

and/or gatherings in support of BPC, SASO and/or Turfloop SRC.

Accused No. 7.

- (1) (i) He was a member and/or supporter of SASO at all relative times after July 1972.
  - (ii) During or about September 1974, he became President of the SASO-dominated SRC of Turfloop.
- (2) (a) He participated in the activities of SASO and/or Turfloop SRC and their members and/or supporters, and, in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, rallies and/or gatherings in support of BPC, SASO and/or Turfloop SRC.
  - (b) Upon or about the 21st September 1974, and at Turfloop, he participated in a recommendation to SASO that Black people in the rural areas be "conscientized", to collaborate with and assist "freedom fighters".

Accused No. 8.

- (1) (i) He was a member and/or active supporter of SASO at all times after July 1972.
  - (ii) During or about June 1974 he was the Chairman of the Western Cape Local Branch of SASO.
  - (iii) During or about July 1974 he became Vice-President and a member of the National Executive of SASO.
- (2) (a) He participated in the activities of SASO and its members and/or supporters and, in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, rallies and/or gatherings in support of BPC and/or SASO.

- (b) Upon or about the 8th June 1973, and at or near Cape Town, he distributed or participated in the distribution of a document entitled "What a friend we have in Vorster" which is Annexure 11 to the indictment.
- (c) During or about the period 30th June 1974 to 2nd October 1974, he prepared, wrote and/or issued a document entitled "Unity and Dedication" which is Annexure 3 to the indictment.
- (d) Upon or about the 21st September 1974, and at a SASO Formation School held at Turfloop, he encouraged and/or advised a resort to an armed struggle.
- (e) Upon or about the 22nd September 1974 and at or near Western Coloured Township near Johannesburg, he advised, encouraged and/or incited Coloured persons to attack and kill the Whites.

Accused No. 9.

- (1) (i) At all times after July 1971 he was a member and/or active supporter of SASO.
- (ii) As from about July 1971, he was Regional Secretary of SASO for the Natal region.
- (iii) During or about July 1971 he was elected Director of Publications and a member of the National Executive of SASO.
- (iv) At all relevant times after 1969 he was an office bearer, member and/or active supporter of TECOH.
- (v) During or about July 1972 he was appointed Administrative assistant of SASO.
- (vi) From the time of its formation during or about July 1972, he was a member and/or active supporter of BPC.

- (2) (a) He participated in the activities of SASO, BPC and/or TECON and their members and/or supporters, and in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, presentations, rallies and/or gatherings in support of SASO, BPC and/or TECON.
- (b) As from about July 1971 he was the editor of "the SASO Newsletter".
- (c) During or about September 1971 he wrote, prepared, compiled, copies, printed, published, edited, issued, distributed and/or disseminated a SASO Newsletter dated September 1971, which includes an article headed "I write what I like - by Frank Talk" a copy of which is Annexure 1 to the indictment.
- (d) During or about September/October 1972 he wrote, prepared, compiled, copies, printed, published, edited, issued, distributed and/or disseminated a SASO Newsletter dated September/October 1972, which includes an article headed "Focus - Ugandan Asians and the lesson for us" which is Annexure 2 to the indictment. In 1971 and 1972 he was Director of Publications of SASO.
- (e) During or about the period 1969 to 1970 he became President of TECON and as from that date he participated in the production and staging of increasingly more militant anti-white and anti-State presentations, in particular:
- (i) the staging of "Requiem of Brother X" in Durban during or about July 1972 and in Cape Town during or about December 1972, which is Annexure 3 to the indictment, and

- (ii) the staging in Durban on 10, 11, 12, 15 and 16 October 1973 of the drama "Black Images" which is Annexure 12 to the indictment.

Accused No. 10.

- (1 ) At all relevant times he was an executive member of PET and a member and/or active supporter of BPC and/or SASO. PET is a racialistic, anti-white and anti-State theatre group that became a branch of SASO during July 1973, and collaborates closely with SASO and BPC.
- (2) (a) He participated in the activities of PET, SASO, and/or BPC and their members and/or supporters, and in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, presentations, rallies and/or gatherings in support of PET, SASO, and/or BPC.
- (b) Upon or about the dates and at or near the places mentioned in columns 1 and 2 respectively opposite (7) and (9) of Schedule A to the indictment, he participated in the production, presentation, and/or staging of
- (i) a poem "Black Nana Avenged! Arise!" which is Annexure 7 to the indictment;
- (ii) a play "Shanti" which is Annexure 8 to the indictment;
- (iii) a play "Requiem for Brother X" which is Annexure 10 to the indictment.
- (c) During or about the period September to October 1973, and at or near Johannesburg he participated in the writing, preparing, compiling, copying, printing, publishing, editing, issuing, distributing



and/or disseminating of the document "PET Newsletter Vol. No. 1 September/October" which is Annexure 9 to the indictment.

Accused No. 11.

- (1) (i) On and at all times after the 22nd November 1972, he was a member and/or active supporter of BPC.
  - (ii) He held the position of Administrative Assistant in the National Office of BPC.
  - (iii) During or about December 1973, he became Secretary-General and a member of National Executive of BPC.
- (2) (a) He participated in the activities of BPC and/or PET and their members and/or supporters, and in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, rallies and/or gatherings in support of BPC and/or PET.
  - (b) He took an active part in promoting the aims, objects and interests of BPC and in particular, he participated in smuggling persons out of the Republic in furtherance of the interests of BPC.
  - (c) On the 22nd November 1973 at Tembisa and on the 24th November 1973 at Western Coloured Township and on the 15th December 1973 at Hammanskraal he assisted in the staging, presentation and production of the poem "Black Nana Avonge! Arise!" which is Annexure 7 to the indictment and/or a play "Shanti" which is Annexure 8 to the indictment.
  - (d) Upon or about the 22nd November 1973 and at Tembisa in furthering the aims and objects of BPC and/or PET he -

- (i) issued, distributed and/or sold copies of publication "PET Newsletter Vol. 1 No.1 September/October which is Annexure 9 to the indictment, and
  - (ii) evicted and/or assisted in evicting a member of the South African Police from the hall.
- (e) Upon or about the 21st September 1974, he attended and/or participated in discussions at Turfloop on a form of government to replace the present system of government in the Republic.

Accused No. 12.

- (1) At all relevant times he was an Executive Member of PET and/or a member and/or active supporter of SASO and/or BPC. He was a director of PET in 1973.
- (2) (a) He participated in the activities of PET, SASO, and/or BPC and their members and/or active supporters and, in particular, he attended and/or participated in the conferences, congresses, symposia, meetings, presentations, rallies and/or gatherings in support of PET, SASO and/or BPC.
- (b) He participated in -
  - (i) the preparation, publication and/or distribution of the publication "PET Newsletter Vol.1 No.1 September/October " which is Annexure 9 to the indictment.
  - (ii) The production, presentation and/or staging of the poem "Black Nana Avenged! Arise!" which is Annexure 7 to the indictment, and the plays "Shanti" which is Annexure 3 to the

indictment and "Requiem for Brother X" which is Annexure 10 to the indictment, as appears more fully in paragraphs 7 and 8 of Annexure A to the indictment.

Accused No. 13.

- (1) At all relevant times he was a member and/or active supporter of SASO and/or BPC and/or TECON. He was a director of TECON in 1973.
- (2) (a) He participated in the activities of TECON, SASO, and/or BPC and their members and/or supporters and in particular he attended and/or participated in the conferences, congresses, symposia, meetings, rallies and/or gatherings in support of TECON, SASO and/or BPC.  
  
(b) He participated in the writing, preparation, compilation and/or editing of and/or he possessed a copy of the script of the play "Black Images" which is Annexure 12 to the indictment, and he participated in the staging and/or production of the said play at Durban on 10, 11, 12, 15 and 16 October 1973.

The State proceeded to allege that the accused conspired with one another and/or with one or more or all the organisations and/or associations of persons referred to in the indictment and/or their members or active supporters as alleged therein. In paragraph 4 (p.184) of the further particulars the State alleges that each accused became a party to the conspiracy, either

- (a) by becoming a member and/or active supporter of any

one or more of the organisations and/or associations of persons well knowing that the aims and objects of the organisations and/or associations of persons include the commission of the acts set out in paragraphs 1 - 10 of the main count and/or that it/they were engaged on a course of conduct involving the commission of the alleged acts, or

- (b) by remaining a member and/or continuing his active support of the organisations and/or associations of persons after becoming aware of its/their aims and objects and/or of the course of conduct upon which it/they were engaged as alleged above, and the accused persons held office in the organisations and/or associations of persons, and/or performed the duties and functions pertaining thereto during or about the periods already mentioned above.

In paragraph 5 (p.185) of the further particulars the State states that it does not know precisely when or where any one of the accused or any one of the organisations and/or associations of persons became a party to the conspiracy to commit the acts set out in paragraphs 1 to 10 in the main count in the indictment.

In paragraphs 6 and 7 (p.185) and ad (1) - (4) (p.226) of the further particulars the State alleges that it relies<sup>(a)</sup> on the whole course of conduct of the organisations and/or associations of persons and of the accused persons in relation to the alleged offence, and in particular also to the latter's attendance at, and/or participation in, the meetings, congresses, symposia, etc. of the organisations and/or associations of persons;



a schedule (pp. 235 to 243) is furnished setting out the more important conferences, congresses, symposia, gatherings, meetings, held by organisations concerned and attended by the respective accused and the dates and places specified, during the course of which the aims and objects of the organisations referred to in paragraphs 1 - 10 of the main count in the indictment becomes apparent. Accused No. 1 attended such gatherings, etc. on dates between the period 1968-69 to 25th September 1974; accused No. 2, January 1974 to 25th September 1974; accused No. 3, January 1974 to 25th September 1974; accused No. 4, July 1971 to 25th September 1974; No. 5, March 1973 to 25th September 1974; No. 6, March 1974 to 25th September 1974; No. 7, July 1973 to 25th September 1974; No. 8, July 1972 to 22nd September 1974; No. 9, June 1970 to 14th December 1972; No. 10, July 1971 to October 1973; No. 11, November 1973 to 22nd September 1974; No. 12, September 1973 to October 1973; No. 13, July 1973 to October 1973; and

(b) on all the documents, copies of which have already been supplied to the accused, whilst reserving the right to rely on any other documents which may hereafter appear to it to be relevant. A schedule (pp.188 - 200) is furnished of particulars of documents upon which the State will rely in terms of section 2(3)(a) and (b) of the Act. The documents were found in or removed from

(i) the possession, custody or control of the accused, or any other office bearer, officer, member or active supporter of SASO, BPC, PBT and SRC Turfloop as specified in the schedule, or

(ii) any office, or other premises occupied or used by

these organisations as specified in the schedule.

The accused personally affected by any particular document is also shown in the schedule.

In paragraphs ad 8 - 9 and ad 7 (p.227) and ad 6 (p.226) of the further particulars, the State alleges respectively that

- (a) the main purpose of the organisations during the period alleged was to commit the acts mentioned in paragraphs 1 to 10 in the main charge; this is revealed in all the documents (copies of which have been served on the accused) and in proceedings at the various meetings of the organisations as reflected in the particulars supplied and the organisation and participation of BPC and SASO in rallies on 25th September 1974 and in plays etc. produced etc. by TECON and PET and in all the activities of the accused already referred to in the indictment and the further particulars;
- (b) the organisations were at all relevant times engaged in a course of conduct involving the commission of the acts alleged in paragraphs 1 - 10 in the main count, and
- (c) the allegation that the accused were office bearers and performed duties pertaining to the organisations and associations is relevant to the allegations that each accused became a party to the conspiracy.

I now turn to the application for further particulars. During the course of the argument of the application for further and better particulars, the requests upon which the application was based were twice

amended. The requests contained in paragraphs 1 to 10(c) relate to the conspiracy alleged in the main count and have bearing on the particulars furnished in paragraphs ad 1 and ad 2 (pp. 114 to 124), 4 (p.184), 5 (p.185), 6 (p.185), 7 (p.185), ad 1 - 4 (p.226), ad 6 (p.226), ad 7 (p.227) and ad 8 - 9 (p.227) which particulars are set out above. These paragraphs may be condensed as follows:

- (1) What material facts, including circumstances, utterances, speeches, resolutions and documents does the State rely upon as the foundation for the allegation
  - (a) in paragraph 4(a) that the different accused had the knowledge alleged by the State and
  - (b) in paragraph 4(b) that each accused became aware of the aims, objects and course of conduct of the organisations and/or associations,with particulars as to the date, place and manner in which every such material fact, circumstance, utterance, speech, resolution or document is alleged to have come to the knowledge of each accused (Request 1 and 3).
- (2) What circumstantial evidence is relied upon by the State as the foundation for the allegation that each accused had knowledge as alleged in paragraph 4(a) and became aware of the knowledge as alleged in paragraph 4(b) (Requests 2 and 4).
- (3) By what precise date is each accused alleged to

have acquired the knowledge alleged in paragraph 4(a) and 4(b) (Requests 5 and 6).

- (4) Each accused is to be informed in respect of which overt acts committed by a co-accused he is not to be held liable for the purpose of inferring
- (i) the existence of one or more conspiracies,
  - (ii) what the objects of the conspiracy or conspiracies were,
  - (iii) the adherence by the accused to the conspiracy or conspiracies (Request 7).
- (5) What material facts, including circumstances, utterances, speeches, resolutions and documents does the State rely upon
- (a) as the foundation for the allegation that each organisation and/or association was engaged on a course of conduct involving the commission of the acts alleged in paragraphs 1 to 10 of the main count,
  - (b) to constitute "the whole course of conduct" of each organisation and/or association and each accused alleged in paragraph 6 of the further and better particulars, with particulars as to the date and place when and where every said material fact, circumstance, utterance is alleged to have occurred and by whom such utterance is alleged to have been made (Requests 8 and 9).

The State is enjoined in every relevant instance where it relies on portions only of speeches, resolutions and any documents in Vol 1 - 5, to specify such portions.



Paragraph 10(a) is similar to the requests contained in paragraphs 1 and 2 above except that it is in respect of the allegation that the organisations are parties to the conspiracy to commit act 1 in the main count (pp. 134 136).

Paragraph 10(b) is the same as the request in paragraph 10(a) but concerns all the accused and organisations and/or associations in respect of acts 2 to 10 in the main count (p. 143 and pp. 134 to 136).

Paragraph 10(c) wants to know whether or not the conspiracy, which the State alleges, was formed at a single time and place by all the accused, the organisations, their members and active supporters and others. If at a single time, particulars are asked about the formation, time and place of formation, names of conspirators and objects, and if not at a single time and place, about the number of conspiracies, the formation, time and place of formation, names of conspirators and objects of each conspiracy (pp. 143 to 148).

*Adams  
Case?*

As has been indicated above, although the common design is the root of a conspiracy, it is not necessary to prove that the conspirators came together and actually agreed in terms <sup>to</sup> of have a common design and to pursue it by common means and so to carry it into execution. The agreement which is necessary is not necessarily the same as that required for a contract. As has been indicated above something less would be sufficient. In the absence of an express agreement, the conspiracy is generally a matter of inference, deduced from certain acts of the parties accused, done in pursuance of a criminal purpose

in common between them.

In the instant case the State relies on acts committed by the accused alleged to have been committed by them in connection with their alleged association with organisations, which the State alleges to be racialistic, anti-White and anti-State. Particulars have been furnished of their activities, the nature of which in many instances speaks for itself. It is evident from the further particulars that the State will ask the Court to infer the conspiracy alleged in the main count from such conduct. All the accused held, or have been holding executive positions in the different organisations and their knowledge of the activities of the organisations in which they held such positions is also a matter for inference, and it is reasonable to deduce this from the further particulars furnished on behalf of the State. It is furthermore apparent from the further particulars that the State relies on one continuing conspiracy with constant objects alleged in the main count and if that is the case it is irrelevant as far as the prosecution against the accused is concerned, when each accused became a party to the conspiracy or acquired knowledge of the objects of the conspiracy. It is difficult to conceive how an accused can become a party to a conspiracy without knowing the objects of the conspiracy, since a conspiracy is normally formed to commit an unlawful act which is described as its object. However, the prosecution has indicated that it does not know when the respective accused became parties to the conspiracy and this should not embarrass the defence, because the State is not

the  
Re  
Said

prosecuting the accused in respect of executive acts committed by the different accused. If that had been the case, the time when an accused joined the conspiracy would have been of the utmost importance to him.

As I have indicated above, acts committed by an accused while any of the other accused were not yet party to the conspiracy, are receivable against them to prove the origin, character and objects of the conspiracy.

Much play was made of the fact that the State claims to rely on the continuous course of conduct of the organisations and great reliance was placed on the case of R. v. Adams & Others 1959(1) S.A. 646 (Special Criminal Court, Pretoria) in this connection, but since in the present case no executive acts are involved affecting the liability of the accused no importance attaches to that fact.

Strong criticism was levelled against the State for the vague and imprecise manner in which particulars were supplied, which particulars, according to the Defence, broadened and clouded the issues instead of limiting them. In this connection reference was made to the particulars furnished about meetings, speeches and documents. The ground for this criticism will fall away if the State furnishes the particulars which will be ordered in connection with other requests.

In my view the State has furnished reasonably sufficient particulars to enable the accused to know the case which the State proposes to make against them as far as the conspiracy is concerned to enable them to prepare their defence. (Know the case they have to meet)

In all the circumstances it would seem that the accused are not entitled to an order for further particulars in respect of their requests 1, 2, 3, 4, 5, 6, 7, 8, 9, 10(a), (b) and (c).

Paragraph 10(d) insists on the further particulars originally requested in paragraphs 4(a) to (m) in respect of accused Nos. 1-13 respectively and are concerned with some of the acts which they are alleged to have committed in relation to the objects of the conspiracy (pp.149 to 166). In most instances the reason for the request is the same. The difficulty the accused have with the relevant particulars may be illustrated as follows: in the particulars furnished on 12th March 1975 in respect of accused No. 1, it is alleged that he participated in the activities of BPC and/or SASO and their members and/or supporters and attended and/or participated in their conferences, congresses, symposia, <sup>meetings</sup> / rallies and/or gatherings and in particular,

- (i) during or about March 1973 he arranged and/or participated in the organisation of a so-called Sharpeville commemoration meeting at Durban and incited and/or encouraged the speakers to make subversive or anti-White propoganda;
- (ii) during or about the period August - September 1974 he organised and/or arranged and/or participated in the organisation of a symposium for 15 September 1974 under the banner of BPC and encouraged and/or incited the speakers to propogate subversive and anti-White hatred;
- (iii) during or about the month September 1974 he organised



and/or participated in the organisation and/or arrangement of subversive and anti-White rallies and/or gatherings on a Republic-wide scale at Durban and/or Turfloop and/or Johannesburg and/or Cape Town and/or Port Elizabeth.

The accused in their request for further particulars in paragraphs 4(a)(1) and (11), which is now being persisted in, asked

- (1) what acts, apart from these alleged in paragraphs (1) to (11) inclusively did the State rely upon as constituting participation by Accused No. 1 in the activities of BPC and/or SASO and their members and/or supporters;
- (11) for particulars as to the dates and places of any conferences, congresses, symposia, meetings, rallies and/or gatherings which accused No. 1 is alleged to have attended and/or participated in other than in those particularized in subparagraphs (1) to (11) with particulars as to his participation in each instance.

*R. O. S. h.*  
*170/6.*  
*195/6*

In its reply on <sup>1</sup>7th April 1975 without indicating to what it relates, the prosecution furnished the following particulars: The State relies on the whole course of conduct of the said organisations and/or associations of persons and of the accused persons in relation to the alleged offence and in particular also on the latter's attendance at and/or participation in the meetings, congresses, symposia, etc. of the said organisations and/or associations of persons.

After notice of the present application was

226 served on the State the prosecution in reply to questions (i) to (iv) in the application, and unrelated to the question under consideration, furnished the following particulars. "The State relies on ..... and also on the accused person's participation in the activities of the organisations and/or associations of persons and their attendance at its meetings. In Annexure A attached hereto, particulars are set out of the more important meetings held by the organisations and attended by the accused persons, during the course of which the aims and objects of the organisations referred to in paragraphs 1 - 10 of the main count became apparent." Annexure A specified at least twelve meetings of some sort during the period of 1968 - September 1974. It is obvious from all this that no serious attempt was made to furnish a proper reply to the request for further particulars in paragraphs 4(a)(i) and (ii).

Apart from 4(a)(iv), A(a) and 4(1)(iii) to which the accused are not entitled to a reply, this appears to be the position as far as the requests 4(b) - (m) are concerned. In respect of 4(g)(iii) and 4(k)(iii) the request is confined to the allegations of the interests of BPC because it is not clear what the prosecution intends to include under interests.

Paragraph 10(e) asks what precise acts the State relies upon for the allegation that the organisations, their members and supporters are involved in the commission of the ten acts specified in the main count and whether the State relies upon an express agreement for the allegation that the organisations became a party to the conspiracy

*Order  
as to 191 24 (u4)  
& Res*

(pp. 167 - 169). It is plain from the main count that the State does not allege the commission of the acts and it is sufficiently clear from the further particulars supplied on what basis the State proposes to prove the alleged conspiracy involving the organisations, their members and supporters.

Paragraph 10(f) relates to alternative count (iii) and requires the name of every person whom each of the accused i.e. Nos. 1 - 7, is alleged to have incited, instigated, commanded, aided, advised, encouraged or procured to commit the alleged acts, with particulars as to the precise time, place and act which he and every other person with whom he is alleged to have acted in concert is alleged to have incited, instigated, commanded, aided, advised encouraged or procured the said person to commit (p.177). The reply furnished by the prosecutor <sup>(K232)</sup> is that the accused incited, encouraged, etc. the members and/or active supporters of the organisations referred to and the public in general. This reply is wholly inadequate

Paragraph 10(g) relates to alternative count (iv) and asks in what precise manner accused Nos. 1 and 4 became a party to the conspiracy alleged, whether by express agreement, implied agreement or conduct and if by implied agreement or conduct, particulars are requested of the material facts, documents and circumstantial evidence (p. 177(a) and pp. 130 to 132).

No comprehensible reply appears to have been given to this request.

Paragraph 10(h) relates to the acts specified in paragraphs 1 to 10 of the main count and it requires

2(u)

particulars as to

- (i) which of the consequences mentioned in section 2(2) of Act 83 of 1967 the commission of each such act had or was likely to have,
- (ii) the precise manner in which the State alleges each act was likely to have brought about or did bring about any of the consequences mentioned in section 2(2) (p.178). To this the State replied that the commission of each of the acts alleged in paragraphs 1 - 10 of the main count had or was likely to have had any one or more or all of the results mentioned in section 2(2) of Act 83 of 1967 in the Republic or any portion thereof.

This reply is not sufficiently precise to ~~the request~~ which would enable the accused to prepare their defence. The prosecution should indicate to the defence what results it intends relying on in respect of each of the acts, particularly in view of the serious consequences to the accused as regards onus which flows therefrom.

Paragraph 11(a) relates to alternative count (1) and requires the prosecution to state with reference to schedule (A) of the indictment in respect of each accused what the precise nature was of the act alleged to have been committed by such accused in relation to the material referred to in column 4 of the schedule, that is to say in respect of sub-paragraph (a) on p. 6 of the indictment, the prosecutor is required to state whether it is alleged that the accused concerned wrote or prepared or compiled or copied, or printed, or published or edited, or issued, or distributed or disseminated, or read or recited or sold the said material; in respect



of sub-paragraph (b), whether he proposed, seconded, supported or adopted the motions or resolutions and in respect of sub-paragraph (c), whether he staged, presented, produced or participated in the plays or dramas (pp.108-109).

The prosecution replied that all this was sufficiently clear from the context, which sub-paragraph on p.6 of the indictment refers to the material mentioned in column 4 of schedule A in respect of each accused and that the State relies on all the alternatives mentioned in each appropriate sub-paragraph. It does not appear from this reply that the prosecution made any serious attempt to furnish particulars of the facts it intends to prove against the accused because by way of illustration it is inconceivable that accused No.2 proposed, seconded, supported and/or adopted resolution No. 46/74 as alleged in paragraph (b) of the count. The prosecution should indicate in what particular manner it is alleged accused No. 2 in fact contravened section 2(1)(a) of the Act.

Paragraph 11(b) relates to alternative count (iv) and requires the prosecution to state whether it is intended to allege that foreign investment in the economy of the Republic was in fact discouraged, hampered, deterred, or prevented, and if so, to give particulars (p.112). To this the prosecution replied that the allegations on which the State will rely were sufficiently set out in the indictment. The count as framed alleges a conspiracy to commit the acts alleged and the request does not seem to be appropriate.

The final result of all this is that the Court will grant an order -

- (a) for further particulars in respect of requests 10(d),  
excluding the request in respect of paragraphs  
4(a)(iv) A(a) and 4(i)(iii) therein, 10(f), 10(g),

10(h) and 11(a),

- (b) for leave to apply for an order quashing the indictment in the event of the State failing to deliver the particulars in compliance with this order.

(sgd.) W.G. Boshoff.

JUDGE OF THE SUPREME COURT.

that the meetings took place over the period in question.

Mr. Mahomed accepted that if a bona fide answer to the request for further particulars was to the effect that the material was to the prosecutor unknown, (5) then naturally the defence must accept that situation. In his reply he did go so far as to suggest that the State must sift the evidence available to it, and he alleged that it seemed to him to be an inevitable conclusion that the State could give more particulars than it in fact had. (10) In view, however, of the clear allegations in the particulars and bearing in mind the statement made by Mr. Rees, my conclusion is that the allegations made in the Further Particulars are sufficient to inform the Accused of the charges brought against him and also (15) sufficient, bearing in mind the nature of the case and the evidence likely to be produced, to enable him to prepare his defence. In these circumstances I consider it my duty to refuse the Application to Quash in all three aspects, and I rule accordingly.

*Prepare for his case*

GRIFPIER VAN DIE HOOGGERECHTSHOF VAN S.A.
NATALIE 27 DE APRIL 1975
26 -3- 1975
REGISTRAR OF THE SUPREME COURT OF S.A.

STATE VS. M.D. HANCOO CC 103/1966  
 CERTIFIED A TRUE COPY OF THE ORIGINAL JUDGMENT  
 OOR OORREKOP VAN DIE OORSPRONKELIKE  
 OOR OORREKOP VAN DIE OORSPRONKELIKE  
 OOR OORREKOP VAN DIE OORSPRONKELIKE  
 SUPREME COURT, HOOGGERECHTSHOF, PIETERMARITZBURG  
 REGISTRAR GRIFPIER

**Collection Number: AD1719**

**State v S Cooper and 8 others.**

***PUBLISHER:***

*Publisher:- Historical Papers, University of the Witwatersrand*

*Location:- Johannesburg*

**©2012**

***LEGAL NOTICES:***

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

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

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

***DOCUMENT DETAILS:***

*Document ID:- AD1719-D2*

*Document Title:- May 16, 1975*