mentioned in Schedule A hereto—~~

(a) disturb, impair or endanger the existence, the independence or safety or security or authority of the State, or

(b) attempt or actively prepare to subvert or overthrow the State, or to disturb, impair or endanger the existence, independence or safety or security or authority of the State

by committing certain hostile and overt acts against the State, namely the hostile and overt acts set out in Parts B, C, D and E of this indictment:

#### PART B.

1. During the period and at the places aforesaid the said accused did wrongfully, unlawfully, and with the hostile intent aforesaid conspire with each other, with the persons mentioned in Schedule B hereto, and with other persons to the prosecutor unknown, to—

(a) subvert, overthrow and destroy the State; and/or

(b) make active preparation for a violent revolution against the State; and/or

(c) disturb, impair or endanger the existence, independence, security or authority of the State; and/or

(d) hinder, hamper and coerce the State; and/or

(e) oppose and resist the authority of the State and in particular the power of the State to make and enforce laws; and/or

(f) establish a Communist State or some other State in the place of the existing State.

2. It was part of the said conspiracy that the aims, purposes and objects listed under subparagraphs (a) to (f) of paragraph 1 of Part B above were to be attained and achieved by the accused in their individual capacities and/or as leaders and/or members and/or supporters and/or adherents of the said associations <sup>and/or corporate bodies</sup> set forth in Schedule A, ~~and/or as directors or servants of the said corporate bodies set forth in the said Schedule A.~~

3. It was further part of the said conspiracy that the aims, purposes and objects aforesaid were also to be attained through the instrumentality and activity of the said associations and corporate bodies, the persons mentioned in Schedule B hereto, and other persons to the prosecutor unknown.

4. It was further part of the said conspiracy that all such aims, purposes and objects should be so achieved, *inter alia*, by—

- (i) sponsoring, organising and preparing for and convening a gathering of persons known as the Congress of the People for the adoption of a Freedom Charter, propagating and actively implementing the aims of the said Freedom Charter and taking active steps for the establishment as an immediate object of a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of State flowing from an implementation of or founded on the doctrine known as Marxian Leninism; and/or
- (ii) organising and setting afoot a campaign of recruitment and enlistment of a special militant corps of Freedom Volunteers, being a semi-military and rigidly disciplined body whose members were obliged to take an oath or solemn pledge (hereinafter referred to as the said oath or pledge) to carry out the instructions legal or illegal of the leaders of the associations of persons and/or corporate bodies set forth in Schedule A hereto; furthermore recruiting persons as Freedom Volunteers and administering the said oath or pledge to such persons; and/or
- (iii) instigating and inciting each other, the persons mentioned in Schedule B hereto and other persons to the prosecutor unknown, to make use of extra-parliamentary, unconstitutional and illegal methods, including the use of violence; and/or
- (iv) organising and participating in various campaigns against existing laws and the administration and enforcement of such laws, and more particularly—
  - (a) The Native Resettlement Act, No. 19 of 1954;
  - (b) The Bantu Education Act, No. 47 of 1953;
  - (c) Native (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952; and/or
- (v) promoting feelings of discontent or unrest amongst and/or hatred or hostility between the various sections and races of the population of the Union of South Africa; and/or
- (vi) advocating, propagating or promoting the adoption and implementation of the Marxian Leninist doctrine in the Union of South Africa and/or advocating and teaching the duty and the necessity of establishing as an immediate object a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of State flowing from an implementation of or founded on the doctrine aforesaid; and/or
- (vii) advocating or propagating or actively promoting as an immediate object the establishment by illegal or unconstitutional means of a State intended to replace the present State, and/or

- (viii) by inciting or encouraging the population of the Union of South Africa to take part in and support by mass action, the activities set out in paragraphs 4 (i) to (vii) above.

**PART C.**

In pursuance and furtherance of the said conspiracy, or, alternatively, acting in concert and with common purpose, the said accused with the hostile intent aforesaid in order to achieve and bring into effect and implement the aims, purposes and objects enumerated in Part B above, did attend and address certain meetings and did then and there make and/or associate themselves with speeches and resolutions to the following effect:—

- (a) Inciting, encouraging, exhorting or calculated to persuade the people attending such meetings to support the campaign sponsored by the African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured Peoples Organisation for convening a Congress of the People, to attend and/or to send delegates to such congress, to render financial assistance in regard to the expenses of such congress, and to send demands to be inserted in a Freedom Charter to be framed at such congress; and/or
- (b) inciting, encouraging, exhorting or calculated to persuade the people attending such meetings to support, adopt, propagate and publicise the aims and objects of the Freedom Charter adopted at the said Congress held at Kliptown in the district of Johannesburg on the 25th and 26th days of June, 1955, and to support a campaign for the establishment as an immediate object of a Communist State in the form of a so-called Peoples' Democracy or a related form of State flowing from an implementation of or founded on the doctrine known as Marxian Leninism; and/or
- (c) inciting, encouraging, exhorting or calculated to persuade the people attending such meetings to support a campaign of recruitment and enlistment of a special militant corps of Freedom Volunteers, and themselves to join and enlist in such corps of Freedom Volunteers and to take an oath or solemn pledge to carry out the instructions, legal or illegal, of the leaders of the associations of persons and/or corporate bodies set forth in Schedule A hereto; and/or
- (d) inciting, encouraging, exhorting or calculated to persuade the people attending such meetings to make use of extra-parliamentary, unconstitutional and illegal methods, including the use of violence; and/or
- (e) inciting, encouraging, exhorting or calculated to persuade the people attending such meetings to support, participate in, propagate and publicise campaigns against existing laws and the administration and enforcement of such laws, and more particularly—
- (a) the Native Resettlement Act, No. 19 of 1954, and especially the scheme thereunder for the removal of the residents of the "Western Areas" of the Johannesburg district to Meadowlands;

(b) the Bantu Education Act, No. 47 of 1953;

(c) the Natives (Abolition of Passes and Co-ordination of Documents), Act, No. 67 of 1952; and/or

(f) intended and calculated to create and promote, ~~and which did in fact promote~~, feelings of discontent, or unrest amongst and/or hatred or hostility between the various sections and races of the population in the Union of South Africa; and/or

(g) advocating, propagating or promoting directly or indirectly the adoption and implementation of the Marxian Leninist doctrine in the Union of South Africa and/or advocating and teaching the duty and the necessity of establishing as an immediate object a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of State flowing from an implementation of or founded on the doctrine aforesaid; and/or

(h) advocating or propagating or promoting as an immediate object the establishment by illegal or unconstitutional means of some other State intended to replace the present State; and/or

(i) inciting or encouraging the population of the Union of South Africa to take part in and support by mass action, the activities set out in paragraphs 4 (i) to (vii) of Part B above

as will appear more fully from Schedule C hereto.

#### PART D.

In pursuance and furtherance of the said conspiracy, or, alternatively, acting in concert and with common purpose, the said accused with the hostile intent aforesaid in order to achieve and bring into effect and implement the aims, purposes and objects enumerated in Part B above, did write or cause to be written and/or print or cause to be printed and/or publish or cause to be published and/or distribute or cause to be distributed and/or possess for distribution or for the purpose of putting forth or disseminating the contents thereof certain books, articles in newspapers, articles in magazines, pamphlets, brochures, lectures, circulars, letters, instructions, resolutions and other written or printed matter---

(1) containing therein, among other things, incitements, encouragements and exhortations calculated to move or induce the readers thereof to:

(a) support the campaign sponsored by the African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured Peoples' Organisation for convening a Congress of the People, to attend and/or to send delegates to such Congress, to render financial assistance in regard to the expenses of such Congress, and to send demands to be inserted in a Freedom Charter to be framed at such Congress; and/or

- (b) support, adopt, propagate and publicise the aims and objects of the Freedom Charter adopted at the said Congress, held at Kliptown in the district of Johannesburg on the 25th and 26th days of June, 1955, and to support a campaign for the establishment as an immediate object of a Communist State in the form of a so-called Peoples' Democracy or a related form of State flowing from an implementation of or founded on the doctrine known as Marxian Leninism; and/or
- (c) support a campaign of recruitment and enlistment of a special militant corps of Freedom Volunteers, and themselves to join and enlist in such corps of Freedom Volunteers and to take an oath or solemn pledge to carry out the instructions, legal or illegal, of the leaders of the associations of persons and corporate bodies set forth in Schedule A hereto; and/or
- (d) make use of extra-parliamentary, unconstitutional and illegal methods, including the use of violence; and/or
- (e) support, participate in, propagate and publicise certain campaigns against existing laws and the administration and enforcement of such laws, and more particularly—
- (a) the Native Resettlement Act, No. 19 of 1954, and especially the scheme thereunder for the removal of the residents of the "Western Areas" of the Johannesburg district to Meadowlands;
  - (b) the Bantu Education Act, No. 47 of 1953;
  - (c) the Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952; and/or
- (2) which was calculated and intended to create and promote, ~~and which did in fact promote~~, feelings of discontent, or unrest amongst and/or hatred or hostility between the various sections and races of the population in the Union of South Africa; and/or
- (3) advocating, propagating or promoting, directly or indirectly, the adoption and implementation of the Marxian-Leninist doctrine in the Union of South Africa and/or advocating and teaching the duty and the necessity of establishing as an immediate object a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of State flowing from an implementation of or founded on the doctrine aforesaid; and/or
- (4) advocating or propagating or promoting as an immediate object the establishment by illegal or unconstitutional means of some other State intended to replace the present State; and/or
- (5) inciting and encouraging the population of the Union of South Africa to take part in and support by mass action, the activities set out in paragraphs 4 (i) to (vii) of Part B above



as will appear more fully from Schedule D hereto.

**PART E.**

In pursuance and furtherance of the said conspiracy, or, alternatively, acting in concert and with common purpose the said accused with the hostile intent aforesaid in order to achieve and bring into effect and implement the aims, purposes and objects enumerated in Part B above, did attend a gathering of persons known as the Congress of the People held at Kliptown in the district of Johannesburg on the 25th and 26th June, 1955, for the adoption of a Freedom Charter, participate in the said gathering and then and there draft and adopt such Freedom Charter (a copy of which is attached hereto marked Schedule E) and pledge themselves to work together and campaign for the achievement in their lifetime of the demands set forth in the said Freedom Charter.

**PART F.**

and further to the common law liability to which the accused may be subject, the following accused, namely:—

- No. 52 Ruth Slovo,
- No. 57 Fred Carneson,
- No. 58 Lionel Forman, and
- No. 59 I. O. Horvitch,

in their personal capacities, as directors and/or servants of the corporate bodies set out against their names in column 4 of the attached Schedule F, are guilty of the crime of High Treason, in terms of the provisions of section 381 (5) of Act 56 of 1955 in that:

- (1) WHEREAS: the corporate bodies mentioned in *column 2* of the said Schedule F are liable to prosecution in terms of *section 381* of Act 56 of 1955, for the aforesaid offence of High Treason, in that:

(a) certain directors and/or servants (whose names are to the prosecutor unknown) of the respective corporate bodies mentioned in *column 2* of the attached Schedule F, while owing allegiance to the State, and acting in concert with the accused as set out in paragraph (b) hereunder, did during the period and at the places mentioned in Part A of this indictment wrongfully and unlawfully, in violation of the allegiance aforesaid and with the hostile intent set out in Part A of the indictment—

(i) disturb, impair or endanger the existence, the independence or safety or security or authority of the State, or

(ii) attempt or actively prepare to subvert or overthrow the State, or to disturb, impair or endanger the existence, the independence or safety or security or authority of the State

by committing certain overt acts against the State, namely, by printing and/or causing to be printed and/or publishing or causing to be published in the

newspapers named in column 3 of the said Schedule F the articles as set out in columns 2 and 4 of Schedule D hereto on pages ~~220~~<sup>162 168</sup> to ~~224~~ thereof;

(b) the said directors and/or servants performed the acts aforesaid in pursuance and furtherance of the conspiracy set out in Part B of the indictment, alternatively, in concert and common purpose with the said accused and in order to achieve and bring into effect and implement the aims, purposes and objects set out in the said Part B of the indictment;

(c) in performing the aforesaid acts, the said directors and/or servants acted in the exercise of their powers or in the performance of their duties as such directors or servants or in furthering or endeavouring to further the interests of the said corporate bodies respectively.

(2) NOW THEREFORE, since the accused Nos. 52 (Ruth Slovo), 57 (Fred Carneson), 58 (Lionel Forman) and 59 (I. O. Horvitch), mentioned in column 1 of the said Schedule F, were at all relevant times directors and/or servants of the said corporate bodies set out against their names in column 4 of the said Schedule F, the said accused Nos. 52, 57, 58 and 59 are deemed to be guilty of the said offence of high treason in terms of the provisions of section 381 (5) of the said Act.

## SCHEDULE "A".

Associations of Persons or corporate bodies (also referred to in this indictment in abbreviated form as indicated in brackets), including all their local and Provincial branches in the Union of South Africa:—

The African National Congress.....	(A.N.C.)
The South African Indian Congress.....	(S.A.I.C.)
The South African Congress of Democrats.....	(S.A.C.O.D.)
The South African Coloured Peoples' Organisation.....	(S.A.C.P.O.)
The South African Congress of Trade Unions.....	(S.A.C.T.U.)
The South African Peace Council.....	(S.A.P.C.)
The South African Society for Peace and Friendship with the Soviet Union	(S.A.S. for P. & F. with S.U.)
The Federation of South African Women.....	(F.S.A.W.)
The African National Congress Youth League.....	(A.N.C.Y.L.)
The African National Congress Women's League.....	(A.N.C.W.L.)
The Natal Indian Congress.....	(N.I.C.)
The Transvaal Indian Congress.....	(T.I.C.)
The Transvaal Indian Youth Congress.....	(T.I.Y.C.)
The Natal Indian Youth Congress.....	(N.I.Y.C.)
The National Action Council of the Congress of the People.....	(N.A.C.C.O.P.)
The National Consultative Committee of the Congress of the People.	
The Natal Midlands Region of the Congress of the People.	
The Transvaal Action Council of the Congress of the People.	
The Transvaal Action Committee of the Congress of the People.	
The Real Printing and Publishing Company (Proprietary), Limited.	
The Competent Publishing and Printing Company (Proprietary), Limited.	

## SCHEDULE "B".

- |                         |   |
|-------------------------|---|
| 1. MOHAMED ASMAL.       | 36. F. BAARD.   |
| 2. YETTA BARENBLATT.    | 37. REV. J. A. GALATA.  |
| 3. ISAAC BOKALA.        | 38. S. DAMONS.  |
| 4. SULIMAN ESAKJEE.     | 39. D. FUYANI.  |
| 5. JOSEPH M. KUMALO.    | 40. REV. W. S. GAWE.  |
| 6. NORMAN LEVY.         | 41. C. JASSON.  |
| 7. V. MAKE.             | 42. P. MASHIBINI.   |
| 8. PIET MAKGOFE.        | 43. F. MATOMELA.  |
| 9. E. MALELE.           | 44. E. MFAXA.   |
| 10. S. MASIMULA.        | 45. S. VANGA (OR BANGA).  |
| 11. JULY MASHABA.       | 46. MRS. J. ARENSTEIN.  |
| 12. J. S. A. MAVUSO.    | 47. A. GUMEDE.  |
| 13. M. K. MPHO.         | 48. J. HOOGENDYK.   |
| 14. IDA MTWANA.         | 49. A. J. LUTHULI.  |
| 15. WILLIAM A. NGWENDU. | 50. I. C. MEER.   |
| 16. L. NKOSI.           | 51. P. G. MEI.  |
| 17. J. POO.             | 52. BERTHA MKIZE.   |
| 18. J. RADEBE.          | 53. K. MOONSAMY.  |
| 19. MARY RANTHA.        | 54. A. NGCOBO.  |
| 20. MARKS W. SHOPE.     | 55. DOROTHY NYEMBE.   |
| 21. CLEOPAS SIBANDE.    | 56. V. S. M. PILLAY.  |
| 22. O. TAMBO.           | 57. E. SHANLEY.   |
| 23. R. TUNZI.           | 58. DOROTHY SHANLEY.  |
| 24. J. BUZA.            | 59. DEBI SINGH.   |
| 25. ASSA DAWOOD.        | 60. GABRIEL DECHABA.  |
| 26. C. MAKHOLISA.       | 61. J. MAFURA.  |
| 27. J. MOROLONG.        | 62. MARTHA MOGLAKOANE.  |
| 28. LIONEL MORRISON.    | 63. LESLIE MONANYANE.   |
| 29. J. MPOZA.           | 64. ABRAHAM SECHOARENG.   |
| 30. J. MTINI.           | 65. REAL PRINTING & PUBLISHING CO.<br>PTY., LTD., acting through certain direc-<br>tors or servants (whose names are to the<br>prosecutor unknown).           |
| 31. G. NGOTYANA.        | 66. THE COMPETENT PUBLISHING<br>AND PRINTING PTY., LTD., acting<br>through certain directors or servants<br>(whose names are to the prosecutor un-<br>known). |
| 32. A. SIBEKO.          | 67. J. MOTSABI.   |
| 33. R. SEPTEMBER.       |   |
| 34. A. SILINGA.         |   |
| 35. L. B. LEE WARDEN.   |   |

68. THANDRAY.
69. GUY ROUTH.
70. HILDA WATTS.
71. A. SELBY.
72. DESAI.
73. KUSHLIK.
74. A. MALIBA.
75. MAMAKOE.
76. DR. NJONGWE.
77. R. MATSHE.
78. J. NIERI.
79. MANMOKWE.
80. MARKS.
81. R. MHLABA.
82. G. X. TSHUME.
83. ELI WEINBERG.
84. MTUNTWANA.
85. MOTSELE.
86. J. KAYO.
87. MASHAMAITE.
88. VUNDLA.
89. DR. XUMA.
90. SIFALI.
91. MOLEWA.
92. MASUNYA.
93. MANCAW.
94. V. NGOMO.
95. D. MOILOA.
96. NGWANE.
97. H. MTWA.
98. B. TSHUME.
99. MAHILWE.
100. I. SOLOMON.
101. A. PETERSEN.
102. PELLO.
103. NTSHALABA.
104. ABEL MTI.
105. B. STUURMAN.
106. M. NAZO.
107. MANCOKO.
108. MAHLULA.
109. HEYMAN.
110. NGQANDU.
111. DR. PADAYACHEE.
112. PENDLA.
113. NZO.
114. D. MOTSABI.
115. RAMPOPOLANE.
116. THYS.
117. J. MATIBELA.
118. MATHOPA.
119. MOTSIHARI.
120. SEKOBA.
121. MAHOPE.
122. MSULI.
123. I. MANDULA.
124. SADER.
125. E. MPHALELE.
126. J. J. MARE.
127. TSHUKU.
128. JOXO.
129. J. CHABANKU.
130. L. DIEDERICH.
131. P. J. BOIKANYA.
132. JOHANNA TSHABANGU.
133. J. MAHLANGU.
134. D. KHONOU.
135. NTSTSUBI.
136. DR. HAWTHORNE.
137. FATIMA SEEDAT.
138. S. TOBIAS.
139. DR. SILILO.

- |                         |                     |
|-------------------------|---------------------|
| 140. JOYCE WATSON.      | 147. GOVAN MBEKI.   |
| 141. SOLOMON HLATSWAYO. | 148. DR. MJI.       |
| 142. A. MASHABA.        | 149. Y. PUTINI.     |
| 143. ELIZABETH TSIE.    | 150. Y. CACHALIA.   |
| 144. XINTOLO.           | 151. RAY ALEXANDER. |
| 145. A. CHELE.          | 152. E. MOOLA.      |
| 146. D. TLOOME.         |                     |

## SCHEDULE " E ".

## THE FREEDOM CHARTER

*Adopted at the Congress of the People at Kliptown, Johannesburg, on  
June 25 and 26, 1955.*

**WE, the People of South Africa, declare for all our country and the world to know:**

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore we, the People of South Africa, black and white together—equals, countrymen and brothers—adopt this Freedom Charter. And we pledge ourselves to strive together sparing neither strength nor courage, until the democratic changes here set out have been won.

**THE PEOPLE SHALL GOVERN!**

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

**ALL NATIONAL GROUPS SHALL HAVE EQUAL RIGHTS!**

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races.

All people shall have equal right to use their own languages, and to develop their own folk culture and customs;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

**THE PEOPLE SHALL SHARE IN THE COUNTRY'S WEALTH!**

The national wealth of our country, the heritage of all South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the well-being of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

**THE LAND SHALL BE SHARED AMONG THOSE WHO WORK IT!**

Restriction of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

**ALL SHALL BE EQUAL BEFORE THE LAW!**

No one shall be imprisoned, deported or restricted without a fair trial;

No one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.



**ALL SHALL ENJOY EQUAL HUMAN RIGHTS!**

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass laws, permits and all other laws restricting these freedoms shall be abolished.

**THERE SHALL BE WORK AND SECURITY!**

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

**THE DOORS OF LEARNING AND OF CULTURE SHALL BE OPENED!**

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind, shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children;

Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

**THERE SHALL BE HOUSES, SECURITY AND COMFORT!**

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;

Unused housing space shall be made available to the people;

Rent and prices shall be lowered, food plentiful and no one shall go hungry;

A preventive health scheme shall be run by the state;

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all;

Fenced locations and ghettos shall be abolished and laws which break up families shall be repealed.

**THERE SHALL BE PEACE AND FRIENDSHIP!**

South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation—not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates—Basutoland, Bechuanaland and Swaziland—shall be free to decide for themselves their own future;

The rights of all the peoples of Africa to independence and self-government shall be recognised and shall be the basis of close co-operation.

**Let all who love their people and their country now say, as we say here: "THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE HAVE**

**WON OUR LIBERTY."**

SCHEDULE "F".

<i>Column 1.</i>	<i>Column 2.</i>	<i>Column 3.</i>	<i>Column 4.</i>
<i>Accused's number and name.</i>	<i>Corporate body.</i>	<i>Name of Newspaper.</i>	<i>Capacity of Accused.</i>
No. 52 Ruth Slovo.....	Real Printing and Publishing Company (Pty.), Ltd.	"New Age"....	Servant.
No. 57 Fred Carneson..	(1) Competent Publishing and Printing (Pty.), Ltd. (2) Real Printing and Publishing Co. (Pty.), Ltd...	"Advance"..... "New Age"....	Director and/or servant, as manager and/or editor. Director and/or servant, as manager.
No. 58 Lionel Forman..	(1) Competent Publishing and Printing (Pty.), Ltd. (2) Real Printing and Publishing Co. (Pty.), Ltd...	"Advance"..... "New Age"....	Servant. Servant as Editor.
No. 59 I. O. Horvitch..	Real Printing and Publishing Co. (Pty.), Ltd.....	"New Age"....	Director and/or servant.

**FIRST ALTERNATIVE CHARGE.**

That the said accused are guilty of contravening section 11 (b) of Act 44 of 1950, as amended by Act 50 of 1951 and Act 15 of 1954,

in that:

1. During the period and at the places mentioned in the main charge, the said accused, acting in concert and with common purpose, did wrongfully and unlawfully by means of ~~convening~~ and attending meetings and by means of making and/or associating themselves with speeches and resolutions made at such meetings (particulars whereof are set out in Schedule C to the main charge) and by means of writing or causing to be written, and/or printing or causing to be printed, and/or publishing or causing to be published, and/or distributing or causing to be distributed certain books, brochures, pamphlets and other documents (particulars whereof are set out in Schedule D to the main charge) in their individual capacities and/or as members of one or more of the associations of persons and/or ~~as directors or servants~~ of the corporate bodies mentioned in Schedule A to the main charge, advocate, advise, defend or encourage:—

(a) Certain acts ~~or omissions~~ (as set out in paragraph 2 below) which were calculated to further the achievement of an object of Communism (i.e. "Communism" as defined in the first paragraph of section 1 (1) (ii) of Act 44 of 1950, as amended), namely, the establishment within the Union of a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of state flowing from an implementation of or founded on the doctrine of Marxian Socialism (as defined in the first paragraph of section 1 (1) (ii) of Act 44 of 1950, as amended); and/or

(b) the achievement of an object of Communism (as defined by section 1 (1) (ii) (b) of Act 44 of 1950, as amended), namely, a scheme which aimed at bringing about certain political, industrial, social or economic changes within the Union, to wit, such political, industrial, social and economic changes as are envisaged by the Freedom Charter (a copy of which appears as Schedule E to the main charge), by means which included the promotion of disturbance or disorder (as set out in paragraph 3 below); and/or

(c) certain acts ~~or omissions~~ (as set out in paragraph 2 below) which acts ~~or omissions~~ were calculated to further the achievement of an object of Communism (as defined by section 1 (1) (ii) (b) of Act 44 of 1950, as amended), namely, a scheme which aimed at bringing about certain political,

industrial, social or economic changes within the Union, to wit, such political, industrial, social and economic changes as are envisaged by the said Freedom Charter by means which included the promotion of disturbance or disorder (as set out in paragraph 3 below).

2. The acts ~~or omissions~~ referred to in paragraphs 1 (a) and 1 (c) above consist of the following:—

- (a) Supporting and participating in a campaign organised by the African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured Peoples Organisation for convening a Congress of the People for the purpose of framing and adopting a Freedom Charter, attending or sending delegates to such Congress, rendering financial assistance in regard to the expenses of such Congress, and collecting and/or submitting demands to be inserted in the Freedom Charter to be framed and adopted at such Congress; and/or
- (b) supporting, adopting, propagating and implementing the aims and objects of the said Freedom Charter adopted at the Congress of the People held at Kliptown in the district of Johannesburg on the 25th and 26th of June, 1955, and supporting a campaign organised by the aforesaid organisations for the purpose of propagating and implementing the aims and objects of the said Freedom Charter; and/or
- (c) supporting a campaign for the establishment as an immediate object of a Communist State in the form of a so-called "Peoples' Democracy" or "Peoples' Republic" or some related form of State flowing from an implementation of or founded on the doctrine of Marxian Leninism; and/or teaching the duty and necessity of establishing as an immediate object a Communist State as aforesaid; and/or
- (d) supporting, participating in, propagating and publicising certain campaigns against existing laws, and the administration and enforcement of such laws, and more particularly:—
  - (i) The Native Resettlement Act, No. 19 of 1954, and especially the scheme thereunder for the removal of the residents of the Johannesburg district to Meadowlands.
  - (ii) The Bantu Education Act, No. 47 of 1953.
  - (iii) The Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952; and/or
- (e) supporting a campaign of recruitment and enlistment of a special militant corps of Freedom Volunteers, joining and enlisting in such corps of Freedom Volunteers, and taking an oath or solemn pledge to carry out the

instructions legal or illegal of the leaders of the associations of persons and/or corporate bodies set forth in Schedule A to the main charge, the said Freedom Volunteer corps having been established for the purpose of organising, supporting and actively participating in the campaigns mentioned in sub-paragraphs (a) to (c) above; and/or

- (f) making use of extra-parliamentary, unconstitutional and illegal methods including the use of violence; and/or
- (g) creating, promoting and encouraging feelings of discontent, or unrest amongst and/or hatred or hostility between the various sections and races of the population in the Union of South Africa, particularly between the European and non-European races of the Union; and/or
- (h) supporting by mass action the activities set forth in sub-paragraphs (a), (b), (c) and (d) above; and/or
- (i) advocating, propagating and promoting directly or indirectly, the adoption and implementation of the Marxian Leninist doctrine in the Union;

as will appear more fully from the said Schedules C and D to the main charge.

3. The scheme referred to in paragraphs 1 (b) and 1 (c) above aimed at bringing about the said political, industrial, social or economic changes, *inter alia*, by the following means, which said means in each case included the promotion of disturbance or disorder, namely:—

- (a) sponsoring, organising and preparing for and convening a Congress of the People for the adoption of a Freedom Charter, propagating and implementing the said Freedom Charter, and organising and supporting a campaign organised by the African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured Peoples Organisation for the purpose of propagating and implementing the aims and objects of the Freedom Charter; and/or
- (b) organising and participating in, various campaigns against existing laws and the administration and enforcement of such laws, more particularly:—
  - (i) The Native Resettlement Act, No. 19 of 1954, and especially the scheme thereunder for the removal of the residents of the Johannesburg district to Meadowlands;
  - (ii) The Bantu Education Act, No. 47 of 1953;
  - (iii) The Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952; and/or
- (c) making use of extra-parliamentary, unconstitutional and illegal methods including the use of violence; and/or
- (d) encouraging feelings of discontent or unrest amongst and/or hatred or

hostility between various sections and races of the population of the Union of South Africa, particularly between the European and non-European races of the Union; and/or

(e) inciting and encouraging the population of the Union to take part in and support by mass action the activities set forth in sub-paragraphs (a), (b) and (c) above; and/or

(f) advocating, advising or encouraging directly or indirectly the adoption and implementation of the Marxian Leninist doctrine in the Union of South Africa;

and further to the aforesaid liability the following accused, namely:—

No. 52 Ruth Slovo,

No. 57 Fred Carneson,

No. 58 Lionel Forman, and

No. 59 I. O. Horvitch,

in their personal capacities, as directors and/or servants of the corporate bodies set out against their names in column 4 of Schedule F to the main charge, are guilty of contravening section 11 (b) of Act 44 of 1950, as amended by Act 50 of 1951, and Act 15 of 1954, by virtue of the provisions of section 381 (5) of Act 56 of 1955, in that:—

(1) WHEREAS: the corporate bodies mentioned in column 2 of the said Schedule F are liable to prosecution in terms of section 381 of Act 56 of 1955, for the aforesaid offence of contravening section 11 (b) of Act 44 of 1950, as amended by Act 50 of 1951 and Act 15 of 1954, in that:

(a) certain directors and/or servants (whose names are to the prosecutor unknown) of the respective corporate bodies mentioned in column 2 of the said Schedule F, did during the period and at the places mentioned in Part A of the main charge, wrongfully and unlawfully print and/or cause to be printed and/or publish and/or cause to be published in the newspapers named in column 3 of the said Schedule F, the articles as set out in columns 2 and 4 of Schedule D to the main charge on pages 162 to 168 thereof;

(b) the said directors and/or servants performed the acts aforesaid, in concert and common purpose with the accused in contravening the said section 11 (b) of Act 44 of 1950, as amended, in the manner set out in paragraphs 1, 2 and 3 of the First Alternative Charge;

(c) in performing the aforesaid acts, the said directors and/or servants acted in the exercise of their powers or in the performance of their duties as such directors or servants or in furthering or endeavouring to further the interests of the said corporate bodies respectively.

(2) NOW THEREFORE: since the accused Nos. 52 (Ruth Slovo), 57 (Fred Carneson), 58 (Lionel Forman) and 58 (I. O. Horvitch), mentioned in column 1 of the said Schedule F, were at all relevant times directors and/or servants of the said corporate bodies set out against their names in column 4 of the said Schedule F, the said accused Nos. 52, 57, 58 and 59 are deemed to be guilty of contravening the said section 11 (b) of Act 44 of 1950, as amended, by virtue of the provisions of section 381 (5) of Act 56 of 1955.

#### SECOND ALTERNATIVE CHARGE.

That the said accused are guilty of contravening section 11 (a) of Act No. 44 of 1950, as amended by Act No. 50 of 1951 and Act No. 15 of 1954,

in that:

1. During the period and at the places mentioned in the main charge, the said accused, acting in concert and with common purpose, did wrongfully and unlawfully perform certain acts, in their individual capacities and/or as members of one or more of the associations of persons and/or ~~as directors or servants of the~~ corporate bodies mentioned in Schedule A to the main charge namely, did convene and attend meetings and did then and there make and/or associate themselves with speeches and resolutions made at such meetings (particulars whereof are set out in Schedule C to the main charge) and did write or cause to be written, and/or did print or cause to be printed, and/or did publish or cause to be published, and/or did distribute or cause to be distributed, and/or did possess for the purpose of distributing or disseminating the contents thereof certain books, brochures, pamphlets and other documents (particulars whereof are set out in Schedule D to the main charge) which acts were calculated to further the achievement of one or more of the following objects of Communism, namely:—

(a) The establishment in the Union of a Communist State in the form of a so-called Peoples' Democracy or Peoples' Republic or some related form of State flowing from or founded on the doctrine of Marxian Socialism (as defined in the first paragraph of section 1 (1) (ii) of Act No. 44 of 1950, as amended);

(b) bringing about certain political, industrial, social or economic changes within the Union, to wit, such political, social, industrial, and economic changes as are envisaged by the Freedom Charter by means which include the promotion of disturbance or disorder (as set out in paragraph 3 of the First Alternative Charge);



and further to the aforesaid liability the following accused, namely:

No. 52 Ruth Slovo,

No. 57 Fred Carneson,

No. 58 Lionel Forman, and

No. 59 I. O. Horvitch

in their personal capacities, as directors and/or servants of the corporate bodies set out against their names in column 4 of Schedule F to the main charge, are guilty of contravening section 11 (a) of Act 44 of 1950, as amended by Act 50 of 1951 and Act 15 of 1954, by virtue of the provisions of section 381 (5) of Act 56 of 1955, in that:

(1) WHEREAS: the corporate bodies mentioned in *column 2* of the said Schedule F are liable to prosecution in terms of *section 381* of Act 56 of 1955, for the aforesaid offence of contravening section 11 (a) of Act 44 of 1950, as amended by Act 50 of 1951 and Act 15 of 1954, in that:

(a) certain directors and/or servants (whose names are to the prosecutor unknown) of the respective corporate bodies mentioned in *column 2* of the said Schedule F, did during the period and at the places mentioned in Part A of the main charge, wrongfully and unlawfully print and/or cause to be printed and/or publish and/or cause to be published in the newspapers named in *column 3* of the said Schedule F, the articles as set out in *columns 2* and *4* of Schedule D to the main charge on pages 162 to 168 thereof,

(b) the said directors and/or servants performed the acts aforesaid, in concert and common purpose with the accused in contravening the said section 11 (a) of Act 44 of 1950, as amended, in the manner set out in paragraph 1 of the Second Alternative Charge,

(c) in performing the aforesaid acts, the said directors and/or servants acted in the exercise of their powers or in the performance of their duties as such directors or servants or in furthering or endeavouring to further the interests of the said corporate bodies respectively.

(2) NOW THEREFORE: since the accused Nos. 52 (Ruth Slovo), 57 (Fred Carneson), 58 (Lionel Forman) and 59 (I. O. Horvitch), mentioned in *column 1* of the said Schedule F were at all relevant times directors and/or servants of the said corporate bodies set out against their names in *column 4* of the said Schedule F, the said accused Nos. 52, 57, 58 and 59 are deemed to be guilty of contravening the said section 11 (a) of Act 44 of 1950, as amended, by virtue of the provisions of section 381 (5) of Act 56 of 1955.

In case of conviction the said Attorney-General prays for judgment against the accused according to law.

W. J. McKENZIE,  
Attorney-General (Transvaal Province).

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