

I. D. KITSON

P.H

IN THE SUPREME COURT OF SOUTH AFRICA  
(WITWATERSRAND LOCAL DIVISION)

The Attorney-General for the Province of the Transvaal, who prosecutes for and on behalf of the STATE, presents and gives the Court to be informed that:

1. WILTON MKWAYI,
2. IAN DAVID KITSON,
3. LALOO CHIBA, P.H.
4. JOHN EDWARD MATTHEWS and
5. SATHYANDRANATH RAGUNANAN MAHARAJ, ~~MAHARAJ~~

hereinafter called the accused, are guilty of the offences of:

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

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

Contravening Section 3(1)(b), read with section 2, of Act No. 8 of 1953, as amended.

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

In that, during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travellon and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph

Goldreich and Harold Wolpe, members of the National High Command, Elias Mötsoaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turck, Levy Silora, Brian Somana, Isaac Lewitton, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo as well as the persons named in Annexure A attached hereto, on the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused Nos. 4 and 5, together with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan, as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of Nation), as well as other persons unknown to the Prosecutor, did, acting in concert and in the

execution of a common purpose, wrongfully and unlawfully, personally and through their agents and servants,

1.                   commit the following wrongful and wilful acts, namely:-

(i)     the recruitment of persons for instruction and training, both within and outside the Republic of South Africa in,

(a)     the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and

(b)     the art of warfare, including guerrilla warfare, and military training generally for the purpose of causing a violent revolution in the aforesaid Republic; and

(ii)    the acts particularised and numbered in Annexure B hereto,

Whereby the accused, injured, damaged, destroyed, rendered useless or unservicable, put out of action, obstructed, tampered with or endangered,

(a)     the health or safety of the public;

(b)     the maintenance of law and order;

(c)     the supply and distribution of light and power or fuel;

(d)     postal, telephone or telegraph services or installations;

- (e) the free movement of traffic on land, and
- (f) the property, movable or immovable, of other persons or of the State;

2. in contravention of the law, possess explosives;

3. in contravention of the law, possess fire-arms.

COUNT 2.

In that during the period 27th June 1962 to December 1963, and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa the said accused did wrongfully and unlawfully conspire each with one another and with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Mctseledi, Andrew Mhlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silora, Brian Somana, Isaac Lewitton, Amien Cajee, Nandhagopaul Naidoo, Petrus Arnoldus Bernardus Byleveld, Lionel Gay, Cyril Solomon Jones as well as the persons named in Annexure A, attached hereto, and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused Nos. 4 and 5, did wrongfully and unlawfully conspire each with one another and with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor, to aid or procure the commission of or to commit the following wrongful and wilful acts, namely:-

- (i) the further recruitment of persons for instruction and training, both within and outside the Republic of South Africa in,
  - (a) the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and

- (b) the art of warfare including guerilla warfare and military training generally for the purpose of causing a violent revolution in the aforesaid Republic.
- (ii) further acts of violence and destruction of the nature described in Annexure B attached hereto,

whereby they would have injured , damaged, destroyed, rendered useless or unservicable, put out of action, obstructed, tampered with or endangered:-

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) the supply and distribution of light and power or fuel;
- (d) postal, telephone or telegraph services or installations;
- (e) the free movement of traffic on land, and
- (f) the property, movable or immovable, of other persons or of the State.

COUNT 3.

Contravening section 11(a) read with sections 1 and 12 of Act 44/1950 as amended.

In that, during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed

Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Motsoaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silora, Brian Somana, Isaac Lewitton, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo as well as the persons named in Annexure A, attached hereto, and the South African Communist party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused numbers 4 and 5 together with Lionel Gay, a member of National High Command, Cyril Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan, as well as the persons named in Annexure A, attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation) as well as other persons unknown to the Prosecutor, did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully,

personally and through their agents and servants, commit the following acts, namely:-

- (i) the recruitment of persons for instruction and training, both within and outside the Republic of South Africa, in
  - (a) the preparation, manufacture and use of explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic; and
  - (b) the art of warfare, including guerilla warfare, and military training generally for the purpose of causing a violent revolution in the aforesaid Republic; and
- (ii) the acts particularised in Annexure B hereto;
- (iii) in contravention of the law, possess explosives for the purpose of committing acts of violence and destruction in the aforesaid Republic;
- (iv) in contravention of the law, possess firearms for the purpose of committing acts of violence in the aforesaid Republic.

Which acts were calculated to further the achievement of one or more of the objects of communism, as defined in section 1(1)(ii)(b) of Act 44 of 1950 as amended.



COUNT 4.

Contravening section 3(1)(b) read with section 2 of Act 8 of 1953 as amended.

In that during the period 27th June 1962 to December 1963 and at Johannesburg, Rivonia, Travallyn and Mountain View in the Province of the Transvaal, as well as at other places within the Republic of South Africa, the said accused together with Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Raymond Mhlaba, Arthur Joseph Goldreich and Harold Wolpe, members of the National High Command, Elias Motscaledi, Andrew Mlangeni, Percy John (Jack) Hodgson, Ronald (Ronnie) Kasrils, Joe Modise, George Naicker, Billy Nair, Phillemon Duma Nokwe, Joseph (Joe) Slovo, Harold Strachan, Oliver Tambo, Benjamin Turok, Levy Silera, Brian Somana, Isaac Lewitton, Amien Cajee, Petrus Arnoldus Bernardus Beyleveld, Lionel Gay, Cyril Solomon Jones, Nandhagopaul Naidoo, as well as the persons named in Annexure A, attached hereto, and the South African Communist party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation), as well as other persons unknown to the Prosecutor,

AND

During the period December 1963 to 19th September 1964 and at Johannesburg in the Province of the Transvaal, as well as at other places within the Republic of South Africa the accused Nos. 1 to 3 personally and by virtue of their being members of an association of persons, within the purview of section 381(7) of Act 56 of 1955, known as the National High Command, and the accused numbers 4 and 5 together with Lionel Gay, a member of National High Command, Cyril

Solomon Jones, Nandhagopaul Naidoo, Ruth Slovo, Hilda Bernstein, Ahmed Bhabah, Paul Joseph, Amien Cajee, Salim Mohamed Mayet, Ester Barsel, Petrus Arnoldus Bernardus Beyleveld, Billy Nanan as well as the persons named in Annexure A attached hereto and the South African Communist Party, the African National Congress and the Umkonto We Sizwe (The Spear of the Nation) as well as other persons unknown to the Prosecutor, did, acting in concert and in the execution of a common purpose, wrongfully and unlawfully personally and through their agents and servants, solicit, accept and receive money from various persons or bodies of persons, both within and outside the Republic of South Africa, and give money to various persons or bodies of persons, for the purpose of enabling or assisting the commission of offences, namely, SABOTAGE in contravention of section 21(1) of Act 76 of 1962 and contravening section 11(a) read with sections 1 and 12 of Act No. 44 of 1950, as amended, in support of a campaign against some of the laws of the Republic of South Africa or in support of a campaign for the repeal or modification of such laws or variation or limitation of the application or administration of such laws.

WHEREFORE, upon due proof and conviction thereof, the said ATTORNEY-GENERAL prays the judgment of the Court according to law.

N.C. MASTERS  
DEPUTY ATTORNEY-GENERAL.

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