

PIETER VAN DEN HEEVER, duly sworn;

EXAMINED BY MR. TERBLANCHE :

You are a Detective Head Constable, South African Police, stationed at Jeppe? --- That is right, My Lord. 5

On the 5th December, 1956, did you go to a certain address in Sophiatown? --- Yes, My Lord, I did.

To what address? --- 45 Edith Street.

Whose house is this? --- a person by the name of Robert Ngwendu. 10

Do you know this person? --- Yes, My Lord.

Was he there when you arrived there? --- Yes, My Lord.

Did you arrest him? --- I did, My Lord.

Was he an accused at the preparatory examination? --- That is right, My Lord. 15

You identified him there? --- I did.

Did you conduct a search of this house? --- I did, My Lord.

How many rooms are there in this house? --- 20
One room.

While you searched, was the accused present all the time? --- He was present all the time.

Did you seize certain documents? --- I did.

Will you look at the documents in front of 25
you, W.S.N. 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 14, 17, 19
and 21? --- That is right, My Lord.

Are these documents which you seized there that morning? --- That is right, My Lord.

Did this person Ngwendu say anything about 30
the documents which you seized? --- No. He didn't say
anything. I found the documents there, and I seized them.

W.S.N. 1, My Lord is African National Congress, Annual Report of the National Executive Committee, 42nd Annual Conference, 16-19th December, 1954, and it is the same as A.37.

W.S.N. 2 is a "Fighting Talk", Volume 12, No. 3, March 1956 and has been dealt with under G. 1132. 5

W.S.N. 3 is a pamphlet issued by the South African Peace Council, and I only read the first paragraph on the first page to show in connection - for what it is used :

"In fact peace and freedom go forever hand in hand, you cannot have one without the other. To fight for freedom means to fight for true peace and the brotherhood of mankind against racial hate and oppression. To fight for peace means to fight for ever man's right to his own way of life without outside armed intervention, without the use of weapons of war to hold him back and keep him down." 10 15

W.S.N. 4 is a Report from the National Volunteer Board, and it is the same as B.35.

W.S.N. 5 is the draft Freedom Charter, and it is the same as C.M.42. 20

W.S.N. 6 is a pamphlet, "Forward to the Congress of the People, Let us Speak of Freedom", and it is the same as G.S.5. 25

W.S.N. 7 is a "New Youth", official organ of the Transvaal Indian Youth Congress, 10th September, 1954. I read from page 1, the first paragraph of the editorial :

"For several years now Dr. Dadoo's birthday celebration has taken place in South Africa. Each time he has been present to deliver his message to the people of South Africa. But this year, celebrations, though more widespread, have had to 30

be held without Dr. Dadoo. By - In present day
South Africa, by the whims of some who sit in the
madhouse, miscalled the Parliament, Dr.Dadoo,
together with the most loved leaders of the people
is banned from attending all gatherings and there- 5
fore was not even allowed to attend his own birth-
day celebrations. Nevertheless as indicated else-
where, celebrations were more widespread and marked
by unprecedented enthusiasm and determination."

Then I read from page 2 - it must be page 3, the last 10
paragraph :

"To me this is a clear - a very clear indication of
the fear of a class of the country - the ruling
class of the country. This is being done to crush
the unity of the people and to prevent the movements 15
of the opponents of the Government to meet and to
exchange ideas, opinions. I am sure these actions
will not deter the struggle and they will march
with greater determination to a better future".

And it is signed "Faried". 20

Then on page 8, My Lords, I read the last two paragraphs:

"T.I.Y.C. Enrolls 100 Freedom Volunteers.
Finally the Transvaal Indian Youth Congress added
a further contribution on this joyous occasion
by enrolling 100 volunteers for the Congress of the 25
People. What an appropriate gift. Although rather
belated because our bulletin has just come off
the press, we the editors and staff of New Youth
on your behalf extends hearty greetings to Dr.
Dadoo and pledge our solidarity with him in the 30
great struggle".

And then on page 16, My Lords, there are the last five

lines which I read, the last five lines of the first paragraph. It is dealing with the Western Areas Removal called "Sinister Scheme" and then it ends on page 16 :

"We must realise that we are on trial. We cannot allow the Government to get away with the fascist plans in removing the people from the Western Areas. It is the duty of every man, woman and youth to respond to the call to halt the government's obnoxious intentions." 5

W.S.N. 9, My Lord, is a circular from the Federation of South African Women, Transvaal Region, dated the 19th of August, 1955, and it is signed "Yours fraternally, Helen Joseph, Regional Secretary". It gives notice of the Transvaal Congress of Mothers which was held on Sunday the 7th August, where a certain resolution was passed. 15
W.S.N. 10 is "Resolutions passed at the Special National Conference of the African National Congress held in Orlando Communal Hall, 31st March - 1st April, 1956." :

"This special conference of the African National Congress assembled at Johannesburg on the 31st March and 1st April, 1956, having examined the reports on the anti-pass campaign from various centres throughout the Union, and having discussed the implications of the pass laws and their effects on the African people, reiterates the long-standing condemnation of the pass system and rejects its extension to the women. 25

Conference therefore calls for the mass mobilisation of the African people for a determined and sustained struggle to attain the abolition of this vicious and wicked system which has caused hardship and misery among the people. 30

We call upon the Africans, in towns, locations, villages, farms and reserves to organise every man and woman into the campaign against the pass laws and to embark upon any effective political action commensurate with the state of organisation and not 5
to relax until the pass system has been abolished.

2. This conference strongly condemns the Prohibition of Interdicts Bill now before Parliament, which is designed to deprive the people of South Africa and the non-Europeans in particular of the democratic 10
right of challenging executive and administrative orders in the Courts of Law.

3. The decision of the Government to ban all gatherings of more than ten Africans in the Port Elizabeth area is an attempt to suppress the People's 15
Movement and to crush resistance against tyranny and oppression. Hardly a month after the imposition of the aforesaid ban - a clash occurred between Africans and the police in the course of which an African was deliberately killed. Conference calls 20
upon the Government to withdraw the ban forthwith, and restore to the people the democratic right of assembly and association which is recognised and upheld throughout the civilised world.

4. This conference is deeply shocked at the outrageous and brutal murder of Peter by the police at the Charter Office, Wynberg, Cape Town. This incident together with many others that have 25
occurred recently clearly reveals that South Africa has now become a full-fledged police state where 30
murders are committed by those whose duty it is to preserve law and order and to protect life.

5. This conference instructs the National Executive Committee to cyclostyle the copies of the Draft Constitution and circulate them to all Provinces, Branches for study and amendments etc. etc.

6. This conference realising that the charter expresses the aspirations of the broad masses of the people, does hereby, and in accordance with the will of the millions of the people, who sent their representatives to Kliptown, adopt the Freedom Charter." 5

W.S.N. 13, My Lord, the Freedom Charter, the same as A.10. 10

W.S.N. 14, Draft Constitution of the Federation of South African Women, handed in for possession merely, My Lords.

W.S.N. 17 is a booklet issued by the South African Congress of Democrats "Educating for Ignorance", and it is the same as E.150. 15

W.S.N. 19 is a African National Congress membership card, the name of B. Ngwendu, 48 Edith Street, Sophiatown, for the year 1954. It is signed Morris, for Treasurer-General for the A.N.C.

W.S.N. 21 is "Liberation" No. 21 of September, 1956, and it was dealt with under G. 1114. 20

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

JOHANNES PETRUS CLOETE, duly sworn;

EXAMINED BY MR. TERBLANCHE :

You are a Detective Sergeant in the South African Police, stationed at Johannesburg? --- Correct, My Lord.

On the 27th September, 1955, did you go to a certain address at Jabavu? --- I did, My Lord.

Was this - you went to more than one address, but did you go to one 667(b)? --- Correct, My Lord.

Do you know to whom this place belongs? --- No, My Lord.

Was anybody present? --- Native Detective of the Special Staff was present, My Lord. 5

Whom did you find at this house? --- A Bantu woman, My Lord.

Did you conduct a search there? --- I did, My Lord. 10

Was this woman present during your search? --- Yes, My Lord.

Is this a dwelling house? --- Yes, My Lord
And you seized certain documents? --- I did, My Lord. 15

From what portion of the house did you seize the documents? --- The bedroom and the sittingroom.

Will you look at the documents before you, N.S. 1, 2, 3, 4,

BY MR. JUSTICE RUMPF : 20

I presume you are putting this in on condition that further evidence will be brought?

BY MR. TERBLANCHE :

My Lord, evidence was led from Mr. Moeller yesterday afternoon, as to whose - as to who occupied this house during September, 1955. 25

BY MR. JUSTICE RUMPF :

And what did Mr. Moeller say? ---

BY MR. TERBLANCHE :

He said that this house was occupied by one Nimrod Sejake, during September, 1955, that he knew him well, and that he was an accused at the preparatory 30

examination.

EXAMINATION BY MR. TERBLANCHE CONTINUED :

Look at the documents N.S. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, - these documents, did you seize these documents in this house at that time? --- Correct, 5
My Lord.

You hand them in? --- Yes, My Lord.

BY MR. JUSTICE RUMPF :

Did you put a note on the documents? --- I did, My Lord. 10

At the time? --- At the time.

Did you yourself do so? --- Myself, My Lord. The same day, My Lord.

Do they contain those notes? --- Yes, My Lord.

What is the address? --- 667(b) Jabavu, 15
Johannesburg.

EXAMINATION BY MR. TERBLANCHE CONTINUED :

N.S. is a booklet issued by the South African Congress of Democrats, "Educating for Ignorance", and it is the same as E. 150. 20

N.S. 2 is a handbill, advertising the Congress of the People.

N.S. 3 is a poster asking all to sign the World Appeal against the Preparations for Atomic War, and South African Peace Council document. 25

N.S. 4, another poster of the World Federation of Trade Unions, and it refers to the 7th December, 1954, Prague.

N.S. 5, is a pamphlet issued by the South African Society for Peace and Friendship with the Soviet Union, and it is "Why Friendship with Russia", the same as L.L.M. 133. 30

N.S. 6, is a bulletin issued by the South African Congress of Democrats, and it is called "Where the Devil Drives" and it is the same as C. 179.

N.S. 7 is a "Fighting Talk", volume 10, No. 7, August, 1954 and it has been dealt with under G. 1131.

N.S. 8 is another Fighting Talk, Volume 10, No. 10, November, 1954, and it is the same as M.M. 26, or H.2.

N.S. 9, Fighting Talk, Volume 11, No. 4, June, 1955, 5
and it has been dealt with under G. 1132.

N.S. 10 is a Fighting Talk, Volume 11, No. 5, June -
sorry, July, 1955, and it has been dealt with under
G. 1132.

N.S. 11 is an Advance, 7/10/54, and will be dealt with 10
under G. 1132.

N.S. 12, My Lords, consists of a number of issues of the
newspaper New Age. The dates are 16/12/54; 23/12/54;
30/12/54; 20/1/55; 7/4/55; 14/4/55; 5/5/55; 9/6/55;
16/6/55; 7/7/55; 4/8/55; 18/8/55; 25/8/55; 8/9/55. All 15
these will be dealt with under G. 1123. One of these,
N.S. 12, the first one, New Age 16th December, 1954,
appears in the Policy Schedule, page 18, item 6. I do
not propose reading this, My Lord, it has been read -
not this article, but the contents of this article has 20
been read in under A.38. I only read the comments of
this paper. It says that :

"The A.N.C. Report to the Durban conference an
outstanding document. Comprehensive Review of
whole South African situation." 25

Then a small quotation :

"After six years of Nationalist rule fascism has
arrived in South Africa' begins the report of
the Secretary-General to the 42nd Annual Conference
of the African National Congress which is scheduled 30
to open this week in Durban. The Report is a
comprehensive and inspiring survey of the entire

South African situation."

The comments on the paper - the rest of the paper I am not reading, because it has been read in under A.38. That completes the evidence on Sejake, My Lord. The witness will also give further evidence. On the 27th 5 of September, 1955, did you go to a certain address White City, Jabavu? --- I did, My Lord.

Which address?n--- 283(c) Jabavu Location, Johannesburg, My Lord.

Do you know who occupied these premises? --- 10 No, My Lord.

Is this a dwelling house? --- Correct.

Did you find anybody at home? --- A Bantu woman was present, My Lord.

Did you conduct a search there? --- I did, 15 My Lord.

Was this woman present while you conducted the search? --- Correct, My Lord.

Did you seize certain documents there? --- I did, My Lord. 20

From what portion of the house did you seize these documents? --- My Lord, from various parts in this house, I can't remember.

Will you look at the documents you have in front of you, L.N. 1, 2, 4, 5, 6, 8, 9, 10, 12, 13, 25 14, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 39, 41, 42, 43, 44, 46, 48, 50, 51, 52, 53, 54, and 55. Are those documents which you seized at this address in this house at - that morning? --- Correct, My Lord. 30

You hand them in? --- I do, My Lord.

BY MR. JUSTICE KENNEDY :

Did Mr. Moeller also testify about these?

BY MR. TERBLANCHE :

Yes, My Lord, this address, L. Nkosi.

L.N. 1, My Lord, is several issues of the newspaper New Age, on the dates 23/12/54; 31/3/55; 8/9/55; 22/9/55; they will all be dealt with under G. 1123. 5

L.N. 2 is several issues of a magazine News, "Soviet Review of World Events", 17th September, 1954, 18th September, 1954, and 5th March, 1955. All printed in the U.S.S.R. 10

L.N. 4 is issues of the newspaper Advance for the dates 9/9/54; 3/9/53; 18/8/54; 1/10/53; 19/3/53; and 26/3/53; and they will all be dealt with under G. 1122.

L.N. 5, are three copies of the bulletin Fighting Talk. The first is Volume 11, No. 7, September, 1955; the second Volume 11, No. 5, July, 1955; and the third Volume 11, No. 3, of May 1955. They have all been dealt with under G. 1132. 15

L.N. 6 is a pamphlet issued by the Transvaal Resist Apartheid Committee, and "We shall not move", it is the same as A. 157. 20

L.N.8 My Lords, is a booklet issued by the World Federation of Trade Unions, and it is "For a Pan-African Trade Union Congress". 25

L.N. 9 is a booklet "International Conference of the Textile and Clothing Workers Trade Union", and this is issued by the World Federation of Trade Unions, in Warsaw in 1950.

L.N. 10 is a magazine, two issues of the magazine "China Reconstructs", the one is No. 4 of 1953, and the second No. 5 of 1953, issued in Peking. 30

L.N. 12 is a pamphlet "Peace is Within your Grasp", issued by the South African Peace Council, and it is the same as A. - sorry, My Lord, it is issued by the South African Peace Council and it advertises the National Peace Congress on the 21st, 22nd, 23rd August, 1953. 5

L.N. 13 is a booklet, "Commonsense about Russia" by Pat Sloane.

L.N. 14 is a booklet "Soviet Literature Monthly", issued in Moscow in 1952.

L.N. 16 is "Fortnightly Review of the World Federation of Trade Unions", there is one July 20th, 1951, and October 29, 1951. 10

L.N. 17 is the Information Bulletin of the Hungarian Trade Unions, No. 4 of 1954.

L.N. 18 is a booklet "South Africans in the Soviet Union" and it is the same as A. 197. 15

L.N. 19 is "Liberation" No. 3, June 1953, and is the same as W.N. 2.

L.N. 22 is a pamphlet issued by the South African Society for Peace And Friendship with the Soviet Union, and it is the same as F.J. 4, "Ourselves and Russia". 20

L.N. 23 "South Africa's Way Forward" by Moses Kotane, is the same as B. 79.

L.N. 24 is a booklet "Under the Banner of Unity and International Solidarity", October, 1953 and it is issued by the World Federation of Trade Unions. 25

L.N. 25 is a bulletin of the South African Peace Council, "South Africans for Peace", new series, Volume 1, No. 1, July, 1954 and it is the same as C. 110.

L.N. 26 is a bulletin of the World Council of Peace, No. 13, July 15, 1955 and there is written in in blue pencil, "Freedom, Peace we shall die for". 30

- L.N. 27 is a "Workers' Unity", bulletin of the South African Congress of Trade Unions, Volume 1, No. 3, July 1955, and has been dealt with under D.28(c).
- L.N. 28 is a pamphlet "Welcome Freedom Volunteer", and it is the same as D. 31. 5
- L.N. 29 is a bulletin "Educating for Ignorance" and it is the same as E. 150.
- L.N. 30, Freedom Charter, the same as A.10.
- L.N. 31, is a booklet, "Executive Bureau of the World Federation of Trade Unions, Vienna, 2-6 July, 1951. 10
- L.N. 32 is another publication of the World Federation of Trade Unions, "Work with the Masses".
- L.N. 33 is a publication "New Times" published by Trut, Moscow, 26 August 1953.
- L.N. 35 is the Report of the First Transvaal Peace Conference, 28th and 29th April, 1951. I read a few paragraphs from this document : 15
- "This historic conference marked a most important step forward towards the full participation of the people of South Africa in the world-wide movement against war and for a firm and lasting peace. 20
- Convened jointly by the Transvaal leaders of the African, Coloured and Indian people, together with the Provisional Peace Committee, the Conference was itself a remarkable demonstration of the harmony and good relations among men and women of all races of South Africa, which can be brought about when they are united by the noble cause of Peace. 25
- Over 167,000 Represented. "
- I skip one paragraph and I read from the Messages : 30
- "After the official opening of th Conference by the Reverend D. C. Thompson, messages were read

to the Conference from prominent peace-loving individuals and organisations throughout the world."

I skip the next two paragraphs.

"The World Peace Council, present situated at Prague, sent an encouraging message, and various National Peace Committees from Britain, Canada, Czechoslovakia, Finland, India, Germany and the United States and the Betherlands set greetings." 5

Then I read from page 2 :

"Conference at Work." 10

Conference followed with keen interest the Reports presented on the various subjects by the Rev. D.C. Thompson, who spoke on the Second World Peace Congress at Warsaw, Mr. I. Wolfson, Dr. S. M. Molema, Dr. W. Nkomo and Messrs. Y. Cachalia and M. Harmel. " 15

I skip the next paragraph.

"Reverend Thompson presided over the first session, Mr. A. P. Dickenson over the second, and Mr. J. B. Marks over the third."

Under Transvaal Peace Council : 20

"To carry forward the work of building a broad peace movement and to implement the policy of the Conference, a representative Transvaal Peace Council was elected by the Conference. Its members are as follows :

President : The Rev. D.C. Thompson (Member of the World Peace Council); 25

Vice-Presidents : Mr. J. B. Marks (President African National Congress, Transvaal).

Mr. A. P. Dickenson (Life-President, A.P.O. Transvaal); 30

Mr. T. N. Naidoo (Vice-President, Transvaal Indian Congress).

Dr. W. Nkomo.

Secretary : Miss Ruth First.

Members : Messrs. I. A. Gachalia, ... I. Wolfson,
... A Kathrada...G.T. Sibande...
M. Harmel ... A. Lipman ... P.Q. Vundla
... I. Mntwana - Miss I. Mntwana.."

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Then from page 4 I read two paragraphs, the first is the
fourth paragraph & This is part of a paragraph

"World Peace Congress at Warsaw" :

"Conference recognises that the Second World Peace
Congress at Warsaw which brought together over
2,000 delegates from 82 different countries, men and

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women of widely different social, religious and
political beliefs, was a genuine and profoundly
important expression of the deep desire for peace
which exists among the people of all countries. We

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believe that the decisions taken at this Conference
provide a broad basis for the common action of peace-
loving men and women throughout the world and should
serve to further the activities of the supporters of
peace in South Africa. We congratulate the Reverend
Douglass Thompson and Mr. Desmond Buckle on their
election at the Congress as South African represen-
tatives to the World Peace Council.

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Conference joins with peace-loving peoples of all
countries in protesting against the measures taken
by the French Government to expel the World Peace
Council from Paris. Such an act of repression, con-
trary to the great democratic tradition of the
French people, and taken at a time of grave inter-
national tension, can only serve to encourage the
warmongers."

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Paragraph 8 under "Africa and World Peace" :

"This Conference expresses the conviction that a just and lasting peace can only be built on the foundation of the free and willing co-operation of free and independent nations, acting as equals and partners.

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The inferior, colonial and dependent status of many peoples in Africa, Asia and elsewhere, not only creates a field of conflict between the imperial powers, but also degrades the dignity and retards the economic development and living standards of the exploited peoples in the colonial areas."

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I read the last paragraph under this heading, My Lords :

"We condemn plans to establish military bases in Africa and call for the withdrawal of foreign armies from all countries and the immediate cessation of imperialist military intervention in Malaya, Viet-Nam, Korea and Taiwan (Formosa). We proclaim the solidarity of the democratic people of South Africa, with all colonial peoples aiming at national emancipation, and salute the people of the Gold Coast and elsewhere for the advances they are making. We condemn the expansionist tendencies of our own Government towards Basutoland, Bechuanaland and Swaziland, which threaten further areas in Africa with the tragedy of "apartheid". We declare emphatically that all plans for political changes and "federations" in Africa conceived by the minority of European settlers, without regard to the views or interests of the populations, will meet with resistance and failure."

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Then I read from page 5, My Lord, the paragraph :

"9. The Transvaal Peace Council.

Recognising the responsibility of the people of the Transvaal towards the cause of world peace, and the need for a permanent organisation to carry out the decisions of this Conference :

1. Conference hereby establishes the Transvaal Peace Council, whose objects shall be :

- a. To work for the cause of peace among all sections of the people in the Transvaal.
- b. To co-operate with other bodies interested in the cause of peace, inside and outside the Transvaal, with the object of forming a South African Peace Council representative of all peace-loving people in South Africa.
- c. To work in close co-operation with the World Peace Movement."

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Then on page 7 I read on paragraph :

"12. The World Youth Festival.

This Transvaal Peace Conference, representing the earnest desire of the overwhelming majority of the peoples of the Transvaal for peace, greets the decision of the World Federation of Democratic Youth and the International Union of Students to convene the Third World Festival of Youth and Students for Peace in Berlin from the 5th to the 19th August, 1951.

25

Realising that the forces of reaction the world over are engaged in a mad drive to plunge the world into a blood-bath, this conference is confident that at the Berlin Festival, the youth of the world will strike a determined blow for peace, and show that young men and women refuse to be used as cannon fodder in a war wherein they will be the greatest

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