

MEMORANDUM.

1. In the brief span of South Africa's modern history, political events have led to occurrences which culminated in persons being charged with treason, sedition, or public violence. In the main these trials were associated with the Boer War, the First and Second World Wars and the 1922 Strike. As an aftermath of all three Wars, charges of treason were brought in our Courts. In 1922 violence on a large scale took place and there was a considerable loss of life and damage to property and this led to some 60 trials with charges of murder, treason or sedition.
2. The Boer War cases (in so far as they are reported) are found principally in the Natal Law Reports. There is no reported case of anyone so charged having been sentenced to death. It could perhaps be said that for

historical reasons the majority of the persons tried had ties with the Boer Republics and that this fact put these cases into a special category. The approach of the courts is well illustrated by the case of R. vs. Phillip Vermaak. 21 M.L.R. 204. (See particularly remarks of MASON, J. at 214/5.)

"Punishment for High Treason is death, but the Court had a discretion to impose a al penalty. In exerci are entitled, and i consideration the (as a whole, the large number of persons who stand in a similar position to the prisoner, and the more humane tendency of modern criminal jurisprudence. (Nonetheless in the interests of the community must the penalty, though not vindictive, be of such a substantial character as to deter subjects from forsaking their allegiance".

The tendency in sentences imposed was noticeably towards ^{leniency} ~~leniency~~. The most serious offenders were G.A.H. Boers who was sentenced to 5 years imprisonment plus a fine of £250; and L.J. de Jager whose sentence was 5 years and £5,000 (or 3 years).

Other sentences ranged between a fine of £10 to 3 years imprisonment.

For details see Schedule "A" which contains a list of cases.

3. In 1914 the feelings caused in the Boer War

- were -

were still much in evidence. There was, however a rebellion in the full sense. Again the reported decisions show that no one was sentenced to death. The case of Rux vs. Jan Christoffel Greyling Kemp is a valuable precedent in regard to sentence. The record of this decision is in the Archives (Ref T.P.D. 15/1/1). (See Schedule 'B' on cases.) At page 223 LANGE, J. referred to the fact that (though he had thought the case of General De Wet to be the most serious that could arise) he regarded Kemp's case as even more serious. Kemp had agitated to join Maritz who was in rebellion and had joined the Germans. He had collected a commando of 1000 men and crossed to South West Africa. He had engaged in a skirmish at Kuruman which he captured. He then joined Maritz and associated with the German force and then declared a Republic and set up a provisional Government. The court found that the only mitigating factor was that he had resigned his commission as an officer of the South African Defence Force one month before the treasonable acts laid in the indictment. Nonetheless the sentence was 7 years imprisonment and a fine of £1000.

4. In 1922 two Special Criminal Courts were established and a number of persons tried for

treason, murder and lesser offences. The events are broadly summarised in the case of R vs. Erasmus, 1923 A.D. 73 at 78 and were fully reviewed by a Commission of Enquiry. (Ref)

The general tendency in cases where death resulted was to charge the accused with murder, the death sentence for which was, at that time mandatory. The following persons were sentenced to death: C.C. Stassen, S.A. Long, L.M. Saunders and A.W. Lategan, H.R. Hull and D. Lewis. (Gainsworthy and 7 others, G. van Schalkwyk and 2 others (Coetsee and Van der Merwe). The records of these cases are to be found in the Archives (Ref T.P.D. 15/1-25). (The Register of these cases is Ref. 15/1/1.) In each of these cases the charge was murder. At that time Section 338 of the Criminal Procedure & Evidence Act. No.31 of 1917 read as follows:

"(1) Sentence of death by hanging shall be passed by a superior court upon an offender convicted before or by it of murder, and sentence of death by hanging may be passed by a Superior Court upon an offender convicted before or by it of treason or rape: Provided that where . . . a person under the age of 16 years of age is convicted of murder, the Court may,

in its discretion impose a sentence of death."

In the case of Garneworthy and 7 Others the accused were charged with murder. The acts committed (referred to as acts of treason in the judgment) were rounding up a commando in order to capture a mine, arming the commando with the intention of shooting down any opposition. In fact 8 people were killed in the attack. At page 946 of the record DOVE WILSON, J.P. stated that some of the accused might well have been charged with treason or sedition rather than murder and went on to say:

" . . . in accordance with precedent in South Africa we should have been in a position to deal with them by terms of imprisonment, even perhaps a fine."

The judge went on to say that there were cases heard by the Special Court where treason had been charged even though a charge of murder would have been competent. In those cases the court had been able not to impose the death sentence but that its hands were tied in present case. In fact the sentences were commuted (Garneworthy life,

Potgieter 7 years, Grevell 2 years, Haude 3 years, Hoedyk, De Lange and Du Toit 1 year, Button 6 months).

(Of the persons sentenced to death in 1922 only Long, Stassen, Hull and Lewis were executed). See Schedule "C" for a list of cases.

5. In and after the Second World War a number of persons were charged with Treason. Of the reported cases the death sentence was imposed only in the case of Rex vs. Leibbrandt. The charge in this case related to the acts referred to in the judgment of the Appellate Division reported in 1944 A.D. 254 at 261/2. The findings of the trial court are referred to at page 263/5. [As a result widespread sabotage War Measure 13 of 1942 was promulgated, in terms of which a Special Criminal Court was established and special crimes were defined. Furthermore, compulsory sentences were laid down. In terms of Section 6 of War Measure 13 of 1942, sentence of death was mandatory in respect of certain crimes. Section 6 reads as follows:

"When a Special High Court has convicted an accused of

(a) murder or an attempt to commit

- murder -

murder or an assault with intent to do grievous bodily harm or malicious injury to property, and the court has found in any such case that the accused committed the crime by means of an explosive or an incitement to commit any such crime and the Court has found that the accused incited to the commission of the crime in question by means of an explosive, or

- (b) a contravention of section thirty-seven of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No.22 of 1916) and the court has found that the accused contravened the said section with the intention to kill or seriously injure any person travelling on a railway train; or

- (c) (i) murder or an attempt to commit murder (otherwise than by means of an explosive) or an incitement to commit murder, or

- (ii) public violence in the course

- whereof -

whereof the accused injured any person by means of an explosive or the discharge of a firearm; or

(iii) manstealing (plagium)

and in any such case mentioned in this paragraph (c) the accused committed the offence with the intention to hamper the Government in the prosecution of any war in which the Union is involved, or to deter any person from assisting the Government in prosecuting such a war or to express disapproval of such assistance, or to cause or further a revolution or an insurrection or forcible resistance to the Government,

the court shall, if the crime in question was committed after the promulgation of these regulations, sentence the accused to death."

It was in terms of this War Measure that a number of accused were sentenced to death. The case of Regina vs. Visser and 2 others tried in the Supreme Court,

Johannesburg on the 30th June 1942, was such a case. (We have been unable to trace the record in this case though there is a referencle in the register at the Transvaal Provincial Division that this was Case No.15 under Proclamation 29 of 1942 (i.e. War Measure 13).

6. It has always been a principle of our law that sentence must not be excessive and must not be based on grounds unconnected with the crime, or the criminal, or the circumstances of the crime or criminal. The personal element too has always been taken into account (As to these principles see Gardiner & Lansdown. 6th Ed. Vol. 1, page 669). The cases reviewed above are precedents for the proposition that with crimes of a political nature there is a tendency towards leniency. With the exception of the case of Leibrandt the courts have never imposed the death sentence for treason so far as we have been able to trace the cases in the reports.

7. The proper approach to sentence in crimes of a political nature is found in the observations of VAN DER LINDEN (Institutes. 2, Chapter 4, Section 4, paragraph 5) with reference to the crime of "oproer"

"As, however, the origin of this crime is often found in the different opinions respecting the measure of the Government, especially when the latter has been affected by revolutions having taken place, there is hardly any crime in which greater caution is to be enjoined upon the Judge, so as on the one hand to preserve the maintenance of peace and good order, and on the other hand not to render anyone the unfortunate victim of political dissension by excessive severity."

This passage was quoted with approval by DE VILLIERS, J.A. in the case of Tex vs. Jolly and Others, 1925 A.D. 176 at 183, where these observations were said by the learned judge to embody the "ripe experience of the ages".

8. (a) The cases tried during the Boer War which we have been able to trace are set out in Annexure 'A' hereto.
- (b) The cases relating to the 1914 War are set out in Annexure 'B' hereto.

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(c) The cases relating to the 1922
Strike are set out in Annexure 'C'
hereto.

(d) The cases relating to the Second
World War are set out in Annexure
"D" hereto.

9. The only information available to us in
regard to recent sentences is set out in
Annexure "E" hereto.

SCHEDULE "A"

1. REGINA vs. GERT ARNOLD HENDRIK BOERS
N.L.N. 116. June 6th 1900

JURY trial - FINEMORE, J. SUMMED UP:

Serious charge - Residents of Natal Colony disregarding their allegiance to the Queen and joining the enemies. Highest crime which a member of the community can commit.

At p. 122/3:

" . . . in the matters of High Treason in this Colony, the Judge has very wide discretionary power in awarding punishment according to the circumstances of each particular case, and notwithstanding the capital nature of the crime, he may punish by imprisonment or fine or both, and with alternative imprisonment in the case of the fine not being paid or recovered.

The punishment of forfeiture of property has been abolished; and the barbarous procedure and punishments of ancient times have been long since done away with, the tendency being everywhere characterised by a gradual mitigation of punishment of offenders."

Count 1: Joining and adhering to the Forces of the enemy by aiding them "to dig a place for,

and/

and to fix therein, a certain cannon which was to be, and was thereafter fixed at and against the forces" of the Queen.

Count 2: Joining the enemy forces, and fighting "with force and arms against the forces of" the Queen. Period of several days in January 1900.

Verdict - ARNOLD & HENDRIK guilty of the above two counts:

Sentence: 5 years with hard labour plus a fine of £250 each, and in default a further one year's imprisonment with hard labour.

2. BEHJIJA vs PHILIP RUDOLPH VERMAAK

21 N.L.R. - 204.

September 6th, 1900.

Special Court - Sir Smith and Commissioners MASON, J. and BROOMH.

Charged with High treason - 19 counts.
Ranged from taking up arms with the enemy, aiding them to get food and stocks, capturing prisoners, to acting as interpreter for them.

In defence - a Stated that his area of residence had been captured and he thought he was in duty bound to help the new rulers, i.e. allegiance had changed from the Queen to the Dutch.

Page 3.

Held - a bona fide belief in the above would be considered in mitigation of sentence.

Second defence of "compulsion" not accepted.

Court found that though he didn't invite the enemy to invade, once they did he voluntarily joined them. His part was subordinate though

Stated at p. 214/5 -

Punishment for High Treason is death, but the Court had a discretion to impose a lower penalty. "In exercising this discretion we are entitled, and it is our duty to take into consideration the circumstances of the country as a whole, the large number of persons who stand in a similar position to the prisoner, and the more humane tendency of modern criminal jurisprudence. (Nonetheless in the interests of the community must the penalty, though not vindictive, be of such a substantial character as to deter subjects from forsaking their allegiance".

Court considered the bona fide misapprehension of rights as a mitigating factor, and the personal gain from looting as an aggravating one.

Verdict - guilty on 14 Counts.

Period ranged from October 1899 to March 1900.

Sentence - Three years imprisonment

- (no -

(as express reference to hard labour) and a fine of £1,500, with an alternative of a further two years (abating proportionately if any amount paid).

3. REGINA vs. JOHANNES JULIUS AGUST PROZESKY

2. N.L.R. - 216.

Special Court - SMITH, MASON, BROOME

German subject - naturalized. Lived in Colony for over thirty years. Did missionary work "amongst the natives".

Charges:

(i) Accepting post of magistrate under the enemy.

(ii) Acts committed as a magistrate, amounting to aiding the enemy, e.g. issuing of passes.

(iii) Enforcing natives to work as policeman.

(iv) Enforcing persons to lay telegraph wires.

(v) Enforcing persons to build a road for the enemy.

Period from October 1899 to December 1899.

Verdict - Court found prisoner guilty on all counts.

Sentence - Took into account age, position, missionary work, kind acts to British subjects. Also infirmity. Aggravating that tampered with the loyalty of others.

One year and £500 (or a further nine months).

4. REGINA vs. JOHN WILLIAM GOWTHORPE

October 10th 1900. 21 N.L.R. - 221.

Special Court -

Found guilty on two charges as follows:

(i) Joining and assisting the enemy by performing the duties of guard or policeman.

(ii) Supplying the enemy with food and drink.

Latter was more than the occasional hospitality to visitors.

No serious offences disclosed - Kindness and goodwill towards the British' considered.

Sentence - Fine of £20.

5. REGINA vs. BERNARDUS JOHANNES BADENHORST

October 4th 1900 N.L.R. - p. 227

Special Court.

Charges: Counts on which found guilty:

(i) Joining the enemy and taking up arms on their behalf.

(ii) Accompanying the enemy on patrol. ^{Dec 1899}

(iii) - ditto. - March 1900.

Transvaal burgher - resident in Natal for a year. Could have been called up by Dutch if in Transvaal.

Less serious because of this.

Sentence - £100 or 3 months. Given two months to pay.

6. REGINA vs. WYHARD PERLA JOHN ABENEGOFF
October 22 - 1900. 21 N.L.R. - 280.

Special Court.

Charges: Counts on which found guilty:

(i) Accepting office of Native Commissioner under the enemy.

(ii) Performing duties as such.

No element of private gain - most considerate towards the Natives.

Sentence: Fine of £50.

7. REGINA vs. REXTER (ABRAHAM LODOVIC)
NOV. 19th - 1900. 21 N.L.R. - 237.

Special Court.

Counts on which found guilty:

(i) Went with family to O.F.S. for the purpose of assisting the enemy in the war.

(ii) Taking up arms for the enemy.

(iii) Found in armed enemy movement on the Basutoland border.

Sentence : One year and £250 (or 9 months)

8. REGINA vs. (1) JAN LODEWYK MARAIS
(2) ADRIAN IZAK MARIAS

December 3rd 1900.

Special Court.

Counts on which both guilty.

- (i) Taking up arms for the enemy.
- (ii) Assisting the enemy in operations
- Dec. 1899 and Jan. 1900.

A. 1. MARAIS guilty of:

- (iii) Assisting enemy in March 1900.

Sentence: J.L. MARAIS - One year and £200
(or 3 months)

A.I. MARAIS - 1½ years and £300.
(or one year)

9. REX vs. JOHN HENRY RANDELHOFF

Feb. 27th 1901. 22 N.L.R. - 59.

Special Court.

Guilty on following counts:

- (i) Accepting office as clerk and
interpreter to the Commandant or
Native Commissioner.
- (ii) Armed with firearms, assisted enemy
to take certain prisoners.

Sentence: Took into account 3 months
prison (awaiting trial).

Fine of £10. (or one month)

10. REX vs. LORENK JOHANNES DE JAGER

March 7th, 1901 22 N.L.R. - 65.

Special Court.

Found guilty on the following counts:

- (i) Joining the enemy and taking up arms on their behalf.
- (ii) Removing from Br. Military camp, mealies, sugar, flour, tinned meat, etc.
- (iii) Removing horse from Natal Colliery to give to enemy.
- (iv) Harboring the enemy.
- (v) Accepted post of Commandant and issued passes and commandeered residents.
- (vi) Assisted the enemy in a movement.
- (vii) Acted as Native Commissioner and issued passes.
- (viii) Accompanying the enemy in their retreat from the Colony.

Burgher of the S.A. Republic. Made his home (and domicile) in Natal for 10 years.

Wealthy man - of great influence. Also of great influence with the enemy.

Used position to incite and/or compel fellow colonists to rebel.

Used for commandeering people to take up arms.

Sentence: 5 years and £5,000 (or 3 years)

11. REY vs. THEUNIS PETRUS PRETORIUS.
August 8th 1901. 22 N.L.R. - 167.

Special Court.

Guilty on the following counts:

- (i) Took up arms for the enemy and joined in the Invasion of Natal.
- (ii) Took part in battle at Dundee on 20:10:1899.
- (iii) Assisted enemy at Ladysmith in January and February 1900.
- (iv) Battle of Ladysmith - 6:1:1900.
- (v) Continuing assistance - March & April.
- (vi) Invasion of Zululand - 6:2:1900.

Accused said he intended becoming a Burgher of the Z.A.R. Thought he was so at outbreak of War.

Special case - serious, yet accused's defence calls for consideration.

Sentence: - 6 months and £500 (or one year).

12. REY vs. (1) FREDERICK WATERMEYER DONNE
(2) ANDRIES CORNELIUS DONNE
August 19th 1901 22 N.L.R. - 175.

Special Court.

- Counts: -

Counts:

- (i) Adhered to and took up arms for the enemy.
- (ii) Joined in operations at Paddafontein - Dec. 1899 and Jan, Feb. 1900.
- (iii) 9:3:1901 - operations at Pomeroy.
- (iv) Took families into Z.A.R. and stayed there till 9:1:1901.

Accused 2 - only 16 - guilty of all counts.

Accused 1 - guilty of 1, 2 and 4.
Father and son.

Sentence:

Accused 1 - 1 year and £100 (or 4 months)
Accused 2 - 8 months.

13. REX vs. GERHARDUS JACOBUS V.D. WALT.
August 21 - 1901 22 N.L.R. 178.

Special Court.

Counts on which found guilty:

- (i) Joined and adhered to the enemy and took up arms for them.
- (ii) Joined in battle at Paddafontein and commandeered property of residents.
- (iii) Returned with enemy to Z.A.R. in May 1900 and stayed till Feb. 1901.

- Believed -

Believed he was a Free State Citizen
therefore lenient; but acted brutally towards
certain British subjects.

Sentence : 6 months imprisonment.

14. REU vs. VETTER & SONS:
Aug. 26 - 1901 22 N.L.R. 185.
Special Court.

Free State born - resided in Transvaal.
Came to Natal in 1896. Worked at odd times
in Transvaal.

Counts:

- (i) Joined the enemy and took up arms.
- (ii) Active in movements at Pomsroy,
Ladyemith and Paddafontein.
- (iii) Went with families to Z.A.R. in
March 1900 and assisted the enemy
till September 1900.

Not treated seriously. Error as to
their real obligations - neutrality.

Sentence:

Father - £20 or one month.
Sons - £10 or 2 weeks each.

NOT REPORTED:

R. v. GROBBELAAR : Kimberley D.P.A. 13.8.1901.

R. v. CLOETE : Berkley East 25:4:1901
(SAN 14:5:01).

SCHEDULE "B"

15/1/1 REX vs. KEMP

JAN CHRISTOPHEL GREYLING KEMP

Charge of High Treason.

P. 209. Agitating to assist Maritz who was in
Revolt in SWA against the Govt. i.e. Joined Germany.

Collected a commando of 1000 men and went
across to SWA.

Took Kuruman after a skirmish.

Joined up with Maritz - dined and
hobnobbed with Germans.

He and M. declared a Republic and set
up a provisional Government. LANGE J. p. 223 - on
sentence.

Referred to GENERAL DE WET - regarded K.
as more serious even. DE WET was a private citizen
and advanced in years. Also he (de W) was not found
guilty of joining the army.

Fortunate that K. resigned his commission
one month before the treasonable acts.

Very serious case - one of the most
serious "this Court" have to deal with.

K unrepentant.

Had surrendered voluntarily, and Govt.
had promised to take this into account. Court
could not do so - up to Govt.

7 years + £1,000.

15/1/2.

TPD BEZUIDENHOUT & KOOR

Pleaded guilty to High Treason. Sentenced to 5 yrs and 4 yrs respectively. Had been officers in Union Defence Force. Joined KEMP went to SWA.

15/7 RAMMUS PETER ERASMUS

DOVE-WILSON, J.P.

Charge High Treason involving attacking a police station, attacking Police and capturing and imprisoning a constable, and occupying Maraisburg Police Station.

Sentence.

Judge referred to tendency to underrate the seriousness of the crime - no more serious crime known to law.

Recently punishable by death - nowadays more lenient. Still very serious.

Due to action of "you and your associates" - a great many people have lost their lives, and even more maimed and injured.

Only mitigating factor is that not proved that accused was evilly inclined towards the Government from the outset.

Sentence - 10 years and hard labour.

SCHEDULE "C"

REGISTER OF SPECIAL CRIMINAL COURTS

Cases 1 - 80 (17.7.1922 - 28.2.1923)

1. RASMUS PETER EPASMUS
Guilty of High Treason.
Sentence 10 years H.L.

2. ISAAC JACOB VILJOFF & OTHERS
V. found guilty of Treason and others of
sedition.
Sentence - V. 7 years H.L.
One other - COETZEE - 3 yrs + H.L. - Sedition.

3. M.J. OLIVIER AND 11 OTHERS
Charge of murder - 3 found guilty of culp.
Sentence 2½ yrs + H.L.

4. CARL CHRISTIAN STASSEN
Murder - death
Executed - 5/10/22.

5. JOHANNES BRUSSOUW AND GERT JOHANNES VAN WYK
Charged with murder.
B. found guilty of murder, W. of attempted murder.
B. sentenced to death.
W " 5 yrs + H.L.
Sentence on B. commuted to life impr. 29/9/22.

6. MARTIN ROBINSON
Arson - 2 yrs + H.L.

10. JOHANNA OLIVIER AND 4 OTHERS
Public violence - 1 and 3 found guilty.
Sentence £15 or 1 mth; £7 or 14 days.
11. JAN DICK V.D. BERG
Murder - guilty of attempt -
Sentence - 5 yrs H.L.
12. GEORGE WILLIAM WALKER
Incitement to commit public violence.
Sentence - £100 or 6 mths.
18. SAMUEL ALFRED LONG
Murder - Court unable to reach unanimous
verdict - Sept. 1922.
22. ABRAHAM PETERUS VENTER
Guilty of sedition - £50 or 3 mths.
23. HARRY THAE
Treason - guilty
Sentence - 7 yrs H.L.
25. ALFRED CHURCH
Treason - 2 yrs + H.L.
37. LAWRENCE MURRAY SANDERS & ANDRIEN WILLIEM LATICAN
Murder - guilty.
Sentence to death.

15/10 CAROL CHRISTIAN STANBEE

Murder :

Cold-bloodedly shot two
"Natives" in Sophiatown. Had been trying
to provoke trouble - fired shots in the air
first. Time of Strife. Sentenced to death
and executed.

15/10 JOHANNES BRUSSOUW & GERT JOHANNES VAN WYK

Murder of mine "police boy"

Strikers at Bantjies mine - saw Police
boy riding towards quarters. Called to stop -
rode on - shot him.

Defence of acting under orders of the
commando.

So manifestly illegal as to be of no
avail.

VAN WYK fired one shot that missed.

VAN WYK : 5 yrs.

BRUSSOUW : death - commuted to life
imprisonment.

15/18 LEWIS & HULL

Sentenced to death and executed.

Murder of Lt. Taylor while travelling in
a car down Main Street,

Instigated and procured the shooting.

40. HERBERT HERBERT HULL AND DAVID LEWIS

Murder - Death.

48. SAMUEL ALFRED LONG

Murder - death. Oct. 1922.

67. GARNSWORTHY & 8 OTHERS

Murder - 8 found guilty.

Sentenced (5) to death.

Sentences commuted to from 1- 7 yrs + H.L.

and GARNSWORTHY to life + H.L.

68. BELT VAN SCHALWYK, DANIEL LORRENE

PHILIP JONATHAN VAN DER MERWE.

Murder - death.

Commutd to 3 yrs and 7 yrs + H.L.

15/24 R. vs. GARNSWORTHY & 7 OTHERS

21st November 1922.

Charge of murder - acts of treason in rounding up a commando to capture a mine - armed to shoot any opposition. In fact killed 8 people.

Sentenced to death for murder.

DOVE-WILSON, J.P. at 946 - Some of the accused might have been charged with treason or sedition.

"In accordance with precedent in South Africa,

we should have been in a position to deal with them by terms of imprisonment, even perhaps by fine."

These were cases where treason was charged even though murder could have been charged, and for this reason we were able not to impose the death sentence. Here we are bound to impose the death sentence.

4 Found guilty of manslaughter. The rest sentenced to death.

All commuted - G. for life,
Potgieter - 7 yrs; Gravett - 2 yrs.
Koedyk - 1 yr; Button - 6 months.
De Lange - 1 yr; Du Toit - 1 yr.
Haude - 3 yrs.

R. v. VAN SCHALKWYK AND OTHERS

Charge of murdering 8 persons.

Brakpan commando.

3 sentenced to death - Judge expressed the hope that the G.C. would commute.

SCHEDULE "D"

1. REX vs. STRAUSS. 1948 (1) S.A. 934.
Special Court - RAMSBOTTOM & CLAYDEN, JJ. A.D.
December 11th 1947.

Charge: Treason - Courts:

- (i) Between 6:9:1939 to 28:2:1945 - at
Berlin Konigsmeesterhausen (Germany) -
translated, prepared, indicted, and
recorded news services, talks commentaries
as part of propaganda campaign beamed to
S.A.
- (ii) On 1:2:1944 accepted office in Germany
of sub-editor and announcer of Reich's B.C.
under direction of Foreign Office and
propaganda ministry.
- (iii) Broadcasting on said dates were designed
to hinder the State () in its War
against Third Reich.

Sentence: Three years imprisonment.

Dongès - for accused - urged for the
right of the citizen freely to express live
opinions.

Court - must be exercised within the
limits of the law.

A.D. - refused to reduce sentence.

2. REX vs. MARDON. 1948 (1) S.A. 942 A.D.
Special Court.

Charge: Treason - Courts:

- (i) Between 1:10:44 and 31:12:44 - Acc.
being an allied p.o.w. - found an
organization controlled by the enemy,
for the purpose of fighting the USSR - an ally
of the State. (Br. Pres Corps).
- (ii) Working for the org. from 1:10:44 to
30:4:45.
- (iii) Wearing German uniform on those dates.
- (iv) Undergoing military training.
- (v) Between 1:3:45 and 30:4:45 - Moving
arms against USSR.

Accused said he acted as such to prevent
USSR from occupying Germany - wanted Br. and
American forces to enter

Sentence: R75 or 9 months

Collection: 1956 Treason Trial
Collection number: AD1812

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