

T H E S T A T E .

versus

ABRAM FISCHER.

charged with the undermentioned offences:-

COUNT 1:

Contravening section 11(c) read with sections 3(1)(a)(i), 1, 2(1), 11(i) and 12 of Act No. 44 of 1950, as amended and read with Proclamation No. R. 305 of 1964, dated 13th November, 1964.

In that during the period 1/1/1962 to 2/7/64 and at or near Johannesburg, the accused did wrongfully and unlawfully become or continue to be an office bearer, officer or member of an unlawful organisation, to wit, THE SOUTH AFRICAN COMMUNIST PARTY.

COUNT 2:

Contravening section 11(c), read with sections 3(1)(iv), 1, 2(1), 11(i) and 12 of Act No. 44 of 1950 and read with Proclamation No. R. 305 of 13/11/1964.

In that during the period from 1/1/62 to 2/7/64, and at or near Johannesburg, the accused, being an office bearer, officer, member or active supporter, and acting in concert with divers other persons, in furtherance of a common purpose, did wrongfully and unlawfully take part in activities of an unlawful organisation, to wit, THE SOUTH AFRICAN COMMUNIST PARTY, or carry on in the direct or indirect interest of the said SOUTH AFRICAN COMMUNIST PARTY, activities in which it was or could have been engaged during the said period to wit:-

- (a) attended meetings of the Central Committee of the said SOUTH AFRICAN COMMUNIST PARTY, as set out in Annexure A. hereto;
- (b) attended meetings of a group or cell of the said SOUTH AFRICAN COMMUNIST PARTY, as set out in Annexure B. hereto;
- (c) drafted, printed, circulated, discussed or authorised the drafting, printing and circulation of a document entitled "Time for Reassessment;"
- (d) took part in the drafting and distribution of, or authorised the drafting and distribution of the booklet entitled "PROGRAMME OF THE SOUTH AFRICAN COMMUNIST PARTY - THE ROAD TO SOUTH AFRICAN FREEDOM";
- (e) Took part in the drafting, preparation and distribution of, or authorised the drafting, preparation and distribution of a leaflet entitled "MESSAGE OF RIVONIA";
- (f) took part in the preparation and distribution of, or authorised the preparation and distribution of a pamphlet entitled "FREEDOM FIGHTER";
- (g) took part in the organisation of the SOUTH AFRICAN COMMUNIST PARTY, by issuing instructions to party members in regard to:-

mailing lists, propaganda against the "90 day" clause and other political issues; by giving lectures to members on Communist theory and by issuing directives to members on organisational matters.

COUNT 3 TO 5:

Contravening section 11(a), read with sections, 1,2(1), 11(i) and 12 of Act No. 44 of 1950 as amended.

In that during the period 25/1/65 and 11/11/65 and at or near Johannesburg, the said accused, acting in concert with divers other persons, in furtherance of a common purpose, did wrongfully and unlawfully perform an act, which was calculated to further the achievement of any of the objects of Communism, to wit, the establishment in the Republic of South Africa, of a despotic system of government, based on the dictatorship of the proletariat, to wit:

did draft, prepare, type, distribute or cause to be printed the article mentioned hereunder, to wit:

COUNT 3: "Problems and Perspectives - Discussion Statement" which said article was printed in the publication "The African Communist", No. 22, 3rd October, 1965, on pages 5 to 12.

COUNT 4: Rally and Unite anti-Imperialist forces. An appeal from the Central Committee of the South African Communist Party", which said article was printed in the publication "The African Communist", No. 22, 3rd Quarter 1965, on pages 101 to 105.

COUNT 5: "Draft Discussion Statement, 24/8/65."

COUNT 6:

Contravening section 11(c) read with sections 3(1)(a)(iv), 1, 2(1), 11(1) and 12 of Act No. 44 of 1950 and read with Proclamation No. R. 305 of 1964 dated 13/11/1964.

In that during the period 25/1/65 and 11/11/1965, and at or near Johannesburg, the accused, being an officer-bearer, officer, member or active supporter, did wrongfully and unlawfully take part in activities of an unlawful organisation, to wit, THE SOUTH AFRICAN COMMUNIST PARTY, or carry on in the direct or indirect interest of the said SOUTH AFRICAN COMMUNIST PARTY, activities in which it was or could have been engaged during the said period, to wit:-

(a) by issuing instructions or directives to party members in regard to:-

methods of operation, formation of groups, use of persons who are active or sympathetic supporters in party activity, matters of secrecy, contact between members, typing of letters and reports, enciphering or deciphering letters in code, use of codes, recruiting of members and discipline;

(b) by issuing propaganda of a political nature;

(c) by acting as the contact between the SOUTH AFRICAN COMMUNIST PARTY and the Overseas committee in London and by furnishing reports and conducting correspondence with the

said Committee;

- (d) By arranging for the acquisition and distribution of finance for the political and welfare requirements of the said Party;
- (e) by writing letters to church leaders and by advocating the making of contact with women, students and church organisations with the object of furthering the work of the said Party;
- (f) by hiring of houses, buying a motor car and opening of bank accounts;
- (g) by maintaining a library of communist books and acquiring printing equipment;
- (h) By advocating a reorganisation of the party, and the adoption of fictitious names and the use of disguises by members^{known} to the S.A. Police;
- (i) by advocating the launching of a campaign against the treatment of political prisoners in prisons within the Republic and for making of propaganda for the early release of such prisoners.

FRAUD - COUNTS 7 - 12:

In that on or about the date mentioned in column 1 of Annexure hereto and forming part hereof, and at Johannesburg, the said accused did wrongfully, unlawfully, falsely and with intent thereby to defraud, give out and pretend to the persons mentioned in Column 2 of the said Annexure, and other

persons to the Prosecutor unknown, that he was a person bearing the name mentioned in Column 3 of the said Annexure, and, did, by means of the said false pretences, induce the said persons mentioned in Column 2, to the prejudice of themselves and the State, to believe and accept that he, the said accused, was, in fact, a person bearing the name mentioned in Column 3 of the Annexure;

Whereas in truth and in fact, the accused, when he so gave out and pretended, as aforesaid, well knew that the said pretences were false.

ANNEXURE.

<u>COLUMN 1.</u>	<u>COLUMN 2.</u>	<u>COLUMN 3.</u>
Ct. 7.14/12/64.	C.A. McBride, Wynand Coetzee, Wannenburg, Barclays Bank, Stock exchange.	W.D. Wilson.
Ct. 8. Jan/feb. '65. 14/6/65.	Raymond Milindton. Bruce Henry Duckles. Allied Building Society.	Charles Thompson do.
Ct. 9.26/4/65.	Frank Leslie Bull, Scottish Union National Insurance Co.	M. Getcliff.
Ct.10.17/7/65. 19/7/65.	M.T. Jeoffreys, Johannesburg City Council. William Tanner Mason Rosebank Estates.	A. Symon. A. Symon.
Ct.11. 8/6/65. do. June 1965. 15/7/65. 18/6/65. Mid June 1965. Mid July 1965. July 1965. 11/11/65.	Yvonne Diane Sinclair. Johannesburg, Building Society. Brian Reginald Paverd, Batal Building Society. Lionel Ellis Diack, Rosebank Estates. William Tanner Mason, Rosebank Estates. Earl Elsworth Wobbe, Standard Bank, Rosebank. Adderley Bernard Milierd. Sylvia Bolus. Samuel Dalziel Stoddart Roelf van Rensburg.	D. Black/ Douglas Black. do. do. do. do. do. do. do. do.

<u>COLUMN.1.</u>	<u>COLUMN.2.</u>	<u>COLUMN.3.</u>
CT.12. 9/11/65.	Cornelis van der Neut, Nederlandse Bank.	Peter West.
do.	Jan Tex Kelfkens, Nederlandse Bank.	Do.
11/11/65.	Eileen Barrett, Nederlandse Bank.	do.
9/11/65.	Mary Lorna James, Nederlandse Bank.	do.

ALTERNATIVE TO COUNTS 7 to 12.

Contravening section 9(1) read with section 10 of Act 1 of 1937 as amended.

In that on or about the date mentioned in Column 1 of Annexure to the Main counts numbers 7 to 12 and at Johannesburg, the accused, who bore and was known by the surname of FISCHER, did, wrongfully, and unlawfully assume or describe himself or pass himself under another surname, to wit, the surname mentioned in Column 3 of the said Annexure, which said surname he had not assumed, or by which he had not described himself or under which he had not passed before the 1st day of January 1937.

ALTERNATIVE TO COUNT 9 (Getcliff.)

In that on or about 26th April 1965, and at Johannesburg, the said accused did wrongfully, unlawfully, falsely and with intent to defraud, and to the prejudice of the State, and the Scottish Union and National Insurance Company, forge a certain instrument, in writing to the effect following, that is to say:

Forge the signature of M. Getcliff on a form of application for insurance of a motor vehicle, to wit, a Volkswagen, Registration No. T.J.136212, directed to the Scottish Union and National Insurance Company.

Secondly:

In that on or about the date and place mentioned in the aforementioned count, the said accused did, wrongfully, unlawfully, with intent to defraud, offer, utter and put off the said forged form of application to the Scottish Union National Insurance Company, he, the said accused, when he so offered, uttered and put off the same, well knowing it to be forged.

ALTERNATIVE TO COUNT 10:

In that on or about 17th July 1965 and at Johannesburg, the said accused did wrongfully, unlawfully, falsely and with intent to defraud give out and pretend to the Johannesburg City Council and/or to M.T. Jeoffreys, that he was A. Symon and that he was authorised to and/or entitled to receive any amount which might be repayable to the said A. Symon on the termination of his contract with the said Johannesburg City Council for the supply of gas and water to the said A. Symon as occupier of the house situate at 57, Knox Street, Waverley, Johannesburg, and did by means of the said false pretence induce the said Johannesburg City Council, to its loss and prejudice and to the loss and prejudice of the said M.T. Jeoffreys to pay an amount of R6.23 by cheque dated 10th August, 1965, to the said A. Symon.

Whereas in truth and in fact, the accused when he so gave out and pretended as aforesaid well knew that the aforesaid pretence was false.

2ND ALTERNATIVE TO COUNT 10:

Forgery and Uttering (Cheque of A. Symon.)

In that on or about 10th August 1965, and at

Johannesburg, the said accused did wrongfully, unlawfully, with intent thereby to defraud and to the prejudice of the State, forge a certain instrument to the effect following, that is to say:-

Forge the signature of A. Symon on a cheque for R6.23 drawn by the Johannesburg City Council in favour of A. Symon.

Secondly:

In that during the period 10/8/65 and 10/11/65 and at Johannesburg, the said accused did wrongfully, unlawfully with intent to defraud, offer, utter and put off the said forged cheque in the alternative count to count 10 mentioned and described, to the Standard Bank, Rosebank, he, the accused, when he so offered, uttered and put off the same, well knowing it to be forged.

COUNT 13: FORGERY AND UTTERING (Identity Card.)

In that during the period 25/1/65 to 11/11/65 and at Johannesburg, the said accused, did, wrongfully, unlawfully, falsely and with intent to defraud, and to the prejudice of the State, forge a certain instrument, in writing, to the effect following, that is to say:-

Forge an identity card, purporting to be issued by the Population Registration Bureau to one D. Black.

Recently:

In that during the period aforementioned and at Johannesburg, the said accused did wrongfully, unlawfully, and with intent to defraud, offer, utter and put off the said forged Identity Card in the 13th count mentioned and described, to persons to the Public Prosecutor unknown, he, the said accused, when he so offered, utter and put off the same, well knowing it to be forged.

CRIME 14:

Forgery and Uttering:(Driver's licence.)

In that during the period 25/1/65 to 11/11/65 and at Johannesburg, the said accused, did wrongfully, unlawfully with intent thereby to defraud and to the prejudice of the State, forge a certain instrument to the effect following, that is to say:-

Forge a Driver's licence, No. 887 dated 2/2/1965 purporting to be issued by the Licensing Department of the Johannesburg Municipality to one

D. Black.

Recently:

In that during the period in the 14th count mentioned and at Johannesburg, the said accused did wrongfully, unlawfully, and with intent to defraud, offer, utter and put off the said forged driver's licence in the 14th count mentioned and described, to persons to the Public Prosecutor unknown, he, the said accused, when he so offered, uttered and put off the same, well knowing it to be forged.

COUNT 15:

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

In that during the period from middle of 1962
to September, 1964 and at Rivonia and Johannesburg, the
accused, personally and by virtue of being a member of
an association of persons, within the purview of section
381(7) of Act, No. 56 of 1955, as amended, known as the
SOUTH AFRICAN COMMUNIST PARTY, together with

MOSES KOTANE, J.B. MAREK, D. HOKWE, L. BERNSTEIN,
JOE AND RUTH SGOVO, WILTON MKWAYI, W. SISULU,
ISSY HEYMAN, L. WEINBERG, I. SCHERENBRUCKER,
M. HARMEL, DAN TLOOME, M. DINGAKA, B. HLAPANE.

as well as other persons unknown to the prosecutor, did,
wrongfully and unlawfully conspire each with one another
and with the AFRICAN NATIONAL CONGRESS and the UMBELU
WE SIZWE, 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 S.A., 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;

(ii) further acts of violence and destruction of the nature described hereunder, to wit:-

(a) causing explosives at or on state property, buildings and installations,

(b) setting alight of residences of state employees.

(iii) acts of participation in a violent revolution in the aforesaid Republic,

whereby they would have injured, damaged, destroyed, rendered useless or unserviceable, 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, 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.

ANNEXURE.

Schedule of Central Committee meetings.

<u>Meet- ing No.</u>	<u>Date.</u>	<u>Place where held.</u>	<u>Persons who attended.</u>
1.	During July 1963, shortly after Ri- vonia raid 11/7/63	In Westminster hall near water tower in Belle- vue, Johannesburg.	Abram Fischer Eli Feinberg Ivan Schernbrucker Petrus Beyleveld.
2.	On a Saturday af- ternoon during the latter part of 1963.	In house of Cyril Jones at 11 Cooper Street, Cyrildene, Johannesburg.	Abram Fischer. Eli Feinberg Ivan Schernbrucker Petrus Beyleveld.
3.	During the latter part of 1963.	In an empty house near the water tower in Bellevue, Johannesburg.	Abram Fischer Ivan Schernbrucker Petrus Beyleveld.
4.	In January 1964 shortly before Ruth Slovo left S.A. (14/3/64 and after her release from detention 2/12/63.	In flat No. 705 Concordia Flats, Abel Road, Berea.	Abram Fischer. Petrus Beyleveld.
5.	During April 1964 at about 8 p.m.	In flat No. 8. Rowallyn Court, Noord Street, Johannesburg.	Ivan Schernbrucker Eli Feinberg, Petrus Beyleveld.
6.	During May 1964 in the afternoon.	32 Twickenham Abel Rd., Berea, Johannesburg.	Abram Fischer Eli Feinberg Petrus Beyleveld.

ANNEXURE B.

Schedule of group (cell) meetings.

1.	22/5/63.	305 Santa Barbara Court, Hillbrow, Johannesburg.	Jean Middleton Abram Fischer Florence Duncan Gerald Ludi
2.	30/5/63 8.30 p.m.	156, 15th Street Orange Grove, Johannesburg (house of Ben Turok)	Abram Fischer. Jean Middleton, Anne Nicholson Florence Duncan Gerald Ludi
3.	4/6/63	305 Santa Barbara Court, Hillbrow, Johannesburg.	Abram Fischer Jean Middleton Anne Nicholson Florence Duncan Gerald Ludi
4.	14/6/63.	-do -	Abram Fischer Jean Middleton Anne Nicholson Sylvia Neame Gerald Ludi

Annexure B. continued....

5.

5/7/63.

305 Santa Barbara
Court, Hillbrow,
Johannesburg.

Abram Fischer
Jean Middleton
Sylvia Neame
Florence Duncan
Gerald Judd.

Collection Number: AK2411

Collection Name: STATE vs ABRAM FISCHER, 1966

PUBLISHER:

Publisher: Historical Papers Research Archive

Location: Johannesburg

©2015

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.