

ask leave to read two paragraphs from the body of the article, and the concluding four paragraphs -

Here is a summary of the historic speech delivered by the A.N.C. Secretary-General, whose General Election Call we report on page one.....The campaign for the Defiance of Unjust Laws lifted the freedom struggle of the oppressed peoples of South Africa higher than any previous struggle. This campaign will raise the level of the political struggle still further. There is wisdom in the change of tactics according to the ^{objective} conditions (10 and circumstances of each given situation. The important thing in a struggle for liberation is to raise the level of political consciousness of the people to the highest possible level through struggles, to mobilise and organise all potential forces and to create a clear vision (15 of the future..... Bitter days lie ahead. Congress and volunteers must realise that to fight against the well-established system of domination and exploitation, which is supported by reactionary groups in the imperialist powers such as America and Britain, is no easy matter. (20

CENTRAL TASK: The central task today in the face of ever-increasing repression, which in itself is the beginning of the end for the fascists, is to mobilise the broad masses of the people in an unprecedented unity. Only in this way shall we be able to build an unshakeable (25 foundation for a greater South Africa. Conditions are developing fast towards the point where the oppressed can no longer tolerate living in the old way and the oppressor can no longer go on ruling in the old way. We must be ready at all times. We here must pledge ourselves to (30 save the nation and liberate our people. We will never

relax in the fulfilment of our duty to our people and the nation. We shall with faith and determination stand solidly united with all those who struggle together with us for freedom and happiness in the country of our birth. We call upon our leaders to build yet a (5 mightier Congress with tried and tested leadership and devote all their wisdom and ability to the discharging of these noble tasks.

Milords, that concludes the reading of the newspaper "Advance."

(10

BY THE PROSECUTOR (MR. TRENGOVE) :

My Lords, the Crown will now lead evidence in respect of documents found in the offices of the organisation, the Natal Indian Congress, My Lords.

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WILLEM BURGER TRUTER, duly sworn;

EXAMINED BY THE PROSECUTOR :

Mr. Truter, you are a Detective Head Constable, South African Police, stationed at Durban? -- -
I am, My Lord.

10

Now, on the 27th September, 1955, did you have a search warrant to search the offices of the Natal Indian Congress? --- I did, My Lord.

In terms of your search warrant, where did you go to? --- I went to the office of the Natal Indian Congress, Lakhani Chambers, Saville Street, Durban.

15

Do you of your own knowledge know that those were the offices of the Natal Indian Congress at that date? --- That is so, My Lord.

When you arrived at the offices, who were there? --- On my arrival I found an Indian, known to me as Ismail Ginga.

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Did you know him? --- Yes, My Lord.

And did you produce your search warrant to him and did he allow you to enter the offices? --- That is so, My Lord.

25

Now, while you were there, did anybody else arrive? --- Soon afterwards, another Indian, known to me as Raymond Bux arrived there at the offices.

Now, do you know what Raymond Bux did at the offices of the Natal Indian Congress? --- He is a clerk attached to the Natal Indian Congress office.

30

And did anybody else arrive? --- Soon afterwards another Indian arrived, by the name of N.T. Naicker.

Do you know N.T. Naicker? --- I do, My Lord. At that time he was the Secretary of the Natal Indian Congress. 5

And at the Preparatory Examination, were you asked to identify him? --- Yes, My Lord.

And did you do so? --- I did, My Lord.

And was he an Accused at the Preparatory Examination? --- He was, My Lord. 10

Was Naicker present during the time that you conducted your search? --- He remained there during the whole time I searched the office.

And during that time you took possession of certain documents? --- That is so, My Lord. 15

Did he have any comment to make in regard to the documents? --- No My Lord. He insisted on a receipt for all the documents I took possession of, which I gave him.

And these documents that you took, were taken from the offices of the Natal Indian Congress? --- That is so, My Lord. 20

Now, will you have a look at these documents. The top of each document is marked N.I.C. with a number. Now, I'll read out the numbers and you can just have a look at the documents and satisfy yourself that you know them - if you can, of course. The first document is N.I.C.1, then 2, then 6 - N.I.C.1, have you got that? --- Yes, My Lord. 25

Now, I'll read the numbers, you just have to read the numbers and satisfy yourself in respect of the identify of these documents. N.I.C.2, 6, 8, 9, 10, 30

14, 16, 17, 18, 19, 23, 27, 29, 31, 34, 35, 36, 37, 43,
47, 52, 53, 56, 57, 62, 64, 67, 69, 71, 72, 76, 77, 78,
80, 83? --- Yes, My Lord.

Now, those documents that you have just re-
ferred to, are you able to identify them? --- I am, My 5
Lord.

And where did you find them? --- I found
them in the office of the Natal Indian Congress, Lokhani
Chambers.

On the 27th September, 1955? --- Yes, My 10
Lord, that is correct.

Could I have those documents, please? The
Crown hands in these documents, My Lords. The first
document, My Lords, is N.I.C.1. It is a roneoed consti-
tution of the Natal Indian Congress. It sets out the 15
name, My Lords, and the objects, and the Crown wishes to
refer, My Lords, to page 2, paragraph 4, which states
under the "Constitution", that the Congress shall consist
of Members, Branches, Provincial Conference, Working
Committee and Executive Committee. The relevance of 20
that will appear later, My Lords. And on page 8 of the
constitution, the Crown refers to paragraph 9 - "Powers
and Functions of Provincial Conference". It says :-

"The Provincial Conference shall be the highest
authority in Congress, formulating its policy and 25
directing its affairs."

and My Lords, under sub-paragraph (b) :-

The functions of meetings of the Annual Conference
shall be to transact the following business :

(i) To receive Presidential Address approved by 30
the Executive Committee and presented by the Pre-
sident.

- (3) To receive annual report of activities by the General Secretary,
- (4) To receive Report of Credentials Committee.
- (5) To adopt, discuss and take decisions on matters contained in the General Secretary's Annual Report of activities provided such matters do not appear in the order paper as proposed resolutions. 5
- (7) To debate and decide on resolutions and proposed amendments.
- (8) To elect Officials. 10
- (9) To elect 11 (eleven) Executive Committee members."

Then, My Lords, on page 8, there is a paragraph 12. It deals with the "Working Committee" :

- (a) There shall be a Working Committee consisting of: 15
- (1) Officials.
- (2) Executive Committee.
- (3) Two Delegates for the first 300 members or part thereof and one additional delegate for every 300 members or portion thereof." 20

Sub-paragraph (b) states :-

"The Working Committee shall meet at least once every three months at a time and place that shall be decided upon by the Executive Committee."

And sub-paragraph (e) under that heading, says :- 25

"Between Meetings of the Conference, the Working Committee shall exercise the powers and functions of Congress and assume directions of its affairs, subject always to such directions as the Provincial Conference may have given and subject to the right of the Provincial Conference to over-rule any decision or act of the Working Committee. It shall 30

not depart from the general policy of Congress as decided upon by a Provincial Conference, though it may recommend the adoption of the same or a new policy to a later Provincial Conference."

The next, My Lords, is N.I.C.2. It is a 5
manuscript document in a folder, and the first page is
numbered page 128. It is The Executive' and Branch De-
legate Credential Committee Report of the Sixth Provin-
cial Conference, 21st and 22nd February, 1953, and at
page - the next page, page 129, under the heading "Pro- 10
vincial Executive', the following names appear, inter alia,
Dr. G.M. Naicker - the first name. The third is Dr. M.N.
Padyachee. The twelfth name is - the sixth name is G.
Hurbans, the twelfth name is Dr. A.A. Sader, and My Lords,
the 23rd name on this list is N.P. Naicker. Now, do 15
you know Dr. G.M. Naicker? --- I do, My Lord.

Was he an Accused at the Preparatory Exami-
nation? --- He was, My Lord.

Do you know Mr. N.P. Naicker? --- I do, My
Lord. 20

Was he an Accused at the Preparatory Exami-
nation? --- He was, My Lord.

And do you know Mr. G. Hurbans? --- I do,
My Lord.

Was he an Accused at the Preparatory Exami- 25
nation? --- He was, My Lord.

The next page, My Lords, marked 130, under
the heading "Central Branch", the following names appear,
inter alia : the second name is N.E. Naicker, the eighth
name is D.A. Seedat. Do you know D.A. Seedat? --- I do, 30
My Lord.

And was he an Accused at the Preparatory

Examination? --- He was, My Lord.

On page 139, My Lords, of this document, under the heading "Sydenham Branch", No. 3, the name of Billy Nair appears. Do you know Billy Nair? --- I do, My Lord. 5

And was he an Accused at the Preparatory Examination? --- Yes, My Lord.

The next document, My Lords, is N.I.C.6. It is a typed letter, "Natal Indian Congress, Pietermaritzburg, 21st February, 1954." It is addressed to the General Secretary, Natal Indian Congress, Durban, and it comes from the Joint Secretary, Pietermaritzburg. It says :- 10

"Dear Friend, With reference to your letter of the 15th instant, we are sending you the names of delegates duly elected at a Committee Meeting held on the 20th February, 1954." 15

Then, among the names, My Lords, the first on the list is the name of Dr. M.M. Motala. Do you know Dr. M.M. Motala? --- Yes, I do, My Lord. 20

Was he an Accused at the Preparatory Examination? --- Yes, My Lord.

The next document, My Lords, is N.I.C.8. it is a roneoed circular, dated the 1st June, 1955. It is marked "Strictly Confidential" It is Directive No. 5, "To all Volunteers of Area Action Committee". In paragraph 1 it refers to the Congress of the People to be held within a matter of 24 days, and it calls upon the volunteers to ensure that the largest possible delegation from the Coastal Region would be present. Then it states, in sub-paragraph 4, My Lords :- 25 30

"A special mass meeting will be held on Sunday,

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(W.B. TRUTER)
(N.I.C.8 , 9)

the 12th June, at the Bantu Social Centre, at 2.30 p.m. Important speakers from the Transvaal will be present. Leaflets for this meeting will be available on Saturday morning, the 4th instant, for week-end distribution." Th

5

Then in paragraph 7 it says :-

"Area Action Committee to organise at least one mass meeting before the 25th instant. This is very important."

The next, N.I.C.9 is a roneoed circular, dated the 10th May, 1955. It is also marked "Strictly Confidential" - Directive No. 4 - "To all volunteers in the Action Committee," and in paragraph 7 it refers to a "mass meeting must be held in areas on the C.O.P. The best way to this is by tackling the major political problems of the day. Mass meetings must be held in every area for the next two weeks."

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And in paragraph 8 :

"All area committees must have political discussions at every weekly meeting. The new series of lectures 'The World we live in' will be ready by Friday, on the 13th May. Area committees to call for same."

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Paragraph 9 :

"Very important. All volunteers must be present at 5.30 at the Sudat Hindu Association Hall, Victoria Street, on Thursday the 12th May, for a political lecture class on the International situation. This lecture will be very interesting and instructive. All volunteers must attend."

25

And in paragraph 11 :-

"The 'New Age' must be continually sold whilst doing other area work. This is an important

30

3660.

(W.B. TRUTER)
(N.I.C.9, 10, 16)

part of C.O.P. work."

N.I.C.10 is a Directive No. 3, of the 3rd May, 1955. It is also marked "Strictly Confidential", and at sub-paragraph 6, it says :-

"The Special Political class has again been postponed to the 12th of May. Dr. Padayachee will lead the discussion." 5

and it gives the venue. Paragraph 11 :-

"Area Action Committees are again reminded to hold mass meetings on the COP in the Area. Treat this as 10 a very important part of COP work."

The next document, My Lords, is N.I.C.14. It is a typed copy of a letter dated the 24th April 1955, from the Secretariat, to the Secretariat of the National Action Council of the Congress of the People, Johannesburg. Paragraph 1 says :- 15

"Please forward us immediately 20,000 of the "Call" in English."

Paragraph 2 states :

"We have only received one lecture entitled 'The World we Live in'. Please send us a copy of the first set of lectures. A full report is being sent under separate cover." 20

N.I.C.16. Page 1 is a typed letter, headed "National Action Council of Congress of the People", dated the 5th October, 1954. It is addressed to the Secretary, of the Natal Provincial Action Council, Durban, and it comes from M. Moolla, for Y. Cachalia on behalf of the Secretariat. My Lords, in the first paragraph it states :- 25 30

"Please let us have the following list as soon as possible : 1. Names and addresses of members of the

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(W.B. TRUTER)
(N.I.C.16,17)

Provincial Executive of the A.N.C., the names and addresses of members of the Executive Committees of N.I.C., the Liberal Party (Natal Region), 4. All the Branches of A.N.C. & NI.C., 5. the names and addresses of members of Trade Unions, and 6. Churches and other organisations. 5

The abovelists are required for the purpose of pesting regular literature (including bulletins) on the Congress of the People."

The second last paragraph states :- 10

"You will however require bulletins and other material for distribution among volunteers and other interested parties not listed above." and it calls for the requirements. And the second page to this exhibit is a letter dated the 21st October, 1954, from the Secretariat, to the Secretariat of the National Action Committee, Congress of the People, Johannesburg, apparently furnishing this information. The first sentence says :- 15

"Enclosed herewith please find names and addresses as requested." 20

The next document is N.I.C.17. It is a National Action Council of the Congress of the People letter, from the office of the National Organiser, P.O. Box 352, Queenstown, the 29th September, 1954. It is addressed to Mr. M.P. Naicker, Natal Action Committee, Congress of the People, and it comes from T.E. Tshunungwa. The signature is typed in and there is also the written signature, Enoch Tshunungwa. My Lords, paragraph 3, which has not been deleted, states :- 25 30

"I shall keep on writing to you about developments throughout the country for the purposes of co-ordina-

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(N.I.C.17,18,19,23)

tion."

The next, N.I.C.18, is a typed copy of a letter, dated the 6th October, 1954, to Mr. T.E. Tshunungwa, Queenstown, from M.P. Naicker. Paragraph 1 thanks Mr. Tshunungwa for his letter of the 29th ultimo, 5 and paragraph 2 states :-

"The best way in which I could appriase you with the development in Natal is to let you have copies of reports I have made to the National Action Committee. Therefore, enclosed herewith please 10 find two such reports :-

- (1) On the Northern Natal Conference, and
- (2) On a meeting of volunteers held last Sunday."

Then the letter talks about a person whose movements have been restricted. It states :- 15

"Mr. Simalane has also received a notice restricting him from attending public gatherings for a period of one year."

The next is a letter - N.I.C.19 - it is a letter dated the 15th September, 1954, from the National 20 Action Council of the Congress of the People. It is signed Cachalia for the Secretariat, and it is addressed to the Secretary of the Natal Action Committee, Durban. It thanks the committee for the report of the Province and it expresses satisfaction with the results achieved. 25 The last paragraph says :

"We would appreciate it if you would forward us 500 copies of your duplicated "Volunteer Call", which we would like to distribute to other regions." And then there is an asterisk, at the bottom, it states 30 "Dr. Naicker's Call."

The next document, My Lords, is N.I.C.23.

It is a copy of a letter dated the 9th September, 1954.
It is addressed to the Secretariat, National Action Committee, Congress of the People, Johannesburg. Paragraph 1 states :

"Hereunder we submit for your information a report of the 1st Natal Conference of the Congress of the People, held at Durban on the 5th instant:
1. The Conference was opened by Chief A.J. Lutuli whose speech (copy enclosed) was read to the delegates. 5
2. Dr. Wilson Conco was in the Chair.
3. The following representatives of participating organisations addressed the Conference: Dr. Naicker (NIC), Mr. T.E. Tchulungwa (ANC), (a representative of the Liberal Party, which I omit), Mr. Jan Hoogen- 10
dyk (COD)." 15

Then, My Lords, paragraph 5, state :

"M.P. Naicker submitted an organisational report nased mainly on the draft Plan adopted at the last joint Executive's meeting." 20

Paragraph 6 states :-

"Mr. M.B. Yengwa made a call for volunteers after explaining the duties of volunteers."

Paragraph 8 states :

"The following is a report of the Credentials Committee." 25

And then it gives the organisations represented :

"81 delegates represented the A.N.C., 58 the N.I.C. 4 the C.O.D, 10 the Liberal Party, 21 Trade Unions, 77 Factory Committees, 10 Womens' Organisations,..." 30

And other organisations, such as the Ratepayers Association, Social clubs, Church bodies, teachers and

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(W.B. TRUTER)
(N.I.C.23, 27)

Student Bodies. Then, My Lords, attached to this letter, there is what is referred to in the letter as the speech of A. Luthuli at the Conference. It is printed on the letter-head of the Natal Action Committee of the Congress of the People, and the copy of the speech is 5
headed : "THE CHALLENGE OF OUR TIME. Shall it be Freedom for All or for Whites only? Shall it be an indefinite Continuation of the Status Quo or A March together to Freedom. Opening Address by Chief Albert J. Lutuli, President-General of the African National Congress on the Occasion of the first Natal Conference of the Congress of the People to be held in Durband on the Sunday, September 5, 1954." The second paragraph of the speech :- 10

"The Conference you are holding today is one of 15
the most significant in the history of our Liberatory Movement in Natal. Its significance lies in being the augural Conference to officially launch the campaign for the CONGRESS OF THE PEOPLE in our Province." 20

And it then deals, My Lords, with the object of the Congress of the people and the drafting of the freedom charter. And under that is a sub-paragraph : "A call for 50,000 Freedom Volunteers Reiterated", and on page of the copy of the speech, My Lords, there is a paragraph 25
dealing with "A Great Testing Time", a paragraph "Fitting Non-Whites into a fixed Rigid Mould". Page 3 deals with the mass banning, imprisonment and deportation of the non-white leaders, and then at the bottom, it concludes with "A Call to All Progressive People 30
and Leaders" to support this campaign.

N.I.C.27, My Lords, is a roneoed letter from

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(W.B. TRUTER)
(N.I.C.27, 29,31,34,35)

the Head Office of the South African Congress of democrats, dated the 29th January, 1955. The name typed in is P. Byleveld, National Chairman, and it deals with the publication of the pamphlet "Educating for Ignorance". N.I.C.29 is a letter from the Natal Action Council of the Congress of the People - the National Action Council of the Congress of the People, dated the 27th January, 1955. It is to the Secretary of the Natal Action Council and it is signed by M. Moolla, for the National Action Council, and, My Lords, it deals with the despatch of 10,000 'Calls'. NIC.31 is also a letter from the National Action Council, dated the 23rd January, 1955. It is signed "Congress of the People. Peter Byleveld, for National Action Council", and it is addressed to the Secretary of the Natal Action Council, Durban. It also deals, My Lords, with the despatch of Propaganda material, namely "Calls" in English and in Zulu. The next, My Lords, is a document NIC.34. It is a roneoed circular of the 30th March, 1955 of the National Action Council of the Congress of the People. It refers to the fixing of a date of the Congress of the People and it is the same as the document handed in under A.122. N.I.C.35, is a typed document, headed "Organisation Aspects of the Congress of the People". It is stated to be a Speech delivered by Dr. M.M. MOTALA, Chairman Natal Midlands Regional Committee of the Congress of the People at the first Regional Conference." My Lords, I read paragraph 1 on the first page :

"Mr. Chairman and fellow delegates, In organising for the Congress of the People we have to bear in mind that we are out to build is not an organisation of office-bearers and members but a movement

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(N.I.C.35)

of people dedicated to certain aims and therefore
moving in a particular direction. We have to
build a new tradition, a new outlook of thought
and action. We have to build a loyalty to certain
fundamental values, which values are not of our 5
own creation but are values which have been foster-
ed by democratically minded people the world over
throughout the ages.

We must recognise the fact that any political
structure that does not show respect for these va- 10
lues is bound to collapse and in any case is not
worth striving for.

We have to inspire the people to think of free-
dom so that in every home there will be talk of
freedom and in every heart will burn the flame of 15
freedom."

Those are the first three paragraphs, My Lords, on the
first page. Then on page 2, the paragraph start-
ing on page 2 :-

"Finally we must inculcate amongst the people a 20
spirit of self-denial and sacrifice. We should
be deluding ourselves and the masses of the people
if we did not make it clear that freedom cannot be
achieved without tremendous sacrifice. I know that
there are some people who will be awned by the 25
amount of labour and energy that will be required
for the campaign of the Congress of the People.
They will probably say that the whole campaign is
impracticable on that account. We must so to
those people that we go into this campaign with the 30
fullest realisation of the toil, sweat and tears
that lie ahead of us. We have grown weary and

impatient of the yoke upon our necks. Freedom in our life time is what we have set our hearts upon and for the realisation of this aim no task is too big, no barrier insurmountable and no sacrifice too great. Freedom in our lifetime we must, we shall 5 achieve. It is an idea whose time has really come for us in South Africa. And, as Voltaire has said, 'All the armies of the world cannot destroy one thing, and that is an idea whose time has come.'

Then I omit the next of that page, which deals with or- 10 ganisation of the C.O.P., and I turn, My Lords, to page 3, and I quote from the last paragraph on that page.

"Lest there be any confusion in the minds of the people present here let me make it clear that volunteers are not being called upon to court imprisonment or to defy the law. Let nobody underestimate the task of the Freedom Volunteer. We have observed earlier that without the participation of the people there cannot be a congress of the People. But the participation of the people can only be se- 15 cured by the effort and zeal of the Freedom Volunteer. So it would be correct to say that without the freedom volunteer there cannot be a COP. It will be the duty of the Freedom volunteers to or- 20 ganise for the COP to learn of the peoples problems and grievances and take to them the message of hope and freedom, finally to have their hopes and aspirations enshrined in the great Freedom charter. The success of the campaign of the COP will be in proportion to the zeal, enthusiasm, effort 30 and sacrifice of the freedom volunteers. I have no doubt that the freedom volunteers have a great

and glorious role to play, on their shoulders lie the responsibility for the establishment of peace, freedom and democracy in South Africa."

N.I.C.36, My Lords, is a - page 1 is a re-
 needed notice : "Natal Action Committee of the Congress 5
 of the People, dated the 21st October, 1954." It re-
 lates to a meeting to be held on the 25th October, 1954,
 which would deal with the banning of M.P. Naicker and
 M.B. Yengwa, and on the agenda are also plans of meet-
 ings- C.O.P. Then, My Lords, attached to that is a 10
 report of Secretariat to N.A.C. Meeting of the 25th
 October, 1954, and My Lords, on the page marked 3, there
 is a paragraph which states that the plan for the mee-
 tings will be submitted to the next meeting of the Secre-
 tariat as it has to be drawn up in consultation with Mr. 15
 Simalane and other members of the A.N.C. The last two
 paragraphs, under the heading "Secretariat", states :-

"With the banishment of Mr. Yengwa it is sugges-
 ted that his vacancy in the Secretariat be filled
 by a member of the ANC. It would be preferable if 20
 such a member is available during the day. We
 believe that Mr. Dhalmine is available fortnightly
 during the mornings.

Both Mr. Yengwa and Mr. Naicker were authorised
 to sign cheques on behalf of the COP." 25

N.I.C.37 is a letter dated the 21st August,
 1954. It is addressed to Mr. M.P. Naicker, Durban
 and it comes from Z.K. Matthews, Fort Hare. Paragraph
 1 states :-

"I am in receipt of your letter of 18th August 30
 in which you invite me to perform the opening
 Ceremony at the first Natal Conference of the

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(W.B. TRUTER)
(N.I.C. 37, 43)

Congress of the People to be held at the Kajee Memorial Hall, Leopold Street, Durban, on Sunday, 5th September, 1954.

I regret that it will not be possible for me to accept your kind invitation." 5

I move on to the last paragraph of the letter :-

"At the same time I should like to take the opportunity of wishing you every success on your deliberations at this important Conference. All freedom-loving people are looking forward with keen interest to the forthcoming Congress of the People which will be a landmark in the history of the struggle for liberation in this country."

N.I.C.43, my Lords, is a roneoed circular, "Congress of the People". It is addressed to All Organisations and it refers to the first Natal Conference of the Congress of the People, which is sponsored by the African National Congress, the Natal Indian Congress, the Congress of Democrats, and relates to the meeting to be held on the 5th September, 1954, and it is signed M.P. Naicker for M.B. Yengwa, Debi Singh and J. Hoogendyk. 15
Do you know a man by the name of M.B. Yengwa? --- I do, My Lord. 20

Was he an Accused at the Preparatory Examination? --- He was, My Lord. 25

And of what organisation was he a member?
--- He was at one stage the Secretary of the African National Congress.

And Debi Singh - do you know him? --- Yes, I do, My Lord. 30

Was he also an Accused at the Preparatory Examination? --- He was My Lord.

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(W.B. TRUTER)
(N.I.C.43, 47,52,53)

And what organisation was he related to? ---
He was an Executive Member of the N.I.C. at Durban.

And J. Hoogendyk? --- I know him, My Lord.

Was he connected with any organisation? ---

Yes, My Lord, he was..... 5

If you're not sure, just say, you're not
sure? --- I am not quite sure, My Lord.

The next document is N.I.C.47. It is the
Congress of the People bulletin "Speaking Together",
addressed to all volunteers, and My Lords, it has been 10
handed in under C.61.

The next, My Lords, is a letter dated the
9th March, 1954, addressed to TheSecretary-General of
theAfrican National Congress, Johannesburg - it is
N.I.C.52, My Lords. The name typed in at the bottom 15
is "Debi Singh, General Secretary". It sets forth a
resolution adopted at the Seventh Provincial Conference,
held at Durban on the 5th, 6th and 7th February, 1954,
dealing with the "People's Convention", and it states :-

"Conference welcomes the call of the African 20
National Congress to convene a Convention of the
People to rally all the democratic forces in South
African to formulate a people's Charter for Freedom
andDemocracy for the whole people of South Africa,
and to check the fascist trends in the country." 25

The last paragraph states :-

"The People's Convention must be made into a
great People's Assembly of the democratic forces
in South Africa to create maximum opposition to
the Fascist policies of the Government, and to 30
establish a democracy in our country."

N.I.C.53 is also a letter from the National

Action Council of the Congress of the People, Johannesburg, dated the 29th April, 1955. It is addressed to the Secretary of the Natal Action Council, Durban, and it is signed "Moosa Moolla, National Action Council". It deals with request for copies of the "Call". N.I.C.56 is a roneoed document, headed : "Address from the National Chairman, S.A. Congress of Democrats to the 42nd Annual National Conference of the African National Congress - Durban." and on page 2, the name appears "P. Beyleveld, National Chairman. Paragraph 1, My Lords, states :-

"It is my privilege to convey to you on behalf of the S.A. Congress of Democrats a fraternal message of solidarity and brotherhood in the common struggle to secure democracy for South Africa and to secure it for all people in South Africa."

And it refers, My Lords, to the liberatory movement and then it deals with the Congress of the People, which the speaker supports.

N.I.C.57 is a roneoed letter, headed "The Natal Action Committee of the Congress of the People, Durban", undated, My Lords, and addressed to "Dear Friends". It is signed by somebody on behalf of the Natal Action Committee. The letter supports the Congress of the People and the drafting of a Freedom Charter. N.I.C.62 is a circular letter, typed, dated the 7th June, 1955, "To all Regional Committees", and it deals with the holding of the Congress of the People, Kliptown, and also deals with arrangements made for the holding on the 25th and 26th June, 1955. Signed "Moosa Moolla, National Action Council". N.I.C.64 is a copy of a letter dated the 23rd September, 1954, addressed to

the Secretariat, National Action Committee of the Congress of the People, and it is a "Report on Northern Natal Conference". Then, My Lords, under paragraph 4, dealing with speakers at the meeting, there is a subparagraph (c), which states :-

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"Mr. M.P. Naicker explained the need for the COP and Mr. M.B. Yengwa made a call for volunteers."

And then paragraph 5, states :-

"The Conference was organised by Northern Natal Regional Committee of the Congress of the People and was one of the most representative gatherings to have been held in that area. Messrs. M.P. Naicker and M.B. Yengwa of the Natal Action Committee spent four days in Northern Natal assisting in the preparation for the Conference."

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It comes from the Secretariat.

N.I.C.67, My Lords, is an application form for enrolment as a volunteer, on behalf of V.S.N. Pillay, a member of N.I.C. N.I.C.69 is a similar application form for enrolment as a freedom volunteer, in the name of Perry Simon J. Manana, African National Congress. It bears the signature "P.J.S. Manana". N.I.C.71 is a similar application form for enrolment as a Freedom Volunteer. It bears the name of A. Gumede. My Lords, in this case the heading of the form is in English and the rest of the form is in a Bantu language. In the first line the name Gumede appears, and then there is a signature signed "A. Gumede". N.I.C.71 is a similar application form, in the name of T.E. Tshunungwa, and it is signed T.E. Tshunungwa - it is signed Enoch Tshunungwa. N.I.C.71 also is a similar application form in the name of W.Z. Conco, member of A.N.C. It is signed W.Z. Conco.

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3673.

{W.B. TRUTER)
{N.I.C.71, 72)

N.I.C.72 is a similar form - application for enrolment as a freedom volunteer, M.P. Naicker, and then it bears the initials M.P. only. And N.I.C.72 is further an application form for enrolment in the freedom volunteer, B. Nair, affiliated organisation, Natal Indian Congress, N.I.Y.C. and Trade Unions and it bears the signature B. Nair. Do you know a man by the name of V.S.M. Pillay? --- I do, My Lord. 5

Was he an Accused at the Preparatory Examination? --- He was, My Lord. 10

Do you know a man by the name of P.J.S. Manana? --- I do, My Lord.

Was he an Accused at the Preparatory Examination? --- He was, My Lord.

A. Gumede? --- I know him, My Lord. 15

Was he an Accused at the Preparatory Examination? --- He was, My Lord.

Do you know T.E. Tshunungwa? --- I do not, My Lord.

Do you know W.Z. Conco? --- I do, My Lord. 20

Was he an Accused at the Preparatory Examination? --- He was, My Lord.

Would you be able to identify him? --- I think so, My Lord.

Will you step down and identify him if he is in Court? --- (WITNESS IDENTIFIES W.Z. CONCO AS ACCUSED NO. 30). 25

I didn't read out the dates of these documents. N.I.C.67 is dated the 5th September, 1954, 69, the 30th August, 1954, 71, the 5th September, 1954, and 72 bears no date, except for the one 72 signed by Nair, which bears the date 4th September, 1954. 30

3674.

(W.B. TRUTER)
(N.I.C.76,78,77,80,83)

N.I.C.76, My Lords, is the roneoed document, "The World we live in", and it is the same, MyLords, as A.84. N.I.C.77, is the roneoed document "The Country we live in". The same as A.85. N.I.C.78, is a roneoed document Report of the National Action Council of the Congress of the People to the Joint Executives of the A.N.C., S.A.I.C., S.A.C.O.D. and S.A.C.P.O. It is the same as A.186 - portions read in under A.186. N.I.C.80, My Lords, is a typed document, "Report of the National Action Committee", and I refer to paragraph 4 on the first 10 page, which refers to the Defiance Campaign and states that it was responsible for the mass awakening that shook the country and raised the prestige of the Congresses, and made the Herrenvolk Rulers feel something of the power inherent in the national liberatory movement, and created world-wide sympathy and interest for the struggle of the oppressed in South Africa. My Lords, at page 6, it states that :-

"This report is submitted on the 5th December, 1953 by the National Action Committee to the Secretary-General of the A.N.C. and the Joint Secretaries of the South African Indian Congress."

The next document, My Lords, is N.I.C.83. It is the "NATAL INDIAN CONGRESS. MINUTES OF THE SEVENTH ANNUAL PROVINCIAL CONFERENCE held in February, 1954." My Lords, this document appears in the Policy Schedule, at page 49, item 2, page 57, item 3. In additions to the portions which appear in the Policy Schedule, My Lords, I will also be referring to certain other portions, which relate to the positions of the various people in the organisation. My Lords, on the first page of this document, under the heading

"CHAIRMAN", it states :

"Mr. Debi Singh presided."

Then under "Address of Welcome", it states :

"Mr. S.M. Mayet, Chairman of the Reception Committee, in a suitable address, welcomed to the 5
Conference Mr. Walter Sisulu, guests, fraternal delegates and delegates."

Then, My Lords, at the bottom of that page, under the heading "Presidential Address", the document states :-

"Mr. I.C. Meer read the Presidential Address of 10
the President, Dr. G.M. Naicker, who was unable to attend Conference on account of an order served on him by the Minister of Justice, prohibiting him from attending public gatherings. The address was embodied in the Agenda book." 15

Then, on page 2, My Lords, under the heading "Fraternal Greetings", it says :-

"The following fraternal delegates addressed Conference and pledged the support of their organisations to the Natal Indian Congress and the Indian 20
people in the struggle against apartheid and for a democratic South Africa:"

Included amongst the people, are the names, firstly of, 1. Dr. W.Z. Conco - African National Congress (Ntl), the fifth name, Mr. A.E. Patel - Transvaal Indian Congress, the next name, Mr. A.M. Kathrada - S.A. Indian Youth Congress." 25

Then, My Lords, on the same page, under the heading "Saturday 6th February", under the heading "Chairman" it states Mr. G. Hurbans presided. Then on page 3, 30
under the paragraph "Resolutions Committee", it states:

"On the motion of Mr. J.N. Singh, seconded by Mr.

M.P. Naicker, it was RESOLVED:"

that certain people constitute the Resolutions Committee,
and included amongst the people on the Resolutions
Committee, the name of N.T. Naicker, appears. Then,
My Lords, on the same page, there is a reference to the 5
General Secretary's Report :-

"The General Secretary read his written Annual
Report which was embodied in the Agenda Book and
consisted of the following sections..."

and it deals with the sections contained in the report. 10
Then, My Lords, on page 4, the last line of that report,
under the heading "Discussion on Credentials Committee
Report". It says :

"Mr. I.C. Meer moved: that the Report of the
Credentials Committee be and is hereby adopted. 15
Mr. D.A. Seedat seconded Mr. Meer's motion."
Then on page 5, My Lords, under the heading "Resolutions"
it appears :

"Resolutions on ghe subjects listed below were
CONSIDERED by Conference. The full texts of these 20
resolutions are annexed to these minutes.
Peace: Moved: H.E. Mall, Seconded D.A. Seedat,
carried Unanimously.
Colonialism: Moved: Mannie Pillai, seconded M.P.
Naicker, Carried Unanimously." 25

Then, My Lords, at page 6, on the 7th February, the
Chairman is still Mr. G. Hurbans, and I turn to page
7, My Lords, under the heading "Report on Conference
in Committee", it states :-

"Mr. J.N. Singh reported as follows : 30
(1) Dr. G.M. Naicker attended Conference during the
Committee stage and he at length addressed the

delegates on the present political situation."
Then, on the same page, My Lords, at the bottom of the page, under the heading "Franchise", there is a resolution moved by N.T. Naicker, seconded by M.P. Naicker, Carried Unanimously. Then on page 8, My Lords, continuing with Resolutions, there appears a resolution on Trade Unions, Moved by Mr. Billy Nair, which was carried unanimously. And on page 8, there is a paragraph (4), which deals with "Elections". It states :

"On the motion of Mr. Singh, the following were unanimously appointed scrutineers to conduct the ballot:"

and then the names - Mr. A.M. Kathrada is one of the scrutineers who was appointed. Then under the paragraph "President" - nominations for President, Dr. Naicker is nominated as President, and on page 9, the minutes state

"On the result of a ballot vote, the Chairman declared Dr. G.M. Naicker elected as President."

My Lords, under the heading "Vice-Presidents" :-

"On the result of a ballot vote, the Chairman declared the following elected as Vice-Presidents :"

and, My Lords, there appear the names of, inter alia, M.P. Naicker, V.S.M. Pillai, G. Hurbans, I.C. Meer. Then sub-paragraph (e) on page 9, "Executive Committee" :

"On the result of a ballot vote, the Chairman declared the following elected as Executive Committee members:"

BY MR. JUSTICE RUMPF :

Why is it necessary to read all that. Why can't you just say, 'on page so-an-so this man is referred to as Vice-President', whatever the case may be?

BY THE PROSECUTOR :

Yes, I'll do that, My Lord. Mr. Billy Nair and D.A. Seedat are elected to the Executive Committee. Then, My Lords, on page 12, there is this Resolution on Peace which is referred to in the Minutes. This Reso- 5
lution, My Lords, is the same as the Resolution handed in under exhibit E.134. There is a Resolution on Colonialism. It says :-

"This Conference deplores the continued attempts of Imperialist governments to prevent the growth 10
of democracy and the struggle for peace and independence in the colonial countries. Conference, therefore unequivocally condemns :-

(a) the war that is at present being waged against the peoples of Indo-China, Malaya and Kenya;" 15

Then, My Lords, on page 13, there is a Resolution on "People's Convention", which supports the call of the African National Congress for the Congress of the people and for drafting the freedom charter, and the resolution concludes : 20

"The People's Convention must be made into a great People's Assembly of the democratic forces in South Africa to create maximum opposition to the Fascist policies of the Government, and to establish a democracy in our country." 25

Then, My Lords, on page 23 of this document there is a resolution on "Trade Unions", and it welcomes the assistance given to the Trade Union movement by the NIC Executive.

Now, Mr. Truter, will you just identify 30
N.I.C.84? --- Yes, My Lord.

Is that also a document found in the offices

3679.

(W.B. TRUTER)
(N.I.C.84)

on that occasion? --- Yes, My Lords.

My Lords, N.I.C.84 is mentioned in the Policy Schedule. It is the same as N.I.C.94. I'll be referring to the relevant portions when N.I.C.94 is read.

BY MR. JUSTICE RUMPF :

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It is not mentioned in your list, is it?

BY THE PROSECUTOR :

N.I.C.94 - yes, My Lord, it is being dealt with by another witness.

Now, Mr. Truter, do you remember the 5th of 10
December, 1956? --- I do, My Lords.

Did you on that day carry out a search in
Durban at any premises? --- I did, My Lord.

Where was that? --- I searched the premises
of the Natal Indian Congress at Lakhani Chambers, Saville 15
Street, Durban.

The same premises as those that you searched
on the 27th September, 1955? --- That is so, My Lord.

Now, on that day did you find anybody at the
office? --- On that day, My Lord, I proceeded to the 20
Address of Raymond Bux, Overport, and the two of us went
to the premises in Lakhani Chambers.

And were you assisted in the search by any
other members of the Police Force? --- Yes, My Lord, soon
after our arrival, Detective Sergeant Swanepoel arrived 25
there, and he assisted me.

And did you find any documents when you
searched the offices? --- I did, My Lord.

Now, would you have a look at these documents.
Now these documents are also numbered with the letters 30
N.I.C. and certain other numbers. I just want you to
refer to the following documents - N.I.C.119? --- Yes,

3680.

(W.B. TRUTER)
(N.I.C.119,123,128)

My Lord.

N.I.C.123? --- Yes, My Lord.

128? --- Yes, My Lord.

N.I.C.130? --- Yes, My Lord.

N.I.C.131? --- Yes, My Lord.

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And N.I.C.133? --- Yes, My Lord.

Now, these documents that you had just referred to, where did you find them? --- I found them in the offices of the N.I.C., Lakhani Chambers, on the 5th December, 1956.

10

Do you hand in these documents? --- I do, My Lord.

My Lords, N.I.C.119 is the bulletin "Forward to the Congress of the People." Special issue of "Call", May, 1955, issued in Durban, P.O. Box 2264. A similar document has been handed in under exhibit No. A.118. My Lords, the next is N.I.C.123. It is a typed copy of a letter dated the 2nd September, 1955 from the National Consultative Committee. It is signed M. Moolla for A. Patel and R. Resha, Joint Secretaries of the National Consultative Committee. My Lords, this letter has already been read into the record under B.55. My Lords, then there is a document - typed copy of a document - roneoed - "Minutes of the inaugural meeting of the Natal Provincial Vigilance Committee, 3rd June, 1956" - N.I.C. 128. Under the heading "Chairman", it is stated that Mr. Hurbans is elected as Chairman of the meeting - pro-term Chairman of the meeting, Mr. N.T. Naicker as the pro-term Secretary, and under the heading "Discussion" it appears that the Group Areas Act was discussed. That was the specific task of this committee, and on page 2, it states :

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"Mr. Manni Pillay said, in the appointment of the Executive, the most important organisations, that is the N.I.C., the A.N.C., the Liberal Party, Congress of Democrats, South African Congress of Trade Unions, Rate Payers', Federation of Social Clubs be 5
elected to serve."

and under the heading : "Election of Officials", Mr. Hurbans is elected as Chairman, the Joint Secretaries are Mr. N.T. Naicker and P.H. Simelane, and the Committee Members include Dr. M.M. Motala, Dr. A.H. Sader, and the 10
minutes are signed - typed-in signatures : N.T. Naicker, P.H. Simelane, Joint Hon. Secretaries.

My Lords, exhibit N.I.C.129. Do you identify this document, N.I.C.129? --- I do, My Lord.

Where did you find that and on what date? --- 15
on the 5th day of December, 1956, I found it in the offices of the N.I.C.

Minutes of the Working Committee, dated 19th August, 1956. Page 2, My Lords, there is a paragraph "Adoption of 9th Provincial Conference Minutes". 20

THE COURT ADJOURNS.

THE COURT RESUMES.

EXAMINATION BY THE PROSECUTOR RESUMED :

My Lords, at the adjournment I was dealing 25
with the exhibit N.I.C.129, and I had referred to the adoption of the Minutes of the 9th Provincial Conference. My Lords, page 3 of this document, the minutes state that the following persons were elected as SAIC Councillors, and the names include N.T. Naicker, G. Hurbans, 30
V.S.M. Pillai. Then on the same page, My Lords, there is a list of names being nominations of delegates of the

3682. (W.B. TRUTER)
(N.I.C.129, 130)

Natal Indian Congress to the South African Indian Congress to be held at Durban in December, 1956. Then there follows a list of names. Then on page 6, the "Result of Ballot" is stated to be as follows. Certain delegates elected include, Nr. 2. Dr. M.N. Padayachee, 5
No.5, Dr. A.H. Sader, No.8, Dr. M.M. Motala, No.13
D.A. Seedat, No.17. Billy Nair. There are other names too, My Lord, which I am not referring to.

N.I.C.129 IS HANDED IN.

The next, My Lords, is the document N.I.C. 10
130. It is the Agenda book of the Natal Indian Congress of the 9th Annual Provincial Conference at Durban, June, 1956, the cover which states that it was opened by Dr. A.E. Letele, President-General of the African National Congress. My Lords, this document is also referred to 15
in the Policy Schedule, page 49, under item 5, page 58 under item 5. The first four pages of the document contain the freedom charter adopted at Kliptown. Then on page 5, the document sets forth the officials and committee members, the President - Dr. G.M. Naicker, under 20
"Vice-Presidents", are the names of G. Hurbans, Dr. M.N. Padayachee, Dr. M.M. Motala, V.S.M. Pillay, Dr. A.H. Sader. The General-Secretary, N.T. Naicker. Executive Committee members include D.A. Seedat, and the Secretariat, includes Dr. G.M. Naicker (banned), N.T. Naicker, 25
D.A. Seedat, M.N. Padayachee and V.S.M. Pillay. The Conference Agenda states that G. Hurbans was Chairman, the Official opening, Dr. A.E. Letele, Presidential Address by DR. G.M. Naicker, read by M.N. Padayachee. Message to the Conference - Mr. N.T. Naicker. Page 12 30
of the document sets forth extracts from messages to the 9th Provincial Conference of the N.I.C. on this

occasion. It starts off with the message from Chief A.J. Luthuli, President-General of the African National Congress. On page 13 there is a message from S.A. Coloured People's Organisation, Cape Town. It states :-

"The South African Coloured People's Organisation sends you good wishes for a very successful Annual Conference, and sincerest greetings to all members and delegates. 5

"Only a mighty people's front against the Nationalists will defeat them. We of the Congress movement have commended to forge that front. With the glorious Freedom Charter uniting us we will go forward to build a new South Africa. 10

Our difficulties are many. The oppressors have cursed many of our people with prejudices and racial antagonism, but the justice of our cause will sweep these things away. Our organisations must be strengthened. The trumpet call of national liberation and the Freedom Charter must be sounded among the people. Only hard work and determination on the part of all our members will bring about the success we desire. 15 20

Down with apartheid! Long live the struggle for liberation! Forward to the Freedom Charter!"

Then, on the same page, My Lords, there is a message from the National Secretary of the South African Congress of Democrats, also sending a message of goodwill, and the last paragraph, which reads :- 25

"We of the S.A. Congress of Democrats are deeply conscious of the problems confronting democratic opinion in this country and our task of winning white anti-nationalist support for the Congress 30

Movement around the Freedom Charter is uppermost in the minds and activities of our members, but in this task we are strengthened by the knowledge of the undaunted militancy of the S.A. Indian Congress, with its long history of courageous disciplined 5 struggle. We greet our Indian comrades warmly and we wish your conference success."

Then, My Lords, on page 14, there is a message from the Joint Hon. Secretaries of the Transvaal Indian Congress, Johannesburg, and on page 15 there is a message from the 10 General Secretary of the Natal Indian Youth Congress, Durban. It states :-

"The militant and courageous struggle of the people under the leadership of the Natal Indian Congress and its sister organisations so manifestly demonstra-15 ted in the Passive Resistance and subsequent campaigns won the admiration of the oppressed people of South African and the world.

Under the banner of the Freedom Charter, adopted at the Congress of the People in Kliptown last year on 20 June 26th, uniting both black and white; we shall march forward to our goal for a happy democratic South Africa. No amount of police intimidation, guns and bayonets will deter or halt our determination to free ourselves from the yoke of Nationalist 25 tyranny.

The Natal Indian Youth Congress greets your 9th Provincial Conference and its sessions every success."

Then, My Lords, there is a message from the Secretary 30 of the Durban Local Committee, South African Congress of trade Unions, Durban, wishing the Conference success,

and in conclusion states :-

"We declare with you that the implementation of the demands embodied in the Freedom Charter must be the first and foremost task to be worked for in this country by all those who believe in freedom and democracy." 5

Then at page 16, My Lords, there is an address of welcome by Mr. Lawrence, the first paragraph of which he welcomes the delegates, particularly Dr. A.E. Letele, the Treasurer-General of the African National Congress, 10 who has consented to open the Conference. And, My Lords, on page 18, there is the address, heading "Opening Address by Dr. Arthur E. Letele". I read, My Lords, the second, third and fourth paragraphs :-

"I have the honour to bring you the fraternal 15 greetings and good wishes of my organisation, the African National Congress; may your deliberations during this 9th Annual Provincial Conference of the Indian Congress (Natal) further commit you, and all those who share in this struggle for National Libe- 20 ration, to unswerving loyalty to your organisation and its leadership. May scores of brilliant leaders daily come forward to replace those gallant men and women who have fallen victim to the forces of oppression. 25

Ladies and gentlemen, I sincerely wish to congratulate all those of you, who in these days, the blackest in the history of South Africa, are nevertheless maintaining a determined effort to achieve the goal which we all cherish and strive for - 30 **FREEDOM**. In the past, people used to fight over positions of leadership in the Congresses. Today,

the position is reversed; fewer people are prepared to come forward into the firing line; even up to the time of the Defiance Campaign, many people did not realise the full significance of a liberatory struggle. Many people liked to be associated with the struggle merely because it was fashionable at the time. I am however, certain that today, even the most unintelligent person, fully realises exactly what is meant by a struggle. The Michael Scots, the Huddlestons, the Blooms, have more than clarified the position as it is in South Africa, and have adequately proved that such utterances as 'the non-Europeans in South Africa are well treated and contented' , are as hollow as they are misleading. 15

What then are the main obstacles on this road to FREEDOM? Is there any way of surmounting them, and if so who shall help us to achieve that end? The obstacles are legion, and the only way to surmount them is by your own efforts in a liberatory struggle. 20 During the last eight years of Nationalist rule, every act of parliament concerning the non-Europeans, has, on analysis, been found to increase the burden he is already experiencing. This is especially true of legislation regarding the African." 25

Then, My Lords, at page 19, the speaker deals with various matters, such as the Group Areas Act, the Bantu Education Act and the Passes for Native Women, and, My Lords, at page 20, it concludes by referring to the Freedom Charter :- 30

" The Freedom Charter which has become our declaration against all the inhuman injustices that are

being perpetrated against us forms the basis of our struggle.

Ladies and Gentlemen, the concluding sessions of your Conference coincide with the First Anniversary of the historic Congress of the People at Kliptown 5 last year and in the same spirit as the Charter was formulated at that great assembly it is my earnest wish that your deliberations will be marked by a reiteration of the fundamental principles embodied in the Freedom Charter." 10

Then, page 21, My Lords, there is the Presidential Address by Dr. G.M. Naicker, read to the Conference by Dr. M.N. Padayachee, Vice-President of the Natal Indian Congress - page 21, My Lords. I read the last paragraph on page 21, which is portion of this address :- 15

"For those of us who belong to the Congress movement, and indeed, for all those who believe in democracy for all in South Africa we have a historic mission to fulfil in our lifetime. Freedom in our lifetime is no idle slogan in an age when humanity 20 is fast throwing aside the shackles which had bound it for so long. Asia has emerged from her dark days of colonial oppression and imperial subjugation. And our Africa is astir from North to South making colonial oppressors shudder." 25

Page 22, after having dealt with the various matters in connection with the Natal Indian Congress, paragraph 3 on page 22 says :-

"The Natal Indian Congress has a clear and unambiguous policy on international affairs. We belong to the great world-wide camp for peace. We stand for the banning of the hydrogen and the atom 30

bombs and the banning of nuclear weapons, for we believe that all nuclear energy should be harnessed for peaceful purposes and not for the destruction of mankind."

And then the writer refers to the leade given on the international front, by Pandit Nehru and he refers to the Bandung Conference, which he says, South Africa was represented by Mr. Kotane and Mr. M. Cachalia, and at the bottom of page 22, the copy of the speech goes on to say :- 5 10

"While colonialism is rapidly coming to an end in Asia, the retreating imperialists are trying to dig in into the sacred earth of Africa. It is vitally necessary for us to realise how important a prize Africa has become in the eyes of the imperialists of the world. But let us remember that it is not only in Africa that the Imperialist is making his last stand against the rising tide of the freedom movement of the world. The people of Cyprus, the people of Malaya, the people of British Guinea and the people of Algeria are all bound together in their noble and inspiring struggle for freedom." 15 20

And, My Lords, I also read at the top of page 23, where the writer goes on to say :-

"Conference knows too well my fervent belief is non-violence and knows my great abhorrence for violence. 25

I am satisfied that violence cannot achieve the objectives of freedom that we hold so dear and I realise that on the colonial frong a great deal of violence that exists today is violence which has imposed on the oppressed people by the very nature of subjugation. 30

"We declare unequivocally against colonialism and give our whole hearted support to the fight for freedom throughout the world. In the fight against colonialism the people of Africa are daily playing an increasing role and we in South Africa must make 5 a common cause with the rest of our brethren in this emergent Africa.

While in the international field we declare out total opposition to war and colonialism, we at the same time emphasise that racial discrimination is 10 a curse to mankind, having within it the seeds of a global war. As long as racial discrimination is tolerated in any part of the world for so long will mankind remain without lasting peace."

And, My Lords, that is all that I read from page 23, and 15 then, My Lords, on page 24, the middle of the page, there is a paragraph supporting the freedom charter, and the Congress of the People which was held at Kliptown in 1955, and referring to that, My Lords, at page 24, the speech states :- 20

"Our support for the Charter will come from the people, for the support is already there, if we link the demands in the Charter with the day to day demands of our people. You will only be good Congressmen and good Congress women if you understand 25 the problems of your people and selflessly go to their help in order to assist them in their sufferings. Your own support of the Charter will only have a meaning if you will by your own action show that by being Congressmen or Congress women 30 you are truly servants of your people."

It concludes :-

"I wish your deliberations all success. Let us, with the Congress movement and with all true democrats, march forward on the road of liberty."

Then, on page 26, My Lords, there is the Secretarial Report, delivered by the General Secretary, Mr. N.T. Naicker to the 9th Annual Provincial Conference, June, 1956, and under the first heading, "Political", paragraph 1, dealing with the international position, it states :-

"The Presidential Address of Dr. G.M. Naicker read in absentia at the opening of Conference, has given us a clear political lead on the issues which face us internationally and nationally."

Then on page 27, the report states, the third paragraph from the bottom of the page, also under the heading 'International' :-

"On the continent of Africa we are witnessing a great stirring of the people in their determined efforts to overthrow the yoke of imperialism. Africa must and will be free. No one can prevent her from her destiny which her toiling sons and daughters have earmarked for her. She will stand free and justly proud with other continents of the world as an equal partner."

As our President has rightly remarked we have a historic mission on this continent of ours. Asia has given a death blow to imperialism. We in Africa will have to bury imperialism for all times, and erect on this continent a living monument for freedom. In that sacred task let no one from Algeria to the Cape be found wanting. If we today fail Africa, posterity will forever condemn us as

people who failed in their historic mission.

The struggle against colonialism, imperialism and racial discrimination is a common world wide struggle and South Africa is only one of its numerous battlefields. While we are in the midst of this 5
great struggle we are greatly heartened by the clear voice of encouragement and support which comes from the distant parts of the world. The voice of Fenner Brockway, the voice of father Huddleston, the voice of cannon Collins, the voice of Michael 10
Scott, the voice of Nehru, the voice of mao-tse-Tung and the voices of many others urge with the voice of Paul Robeson in a beautiful song of freedom which inspires us to hold high the torch of liberty in a land of abounding darkness." 15

And on page 28, at the tope of the page :-

"As we look around the world we find the mighty tide of freedom sweeping over all the continents of the world. Africa stands in no isolation. There is much hope in the international field. It is for 20
us in South Africa as leaders of our people to mobilise the millions of the oppressed in this country so that they too can keep in step with the freedom march of history."

Under the heading of "South Africa", after dealing with 25
the dark days in South Africa, the writer refers to the adoption of the Freedom Charter at the Congress of the People, and he states, in this regard :-

"This Charter is our guiding star in our journey towards freedom. Whether that journey is going to be long or 30
short will depend on how hard, unceasingly and selflessly we work for the cause of freedom. That journey

is going to be full of trials and tribulations and we will reach our destination with success only if we build powerful national liberation fronts working in union for the freedom of all."

And this portion of the document concludes with encouragement that the Freedom Charter should be made a living reality. Page 29, the report concludes :- 5

"I wish to conclude the political report by emphasising that both internationally and nationally there is much room for being optimistic. As the world moves towards greater freedom, the peoples of South Africa too guided by the Freedom Charter are organising to play their rightful role in a free South Africa."

My Lords, the next document is N.I.C.131. 15
That is the Natal Indian Congress Agenda book. The 8th Provincial Annual Conference, Durban, March, 1955, and, My Lords, this has been dealt with under exhibit B.14. My Lords, finally, there is exhibit N.I.C.133. It is the A.N.C. Annual Conference Report and the National Executive Committee on the 42nd Annual Conference in Durban, December, 1954. This has been dealt with under A.37. 20

NO FURTHER QUESTIONS.

DEFENCE REQUESTS THAT WITNESS STANDS DOWN. 25

REQUEST GRANTED AND WITNESS STANDS DOWN.

PETRUS CORNELIUS SWANEPOEL, duly sworn;

EXAMINED BY THE PROSECUTOR :

Mr. Swanepoel, you are a Detective Sergeant in the South African Police, stationed at Durban? ---
Yes, My Lord. 5

Now, do you remember the 5th of December, 1956? --- Yes, My Lord.

When you conducted a search for documents at various offices in Durban? --- Yes, My Lord.

Where did you search for documents on that day? --- In the offices of the Natal Indian Congress in Saville Street, Durban. 10

Is that the first office that you went to? --- Yes, My Lord.

That you went to on the 5th December? --- No, first of all I went to the office of "New Age" newspaper, but they were locked. 15

And when you got to the office of the Natal Indian Congress, did you find anybody there? --- Yes, Detective Head Constable Truter was busy searching. 20

Was that the previous witness? --- That is right, My Lord.

Was anybody else there? --- There was an official of the Natal Indian Congress - a clerk who works in the Office. 25

What was his name? --- Raymond Bux, My Lord.

Now, did you take possession of any documents? --- Yes, My Lord.

On that occasion? --- Yes, My Lord. 30

From the office of the Natal Indian Congress? --- Yes, My Lord.

Now, will you have a look at the documents in front of you. The documents are marked N.I.C. and then various numerals. I'll read out the numbers and you can tell the Court whether you identify them. Document marked N.I.C.86? --- Yes, My Lord, I can identify it. 5

N.I.C.87? --- Yes, My Lord.

N.I.C.93? --- Yes, My Lord.

N.I.C.94? --- Yes, My Lord.

N.I.C.99? --- Yes, My Lord.

N.I.C.100? --- Yes, My Lord. 10

N.I.C.100, 102, 103, 104 and 108? --- Yes, My Lord.

Now these documents that you have just referred to, where did you find these? --- In the offices of the Natal Indian Congress. 15

On this day? --- Yes, My Lord.

Could I just have the documents. The Crown hands in these documents, My Lords. My Lords, the first document, N.I.C.86 is stated to be - on the cover - "Minutes 9th Provincial Annual Conference held in Durban on June, 1956" - Natal Indian Congress. It says the Conference was opened by Dr. Letele, and page 1 has a paragraph : 20

"Mr. N.T. Naicker, the General Secretary of Congress, read messages sent to Conference by sympathisers and well-wishers in South Africa and abroad. (See annexure 'C' of original minutes)." Under the heading "Presidential Address", it states that Dr. Padayachee read Dr. Naicker's Presidential Address - Annexure 'D' of the Minutes. And then "Fraternal Speakers", include, Mr. P.H. Simelane of the African National Congress, Natal, and also a represen- 25 30

tative of the Congress of Democrats. Page 2, My Lords, under the heading "Report of Credentials Committee", it says that Dr. Naicker Dr. G.M. Naicker, nominated Mr. G. Hurbans to preside on his behalf at the Conference, and this nomination was then accepted. There is a para- 5 graph which states that the Standing Orders as circulated in the Agenda book are adopted. Then on page 3, the Credentials Committee - Mr. Seedat is one of the members of the Credentials Committee. Resolutions Committee, Dr. Motala and Mr. Pillay are among the people elected 10 to the Resolutions Committee. "General Secretary's Report" of Mr. N.T. Naicker was read, and it is annexure E of the original Minutes. Then, My Lords, at page 4, Mr. Hurbans acted as Chairman, and there was a discussion on the General Secretary's Report, and the report is ac- 15 cepted, My Lords, subject to certain amendment. Then on page 6, My Lords, under the heading "Freedom Charter" there is a resolution on the Freedom Charter, and the speakers on the resolution included Mr. N.T. Naicker. On the same page, under "Nominations for Officials", 20 President - Dr. G.M. Naicker is nominated. There are no other nominations. Vice-Presidents - the following are nominated and they include Mr. Hurbans, Dr. M.N. Motala and V.S.M. Pillay. On page 7, N.T. Naicker is unani- mously elected as General Secretary of the Natal Indian 25 Congress, and the Executive Committee - members elected include Billy Nair and D.A. Seedat. Then I move, My Lords, next to page 9, where there is a paragraph in which a resolution is adopted unanimously. Congress expresses its appreciation for the support given by the 30 newspaper "New Age". Page 10, My Lords. This Report is signed by N.T. Naicker as General Secretary, there

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(N.I.C.86 , 87)

is a signature on behalf of the President, and this Report was adopted on the 19th August, 1956. Then, My Lords, at page 13, there appears the opening address by Dr. Letele. This has already been dealt with, My Lords, under N.I.C.130. Page 20, there is the address of Dr. Naicker, which was read by Dr. M.N. Padayachee. This has also been dealt with under N.I.C.130. Similarly, My Lords, at page 27, the Secretarial Report by N.T. Naicker which has also been dealt with under N.I.C.130. And then on page 45, My Lords, there are a series of resolutions, which will be dealt with under A.E.P.27 and A.E.P.23. The next document, My Lords, is N.I.C. 87. It consists of a number of documents. The first document is a typed 'Fraternal Message' from the African National Congress to the 9th Annual Conference of the Natal Indian Congress in Durban, 1956. It appears to be the original message, signed on page 2, by A.J. Luthuli. Then, My Lords, there are a number of messages. At page 6 there is the original message of the Transvaal Indian Congress, signed by A.E. Patel, on behalf of the Transvaal Indian Congress. The message to the Natal Indian Congress on the occasion of its 9th Conference. Then on page 9, My Lords, there is a message of the South African Congress of Democrats, and on page 9, there is the message of the South African Coloured Peoples Organisation, which is signed by Alex Laguma as Chairman. My Lords, this was also incorporated in N.I.C.130, where it was read. I merely refer to the fact that this message contains the signature A. Laguma, as President. Page 12 is a message from Natal Indian Youth Congress, dated the 18th June, 1956, to this conference which has also been read in under N.I.C.130. My Lords,

page 13, is the original message from the South African Congress of Trade Unions, Durban Local Committee, and it has also been read in. I merely refer to the fact that on page 14 it contains the signature, B. Nair, Secretary. Page 15, My Lords, there is a message from the South African Coloured Peoples Organisation to this Conference, dated the 19th June, 1956, and it is signed 'Stanley Lollan, Honorary Secretary. N.I.C.93 is a roneoed lecture "Change is Needed", the same as A.86. N.I.C.94 is the Natal Indian Congress Minutes of the 8th Annual Provincial Conference, held in Durban, March 1955. My Lords, as I stated with a previous witness, this is included in the Policy Schedule, under the exhibit number N.I.C.84, page 50, item 11. On page 1, among the people, the fraternal delegates welcomed to the Conference, is the name of Mr. Peter Byleveld, National President of the Congress of Democrats. It says that a large number of messages were read, and they are annexure 3 to the Minutes. Then "Presidential Address", Dr. M.N. Padayachee read the Presidential address of Dr. Naicker who was unable to attend - Annexure 4 of the original minutes. Page 2, under the "Fraternal Greetings" it states : Mr. Byleveld brought fraternal greetings of his Conference, Mr. Stephen Dhlamini, Executive member of the A.N.C., Natal, expressed complete solidarity of the A.N.C., Natal with the N.I.C. in the struggle for full democratic rights, and other fraternal delegates were representatives of the African National Youth League and Mr. A.E. Patel, the Joint Honorary Secretary of the South African Indian Congress. Under the heading "Adjournment", Mr. Naicker moves the adjournment, which Mr. V.S.M. Pillay seconded. On the same page, My

Lords, Mr. V.S.M. Pillay seconds the adoption of the Standing Orders, which are adopted. And at the top of page 3, Mr. Billy Nair seconds the adoption of the Agenda, which is adopted. Page 3, under the heading "Chairman", Mr. Hurbans is recommended to preside over the Conference which is then accepted. And on the same page, My Lords, under "Election of Resolutions Committee", the following persons are elected for the Resolutions Committee - they include Mr. V.S.M. Pillay. Then under the heading "General Secretary's Report", it says that Mr. Naicker, Acting General Secretary, had presented the Report, and which was then accepted unanimously by the Conference - on page 4. On page 4, under the "Discussion of the General Secretary's Report", there is a paragraph which states :-

"Mr. D.A. Seedat said that in taking stock of the local political problems, it is essential that the international developments always be kept in mind. The past thirty years or so had seen tremendous world changes with the establishment of a socialist system of society over one-sixth of the World, and strengthening of democratic forces everywhere. The last war accelerated this process. A number of colonial countries, particularly in Asia, had freed themselves from imperialist domination, while the people of China and Eastern Europe had succeeded in establishing people's democracies. As a result of these changes the capitalist sector had narrowed, whilst the forces of peace and freedom had gained greater strength."

Mr. Seedat then moved a resolution on World Peace.

Page 5, under the "Discussion of the General Secretary's

Report", states, the resolution on World Peace was unanimously adopted, and Mr. N.T. Naicker moves a resolution on the Afro-Asian Conference, which was carried unanimously. At the bottom of the page there is a further motion, moved by N.T. Naicker. Then, My Lords, on page 5 7, the session on the 26th March, Mr. Hurbans still acts, and on page 8, My Lords, there is a resolution by Mr. N.T. Naicker on the "Population Registration Act", and on page 9, there is a resolution on "Propaganda", which reads as follows : 10

"Moving the resolution on 'Propaganda', Mr. Govender referred to the need for regular political classes in all branches, and stated that the people must be given a fuller understanding of the struggle. The resolution which was seconded by Mr. Nair, was carried unanimously." 15

At the bottom of page 9, under the "Elections", Dr. Naicker, the only nominee for President, was elected. The following persons were declared elected as Vice-Presidents. They include Dr. M.N. Padayachee, V.S.M. 20 Pillay, G. Hurbans. Page 10, at the top, N.T. Naicker was elected as General-Secretary and the Executive Members were elected, and include Dr. M.M. Motala, Mr. D.A. Seedat. And, My Lords, on page 11, there is a resolution which was adopted unanimously, supporting the 25 establishment of a Congress of Trade Unions. Page 13, is the address of welcome by Mr. Laurence. It is the same as the portion of the address which was read in under B.14. And pages 16 to 20, My Lords, contain messages, the relevant portions of which were read in under 30 document B.14, as well as on page 21, the Presidential Address by Dr. G.M. Naicker, which was also dealt with

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(P.C. SWANEPOEL)
(N.I.C.94, 99, 100)

under exhibit B.14. Pages 30 to 41 contain resolutions, the relevant portions, as far as the Crown is concerned, My Lords, were read in under exhibit B.12.

The next document is N.I.C.99. It is a N.I.C. News Bulletin, "Organisational Bulletin of the Natal Indian Congress, Volume 2, No. 1, 26th March, 1954". It deals firstly with the Congress of the People, and then it has a paragraph, dealing with Political Classes, paragraph of which says :-

"The Greyville Branch is being congratulated, for it is the only branch which is holding regular political classes. This branch meets every week. The branch has also organised a public speaking class."

And the fifth paragraph :

"Branches are to consider immediately plans for classes in the area. If you need lectures or lecture notes, don't hesitate to contact the office."

N.I.C.100 is mentioned in the Policy Schedule, page 74, item 3. N.I.C. News letter, dated the 22nd April, 1954, Durban, and on page 1, column 1, it deals with the Western Areas Removal Scheme. It says :-

"According to a report published in the Counter Attack, the organ of the South African Congress of Democrats, tentative plans for the protest day, include a non-stop procession of deputations to the Civic Councils in every area, suburban area, and non-European area."

and in the third last paragraph from the bottom, it states, that it supports - it gives full support to

the Western Areas Protest Committee . On page 2, My Lords, in column 2, of page 2, under the heading

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