

Lord, it is clear then in my submission that even if this admission applies to the trial, it is a very limited admission.

BY MR. JUSTICE RUMPF :

In this particular case, subject to further argument, it would seem that applies only to the fact that P.D.N. 55 was found on the person of the Accused. 5

BY MR. FISCHER :

That is so, My Lord. It can't do more than that. But My Lord, it seems, as I read it - I have never investigated this, but as I read it, it was an effort at that stage to avoid the calling for instance of Lieutenant Loets. He then wasn't called. Instead of his being called, at 1408 the Public Prosecutor simply handed in the documents. It saved that time. And it is because of that, My Lord, it seems to me that if one refers to the beginning of this admission at 1390, that it was an admission made for the purposes of the preparatory, and not for the purposes of the trial. In other words, what the Crown is entitled to establish under 284 is an admission made, and the admission made was that for the purposes of the preparatory, subject to all these rights of calling Loets at the Preparatory, these - this was admitted. 10 15 20

BY MR. JUSTICE RUMPF : 25

Does it matter for what purpose an admission is made at the preparatory?

BY MR. FISCHER :

Well, My Lord, the admission

BY MR. JUSTICE RUMPF : 30

Aren't nearly all the admissions made to save the evidence in Court?

BY MR. FISCHER :

If the admission is for the purposes of the preparatory you can take it that these documents were found, then it wouldn't be an admission applicable here. I don't know if it is of any importance, but ...

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BY MR. JUSTICE BEKKER :

Does this not mean, unless there is this right exercised at a later stage, that is to say at the preparatory, then for purposes of the Code this is an admission.

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BY MR. FISCHER :

Well, it might mean that, My Lord, or it might mean that when it comes to the end of the preparatory and one is considering whether to commit - when the Bench is considering whether to commit or not, then you can accept it as proved, unless it has been denied. It may mean no more than that. That would be its meaning if it is intended to save time at the preparatory only, and leave the trial to stand over for consideration at that stage.

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BY MR. JUSTICE BEKKER :

Would that effect the right of the Crown at all, to rely on the section of the Code and say well, there was an admission made, there was no cross-examination, so far the purposes of the trial I say it is an admission which I can now rely on in terms of the Code.

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BY MR. JUSTICE RUMPFER :

You see, what also effects the position I think in the intent is the admission - the statement by Mr. Coaker that the Defence is prepared to make certain admissions of the bare facts, which the witnesses would in any event testify to, if they were present in Court. There the Defence assumed that, as will appear

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from this later portion, certain evidence will be led by a number of people in regard to documents having been found at a certain place. That the Defence was prepared to admit, that bare fact, subject to the right to cross-examine in regard to reason for possession or to lead evidence to explain possession and all that, or even to deny possession perhaps by a particular person. The bare fact of documents having been found at a certain place. That is the intent. 5

BY MR. FISCHER : 10

My Lord, I can see that - I am not in any way disputing that. The difficulty I have is that I do not imagine that my colleagues who appeared at the preparatory had in mind that at that stage they would say to the Crown, you needn't call Lt. Loots at the trial, and it seems to me that that flows from these words "to enable the documents to go in speedily and save time and expense" that that was directed towards the documents going in speedily at the preparatory. Therefore it seems to me, My Lord,.... 15 20

BY MR. JUSTICE RUMPF :

Are you perhaps afraid that the Crown is going to rely on this and not to call...

BY MR. FISCHER :

No, My Lord, it is really the question of principle. It may be that - I don't know My Lord how carefully the documents were examined by the Accused at this stage of the trial - of the preparatory. They may have had a very cursory examination, and it may be that there are documents to which the admissions shouldn't apply. 25 30

BY MR. JUSTICE BEKKER :

If the Crown does not purport to rely on this admission in this sense that it calls a witness, it doesn't rely on an admission made, it calls the witness who brought the documents, does the admission.... 5

BY MR. FISCHER :

Then the possibility of this situation arises, that the witness cannot say for certain whether he found the documents or didn't find the documents. Now I would be loth to give up my rights to insist on its being proved. 10
My Lord, what I am saying is that it is possible to say that the meaning of this is as if it were worded as follows - supposing My Lord it had been specifically worded as follows : 'In order to save time at the preparatory we are prepared to admit that the documents - we 15
are prepared to admit for the purposes of the preparatory only that the documents were found'.

BY MR. JUSTICE BEKKER :

That would be an admission outside the section 284. 20

BY MR. FISCHER :

And I can only say, My Lord, that it looks as if that were the purpose when one refers to "time and expense", because "to put in speedily and save time and expense" was obviously meant to save time and expense at 25
the preparatory. I doubt very much whether either my learned colleagues for the Defence or my learned friends for the Crown, whoever was present at that stage, had the long term object in view of effecting the procedure at the trial. 30

BY MR. JUSTICE RUMPFER :

On the other hand again, impliedly one might

as well read the preparedness by the Defence to accept the position that certain documents were found at certain places.

BY MR. FISCHER :

My Lord, I can't say that it can't be read 5
that way. That I wouldn't - I wouldn't dare argue that.
But of course if this is to be read that way, then all
the documents which were put in that way could now be
put in by the Crown without calling anyone

BY MR. JUSTICE RUMPF : 10

Only in regard to the bare fact of these
documents having been found at a particular place, - in
terms of each admission, let us put it that way, because
notwithstanding this general statement of agreement,
there I take it was in every case a particular... 15

BY MR. FISCHER :

I am not sure, My Lord.

BY MR. JUSTICE RUMPF :

I don't know, but we have one here at 1408.

BY MR. FISCHER : 20

This was very shortly after the admission.
It is conceivable that - after the general admission. It
is conceivable that later on it didn't take the same
form. But I don't think that I can take it any further
than that, My Lord, except to say that it seems unlikely 25
that that was the reason.

BY MR. NOKWE :

I have nothing further to add, My Lord.

BY MR. TENGOVE :

My Lords, I just want to add that I don't 30
think one can go into the motives for the admission,
except that I can tell my learned friend Mr. Fischer who

wasn't at the preparatory examination, that before these admissions were made, each accused went through the particular documents, and in this case the Accused No. 16 went through the documents with my learned friend Mr. Liebenberg, and after that had been done this particular admission was made and we are only My Lords, asking for the admission to this extent that the preparatory examination discloses an admission that this document was found in his possession at Jan Smuts Airport on this particular date. He is quite at liberty in terms of the admission to give any explanation - it might have been handed to him on the plane as he was getting off. We are not binding him to anything else but that fact, My Lord.

BY MR. JUSTICE RUMPF :

Well, I would like to hear what Mr. Nokwe has to say about - the information given by the Crown Prosecutor is that before this was made, the accused went through the documents on which the Crown relied.

BY MR. NOKWE :

That is correct, My Lord, but the manner in which we went through the documents was, as Your Lordship can see from the record, - the intention at that stage was to shorten the proceedings....

BY MR. JUSTICE RUMPF :

Yes, I know, but were you shown the documents that the Crown handed in, and you had a look at each document?

BY MR. NOKWE :

I had a look at the documents.

BY MR. JUSTICE RUMPF :

We would like to consider this matter and study the details more carefully and we will give our Judgment on Monday morning.

GEORGE FREDERICK LAURENCE, duly sworn;

EXAMINED BY MR. TRENGOVE :

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

Now on the 5th December, 1956, did you
conduct a search for documents in the Johannesburg area on
that day? --- I did, My Lord. 5

Did you conduct a search - where did you
conduct the search? --- At 7044(b) Orlando.

Whose residence is that? --- The residence
of one Nokwe, My Lord. 10

Can you identify the person Nokwe that you
are referring to? --- I can.

Please do so? --- (WITNESS IDENTIFIES ACCUSED
NO. 16). 15

When you visited his house on this date, was
he present? --- He was present, My Lord.

Did you take possession of books and docu-
ments on the premises? --- I did.

Was he present when you did so? --- He was
present, My Lord. 20

Was anything said about the ownership of
those documents? --- He claimed ownership, My Lord.

And you gave him a receipt for the documents
that you took? --- I did. 25

Will you have a look at the documents in
front of you. There is a document marked F.D.N.69? ---
Correct, My Lord.

F.D.N. 70, 71, 77, 80, 81, 85, 86, 87, 88,
89, 90, 91, 93 to 96, 101 - 100, 101, 102, 105, 106,
110, 111, 112, 116 to 132? --- Correct, My Lord. 30

These documents that you have now testified to, these numbers, - the documents bearing these exhibit numbers, were they documents found in the residence in the presence of the Accused that day? --- That is correct.

And documents in respect of which he claimed ownership? --- That is correct. 5

And you hand in these documents? --- I do so.

The first document is the Twenty-Second Conference of the South African Indian Congress, held at Johannesburg, Gandhi Hall, October 1956 and it is the same as P.J. 92. 10

P.D.N. 70, is a typed notice "Congress calls the people to Action";

"Africans!!

Why are you sleeping? 15

HERE IN SOUTH AFRICA, life is becoming harder every-day.

The Nationalist Government is trying to force our Women to carry Passes.

Police, at VLAKFONTEIN, LICHTENBURG and elsewhere have opened fire, killing and wounding Africans. 20

Rents are being increased.

Permits are being enforced.

RAIDS! RAIDS! RAIDS! - for passes, taxes, permits, beer. 25

Bantu Education for our children.

IN EGYPT our brother Africans are suffering under invasion.

WHY ARE YOU SLEEPING?

WAKE UP AND JOIN THE STRUGGLE OF THE AFRICAN NATIONAL CONGRESS - FOR F R E E D O M . 30

F R E E D O M, FOR E Q U A L R I G H T S,

F R E E D O M, FOR E Q U A L R I G H T S,

FOR DECENT WAGES AND CONDITIONS.

COME TO CONGRESS MEETINGS!

JOIN THE AFRICAN NATIONAL CONGRESS!"

The next document, My Lords, is P.D.N. 71. It is Second National Conference of the Federation of South African Women, Trades Hall, Johannesburg, August, 1956, A Report of the Main Speeches and Resolutions. This is the same as C. 1004. 5

P.D.N. 77, which is a typed document, "Information Notes - Passes for Women". On page 3, under "5. Women have always resisted the pass laws", there are four paragraphs :

"A. Attempts were made in the past to bring African women into the net of the pass laws, but women always resisted those attempts.

In July, 1913, 600 women marched to the municipal offices in Bloemfontein and demanded to see the Mayor. Before the deputy-mayor they deposited a bag containing their passes, which the O.F.S. republic was making them carry. 15

Similar demonstrations took place at Jagersfontein, and in Winburg, where 800 women marched from the location to the Town Hall and told the authorities they would no longer carry passes, nor pay the 1/- month fee for them. This struggle went on for years, and hundreds of women went to jail but eventually passes for women were withdrawn. 25

B. Women in Durban and other centres have already informed the authorities they do not intend to carry passes.

C. The struggle against passes for women will undoubtedly bring hardship, but no hardships can be as great as those the women will have to bear if all 30

of them are forced to carry passes.

D. Pass laws stand at the very basis of South Africa's cheap labour policy and colour bar system. To fight the pass laws means to fight the full force of the government and everything they stand for. We must appreciate this, to know what we are up against, but at the same time we must swear never to rest until this threat to women has been removed, all pass laws have been abolished, and :

(Quote, Freedom Charter.)" 10

The next document, P.D.N. 80, is a letter, African National Congress, Natal, 12th November, 1956, addressed to the Secretary-General of the African National Congress, and it is signed M. B. Yengwa, Provincial-Treasurer, African National Congress, Natal. 15

P.D.N. 81. It is a letter, African National Congress, Johannesburg, 16th July, 1956, to Members of the National Executive, and it says :

"Dear Sir,

A National Executive Meeting will take place on Saturday the 4th August at the A.N.C. offices, 37 West Street, Johannesburg. Agenda includes a report on the Anti-Pass Campaign, review of the signature campaign, proposal to establish a newspaper, All African Conference called by the Ministers' Federation. 25

Signed, Alfred Hutchinson, for Secretary-General."

P.D.N. 85, U.S.S.R. - a Hundred Questions Answered, Soviet News, London, 1954. Possession only, My Lord.

P.D.N. 86 is a Manifesto of the Communist Party by Karl Marx and Frederik Engels, authorised English Translation, published in London. 30

P.D.N. 87,="Liberation", August, 1953, and I am merely handing in this document for possession, My Lords.

P.D.N. 88 "Liberation", No. 6, November, 1953. As much as will be read under G. 1150.

P.D.N. 89, "Liberation", 21st September, 1956, as much as will be read in under G. 1114. 5

P.D.N. 90, is a typed copy of a letter, African National Congress, 22nd November, 1956. It is a Circular to all Provinces, and it is addressed to Mr. Tshume. On page 2 there is typed in O. R. Tambo, Secretary-General. 10

It says :

"The Working Committee has had occasion to review the extent of Congress Activity in relation to recent and present political events both in this country and abroad. 15

This review revealed a most disturbing state of affairs to which I now wish to draw your personal attention.

You are no doubt aware that :

1. Passes are being extended to African women and in some areas the women have been forced to carry these passes. 20
2. There have been mass arrests of the people for passes, permits and during police raids;
3. The leaders of the people have been banished, the most recent cases being three leaders from Evaton and 4 from Natalspruit and Germiston; 25
4. People have been ruthlessly removed from their homes and from their property;
5. The workers have been and are suffering under the vicious provisions of the I.C.Act and the Natives (Settlement of Disputes) Act, and are working under 30

conditions verging on slavery;

6. The rents are being increased in numerous townships throughout the country;

7. The people are being persecuted under Section 10 of the Urban Areas Act; 5

8. The Government is preparing to frame up and arrest 200 leaders of the Congress movement;

9. The Bantu Education Act is being applied on all-embracing scale;

10. Steps are being taken to enforce apartheid in the nursing profession and in the universities;

11. The people are being shot and killed by the police in clashes such as at Vlakfontein, Lichtenburg, Maquassi, Klerksdorp and other places;

12. Fellow Africans have been the victims of bombing and killing in Egypt. 15

What has your Province and its local branches done about any of these issues? We certainly have received no report from you that these issues have been brought to the attention of the public by way of sustained agitation and mass activity. This is in spite of the fact that express instructions have been sent to you from time to time by the National Head Office. 20

We do want to know whether the African National Congress in your province lices and exists, in the sense that its branches and regions are active and vigilant in taking up current issues. We must know whether our problem lies with the Provincial office or with the local branches, and for that purpose I am asking you personally, as Provincial Secretary, to write to us immediately, telling us how your Province and your local branches have been handling 25 30

2813.

(G.P. LAURENCE)
(P.D.N. 90)

the above issues.

Furthermore, I wish to plead with you and your executive, in the name of the struggle for freedom, to call out every Congressite, every man, woman and youth - every Field Worker and Volunteer in your province, and mobilise them for a determined fight for freedom in our life time. There are enough issues to engage all of us every day, to keep us at big mass protest meetings every week and to unite the people into a mighty Freedom Forces. 5 10

Are you going to do anything about it? If so, you might consider issuing a leaflet similar to the enclosed specimen. I would urge.....

Yours in the National Struggle."

It is addressed, as I have said, to "Dear Mr. Shume". 15
P.D.N. 91 is a roned document, "To all A.N.C. Branches, Trade Unions, Social, Cultural, Sporting and Religious Organisations :

"The Western Areas Scheme is nothing less than a declaration of war on the African people as a whole. 20
It is a matter which does not only concern those that will be affected but an attack on the African's right to freehold land and ownership of property.

The scheme disregards not only the wishes and aspirations of the African people, but also all economic, Christian and moral principles. 25

We do note, however, that this is part of the mounting attacks on the freedom of ownership and civil liberties with the aim of dehumanising the African, put him down and make it impossible for him to be but as a beast of the field; extinguish his soul in the world and place him where the ray of hope is blown out as in the darkness of the damned. 30

The viciousness of the scheme is indescribable except in the barbaric and uncivilised sense.

We have thus far reached a critical point in the history of our people. We stand on the threshold of being crushed forever into submission. We hold it 5
is a crime against man and God to submit any longer to a rule which has impoverished and unmanned our people. We have the firm anchor of the principles of the African National Congress. We have the hope and faith that nourish us and give us strength. We 10
have justice on our side.

The African National Congress accordingly calls upon all people of all national groups, no matter where they are, to come forward; we call upon all branches of the African National Congress, trade 15
unions, religious organisations, sporting clubs, individuals and indeed all and one are called upon to give full active support by means of :

1. Calling daily public meetings to protest against the Western Areas Removal scheme. 20
2. Sending telegrammes of protest to the Government.
3. Organising anti-Removal demonstrations.
4. Pledging full support to the anti-Removal movement and organising house-house campaigns to rouse public feeling against this inhuman act by the 25
Nationalist Government.
5. Pledging also full support to any action that might be taken by the African National Congress to stop this reign of terror.

We have no easy or smooth task, and are being 30
attacked from all sides - educationally, economically, politically, morally and spiritually. The extent

to which we carry out our duty in this great task
will be the measure of our success."

The next is P.D.N. 93, and this My Lords is a roneod
document, The Forty-Fourth Annual Conference of the A.N.C.
9Transvaal), held in the Bantu Hall, Lady Selborne, 5
Pretoria, 4th November, 1956. It is the same My Lords,
as B. 259.

P.D.N. 94, is a document, The Planned Economy of the
Rumanian People's Republic in the Service of Peace
and International Co-operation. For possession only. 10
Issued by the Chamber of Foreign Trade, Rumanian Peoples'
Republic.

P.D.N. 95, "Fighting Talk", Volume 10, No. 3, April, 1954,
as much as will be read in under G. 1131.

P.D.N. 96, a circular letter, dated the 13th March, 1954, 15
from the Women's International Democratic Federation,
and it appears to have been sent under cover of a letter
to the Secretary, African National Congress, Transvaal,
Johannesburg, and it has an article "For the Defence of
Their Country's Independence", dealing with the situation 20
in Guatemala. Possession only, My Lord.

P.D.N. 100 is a circular letter, African National Congress
Youth League. It purports to come from the office of
the Assistant National Secretary, 7044(b) Westcliff,
Orlando, 14th January, 1954, and it has typed in on page 25
2 at the bottom "Duma Nokwe, Assistant National
Secretary, C.Y.L.". I will just read the first
paragraph :

"The National Executive in its report has referred
to the need of building the Youth League into a 30
mass movement which will mobilise the vast masses
of African youth, in particular for the liberation

of Africa. Mr. W. M. Sisulu, Secretary-General of the A.N.C. has made a call to the youth to make 1954 a year of mass youth activity to oppose fascism."

P.D.N. 101, is the bulletin "Fighting Talk", Volume 2, No. 2, April, 1955, as much as will be read in under G. 1132. 5

P.D.N. 102, is a roneod document, "Resolution Adopted by the National Executive Committee of the African National Congress on Bantu Education" deferring the resolution to withdraw children from the 1st of April, and on page 2, typed in on this roneod circular - it deals with a Special Conference of the A.N.C. to be held on the 13th March, 1955, and the written signature R. M. Resha. 10 15

P.D.N. 105, which appears on the Policy Schedule at pages 24 and 41. It is a copy of a typed document "Plans for Organisation":

- "1. The fundamental aim of the Executive is to increase the active membership of the Branch in order to respond effectively to the mass liberation programme of the A.N.C. 20
2. To develop political clarity and consciousness of the membership, and an understanding of the Struggle, in order that members should analyse and assess events correctly, so that they are rendered impervious to detrimental propaganda. 25
3. To raise the standard of discipline of the members and - so that the organisation can challenge
4. To increase solidarity and love among members and the African. 30
5. To raise funds.

METHODS OF IMPLEMENTATION.

Increase of membership and Political Clarity.

All methods of organisation, and committees formed therefor are subject to the control and supervision of the Branch Executive. 5

The members of the Executive who have been elected for the same area shall be the "Area Supervising Committee" for the area from which they have been elected.

ORGANS. 10

This is extremely important, as it is the only way in which the A.N.C. will continue to exist. Secondly, it is the only form which can assure intense organisation and political clarity.

Purpose of Organs. 15

(a) Increase of membership.

(b) Political education of members.

(c) The discipline members.

(d) The training of leaders.

(e) The raising of funds. 20

Formation.

Any group of at least five Congress members may form an organ provided they have obtained the approval of the Executive or they have had a member of the Executive attending their first meeting." 25

Then it deals with the organisation of the organs which I omit. And then, at the end of the page, there is the following paragraph :

"Programme of Activity.

Meetings. Organs shall meet regularly at least once a week on the days and manner in which the Executive will from time to time indicate. 30

Agenda.

1. Political lectures on the following topics
in order.

(a) The history of white domination in S.A. - The
Struggle past and present - the history and policy 5
of Congress.

(b) The struggle in other parts of Africa.

(c) The struggle for liberation in other parts of
the world.

(d) Democracy - Communism - Capitalism - Imperialism -10
national independence and world Peace.

(e) Methods of Struggle. Boycott, Defiance - Indus-
trial Action and armed conflict. The requirements
of each, their practicability, effectiveness, and
limitations in the struggle in S.A." 15

P.D.N. 106, a roneod document, the African National
Congress, Transvaal, Johannesburg, "Resolutions Adopted
by the Annual Conference of the A.N.C. held at Queenstown
on the 18th-20th December, 1953." My Lords, this document
will be dealt with under N.R.M. 12(e), evidence which I 20
will also be leading.

P.D.N. 110, a roneod document, headed "Political
Organisation". The contents of the document, My Lord,
are the same as B.25, except on page 5 of this document
and under the heading "Building up of People's Movements" 25
- I think I should just read this content, it starts on
page 4 :

"Building a Peoples' Movement.

To sum up, then, a peoples' movement can only be
built :

30

1. by militant struggle, in the course of which
local issues close to the people are constantly

related to the struggle as a whole;

2. by being flexible about forms of struggle, always watching to see whether new conditions and circumstances do not call for new forms of struggle;

3. by constant mass agitation and propaganda amongst the people as a whole; 5

4. by courageous, bold leadership leading the people and learning from them;

5. by working at all times to maintain the widest unity of the people compatible with continued struggle." 10

And then in manuscript are added under sub-paragraph 5, "Sabotage" and "armed conflict".

P.D.N. 111 is an "Agapress (?) Information Bulletin", 20 of 1954, it is handed in for possession only. 15

P.D.N. 112 is a "New Youth", independent youth journal, volume 2, No. 4, October, 1956. As much as has been read in under B. 100.

P.D.N. 116, is a typed document, "Message to Cape Conference" which states : 20

"I regret that we have been unable, due to lack of funds to send someone from Headquarters to your Conference to convey the greetings of the N.E.C.

On behalf of the National Executive, I greet your Conference and the African people of the Cape. 25

Your meeting takes place at a time when the situation appears to be more critical in the country than ever before, when the persecution of the African people under the Nationalist regime appears to be reaching a climax. The pass system has never been as vicious as it is today, especially under the Urban Areas Act, Section 10 in particular, whose 30

purpose is to intimidate and silence any opposition to the Strydom Government. Is it accidental that this measure was promulgated on the 26th June, 1952, judging from what is happening now? It was not accidental. Congress leaders have become vic- 5
tims already and a further amendment has also been brought about wherein petty officials of the N.A.D. can banish the so-called agitators without recourse to law, under the Prohibition of Native Interdicts Act. 10

At the same time our women folk are now also subjected to the pass system but fortunately, they are keeping their traditional struggle against the passes and continue to be victorious.

The Removals are taking place everywhere in South 15
Africa, removing people from their homes, taking away their properties under the Group Areas or some other Act. The Bantu Education is used to teach our children that these cruel measures are done in the interests of those affected and by the grace of 20
God.

From this Conference there must come men and women who will not merely speak of sacrifice, but will go out on a practical demonstration of showing what a sacrifice means. The youth of the country must 25
come forward. Their mothers and sisters are showing the way, are they going to let the struggle down, or will this be a turning point on their part too? These matters must receive your undivided atten-
tion. Your Conference must once more inspire the 30
country.

In a few words, I wish you very successful

deliberations and a very successful Conference.

Remember our Religious leaders' call for the 4th October, in Bloemfontein. It is a wise and timely call, give it your support".

P.D.N. 117, General Resolutions of the World Council of Peace dated the 20th November, 1953. Could you say how many copies of this document you found Mr. Laurence?
--- Nine copies, My Lord. 5

P.D.N. 118, a circular letter from the Women's International Democratic Federation, dated July 8th, 1954. It is addressed - the envelope is addressed to somebody, Regina Twala of the African National Congress. It is headed "Demand their Freedom", and it deals with a new wave of oppression against the democratic movement in Argentine, which has been set in motion. Possession only. 15

P.D.N. 119, is a poster "Send in Demands for the Freedom Charter preparing for the Congress of the People".

Then My Lords, P.D.N. 120, 121, 122, 123, 124, 125, 126, 127, 128 are bulletins headed "New China News Agency", bearing the dates respectively in 1954, May 31st, June 9th, 20 June 10th, June 11th, June 15th, June 24th, July 9th, July 29th, and July 30th. They are handed in for possession only.

P.D.N. 129, is a manuscript document, headed "A Press Statement" and on page 2 there appears to be the signature "Duma Nokwe, Secretary". The statement reads as follows : 25

"Youth unite against Colonialism.

Throughout the world today, in Iran, Vietnam, Kenya, British Guiana, Uganda, Tunisia, Morocco, and Guatemala, youth are struggling against the ruthless oppression of colonialism, for national 30

independence and for peace. The peoples are struggling for the right to govern themselves, and the right to prosper from the resources of their own country. They are struggling against oppression and heartless exploitation which condemns them to poverty, misery and disease in their own countries, whilst a handful of peoples. They are struggling against the evil of colonialism. 5

Their struggle against these conditions is not merely benefit themselves, not are their victories merely victories for themselves, every blow against colonialism weakens the whole system of colonialism, the enemies of freedom and peace. Thus all democracy loving people share the victories of the struggling oppressed, and they must unite with them in their struggle. Every person is capable of contributing to the struggle to end colonialism and oppression. 10 15

February 21st is the International Day of Struggle against Colonialism and Solidarity with the Youth of Colonial Countries. On this day the youth throughout the world will express their unity in the fight against colonialism. They will demand the .." - a word which is difficult to decipher - "... of international tension, ending of all existing wars and all acts of violence directed against national independence. 20 25

In the Transvaal, meetings and cultural events will be organised during the week preceding the 21st February, to educate the youth on the struggle against colonialism, and to prepare for the big mass demonstration which will be held at No. 2 30

Alexandra Square, under the slogan of 'Welcome Sisulu'. The Colonial Youth Day Committee appeals to all youth organisers - appeals to all youth, youth organisers to regard their day as a day of pledge to struggle against colonialism and to attend in the demonstrations and meetings which will be organised in their Areas. FORWARD TO FEBRUARY 21ST. Issued by Colonial Youth Day Committee, Duma Nokwe, Secretary".

5

The next document, My Lord, is a programme, "Colonial Youth Week", P.D.N. 130, and various activities are set forth against various days, the last of which are "Sunday - Mass Rally "Welcome Sisulu".

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P.D.N. 131 I am not putting in, My Lords.

P.D.N. 132 is a manuscript document on the life of students in China:

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"The life of students in China like the lives of students in any other country is interwoven with the whole life of the countries. The condition of students in China today and in the past is a reflection of the conditions prevailing in the country. The hardships of the students in China before 1949 were the hardships of the 500 million people in China. The struggles of the students before 1949 were the struggles of the 500 million people in China, in no way could the students in China expect themselves from - except themselves from the hardships, frustration and struggles of the people, just as they share from the victories and progress and achievements of New China.

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On October 1st 1949, Chairman Mao Tse Tung, at Peking announced the the establishment of the People's Republic of China. The New China. This

closed the door on the horrible old China, the
old China of poverty, and degradation, oppression
of the - oppression. Of the old China, of China
whose riches and wealth did not belong to the
people of China but was robbed by American, British, 5
and Japanese imperialists who worked through land-
owners and their lackey Chiang Kai Shek to oppress
the Chinese people. We know how we used to read in
the newspaper of the people starving in China and
it was usually said that China had too many people. 10
The truth is that people starved in China just as
they starved in South Africa, not because there are
too many people and too little food, but because
there are some people who want to own everything,
they want to own the whole land and own the people 25
on it too. A typical story of a peasant in China
will illustrate what was happening in the rural
areas of China."

That is at the middle of page 2, and then the document
continues with the story. The document says on page 4 : 20

"We met mothers who said that being on the verge of
starvation with - because of the long unemployment
of husbands or because they had no husbands, they
had to sell their young daughters into prostitu-
tion, or send them to work in factories. We met 25
women who...."

Then it refers to other people who were met. Then at the
top of page 6 :

"Students Struggles.

The Students of China foremed - joined hands with 30
the workers and peasants in their struggle against

the imperialists Americans and Japanese and
British and Chiang Kai Shek."

That is all that I read from that document. My Lords,
that concludes the evidence of documents which this
particular witness found in the possession of Accused 5
No. 16. I now lead evidence of some other documents
which the witness found. The reference is at page 1433
of the Preparatory Examination Record. I don't know
whether I have given Your Lordships the list of documents
alleged to have been found at the residence of Accused 10
Sisulu. On the 5th December, 1956, did you proceed to
an address 7372 Orlando, Johannesburg? --- Correct, My
Lord.

Did you there take possession of certain
documents? --- I did, My Lord. 15

Could you tell the Court when you arrived at
this place - is it a private house or what is it? --- It
is a private house, My Lord.

And did you have a search warrant? --- I had
a search warrant. 20

And you were met by a lady at the door? ---
That is correct.

Did you produce the search warrant? --- I
did.

And then you continued to proceed to search 25
for documents? --- I did, My Lord.

Did you find any documents? --- I did.

Where did you find them? --- In the house
at that address, 7372 Orlando.

Do you know where in the house? --- Mainly 30
in the bedroom.

At that time, was anybody else present at

this house? --- Except for the lady, no one else was present.

My Lord, I understand that the Defence are prepared to admit that on this particular date this house was the residence of Accused No. 19, W. M. Sisulu. 5

BY MR. PLEWMAN :

My Lord, the admission which we are prepared to make is that the house in which - I think these are the documents on the list, W.S. 34, 35, 42, 44, 45 and 48 were found, was the house in which the Accused Sisulu was at that time living. 10

BY MR. TRENGOVE :

Would you have a look at these documents, W.S. 34, 35, 42, 44, 45, and 48? --- Correct, My Lord.

Those documents you found in that house in the bedroom on that occasion? --- That is correct, My Lord. 15

BY MR. JUSTICE RUMPFER :

How many bedrooms were there in the house? Do you know? --- There were two bedrooms, My Lord. 20

Did you know the particular woman who was there? --- Except that she gave me her name, it was the first time that I saw her on that date.

You didn't know her? --- I didn't know her.

BY MR. TRENGOVE : 25

The first document, W.S. 34, which is "A Peoples' Collection List".
W.S. 35 is "Liberation" No. 22, November, 1956, as much as will be read in under G. 1150.
W.S. 42 is an Agenda of the Transvaal Conference Federation of South African Women, December, 1956, and the welcome to the delegates is by Mrs. L. Ngoyi, National 30

President. The Regional Report by the Executive Committee is by Mrs. Helen Joseph, Secretary. There is a discussion on passes to be opened by Mrs. Bertha - by Miss Bertha Mashaba.

Then there is a document "Calling All Women of the Trans- 5
vaal", Federation of South African Women referring to the conference on the 2nd December, which is W.S. 44, and there is a letter dated the 25th October, 1955 from "Joe" to dear "W.M." My Lord, this letter - this document consists of a front page which is a completed letter, 10
and then there are two additional pages to this document.

"My dear W.M.

I am sending you some material which I hope you can make use of at this year's conference. I am very keen especially on the organisational reforms designed 15
to strengthen headquarters. I am sure we will get the support of the old fellows provided we give them the other important portfolios and take the Secretary-Generalship. From this side there will be solid support for these ideas in fact a resolution 20
from the regional branches along these lines will be presented. But I feel that the leadership should present a complete plan of re-organisation which conference can work on. I am hoping that the executive will meet first to discuss in order that 25
maximum agreement can be arrived at. What happened at the Transvaal conference. There are so many conflicting reports."

Then I omit the next passage. Then :

"I am really alarmed at the passivity of the 30
leadership on the question of Bantu Education. It seems that a few areas are being left to carry on

the fight. There are no statements, no campaign to urge the people to play their part. It as if the movement has abandoned the campaign. If it has it must say so, but I feel sorry for the leadership which will come out with that suggestion. The Eastern Cape is full in the fight. Peddie is today an armed camp and that is all because of the attitude of the leadership which is to just keep quiet and leave things to develop with no guidance. I read the extract in New Age of the Transvaal report. It is utterly useless merely to keep on saying that we must avoid isolated action and indulge in self-criticism that ends there. What is the clear lead that the leadership is giving to the people. Nobody denied that it is a difficult situation, but is there any real alternative to the attitude of the A.N.C. We must have faith in our people and in their ability to think and to see through the lies of Verwoerd and his stooges."

That is at page 1. Then on page 3, in the middle of the page :

"With respect to the question of leadership I am satisfied that we will here less and less of Z.K. in the coming years. Perhaps I am wrong, but I think personally that the old fellow is retiring gracefully before the storm that lies ahead. With Chief also unhealthy it seems we are losing our old guard except for J.B., Moses, and a few others. Anyway, that is the way it goes. I am very happy at the return of Moses to the Union. I hope he will soon write some articles for New Age to guide the country. As the old fellows are removed we

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(G.F. LAURENCE)
(W.S. 45)

we will have to rely more and more on him for guidance.

I like Congress Voice. I however feel that we should fight to have produced at H.Q. A Congress Voice in 3 or four issues with the major languages catered for. Isizwe will campaign more vigorously for that in the coming year. You have not said anything about that by the way. Resha said you have not received copies. That is amazing. Someone in Maylur House must be taking your copy everytime. I personally posted both copies to you. 5 10

I will be in Durban from the 18th December. I will try to go through Bloemfontein but that depends on circumstances. Greetings to all over there. Tell Ruth I will give her a confidential report on the whole Fort Hare situation but I will not write an article for printing in the press. I am too close to the affair and whilst I may not agree with my old man in many things I will not do anything which might unnecessarily conflict with his wishes. And he has especially asked me not to deal with matters of such a delicate nature in the press especially as I am closely connected through him with events at College. But I will prepare something for her. When I got her letter I was in the thick of exams and did not even reply to her which was very bad. Anyway I will attend to her request. 15 20 25

Yours for Afrika, Joe.

P.S. Re Freedom Charter, our delegation stands for it as it stands and will oppose any amendment." 30

The address on this letter is "Port Elizabeth, 25th October, 1955."

Then My Lord there is W.S. 48, "Draft Constitution of the Federation of South African Women", and we are merely relying on possession in this case.

That My Lords, concludes the evidence in chief of this particular witness. 5

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. NOKWE :

I just want to refer to a few Exhibits. Exhibit P.D.N. 105, that is an exhibit entitled "Plans for Organisation". This exhibit is undated and unsigned? 10
--- Correct, My Lord.

Then Exhibit P.D.N. 110, that is "Political Organisation". I do not know if you have read through it, but this exhibit is also undated and unsigned and refers to no political organisation which is known - no 15
political organisation is mentioned in it? --- I will have to refer to the document.

BY MR. TRENGOVE :

We admit that no specific organisation is mentioned in the document. 20

CROSS-EXAMINATION BY MR. NOKWE CONTINUED :

And it is not dated and not signed either. Then I refer to P.D.N. 130, that is a programme for Colonial Youth Week, the activities for Sunday were read by the Crown. I just want to confirm that on 25
Monday there was going to be an opening of an Exhibition; on Tuesday, Wednesday, Thursday and Friday, apart from meetings there were going to be cultural activities on all those days.

BY MR. TRENGOVE : 30

We accept that, My Lord.

CROSS-EXAMINATION BY MR. NOKWE CONTINUED :

The next is P.D.N. 98, which has not been put in by the Crown, and P.D.N. 113, 114 and 115. P.D.N. 98 is "Flash", issued by the African National Congress (Natal) and the Natal Indian Congress, and it is an open letter to Jawaharlal Nehru. The letter begins on page 1, My Lord, with a description of apartheid in rather derogatory terms, and then it continues on page 2, and the fifth paragraph from the top reads as follows :

"There is no end to this unhappy story, and why should I burden you with it, Sir? This monster of apartheid spreads its tentacles far and wide, and all non-Whites, be they Priests or Doctors or University Graduates or workers or business men, are caught in its soul-destroying grip.

And it is against this monster that we are fighting. We have faith in our Cause and in our leaders and for our weapon, which have Passive Resistance. We have a worthy end, and Mahatma Gandhi has taught us that we must employ a worthy means to achieve an noble end.

We take inspiration from the heroic Struggle of the people of India for their own Independence, and from the past Struggles of our people in this country, the first of them under the leadership of Bapuji."

"Bapuji" I think is another name for Mahatma Gandhi. I put in this document.

P.D.N. 113 is an "Asian Socialist Conference, Secretariat, 4, Wingaba Road, Rangoon". It is a "news-letter No. 6. I hand this in for possession.

P.D.N. 115 - I am sorry, P.D.N. 114 is also another pamphlet by the Asian Socialist Conference, issued from the same Secretariat. I also hand this in.

P.D.N. 115 is an Asian Socialist Conference, with the sub-title "Anti-Colonial Bureau Newsletter". I hand this in for possession. 5

NO FURTHER QUESTIONS.

RE-EXAMINED BY MR. TRENGOVE :

This Exhibit P.D.N. 98 "Flash", is dated the 13th November, 1952, and as stated it is "An Open Letter to Jawaharlal Nehru". On the first page, the fourth paragraph is states : 10

"But during these six years, South Africa has deliberately and shamelessly put the clock back. While the rest of the World progresses and advances to greater freedom, we in South Africa have experienced greater repression and a regular diminution of the meagre rights that we possessed." 15

"In the general election of 1948, the Nationalist Party of Dr. Daniel Francois Malan was returned to power. They are committed to that notorious policy of apartheid or separateness - the policy of the master race. They have flouted the Constitution of our country and defied the world. They are the same men who openly prayed for a Nazi victory in the 1939-1945 war, and it is to the everlasting shame and disgrace of our country that while Hitler and Mussolini were vanquished in their homelands, their disciples should establish themselves in a country like ours. 20 25 30

It is against such men and their policies that the

non-European peoples of this country, under the leadership of the African National Congress and the South African Indian Congress, have launched the third great Passive Resistance Struggle of this country, known to the world as the Defiance of Unjust Laws Campaign. 5

You and your Government have once again instinctively proclaimed your unqualified support for the struggle of our people. You have thereby incurred the wrath of our authoritarian Prime Minister who has, in language most undignified, roundly insulted you and your great country. But we know that you are no enemy of our country and that you desire peace, above all else." 10

Then My Lords, this P.D.N. 113, is a Newsletter No. 6, "Asian Socialist Conference" and it deals with the Foreign Policy. Paragraph 1 : 15

"1. The Indonesian Socialist Party is carefully following developments in the field of international politics, especially those which can lead to a lessening of the danger of world war and lessen tensions between nations and promote freer and more normal intercourse between nations. 20

2. The Indonesian Socialist Party considers developments related to the views and attitude of the Soviet Communist Party as can be understood from publications concerning and from the XXth Congress of the Soviet Communist Party, as a symptom which can simplify the development of international relations in the above expected direction. 25 30

3. But the Indonesian Socialist Party also believes that meanwhile the Cominform's role in the world,

as an instrument of the Soviet Union to meddle with and to disturb from the inside the situations in other countries, has not changed."

Then paragraph 6 :

"6. The Indonesian Socialist Party repeats for the 5
 umpteenth time the statement she has continuously
 put forward to the effect that as long as there
 still exist colonial domination in the world, the
 peace longed for by mankind will not be completely
 materialised. That is why the Indonesian Socialist 10
 Party challenges continuously colonial domination
 with might and main and promises her support and
 loyalty to each resistance towards colonial domina-
 tion offered by colonised people, as is the case now
 in North Africa, Algeria, Morocco and so on." 15

Then at the last page of this document, Page 8, the
 second paragraph :

"Today the Algerian problems is not the concern of
 France alone but of all the world and particularly
 of the peoples who stand for abolition of colonialism 20
 everywhere. France has been quick to appeal to the
 NATO powers and is making every effort to put pres-
 sure on her allies to support her policy of
 military repression in Algeria.

The Algerian freedom movement needs the support 25
 of all freedom and peace loving peoples and parti-
 cularly of the Asian and African community so that
 a peaceful solution may be reached in Algeria on
 the basis of the Bandung Conference resolution,
 i.e. the right to self determination. 30

The Algerian people call upon the democratic
 forces in the world and in France to take up the

cause of Algerian freedom. For the fight in
 Algeria is a part of the great struggle of peoples
 against the curse of colonialism, still powerful
 but yielding step by step to the irresistible
 forces of freedom." 5

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY MR. FISCHER RESERVED.

WITNESS STANDS DOWN.

DANIEL JACOBUS ROSSOUW, duly sworn;

EXAMINED BY MR. TRENGOVE : 10

On the 5th of December, 1956, did you search
 the premises of anybody for documents? --- Yes, My Lord,
 I searched the premises of one named Nelson Mandela.

Where did you conduct your search? --- I
 conducted the search at 8115 Orlando, and at another 15
 place..

Firstly, what is 8115 Orlando? --- That is
 the house of Nelson Mandela.

And was this person present when you conduc-
 ted the search? --- Yes. 20

Did you there take possession of certain
 documents? --- I did.

In his presence? --- Yes.

Did anybody claim ownership of those docu-
 ments? --- Yes, Nelson Mandela did. 25

On the same day, did you conduct a search
 anywhere else? --- Yes, at 25 Fox Street, which is the
 office of Nelson Mandela.

When you conducted the search you say at
 the office of Nelson Mandela, was anybody present? --- 30
 Yes, he was present.

And the documents that you took, where did you find them? --- Some of the documents I found at his house and others I found at his office.

Now these premises at 25 Fox Street, when you say you removed it from an office, is it from a particular room, or from more than one room? --- Yes, I asked him - he was present, and I asked him which is his office. He pointed his office out to me, and I removed these documents from his office.

Do you know whether more than one person occupied that office? --- No, according to what he said, he was the sole occupier of this office.

And when you took the documents at that time, in whose presence did you take them? --- In the presence of Nelson Mandela.

And did he make any remark as to whose documents they were? --- Yes, he said everything in the office is his property, it belongs to him.

Now you have before you a number of documents? --- Yes, My Lord.

N.R.M. 20? --- Yes, I have it.

Could you indicate in respect of the documents, the reference numbers which I put to you, which you found at the address 8115 Orlando West, and which you found at 25 Fox Street. Now N.R.M. 20? --- 8115 Orlando.

N.R.M. 21? I am sorry, just leave that number for a moment. N.R.M. 26? --- Orlando.

N.R.M. 28(a)? --- Orlando.

N.R.M. 30? --- Orlando.

N.R.M. 31? --- Orlando.

N.R.M. 32? --- Orlando.

N.R.M. 34? --- Orlando.

N.R.M. 36 to 40? --- Orlando.

N.R.M. 43? --- Orlando.

N.R.M. 44? --- Orlando.

N.R.M. 46? --- Orlando.

N.R.M. 47? --- Fox Street.

5

N.R.M. 49? --- Fox Street.

Now unless it is Orlando again, just have a look at all the other documents and indicate - N.R.M. 50, 51, 52, 53, 54? --- Up to 54 Fox Street.

N.R.M. 55? --- Orlando.

10

N.R.M.56(a)?-- Orlando.

N.R.M. 57? --- Orlando.

N.R.M. 58? --- Orlando.

N.R.M.59? --- Orlando.

N.R.M. 60 to 66?

15

N.R.M. 68 to 71? --- Orlando.

N.R.M. 72, 73, 74, 75, 76? --- Orlando.

N.R.M. 77, 78, 79, 80, 83, 84? --- Orlando.

N.R.M. 21, where did you find that? --

Orlando.

You hand in these documents? --- Yes, My Lord.

Now this N.R. Mandela that you have referred to, can you identify him? --- Yes, My Lord.

Please do so? --- (WITNESS IDENTIFIES

ACCUSED NO. 6)

CASE REMANDED TO THE 14TH SEPTEMBER, 1959.

COURT ADJOURNS.

COURT RESUMES 14/9/1959:

APPEARANCES AS BEFORE:

BY MR. JUSTICE RUMPF: In terms of an admission made by the Defence at the Preparatory Examination, and relying on Section 284(ii) of the Code, the Crown on Friday sought to hand in an exhibit PDN.55, allegedly found in a suitcase which the (5) Accused Nokwe had with him, when he arrived by plane at Jan Smuts Airport on the 1st December, 1953. The Defence suggested that the admission made at the Preparatory Examination was an admission purely to expedite the proceedings before the magistrate, and for purposes of the Preparatory Examination. (10) But the terms of the admission as recorded do not unequivocally indicate that the Defence intended to make an admission in terms of Section 284(ii) of the Code. This section reads as follows: "The Accused or his representative in his presence may in any criminal proceedings admit any fact relevant to (15) the issue, and ^{such} any/admission shall be sufficient evidence to that fact. An admission made by an Accused or his representative in his presence at a Preparatory Examination which the magistrate presiding thereat has noted on the record, may be proved at the subsequent trial of the Accused by the (20) production by any person of the documents purporting to constitute that record."

On page 1389 of the record of the Preparatory Examination, there appears the following :

BY THE P.P.: May it please Your Worship: It has been agreed between the Defence and the Crown that documents so far as today is concerned at least will go (25) in by consent, and I think the procedure should be that the Crown would tender the documents by consent and intimate to the Court what numbers are being omitted and certain passages will be read from cer- (30)

tain numbers. Then I believe that the Defence, Mr. Coaker is prepared to admit that these documents were taken from the possession or from the houses of respective Accused, with certain reservations, i.e. the relevancy, admissibility of certain documents might be contested, at a later stage, if they feel so advised. The Crown will in each instance indicate to Your Worship whether these documents have been taken from the home of the Accused, from his office, or from any other premises. I think that is all the Crown can say. Perhaps my learned friend will be able to add to what I have said. (5 (10

BY MR. COAKER: May it please Your Worship. The agreement between the Crown and the Defence to enable these documents to go in speedily, to save time and expense, is that the Defence is prepared to make certain admissions of the bare facts, which the witnesses would in any event testify to if they were present in Court. In other words, the Defence will admit in each instance that certain documents which are now handed in were taken from a certain place on a certain day by a certain person, whether or not the Accused was present at the time, whether or not the premises concerned are occupied by the Accused as a home, office, or any other way, and the Defence will consent to the handing in of those documents and exhibits. The Defence will reserve the right to cross-examine the searcher in any case where the Defence thinks fit, giving due notice to the Crown. It will also reserve the right to contest at a later stage the admissibility of any documents so handed in ex any of the Accused, and it will also reserve the right to contest any other facts, other than the bare fact admitted. For instance, the right to contest the ownership or possession of the document by the (15 (20 (25 (30

Accused, or to lead evidence or to explain ownership or possession of such documents, or the presence of a document at the place where it was found. Naturally, I suppose the Crown will also have the right in the event of any matter being contested to call evidence, or in (5 any case where the Crown thinks fit to call the witnesses rather than resort to this procedure.

BY THE P.P.: I take it, Your Worship, that would include the identity of the person whose premises or person has been searched. (10

BY THE COURT: Yes, I accept that.

Thereafter the Prosecutor handed in a number of documents alleged to have been found in the possession of the Rev. Thompson. Now, the Defence made the following admission, at page 1402: (15

BY MR. COAKER: The Defence admits on behalf of the Rev. Thompson that on the date and place to which the witness has already testified, and in the presence of the Accused, these documents were taken by the witness, and that these documents which are now handed in, are the documents which were taken by that witness. As I have already indicated, the Defence makes certain reservations to which I need not refer again. (20

A little later, at page 1408, there appears the following :

BY THE P.P.: (Mr. FEBENBERG) I now deal with Accused (25 No. 56, P.D. Nokwe. He was searched on three occasions. The first occasion was on 1/12/53, when he alighted from a plane at Jan Smuts Airport, when the following documents were seized from his person by Lieut. J.H. Loots of the S.A. Police, now stationed at Klerksdorp..... (30

And then follows reference to a number of documents.

I tender the remaining exhibits in accordance with the

admissions made by the Defence. I take it the admission will apply to all three searches, or does my learned friend wish to record the admission for this search only at this time.

BY MR. COAKER: The Defence admits the facts as set (5
out by my learned friend and consents to the documents going in with the same reservations as I have already made.

Thereafter the Prosecutor dealt with two more occasions on which searches took place, and documents were found, and in (10
respect of both the occasions the Defence admitted that the residence of the Accused had been searched and that the documents had been found there. In respect of the search of the 1st December, 1953, the Defence clearly admitted that the documents handed in were found in possession of the Accused. (15
The object of the admission and of the other admissions obviously was to acknowledge the physical facts of certain documents having been found in a particular place. Once an admission of this nature is made, it seems to me unnecessary to consider the motive that may have induced the Defence to (20
make the admission. If the Defence wish to make an admission which is to be excluded from the operation of Section 284(ii) of the Code, the Defence should specifically say so. It seems to me that in the absence of any such qualification, Section 284(ii) of the Code applies to any admission made, (25
irrespective of any motive. In the present case it is conceded by the Accused, Nokwe, that the admission was made after the documents had been examined by him. In my view, the Crown is clearly entitled to rely on Section 284(ii) in respect of the above admission. (30

BY MR. JUSTICE BEKKER: I agree.

BY MR. JUSTICE KENNEDY: I agree.

BY MR. TRENGROVE: In view of the judgment of the Court, I beg leave to hand in PDN.55. Milords, it is a typed document headed "Report of the South African Delegation to the Third World Youth Congress." I read only certain passages from the document. Page 1 - (5

The delegation of the Union of South Africa extends warm greetings of friendship to the delegates of the 3rd World Youth Congress. We take this opportunity of thanking our Rumanian hosts for the magnificent welcome and hospitality offered to us. Our delegation, consisting of both black and white youth is perhaps the most representative Youth delegation from South Africa ever elected to attend an international youth congress, but its number and choice have been limited by the fact that some of our best youth leaders are victims of the fascist regime and by the refusal of the Malan Government to grant passports to those who have participated in the struggles of the people. One of our delegates here is under sentence of imprisonment. Several members of our delegation present have, because of the lack of valid documents, been forced to find special ways of getting here and seven others, including the leader of the delegation, have been unable to arrive at the Congress in time due to the fact that they were forced to travel without any passports at all. Each of the seven delegates has served a term of imprisonment arising out of the recent Defiance Campaign against racial laws, and some of them have been victimised because of their actions in the campaign. While the government honours fascists, it imprisons true democrats and restricts their right to travel in order to prevent them from exposing at international tribunals, the conditions in South Africa. (10 (15 (20 (25 (30

But the courageous action of these seven delegates in coming to Bucharest in spite of all obstacles is an indication of the determination of our youth to struggle for their liberation whatever measures the government may take..... (5

I read from page 2, the third paragraph -

The struggle of the youth for a better life is closely linked with that of the struggle of the whole people. The demands of the young people for education, for health, for cultural advances, for recreation, for a life of peace (10 and plenty can thus only be achieved if the demands of the liberation movement for an end to racial discrimination, for full social, political and economic equality are won. Since its election in 1948, the Nationalist Government has intensified and increased racial oppres- (15 sion, and has attacked and destroyed the few remaining democratic rights left to the people. The white people themselves have not escaped the Government's drive to fascism, and already action has been taken against white democrats and their organisations -- this is only the (20 prelude to the destruction of all opposition to the government. But the people do not accept this government and do not accept its policy. The people and the youth are struggling in many ways against the policies of the government. First and foremost, the liberation (25 organisations of all the non-white peoples have rejected the racial theories of the government. The people have not allowed the policy of divide and rule to prevent them from uniting in their common struggle against racial discrimination. The unity of the African, Indian and Col- (30 oured people and of democratic Europeans, was born and is developing in the struggle against the common oppressor,

and as this struggle intensifies, and as this movement for liberation matures, the unity of the people will grow stronger and stronger. Outstanding examples of this unity were shown in our Festival Preparatory Committee composed of young people of all races, in the demonstra- (5 tion on the Day of Solidarity with Youth and Students struggling against colonialism and in the African-Indian unity in the struggle against new segregation measures being taken by the government. The growing unity of the democratic peoples found its clearest expression in the (10 important campaign in defiance of Unjust Laws in 1952. Throughout the country, Africans, Indians and Coloureds in all walks of life and democratic Europeans, united in the most determined demonstration against racial discrimination ever witnessed in South Africa. In many parts (15 of the country, the groups defying the unjust laws were composed of people of different races and in a number of cases white people were imprisoned together with non-white defiers. In this campaign also, the youth have played an outstanding and leading role. The majority (20 of the 8,000 defiers were young people such as the young workers from the Transvaal, young students from the Eastern Province and young rural workers from the Cape Province. The defiance campaign against racial discrimination provided the young people with an important and un- (25 forgettable lesson -- the need for the unity of the peoples in the struggle for liberation. The freedom-loving people of South Africa longing for a life of peace and well-being understand very well that the Malan Government is in the camp of the war-mongerers. The (30 people, strongly opposed the action of the Government in sending troops to Korea, the Government's participa-

tion in the aggressive Middle East Pact, the development of uranium mines for atomic purposes and the expenditure of £26,000,000 (an amount exceeding that spent on social services for the African people) on armaments. The liberation organisations ally themselves with the peoples(5 of the world in the demands for the peaceful settlement by negotiation of all conflicts, the withdrawal of all foreign troops, for the national independence of the people and for a relaxation of international tension. At the same time, our people understand that the most (10 important contribution that they can make to the cause of world peace is to bring about the removal of the aggressive Malan Government and to bring to an end its policies of racial discrimination. In the struggle for peace too, the youth are playing their part. Our youth (15 in difficult conditions have drawn great support and stimulus from the examples of the youth of other countries. In particular, the young people of South Africa in their struggle to win a better life and in their struggle for peace have been greatly inspired by the great successes (20 of the Chinese people, and the new life that the Chinese youth are building. It is through the W.F.D.Y., through its numerous bulletins and publications, that it has been possible for us to learn and benefit from the experience of youth organisations from other countries. One of the(25 most successful youth demonstrations ever held in South Africa was organised this year in response to the appeal of the IUS and the W.F.D.Y. for demonstrations of solidarity on the day of Youth and Students struggling against colonialism. On this day 9,000 young people expressed (30 their demands for a better life and manifested their friendship and solidarity with the youth and students

living under the yoke of colonialism. This is only one of the examples of opportunities provided by the W.F.D.Y. for rallying ever broader sections of the youth into the work for peace and for an improvement in living conditions. Our youth warmly support the (5 move of the W.F.D.Y. in regard to the colonial youth and look forward to the extension and development of this work particularly in connection with the African colonies. This year the W.F.D.Y. is calling the 3rd World Congress of Youth and in convening the 4th World Youth (10 Festival has demonstrated once again its concern for the welfare of the youth and its determination to work in the interests of peace by developing friendship and understanding among the youth of the world. These two events have served as an important rallying force for (15 the youth of South Africa. Under the stimulus of the W.F. D.Y.'s appeals, South African youth are for the first time preparing local and national festivals for peace and friendship. The calling of the festival and congress have stimulated the efforts of young people (20 throughout our country to improve their work and to draw into the ranks of the youth organisations the broadest masses of young people. The very presence here at this Congress, and the presence at the Festival of representatives of South African youth is a clear ex- (25 ample of the value to our youth of the W.F.D.Y. and of international friendship. Overcoming many difficulties our youth have arrived in Bucharest, but this would not have been possible without the magnificent assistance that we have received from the international Solidarity (30 Fund. The South African youth movement, taking its place in the struggle against racial discrimination,

for the unity and friendship of all peoples on the basis of equality and co-operation, will continue to draw strength from the work of the W.F.D.Y. On its part, our youth movement will in future maintain closer contact and contribute more to the work and strength of the Federation. In friendship and co-operation our youth will work with the youth of the world towards peace and a better life. Long live the World Federation of Democratic Youth! Long live the friendship of the youth of the world! Long live peace! (10

Milords, there are certain witnesses who stood down for cross-examination. It may be convenient if they are called now.

ALBERTUS STEFANUS JACOBUS HELBERG, nog onder eed:

CROSS-EXAMINED BY MR. PLEWMAN: May it Please Your Lordships:

There is only one question I wish to put to the witness: (15

As regards Exh. X.2, Mr. Helberg, you will remember, the list which you took from Moolla, on which you indicated a signature, was it?-- That is the list I compiled?

The list you compiled which had a signature, Exh. X.2, which was handed in, did you get that signature because of his acknowledgment that the documents taken were his ?-- That is so. (20

Is that the only reason you got that signature ?--

And that the articles I am taking are correct.

Because I want to put it to you that you get a signature on every list, whether the party concerned acknowledges that the documents are his or not -- is that so ?-- I had Moolla sign because he checked the articles and said yes, that is correct. (25

My question is, I am putting it to you that you get a signature when you have a search for every document, for every search, irrespective of whether the party concerned (30

says that the documents taken are his property or not ?--
That maybe so.

It is so, isn't it; because I don't know if you have
seen your list in respect of Slovo, but you have got a sig-
nature for Slovo -- do you want to have a look at it ?-- (5
(Handed to witness) Yes, Mr. Slovo signed this list too.
(No further questions)

BY MR. JUSTICE RUMPF: Did you give him the list to read
before he signed ?-- I did.

Was that your practice generally ?-- That is my prac- (10
tice generally.

CARL JOSEPH DIRKER, still under oath:

CROSS-EXAMINED BY MR. FISCHER: I want to question you on
one point, namely your statement, or your assent to my
learned friend's questions, that the Accused Nokwe, when (15
you searched him on the 13th December, claimed the docu-
ments which you took. Have you people from the Special
Branch perhaps been discussing this matter prior to giving
evidence, amongst each other ?-- No.

Not at all ?-- Not about the claiming of the documents.(20

Would you mind telling the Court how, in what way, the
Accused Nokwe claimed the documents ?-- I asked him about
it.

How did you ask him ?-- I said "Whose documents are
these? (25

And he said ?-- That they were his.

Was this after you had collected the documents ?-- Yes,
You didn't do them one by one ?-- No.

So when you had got them together, did you first make
a list and then ask him, or first ask him and then make the(30
list ?-- As I took the documents, I made a list of them in

duplicate.

And at what stage did you ask him then?-- After I had listed all the documents, and after I had given him a copy of them.

And then what did he do, did he look through the documents, look through the list?-- Each document that I took, he was present and I showed him each document that I took. (5

Did you ask him in connection with each document; did you take each document and say "Is this yours?"?-- No.

Sergeant, you are not being very helpful; did you make a note of this in your notebook?-- No. (10

You see, Sergeant, I don't know how important this is, but as far as I know this was seldom if ever mentioned at the Preparatory. Now, when did you first think of this, that he had claimed the ownership -- when did you first, before giving evidence, when did you first remember about having asked the Accused?-- I remembered it ever since, because I asked him after I had taken the list. (15

Now, will you tell us precisely how he came to tell you that it was all his property; did he read through the list?-- That I cannot say, whether he read through the list. (20

Did he just say that it was his property without reading through the list?-- In answer to my question, he said it was his property.

This was after you had searched him and shown him your search warrant, I suppose?-- Yes. (25

He knew you were investigating a charge of treason?-- Yes. I showed him my warrant.

And although it might have been very important to establish that these documents were his, you never made any note of his having admitted that they were his?-- I
.....(Counsel interrupts, reply inaudible) (30

Would you mind having a look at PDN.170; what is that
-- that is a letter to Mrs. Nokwe, isn't it?-- That's right.

Signed by someone else, I don't know whose signature
it is; not by the Accused?-- That's right.

It is pinned to an envelope?-- Yes. (5)

Therefore you must have found it in the envelope?--
That must have been so.

Why should the Accused Nokwe claim that as his property
?-- I don't know.

Would you have a look at PDN.154, which is a letter (10
with a typed signature, J, Tshabatu, to the Secretary,
A.N.C. Women's League?-- Yes, this is signed by Tshabatu.

Why should Nokwe claim that as his property?-- I don't
know.

Are you still quite certain that he claimed all these (15
documents as his property?-- Yes, I am quite certain.

Would you mind having a look at this, PDN.84, which is
a set of minutes, which are kept in a handwriting that
isn't Nokwe's, a different handwriting?-- They are differ-
ent handwritings. (20)

Did Nokwe claim that as his?-- Everything that I had
on the list there, he claimed.

You still stand by that don't you, Sergeant, through
thick and thin?-- Yes.

Do you know PDN.151 was a small piece of paper which (25
has been mislaid, of notes, including shorthand-notes; do
you remember one with shorthand notes?-- I remember a docu-
ment that was handed in by the Crown on Friday, where he
remarked that certain notes were in shorthand.

Do you know whether the Accused Nokwe can do shorthand (30
?-- I don't know.

Will you accept that he can't do it?-- I can't, I

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