

This is what you said eventually.

THE COURT: No, no. It is clear that you intended to convey in your evidence that the police should have found a third woman in the house? --- If they didn't find this third one, then it must have been the sister of the accused who entered with this other woman.

ADV. BIZOS: I'll tell you something else. In your description you said that they came from the east of the house?

--- That is so.

And I'm putting to you that the reason for you 10  
evidence will very clearly convey that you wanted to give the impression that two strange women had come into the house?

--- No, I did not intend to ...(intervention)

Now, let me try and extricate you from the apparent difficulty that you've got yourself into. For how many days had you been keeping this house under observation prior to this date? --- Also the day before that day I was there.

And? How many more days? --- There were no other days.

So it was only those two days? --- Only those two days, yes. 20

And since? --- I've never been there again.

For how many hours on the first day? --- It could have been 3 hours.

And on this day? --- From the time I saw those women I was there.

THE COURT: FROM the time? --- I saw the women, yes.

The two women approaching the house? --- That is so.

ADV. BIZOS: You saw them approaching the house. Approaching the yard? --- Yes, and they entered the yard.

From where did they enter the yard? --- The back 30  
gate at the garage.

So you saw them actually ENTERING the premises of the

home? --- That is so.

From another plot or street? --- They came in this street which passes this house.

You saw them from the street enter the yard - the premises, the stand - in the company of each other? --- Yes.

What was Princess doing at the time? --- She had not yet come out.

And you took particular note of the dress and build of these two women? --- I saw the two of them. At that distance I couldn't identify them and say who it is. 10

I know what their dress was.

THE COURT: You know ..? --- I know how they were dressed, Your Worship. Their apparel, I mean.

ADV. BIZOS: And their general build? --- Yes, I saw their general build.

And they were not the accused or her sister? --- According to the build, the smallest one could have been the sister of the accused.

Oh, I see. You remember that? --- Yes.

Why didn't you say so in your evidence-in-chief? 20  
--- I said I saw two women.

Were you making notes? --- No.

Tell me, at what time did you see the accused for the first time, if at all, on the first day you kept observation?

THE INTERPRETER: The first time...(intervention)

ADV. BIZOS: On the previous day? --- I was with the accused in her house at half-past five.

THE COURT: In the morning? --- In the morning.

ADV. BIZOS: Why? --- I can't answer that question.

Why? --- That is my duty. 30

Yes, I'm sure it was your duty, and not

that you were paying a social call, because you might find yourself an accessory to a crime. Why? --- It was in connection with my work. I can't give you any other explanation.

Well, let's leave the mystery out of it. You went to find out whether there was anyone else in the house. Correct? --- I can't answer that question.

Oh. Why not? Is it a State secret? --- It's in connection with my duties.

Yes, but you happen to be giving evidence about your duties now. And I know of no privilege that a sergeant 10 can claim, even if he is in the Security Branch, about a matter that he's giving evidence about. That was the purpose of your visit to the accused the morning before - that is the 15th - at 5.30 in the morning? --- It concerns my duties.

You didn't go alone. You went with two other policemen? --- It's not so.

Did you go with anyone else? --- With one.

With one other. I'm going to ask His Worship to order you to answer the purpose of your visit to the accused's house at 5.30 in the morning. 20

THE COURT: Is there any objection on the State's side?

THE PROSECUTOR: I have no objection, Your Worship, if he won't answer the question.

THE COURT: No, then he must answer the question. --- I went to see if the accused was there.

ADV. BIZOS: You went to see if the accused was there. So what is the difficulty? --- I have no difficulty in answering Your Worship.

So what was the claim of - you know? - that you didn't want to answer the question? --- It is in connection with 30 my duties, Your Worship.

You consider it your prerogative, do you, to go into

a house at any time you please in the company of one of your colleagues or alone, at any time of the day or night to check whatever you might ... (interpreter's voice drowns out that of Mr. Bizes). --- I did not go in during the night. I went at that time.

Half-past five in the morning is not in the night?

--- No, it's not during the night.

Is it ordinary business hours? --- At that time of the morning people are already up.

You say that you saw a man walking towards the lavatory? --- That is so. 10

At what time is that? --- 8.10.

Did you make a note of that? --- No.

Did you make a note anywhere that you were 335 paces away? --- I did not.

I see. These are precise times that you give and precise distances out of your own recollection? --- I looked at the time.

Did you know that it was important to ... (Interpreter again interpreting loudly before the question is complete) 20 keep a notebook? --- I have none.

You have NONE? --- No.

Why not? --- I'm not answering that question.

Another secret? Isn't it customary when people keep observation in the Police Force, to make notes so that the Court can rely ... (further inaudible)? --- Well, I don't do that.

Isn't it a fact, I'm asking you? --- I write nothing down.

THE COURT: No, no. Is it not Police practice? Is it 30 not customary for policemen to keep notebooks - or pocket-books for that matter? --- Yes, they do keep pocket-books.



But not me.

ADV. BIZOS: Why not? --- I'm not answering that question.

Well then, I'll again ask His Worship to order you to.

THE PROSECUTOR: I cannot see any reason why the witness should not answer the question.

THE COURT: Then the Court must order him to please answer?

--- Even at work I don't keep a pocket-book.

But why not? --- No, I just don't keep one.

ADV. BIZOS: Don't you observe the ordinary practices of the Police Force regarding notebooks? --- I haven't got one, 10  
but it's practice.

And you can't give us any reason why not? --- At work you don't keep a pocket-book.

Well, I don't know. It isn't perhaps that you've got a very exaggerated view of your importance is it? --- It's not so.

Because the accused, you see, says that she has no recollection of coming out of the house shortly before the arrival of the ... (further drowned out). --- I say she went out of the house. 20

What was she wearing? --- A gown.

What colour? --- I'm not so good with colours. It was pinkish to my- (uncompleted)

THE COURT: Can you point out pink in this court? --- No, I don't see the colour in the Court, Your Worship.

Nor do I, for that matter.

ADV. BIZOS: Alright. I think you know what pink is. Was it long or short or a midi, or what was it? --- No, it wasn't a mini. It was an ordinary dressing-gown.

THE COURT: What do you call an ordinary gown? (Chuckle). 30

THE INTERPRETER: He says "ordinary gown", Your Worship. --- Oh, it was not a mini and it was not so very long.

You sleep with it.

ADV. BIZOS: Oh! I didn't know people slept in gowns. I thought you meant a dressing-gown? --- No, I say when they get up.

So they don't sleep in them. This was a dressing-gown? --- No, they don't sleep with it, but they put it on and wear it after they get up.

What time passed between the time you saw the man going to the lavatory and the woman going to the lavatory (the accused)? --- It was quite a time. 10

How long? --- I didn't check on the time.

Five minutes, ten minutes, fifteen minutes, twenty minutes, half an hour? --- Not half an hour. It was a time.

I beg yours? --- It was a time.

THE COURT: It was a time less than half an hour? --- It was less than half an hour.

ADV. BIZOS: But between five minutes and twenty-five minutes, you're not prepared to say? --- I could say fifteen minutes. It COULD be fifteen minutes.

Now, how long after you saw the women did Captain 20  
le Roux come onto the scene?

THE COURT: The two entering?

ADV. BIZOS: The two entering. That is correct, Sir.  
How long after the two women entered did you see Captain le Roux? --- It can be more than half an hour.

How much more? --- It could be three-quarters of an hour.

And how long after you saw this man going to the lavatory did you see Captain le Roux? --- Not twenty minutes. Ten minutes it could be. 30

Not ten, twenty. You see, I'll suggest to His Worship  
that we/...

that we wouldn't have this difficulty with you if you'd kept a notebook. Did you see Magubane there that morning? --- This person that I saw going to the toilet, I didn't know him. But eventually I knew that it was Magubane.

THE COURT: When you saw him in the company of Warrant Officer Smith, you saw it was the same man? --- That is so.

ADV. BIZOS: When you saw him in the company of Captain Smith, what was he wearing?

THE COURT: Warrant Officer?

ADV. BIZOS: Warrant Officer Smith? --- Grey pair of trousers, 10 black coat or jacket. Also a white skipper, Your Worship.

Thank you, Your Worship.

NO RE-EXAMINATION BY THE PROSECUTOR.

REMANDED TO 15th JANUARY, 1971

ADV. BIZOS ADDRESSES COURT: Sir, Your Worship might have gathered before Your Worship adjourned the case that this is really a family matter, so to speak, in the sense that a number of the accused's relatives are involved. It has come to our notice, Sir, that the State is in possession of statements from certain of the relatives. We have of course20 very carefully avoided interviewing them because the State has got the first option, so to speak, on their services as witnesses. But I would ask Your Worship that we can come to some sort of arrangement that if the State is not going to call any of them, we should be given timeous notice of this so that we can interview them before this date, to decide whether to call them as witnesses ourselves or not.

THE COURT: I think I can leave that between you and the Prosecutor.

THE PROSECUTOR: I shall certainly co-operate with that, Your30 Worship. In that case I will provide copies of the statements I have in possession of that person. We can arrange it between

the two of us.

ON 15/1/1971:     S T A T E   C A S E

ADV. BIZOS TO THE COURT: At the outset, Your Worship, I would like to hand in for the purpose of proving - and I submit that this is the correct way of doing it and no evidence has got to be led - to hand in Government Gazette number 2921 of the 13th of November, 1970, and, more particularly, page 12 thereof, wherein a list appears. I would like to draw particular attention, so that Your Worship doesn't have to read the whole of it, sir, to name number 15 on that list. 10 That is Magubane; Sexford Peter. I beg leave to hand this in sir. It's a library copy. Your Worship would have to see it and admit it in evidence, but I would suggest that we thereafter arrange for a photostatic copy of this and the previous page to be made (pages 11 and 12) and return this library copy back.

THE COURT: I'm just wondering whether that wouldn't lead to difficulties, seeing that it's a library copy.

THE PROSECUTOR: Your Worship, may I assist my learned friend here? I've a copy available. I can make it available to 20 the Defence to form part of this record.

ADV. BIZOS: Well, may I then merely formally exhibit it, and take it as proved, sir? We'll return this to the library and another copy will be- (pause) Perhaps Your Worship would like to have a look at it. It's a notice under the division of the Suppression of Communism Act.

The nature of the notice appears on page 11, sir, and the names appear on- (uncompleted). Subject to that, I close the accused's case.

DEFENCE CASE

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ADV. BIZOS CONTINUES: Although, Your Worship, this is not an



an application for a discharge because I've closed my case, I have nevertheless informed my learned friend that I intend making certain submissions to Your Worship. There would be no point in Your Worship hearing my learned friend for the State first on the facts in view of the nature of the submissions that I am going to make. My learned friend complimented me rather by saying that he can't anticipate all the points I'm going to make, and we've agreed, subject to Your Worship's approval, that I should argue the matter first and that my learned friend would then be in a position to deal with the points, sir, rather than going through the--(interv.)

THE COURT: But is it not an application for discharge? You close your case then?

ADV. BIZOS: I've closed my case. This is why, strictly speaking ...(interv.)

THE COURT: Is this merely address now?

ADV. BIZOS: Merely an address. That is so, sir.

My learned friend would be entitled to address Your Worship first, but we have agreed, subject to your approval, sir, that in view of the nature of the submissions, it may be as well if I addressed Your Worship first to give my learned friend an opportunity to deal with the points in his address.

ADV. BIZOS ADDRESSES COURT ON THE MERITS OF THE CASE.

REPLYING ADDRESS BY THE PROSECUTOR.

REMANDED TO 22nd JANUARY, 1971.

J U D G M E N T (on 3/3/71)

The accused herein is Nonzamo Winnie Mandela.

Mr. Bizos is appearing on her behalf, instructed by Mr. J. Carlson.

There are two counts against her: She failed to comply with a notice which, in terms of Section 10, sub-Section

50. Judgment

(1) of Act No. 44/1959 was served on her, in that, in Count (1) on the 2nd of October, 1970, and at her residential premises 8115 Orlando, Johannesburg, she received visitors - namely, Nobantu Mniki and/or Boyana E. Mniki and/or two children and/or Gilbert Xaba; and, Count (2) that on the 15th to the 16th of October, 1970, she received another visitor - namely one Sexford Peter Magubane, at her residential premises. There is an alternative to Count (2). It is alleged that she failed to comply with the said notice in that she communicated with one Sexford Peter Magubane, in respect of whom a prohibition order under the same Act was in force. 10 She pleaded not guilty to all the counts.

In terms of Section 263 of the Code, the State Prosecutor handed in the following exhibits: As EXHIBIT "A", a certificate by the Under-secretary for Justice that the following three notices are true copies of the originals held by the Secretary for Justice, and that these three notices were issued to the accused; as EXHIBIT A1, the first of these three notices, in terms of Section 9, Sub-Section (1) of the said Act by the Minister of Justice, prohibiting the accused<sup>20</sup> from attending certain gatherings; as EXHIBIT A2, the second one, also issued by the Minister of Justice in terms of Section 10, Sub-Section (1) of the said Act. This notice prohibits the accused from absenting herself from her premises at 8115, Orlando, except during certain specified periods; also not to leave the Magisterial district of Johannesburg and, in addition, she is prohibited from being in certain places and areas; nor is she to communicate with certain persons. She is also prohibited from doing certain acts, the last of which is set out in paragraph 5, page 7: she is prohibited 30 from receiving any visitors at her residential address. EXHIBIT A3, the third of these three notices is also a

notice by the Minister of Justice, ordering her to report every Monday to the officer-in-charge of the Orlando Police Station. All these notices are dated the 18th of September 1970.

As EXHIBIT B the Prosecutor handed in a certified copy of a notice in terms of Section 9, Sub-Section (1) of the said Act, served on one Sexford Peter Magubane, also issued by the Minister of Justice and dated the 18th of September, 1970.

The first witness for the State was one Luduma Gilbert Xaba. He testified that he is married to the accused's eldest sister and that the accused's husband is serving a life sentence on Robben Island. 10

On the 2nd of October, at about 6.00 p.m., he, together with James Mabasa and the witness's two children - two small sons -, went to the accused's residence to obtain, as was his custom, her grocery list so that he could obtain her groceries and foodstuffs for her. He went into her house. Inside the kitchen he found two sisters-in-law, Nonyaniso Madikizela and Nobantu Mniki. He sent Nonyaniso to call the accused who was, he thought, in the bedroom. He then sat down. When the accused came, they greeted each other and she handed him the list. He then left with the three who accompanied him, and got into his car. He was about to reverse it when he saw that another car had stopped behind him. In that car were Bantu policemen, and they asked him what he was doing there and he then told them the purpose of his visit. If the Court's notes are correct, Mr. Bizos in cross-examination put, amongst others, the following question to this witness: 20

"Q. You told the police the purpose of your visit." 30  
It is significant that Mr. Bizos, perhaps inadvertently, used the word "visit" in this context. It is only noted in passing,



and the relevance will become apparent in due course.

He further testified that the accused was in custody from May, 1969, until the middle of September, 1970, and that all along he, as the closest male relative on the Witwatersrand had assisted her.

He handed in by consent as EXHIBIT C a copy of a previous prohibition order served on the accused. It expired on the 28th of February, 1970. In that notice she was not prohibited from receiving visitors.

The second State witness in Count (1) was one Boyana 10  
Mniki. He said in evidence that he is married to the accused's sister, Nobantu. During the late afternoon of the 2nd of October, 1970, he took his wife and two children to the accused's house. He had been informed that the accused wanted to see them. He merely dropped them at the accused's house and went on with his car, returning at about 7.00 p.m. to pick them up again. He found the last witness - that is Xaba - there, as also the two Bantu policemen. One of the two policemen took him into the kitchen, and then the accused also came into this room from the bedroom. He thereafter 20  
left with his wife and children.

In cross-examination it was elicited from him that the accused's own children were away at boarding-school and that she had not seen them since May, 1969. He conceded that he would have gone into the house even if the police had not been there.

A further State witness is Aaron Khoza. He is a Bantu Detective-Sergeant in the Police, stationed at John Vaster Square. He also testified on Count (1).

On the 2nd of October, 1970, at 6.50 p.m. he and two 30  
other Bantu Sergeants visited <sup>the</sup> accused's house. He found only  
the accused in the house. They <sup>then</sup> left and, on passing the



house again at 7.30 p.m., he saw the car of the witness Xaba in the driveway. They then stopped and spoke to him, when the last witness also came on the scene. Perhaps the Court should just read this again: He saw the car of the witness Xaba in the driveway. They stopped and spoke to him - that is the witness Xaba, and then the last witness also came on the scene. He and the last witness then entered the kitchen, where they found Nobantu Mniki, the accused and her sister, Princess. He asked the accused if she was entitled to receive visitors. The accused then asked who the visitors were, and he 10 said Nobantu and her children, whereupon the accused replied: "They are my relatives."

In cross-examination it was suggested that he was making up evidence as he would not concede that there was a commotion outside, which could be heard by the accused inside the house. He maintained that he spoke in a normal tone to Xaba and to Mniki and that the accused could not hear them in the closed house. He further stated that he had informed the accused that he was going to report her receiving visitors. He agreed that the accused is not a timid person, and 20 when suggested by Mr. Bizos that she was, on the contrary, quite aggressive, he stated that she had never been aggressive towards him. He similarly denied Mr. Bizos's suggestion that Mniki was agitated and showed resentment at the presence of the police on the premises.

On Court (2) the State called Francis Smith. He is a warrant officer in the Security Branch of the police. He stated that on the 16th of October, 1970, at 8.20 a.m., he went to the house of the accused, he found the kitchen door open, he knocked and entered. Princess, the accused's 30 sister, was in the kitchen and the accused in the bathroom, which is next to the kitchen. The accused asked Princess for

pills, and he saw that Princess handed her something. Other members of the Police Force then entered by the front door and he and Captain le Roux then entered the only bedroom in the house. He saw someone lying underneath one of the two beds and instructed that person to come out from under the bed. This person then did so and he (the witness) saw that it was Bantu male Peter Magubane, who was known to him. He was fully dressed and was later removed to the Meadowlands Charge Office.

Marthinus le Roux also testified on this count. 10  
He corroborates the evidence of the last witness that Magubane was found under a bed in the bedroom. At Meadowlands charge office he searched Magubane and found three keys, which were handed in as EXHIBIT 1, on his person. Two of these keys are identical and fit a yale lock of an outside room on the accused's premises. He was present when the documents, in EXHIBIT A, were served on the accused on the 30th of September, 1970, and he signed as a witness to the return of service on these documents. These documents were read out to the accused, and she indicated thereafter that she 20 that she understood their contents. He was also present when EXHIBIT B was served on Peter Magubane on the same day - on the 30th of September, 1970. He is the man whom he found under the bed in the accused's bedroom on the 16th of October, 1970.

On this count John Lebelo also testified. He is a Bantu Detective-Sergeant in the Security Branch of the police at John Vorster. On the morning of the 16th of October, 1970, at 7.30 a.m., he kept accused's house under observation from more than 300 yards away. He saw two strange women 30 enter the house and he saw accused going to the toilet in the yard, whereupon she returned to the house.

He saw Princess sweeping the yard and a man with the build of Magubane going to the toilet. He saw one of the two strange women leave. He reported to other members of the Force and he watched them until they reached the house. They, however, only found the accused and Princess in the house, and he could not say what happened to the fourth woman and later changed his evidence by saying that Princess must have been one of the two strangers who entered the house. Thereafter he would not concede that at first he intended to convey that two STRANGERS entered the house. He declined to answer 10 some questions and the Court had to order him to do so.

That, in short, is the State's case. The Defence did not place any evidence before the Court, but closed its case after handing in Government Gazette Number 2921 dated the 13th of November, 1970, as EXHIBIT D. On page 12 of this gazette as number eight appears the name of the accused, and as number fifteen, the name of Sexford Peter Magubane, the man found in the accused's bedroom. By arrangement with the State Prosecutor Mr. Bizos then addressed the Court first. He addressed a lengthy and interesting argument to the 20 Court on the meaning of "receive" and "visitors" and the two words taken in conjunction, as used in paragraph 5 on page 7 of EXHIBIT A2. He maintained that a restricted meaning should be placed on these words and that on the evidence the accused did not receive the persons mentioned in that restricted sense and that it connotes something more than their mere presence in the house. If Xaba was a visitor, then also the milkman, the garbage collector, the postman would be visitors.

This interpretation, so his argument ran, would lead to absurd consequences. Nobantu was in the house and there is 30 no evidence that she was received as a visitor - that she was admitted into that special relationship. Boyana was not



only a reluctant visitor - he was taken into the house by the police. and tje two children are too small to have the necessary mens rea. On Count (2), he argued that the Court could not find that there was opportunity to communicate and communication between the accused and Magubane. Even assuming that he had the keys to the outside room, there was no evidence that he was received by the accused, and Princess could have received him. With regard to the alternative to Count (2), he argued that the name of Magubane only appeared in the Government Gazette on the 13th of 10 November, 1970, and that therefore the accused could not have had this knowledge on the 16th of October, 1970.

The State Prosecutor, in his address to the Court, immediately and, in the Court's view, correctly conceded that Mr. Bizo's argument with regard to the alternative to Count (2) was sound and that he could not ask for a conviction on this alternative count. He also correctly, in the Court's view, conceded that mens rea was a necessary element of the offence and that a strict interpretation should be placed on these notices. He further conceded - 20 and again correctly in the Court's view - that the two small children of Boyana cannot be considered visitors, nor was Boyana a visitor as he was not received by the accused. He also gave the Court what he considered to be the correct meaning of "receive" and "visitors" in their context in paragraph 5 of EXHIBIT A2. He maintained that "receive" here means to receive somebody at a place - that is in the house of the accused, and not to receive a person in a situation. He also referred to the definition of "receive" in the shorter Oxford English Dictionary 30 and argued that "to admit a person to a place" does not necessarily mean that the person is RECEIVED in "a special



relationship." He countered Mr. Bizos's argument that if Xaba was a visitor then Lebelo (the last State witness) would also be one and that that would be reducing the meaning of the prohibition to absurd consequences, by saying that Lebelo could never be a visitor as the necessary mens rea on the accused's part would be absent and hence no absurdity. He argued strongly that the accused's question to Khoza "Who are the visitors?" and the remark thereafter - "They are not visitors; they are relatives" rule out any doubt as to who the person was who received them. In his view she 10 tacitly admitted that she received them but that she did not consider them to be visitors.

With regard to Count (2) he argued that the Court could draw the inference that the accused knew that Magubane was in the house and that, if that is the case, she received him. In any event, he asked the Court for a conviction on both counts.

Mr. Bizos in reply made further submissions, and inter alia contended that if the order meant that nobody was to come on her premises, it should have said so - He then gave 20 an example of what it could have said or should have said: "You are not to allow any persons on your premises."

The position then, as the Court sees it, appears to be as follows:

It is common cause that Nobantu Mniki and Gilbert Xaba were in the accused's house on the evening of the 2nd of October, last, and that Seford Magubane was found in the accused's bedroom on the 16th of October, last. Nobantu and Xaba are relations and Magubane is not. The only question to be decided by the Court is whether she received them 30 and whether they are visitors. To put it in another way, the Court is called upon to interpret the meaning of

paragraph 5 of EXHIBIT A2. The Court refers to Trollip v Jordan(1961(1)238 at 255(e)), where Hoexter, Judge of Appeal, quoted from the judgment of Wessels, Chief Justice in Union Government v Smit (1955A.D.232, pp.240 and 241). This is the quotation: "It is an elementary rule in the construction of contracts that we must take the grammatical and ordinary sense of the words in order to ascertain what the parties meant by any particular term of the contract." And lower down on the same page what Stratford, J.A. said in Grosvenor v Dunswart Iron Works, 1929 A.D.299 at 303: "We must look at the whole 10 document, and, if from other parts of the document itself, it appears that the parties did not intend the literal meaning to convey their intention or if to give a term its literal meaning would result in an absurdity, then we must reject the literal meaning and give to the words the meaning which the parties manifestly intended."

Reference to the shorter Oxford Dictionary shows that the word "receive" has indeed a very wide meaning, but the applicable meanings in the context of the paragraph under consideration seem to be the following:- "Firstly, to admit (a person)<sup>20</sup> into some relation with oneself to familiar or social intercourse; to treat in a friendly manner. Secondly to meet with signed of welcome or salutation; to pay attention or respect; to greet upon arrival or entrance. Thirdly, to meet, welcome or greet in a specified manner. Fourthly, to admit to a place; to give accommodation or shelter to; to harbour." The same dictionary gives the following meaning to "visitor."

- "1) One who visits officially for the purpose of inspection, in order to prevent or remove abuses or irregularities;  
 2) One who visits from charitable motives or with a view 30  
 of doing good;

- 3) One who pays a visit to another person or to a household; one who is staying for a time with friends;
- 4) One who visits a place - a country, etc. - as a sightseer or tourist."

Nowhere in this latter definition is mention made of "relatives." The word "one" in each of the four meanings clearly refers to "a person", as in the third meaning "one who pays a visit to another person." In any event, there is no indication in these meanings that the word "relative" is not to be included in the word "one" or in the word "person." 10

There is evidence that the accused was in custody for a long time and was only released towards the middle of September, last. It would be the natural thing for her sister, Nobantu, to be anxious to see her after such a lengthy absence. Also, her husband had heard that the accused wanted to see her and the children and he did the obvious and natural thing: he took his wife and their two children to see the accused at her house. It is clear that she visited the accused within the second and third meanings of the meanings<sup>20</sup> quoted by the Court. Similarly Xaba, as the senior male relative on the Witwatersrand, was anxious to assist the accused after a long absence to obtain groceries and food-stuffs for her, and for that purpose he entered her house to receive from her a full list of her requirements. In his case, it is clear, too, that he visited within the second and third meanings.

Mr. Bizos's use of the word "visit" referred to previously in passing is understandable. He used the word in its ordinary sense. 30

The Court accepts the evidence of Lebelo, although it can be criticised on some aspects. But he is amply



corroborated by other acceptable evidence.

Lebelo, on the 16th of October at 8.10 a.m., saw from a distance away a man walk from the accused's house towards the lavatory in the yard, and when he also went to the accused's house some time afterwards, he met the same man, he recognised him by his build and apparel and then he saw that he knew him. It was Magubane who was found under one of the bed in the accused's only bedroom. He was fully dressed. In addition, the keys to an outside room on the accused's premises were found on his person. 10

From these facts it is clear that Magubane was in the house by some prior arrangement. He had access to, if not the sole control, of an outside room, he made use of the lavatory in the yard and he saw fit to hide in the accused's bedroom at 8.20 a.m., even before she had dressed. He is therefore no stranger in the house and more than a person who has just dropped in. Rather would it appear that he is one who is staying for a time with friends, and that fits in with both portions of the third meaning quoted by the Court. In the Court's view he was also a visitor. 20

Another approach to the problem is to examine the paragraph under consideration (Paragraph 5 of EXHIBIT 2.) It reads:

"I..." (meaning the Minister of Justice) "... prohibit you from receiving at the said residential address any visitor other than (a) a medical practitioner etc., and (b) your children Zenani and Zenziswa."

After careful consideration the Court has come to the conclusion that this paragraph is susceptible of no other meaning than that the Minister also considered a medical practitioner and her two children visitors. If her own two children - who are at boarding-school in Natal - are 30



considered visitors, then Nobantu and a fortiori a more distant relative, Xaba, and a non-relative, Magubane, must also be visitors.

The next question which calls for consideration is whether the accused "received" these visitors. It is common cause - and the Court agrees - that a strict interpretation should be placed on the words. The Court will also accept the meaning of "receive" which, in the Court's view, is more favourable to the accused, and that is to admit (a person) into some relation with oneself to familiar or social inter-10 course. But the Court is thereby not conceding that that is the only applicable meaning.

Khoza, at 7.30 p.m. on the 2nd of October, found Nobantu and the accused in the accused's kitchen and he asked her whether she was entitled to receive visitors, She then asked who were the visitors and Khoza pointed out Nobantu and the children, whereupon the accused said they were relatives. The prosecutor argued - and there is force in his argument - that the accused, when taxed with receiving, did not deny receiving them, but contended that they were 20 not visitors but relatives. In other words, he argued, she tacitly admitted receiving them. Mr. Bizos sought to counter this argument by saying, if the Court understood him correctly, that that was not the only reasonable explanation to be inferred from her words. She could, according to him, have intended to convey "I don't consider them visitors, but relatives." But in the Court's view, even in this explanation the tacit admission of receiving remains. It is true that Khoza did not warn her before he spoke to her, but it is common cause - and the Court agrees again - that such 30 warning was not necessary and that what the accused said in the circumstances was evidence against her.

Because of this admission, coupled with the fact that they are sisters and the fact that the accused was away from home for a considerable time, the Court comes to the conclusion that the accused received her within the restricted sense of the word "receive."

With Xaba the position is different and there is more evidence before the Court as far as his visit is concerned. It was his custom to assist the accused in the absence of her husband, and on this particular occasion he visited the accused at her request. She had previously supplied him with 10 her grocery list, but the list was not full and he had to come back in a few days' time, when she would have the complete list ready. It was convenient for him to go on this particular afternoon and he entered the house himself and went and sat down in the dining-room. He sent the sister-in-law, Nonyaniso, to go and call the accused. She did so and the accused then emerged from the bedroom, greeted him and handed him the list he had come for. Thereafter he left. On these facts the Court is satisfied that she also received him within the restricted meaning of the word "receive." 20

Mr. Bizos in his heads or argument maintained that if Xaba was a visitor, it would mean that the milkman, the garbage collector and the postman, etc., would all be visitors and that would reduce the meaning of the prohibition order to absurd consequences to prohibit the calling of any person at her residential premises.

The Court of course is not called upon to decide whether the milkman etc. are visitors, but it must satisfy itself that the conclusion it has arrived at does not lead to absurdity. 30

In the Court's view Xaba and the milkman could never be on the same footing. Xaba, because he is a /...

relative, is at liberty to knock on her door, to open it and to enter her room without first obtaining her permission to do so and, in addition, without being invited he takes a seat in her dining-room. When the accused emerges, she does not remonstrate with him for the liberties that he has taken, but instead greets him and discusses their business. In other words, she not only tacitly approves of the liberties he has taken, but she also "receives" him.

The milkman, on the other hand, will never dream of taking these liberties. His job is to deliver milk. He will leave the milk at the door and, if he is an obliging milkman, he will knock at the door and hand over the milk to the person opening the door. He will never enter without an invitation and it is unimaginable that he will take it upon himself to occupy a seat in the dining-room. If by chance the accused has become friendly with him and invites him into her house and offers him a seat and he sits down, he may well be considered a visitor who was duly received by the lady of the house. Hence the Court is satisfied that to hold that Xaba is a visitor is not absurd.

Mr. Bizos also maintained that if Xaba was a visitor, then Lebelo was also one - which would also make the order absurd.

Again, it is not necessary for the Court to decide whether Lebelo was a visitor, but the Court is concerned with the absurdity aspect. It is the Court's view again that Xaba and Lebelo are not on a par. Xaba takes liberties because he is a relative. Lebelo takes some liberties because as a policeman he is by law empowered to do so and he does so in the execution of his duties. It is doubtful whether he will take a seat unless invited to do so. In any event, the accused will not "receive" him as she will



not have the necessary mens rea. It is part of his duties to see that she does not receive visitors. For that purpose he enters her house and she tolerates him. He said in evidence that she had always behaved normally towards him and that she had never been aggressive towards him. Again the Court is satisfied that there are no absurd consequences.

The next question to be considered is whether the accused "received" Magubane. His position is entirely different to that of Nobantu and Xaba. He is <sup>a</sup>non-relative and a listed person as per the Gazette, EXHIBIT D, and also a person on whom a prohibition order, EXHIBIT B, was served on the 30th of September, 1970. The probabilities therefore are that on the 16th of October - and possibly even before - the accused knew of his inclinations and connections. In addition, she had two prior warnings - with the service of the order on her on the 30th of September when everything was explained to her and she indicated that she understood the contents of the order, and again on the 2nd of October, 1970, when relatives were found in her home and when Khoza informed her that he was going to report to his superiors that she had received visitors. If after these warnings Magubane was an unauthorised visitor, it would have been the natural thing for her to immediately tell the police on their arrival: "There is a person in my house. He is here without my authority." But not only did she keep quiet; she required some pills from her bedroom. She did not, however, go and fetch them herself; she sent Princess. At that stage Magubane was hiding in her bedroom.

The Prosecutor asked the Court to infer from the accused's sending of Princess that the accused must have had knowledge that Magubane was in her room - that is the bedroom.

The Court is not prepared to do that. Her action, however, is suspicious, and taken in conjunction with the fact that she kept quiet, it becomes highly suspicious. To entertain the possibility that she was unaware of his presence - that is in the house - seems idle to the Court as at some stage they were the only two persons in and about the house, from which fact the inference becomes irresistible that she must have known of his presence. But there is more to it. He had the keys to her outside room, which would indicate some arrangement between him and either the accused or Princess. 10 To argue that Princess could have received him and could have made the arrangement in connection with this room, can hardly assist the accused, as she is the mistress of the house and she as addressee of the prohibition notice must exercise a "high degree of circumspection and care." This is from the headnote of the State v Arenstein (1964(1) S.A. 361 A.D.).

It is true Arenstein failed to report as required between 12 noon and 2.00 p.m., and he did report at 2.55 p.m. and 3.40 p.m. on the two days. But even this failure was held to be a violation of the notice, and his conviction was 20 sustained.

It follows then that to allow Princess to receive visitors in the same house would be an easy way to evade the notice and would in any event not relieve the accused of her duty of care in this connection. She has to make it her business to see that she does not receive visitors. Here it is not a question of the State merely proving the presence of a person in her house and then asking the Court to infer that she received him as a visitor. He is a listed person and her notice especially prohibits her from communi-30 cating in any manner whatsoever with such a person.

They are both persons whom the Minister considers engage in activities which are furthering or may further the achievement of the objects of Communism.

Mr. Bizos argued that the State has not made out a prima facie case, but with <sup>this</sup> the Court cannot agree.

He is found in her house under suspicious circumstances, he is seen using a lavatory in the yard, he hides in her bedroom fully dressed whilst she is still in her dressing-gown and the police had to give her an opportunity to get dressed before they could remove her. He has probably the sole control of an outside room, - both keys to the lock were found in his possession. They are persons, to use Mr. Bizos's own words, with special relationships, sitting in the same house. That is the evil aimed at in their notices: they are not to communicate with each other, for then they can conspire and do the prohibited acts.

The Court therefore finds that the accused received Magubane in the restricted sense, and that the State has clearly made out a prima facie case not only as far as Magubane is concerned, but also in respect of Mobantu and Xaba. The accused chose to remain silent. No Defence evidence was placed before the Court. Therefore the case against her becomes conclusive.

The Court did not only study paragraph 5 of EXHIBIT A2; it gave due consideration to the whole document and came to the conclusion that if the words "receive" and "visitor" are given their grammatical and ordinary sense, then it is clear what the Minister meant (the literal meaning of these words), and the Court has indicated that no absurdity has resulted.

In conclusion, the Court will deal with two further points/...



points. Mr. Bizos has argued that the order could not mean that she was not to allow anybody on her premises as she was entitled to communicate with people and could go and visit her sister and Xaba. The Court is of the opinion that for a moment he lost sight of the fact that she is also prohibited from attending even a social gathering. But he also contended if the Court understood him correctly, that if Magubane lived in the accused's house, then he could not be a visitor. With this the Court cannot agree as it would defeat the object of the order. Also, "receive" can mean to give 10 accommodation or shelter to or to harbour, and "visitor" can mean one who is staying for a time with friends.

On all the facts before the Court it is satisfied that there is evidence beyond a reasonable doubt that the accused in Count (1) received as visitors, Nobantu and Xaba and, in Count (2), Magubane. She is therefore found guilty on Counts (1) and (2). It follows that she is found not guilty on the Alternative to Count (2).

ACCUSED HAS PREVIOUS CONVICTIONS, WHICH SHE ADMITS.

ADV. BIZOS ADDRESSES COURT IN MITIGATION OF SENTENCE. 20

REPLYING ADDRESS BY THE PROSECUTOR.

- S E N T E N C E -

The Court has convicted you on two counts of receiving visitors in contravention of a prohibition order served upon you. It is true that on the first occasion in Count (1), only two days after the service of the order you received only relatives. The Court naturally takes that into consideration.

The Court sees that you have two previous convictions. In 1967: One month imprisonment, suspended for three years on certain conditions in that you failed to report to the 30

Secutiry Police on arrival in Cape Town and (b) that you failed to return to Johannesburg by train.

Then there is another conviction. On the same day you received twelve months imprisonment, of which all but four days was suspended for three years, in that you failed to furnish your full name and address to a sergeant of the South African Police. So you have previous convictions, although they are not strictly previous convictions for the same offence.

Also, in view of the fact that it was only two days 10 after the service of the order and in view of the fact that these people were only relatives, the Court has decided to give you a suspended sentence on Count (1). The sentence on Count (1) then, will be six months' imprisonment, suspended for three years on condition that the accused during this period does not commit any offence in contravention of the prohibition order served upon her.

In the second count the Court takes a more serious view of the contravention. You were warned by Khoza on the 2nd of October that he was going to report that you were receiving 20 visitors. So you had ample warning and, in spite of that, you received, fourteen days later, another listed person.

The Court has given careful consideration to the question of sentence. It has considered what in its view are all the relevant factors and has decided upon the following sentence: You will be imprisoned for twelve months.

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BY ADV. BIZOS: Your Worship, it is intended to note an appeal, Sir. The accused has been on her own recognizance up to now. Could Your Worship fix bail pending appeal? She has a record of good attendance before this, despite the 30

fact that these charges were pending against her. I don't know what the State's attitude is on the question of bail.

THE COURT: What amount do you suggest?

ADV. BIZOS: I have no specific instructions, Sir. I don't know whether the State feels that she is likely to abscond. She has come to Court always despite the fact that two charges were pending against her, sir. I don't know why there should be any difference at this stage, Sir.

REPLYING ADDRESS BY THE PROSECUTOR. PROSECUTOR REQUESTS AN ADJOURNMENT TO ENABLE HIM TO CONSULT WITH THE SENIOR PROSECUTOR.

10

- ADJOURNMENT -

PROSECUTOR SUGGESTS THE AMOUNT OF R500 BAIL.

FURTHER ADDRESS BY ADV. BIZOS, WHO FEELS THAT THIS AMOUNT IS EXCESSIVE.

THE COURT: The Court fixes the amount of bail in the amount of R300 pending appeal, but orders that she is not to be released on bail until the notice of appeal has been lodged with the Clerk of the Court.

TRANSCRIBER'S CERTIFICATE.

I, the undersigned, hereby certify that the foregoing is a true and an exact transcript of the proceedings which were recorded by mechanical means in the case of:

THE STATE VS. NOMZAMO WINNIE MANDELA.

(signed) J. Klusmann  
 J. KLUSMANN,  
 TRANSCRIBER.



SUID-AFRIKAANSE POLISIE.

SOUTH AFRICAN POLICE. S.A.P. 69.

Bank no Oxl 8426/70  
Veiligheids Polisie  
Bank 29 JOHANNESBURG.

Year 23.11.70.

V.A.-no.  
F.P. No. 342085/70.

V.A.-klas. 17 M. 9  
F.P. classification. 2 MR 00 7

168.10.70. Mendowlands.

Konwano Mandela & Winnie.

K.R.-no.  
C.R. No. U/37470

Dossier-no.  
Docket No. 67/26798

Persoonsnummer  
Identity No. 3981073.

V.A.'e ontvang.  
F.P.'s received. 15

Tuetslingshevel verontagsaaw

W/Sara Louw

- LANGRIK: (a) Polisie moet een afskrif van hierdie rekord met uitslag van verhoor daarop aangedui, aan die S.A.K.B., Privaatsak 308, Pretoria, terugstuur.  
 (b) Een afskrif moet aan die Staatsanklaer ter inligting van die Landdros oorhandig word.  
 (c) Een afskrif moet aan die Klerk van die Hof oorhandig word om aan die Lasbrief tot Gevangensetting geheg te word, al het beskuldigde geen vorige veroordelings nie.  
 (d) Vier afskrifte moet, in sake wat in Hoer- en Rondgaandehowe dien, aan die Klerk van die Hof vir beskikking oorhandig word insluitende die deur die Buro gesertifiseerde afskrif waar suks die geval is.
- WIKTANT: (a) Police to return one copy of this record to the S.A.C.B., Private Bag 308, Pretoria, with result of trial endorsed thereon.  
 (b) One copy must be handed to the Public Prosecutor for use by the Magistrate.  
 (c) One copy must be handed to the Clerk of the Court for attaching to the Committal Warrant, even if accused has no previous convictions.  
 (d) Four copies must be handed to the Clerk of the Court for disposal in cases set down for hearing in Superior and Circuit Courts including the copy certified by the Bureau where such is the case.

Die beskuldigde het, nadat aan hom gesê is dat dit blyk dat hy/sy veroordeel was weens die oortredings op keersy gemeld en gevra is om te erken of ontken, verklaar:—  
The accused who, having been informed that it appears that he/she was convicted of the offences overleaf and being called upon to admit or deny these convictions, declared:—

"Ja sinit"

*[Signature]*  
3/2/71

*[Signature]*  
Handtekening van beskuldigde.  
Signature of accused.

Handtekening van tolk.  
Signature of interpreter.

Handtekening van Landdros.  
Magistrate's signature.

UITSLAG VAN VERHOOR OP HUIDIGE AANKLAG—RESULT OF TRIAL ON PRESENT CHARGE.

|                            |
|----------------------------|
| saak-no.<br>Court case No. |
| straf-no.<br>Strict No.    |

Hof en plek van verhoor.  
Court and place of trial.

- Datum van skuldigbevinding.  
Date of conviction.
- Datum van vonnis.  
Date of sentence.

Duimafdruk van  
beskuldigde.  
Thumb-print of  
accused.

nis.  
ence.

staad.  
ence.

an waaronder veroordeel.  
me convicted under.

seste betaal.....indien nie, meld tronk/opsluitplek.....  
se paid.....if not, state gaol/lockup.....

Handtekening, no. en rang van Polisiebeampte wat die uitslag van verhoor aangeteken het.  
Signature, No. and Rank of Policeman who filled in result of trial.





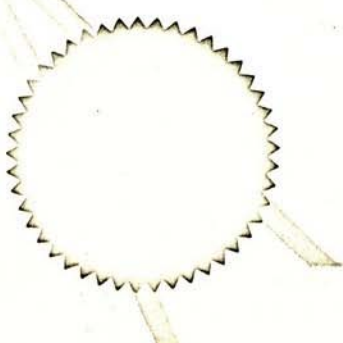
Having been duly authorised thereto by the Secretary for Justice, I hereby, in terms of section 263(1) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), certify the attached documents to be true copies of the original notices specified below, which are under the control of the said Secretary, and that these notices were issued to NOMZAMO WINNIE MANDELA on the 18th day of September, 1970:-

- (a) Notice in terms of section 9(1) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950).
- (b) Notice in terms of section 10(1)(a) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950).
- (c) Notice in terms of section 10<sup>quat</sup>(1) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950).

Given under my hand at Pretoria on this 21st day of October, 1970.

*[Signature]*  
 UNDER SECRETARY FOR JUSTICE.

21/10/70  
 21.10.70





81/172892

TO: NOMZAMO WINNIE MANDELA (I.N. 3981073),  
8115 ORLANDO,  
JOHANNESBURG.

NOTICE IN TERMS OF SECTION 9(1) OF  
THE SUPPRESSION OF COMMUNISM ACT, 1950  
(ACT NO. 44 OF 1950).

WHEREAS I, PETRUS CORNELIUS PELSER, Minister  
of Justice am satisfied that you engage in activities which 10  
are furthering or are calculated to further the achievement  
of any of the objects of communism, I hereby, in terms of  
section 9(1) of the Suppression of Communism Act, 1950  
(Act No. 44 of 1950), prohibit you for a period commencing  
on the date on which this notice is delivered or tendered to  
you and expiring on the 30th day of September, 1975, from  
attending within the Republic of South Africa or the  
territory of South-West Africa -

- (1) any gathering contemplated in paragraph (a)  
of the said section 9(1); or
- (2) any gathering contemplated in paragraph (b)  
of the said section 9(1), of the nature, class  
or kind set out below:
  - (a) Any social gathering, that is to say, any  
gathering at which the persons present/....

also have social intercourse with one another;

- (b) any political gathering, that is to say, any gathering at which any form of State or any principle or policy of the Government of a State is propagated, defended, attacked, criticised or discussed;
- (c) any gathering of pupils or students assembled for the purpose of being instructed, trained or addressed by you.

10

Given under my hand at Cape Town on this 18th day of September, 1970.

(SGD.) P.C. Pelser.

MINISTER OF JUSTICE.

NOTE.

The Magistrate, Johannesburg, has in terms of section 9(1) of the abovementioned Act been empowered to authorise exceptions to the prohibitions contained in this notice.

Ek sertifiseer dat ek hierdie kennisgewing beteken  
 het deur die duplikaat oorspronklike hiervan aan die ge-  
 adresseerde te oorhandig om 5.30 nm. op 30.9.1970 te  
 8115 Orlando-Wes, Johannesburg, in teenwoordigheid van  
 Kaptein M.J.P. le Roux en Bantoe Senior Sersant  
 M.P. Senoamadi.

Ek het die inhoud aan haar verduidelik.

(Get.) J. Fourie Nr. 26475 T S/Sers.

(1) Getuie :- (Get.) ? Kapt.

10

~~(2)~~ Getuie :-  
 (Get.) ? Kapt.  
 1.10.70.



TO: NOMZAMO WINNIE MANDELA (I.N. 3981073),  
8115 ORLANDO,  
JOHANNESBURG.

NOTICE IN TERMS OF SECTION 10(1)(a) OF THE  
SUPPRESSION OF COMMUNISM ACT, 1950 (ACT NO.  
44 OF 1950).

WHEREAS I, PETRUS CORNELIUS PELSER, Minister of Justice, am satisfied that you engage in activities which are furthering or may further the achievement of the objects<sup>10</sup> of communism, I hereby, in terms of section 10(1)(a) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), prohibit you for a period commencing on the date on which this notice is delivered or tendered to you and expiring on the 30th day of September, 1975, from --

(1) absenting yourself from --

(a) the residential premises situate at  
8115 Orlando, Johannesburg --

- (i) at any time on any Sunday or public holiday;
- (ii) at any time on any Monday, Tuesday, Wednesday, Thursday or Friday which is not a public holiday, except during the period commencing at six in the forenoon and ending at six in the afternoon;
- (iii) at any time on any Saturday which is not a public holiday, except during the period commencing at six in the forenoon and ending at two in the afternoon/....

(b) the magisterial district of Johannesburg  
 (2) being within -

(a) any Bantu area, that is to say -

- (i) any location, Bantu hostel or Bantu village defined and set apart under the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
- (ii) any area approved for the residence of Bantu in terms of section 9(2)(h) of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); 10
- (iii) any Scheduled Bantu Area as defined in the Bantu Land Act, 1913 (Act No. 27 of 1913);
- (iv) any Bantu Township established under the Regulations for the Administration and Control of Townships in Bantu Areas, promulgated in Proclamation No. R.293 of the 15th November, 1962;
- (v) any land of which the South African Bantu Trust, referred to in section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), is the registered owner or any land held in trust for a Bantu Tribal Community in terms of the said Bantu Trust and Land Act, 1936; 20
- (vi) the Transkei as described in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), except Orlando;

- (b) any Bantu compound;
- (c) the premises of any factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941);
- (d) any place which constitutes the premises on which any publication as defined in the Suppression of Communism Act, 1950, is prepared, compiled, printed or published;
- (e) any place which constitutes the premises of any organization contemplated in Government Notice No. R. 2130 of the 28th December, 1962, as amended by Government Notice No. R.1947 of the 27th November, 1964, and any place which constitutes premises on which the premises of any such organization are situate; 10
- (f) any place or area which constitutes the premises on which any public or private university, university college, college, school or other educational institution is situate; 20
- (g) any place or area which constitutes the premises of any superior or inferior court as defined in the Criminal Procedure Act, 1955 (Act No. 56 of 1955), except for the purpose of -
  - (i) applying to a magistrate for an exception to any prohibition in force against you/...



- under the Suppression of Communism Act, 1950;
- (ii) attending any criminal proceedings in which you are required to appear as an accused or a witness;
- (iii) attending any civil proceedings in which you are a plaintiff, petitioner, applicant, defendant, respondent or other party or in which you are required to appear as a witness;
- (h) the area of jurisdiction of the Alexandra Local Area Committee as defined in Administrator's Proclamation No. 27 of the 3rd February, 1958; 10
- (3) communicating in any manner whatsoever with any person whose name appears on any list in the custody of the officer referred to in section 8 of the Suppression of Communism Act, 1950, or in respect of whom any prohibition under the Suppression of Communism Act, 1950 or the Riotous Assemblies Act, 1956 (Act No. 17 of 1956), is in force;
- (4) performing any of the following acts, that is to say - 20
- (a) preparing, compiling, printing, publishing, disseminating or transmitting in any manner whatsoever any publication as defined in the/....

Suppression of Communism Act, 1950;

- (b) participating or assisting in any manner whatsoever in the preparation, compilation, printing, publication, dissemination or transmission of any publication as so defined;
- (c) contributing, preparing, compiling or transmitting in any manner whatsoever any matter for publication in any publication as so defined; 10
- (d) assisting in any manner whatsoever in the preparation, compilation or transmission of any matter for publication in any publication as so defined;
- (e) (i) preparing, compiling, printing, publishing, disseminating or transmitting in any manner whatsoever any document (which shall include any book, pamphlet, record, list, placard, poster, drawing, 20 photograph or picture which is not a publication within the meaning of paragraph (4)(a) above); or
- (ii) participating or assisting in any manner whatsoever in the preparation, compilation, printing, publication, dissemination or transmission of any such document,

in which, inter alia -

- (aa) any form of State or any principle or policy of the Government of a State is propagated, defended, attacked, criticised, discussed or referred to;
- (bb) any matter is contained concerning any body, organization, group or association of persons, institution, society or movement which has been declared an unlawful organization by or under the Suppression of Communism Act, 1950, or the Unlawful Organizations Act, 1960; 10
- (cc) any matter is contained concerning any organization contemplated in Government Notice No. R.2130 of the 28th December, 1962, as amended by Government Notice No. R.1947 of the 27th November, 1964; or
- (dd) any matter is contained which is likely to engender feelings of hostility between the White and the non-White inhabitants of the Republic of South Africa; 20
- (f) giving any educational instruction in any manner or form to any person other than a person of whom you are a parent;
- (g) taking part in any manner whatsoever in the activities or affairs of any organization contemplated in Government Notice No. R. 2130 of the 28th December, 1962, as amended by/....



Government Notice No. R. 1947 of the  
27th November, 1964;

- (5) receiving at the said residential premises any visitor other than -
- (a) a medical practitioner for medical attendance on you or members of your household, if the name of such medical practitioner does not appear on any list in the custody of the officer referred to in section 8 of the Suppression of Communism Act, 1950, and no prohibition under the Suppression of Communism Act, 1950, or the Riotous Assemblies Act, 1956, is in force in respect of such medical practitioner;
- (b) your children Zenani and Zindziswa.

10

Given under my hand at Cape Town on this  
18th day of September, 1970.

(SGD.) P.C. Pelsler.  
MINISTER OF JUSTICE.

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NOTE.

The Magistrate, Johannesburg, has in terms of section 10(1)(a) of Act No. 44 of 1950 been empowered to authorise exceptions to the prohibitions contained in this notice.

Ek sertifiseer dat ek hierdie kennisgewing beteken het deur die duplikaat oorspronklike hiervan aan die geadresseerde te oorhandig om 5.30 nm. op 30.9.1970 te 8115 Orlando-Wes, Johannesburg, in teenwoordigheid van Kaptein M.J.P. le Roux en Bantoe Senior Sersant M.P. Senoamadi.

Ek het die inhoud aan haar verduidelik.

(Get.) J. Fourie Nr. 26475 T S/Sers.

(1) Getuie :- (Get.) ? Kapt.

10

~~(2) Getuie :-~~

(Get.) ? 1.10.70.

TO: NONZAMO WINNIE MANDELA (I.N. 3981073),  
8115 ORLANDO,  
JOHANNESBURG.

NOTICE IN TERMS OF SECTION 10QUAT(1) OF  
THE SUPPRESSION OF COMMUNISM ACT, 1950  
(ACT NO. 44 OF 1950).

WHEREAS there is in force against you a prohibition under section 9(1) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), by way of a notice addressed 10 and delivered or tendered to you, I, PETRUS CORNELIUS PELSER, Minister of Justice, hereby, in terms of section 10quat(1) of the said Act, order you for a period commencing on the date on which this notice is delivered or tendered to you and expiring on the 30th day of September, 1975, to report to the officer in charge of the Orlando Police Station, Johannesburg on every Monday between the hours of six in the forenoon and six in the afternoon: Provided that if such Monday falls on a public holiday, you shall report on the following day 20 not being a public holiday.

Given under my hand at Cape Town on this 18th day of September, 1970.

(SGD.) P.C. Pelsler.  
MINISTER OF JUSTICE.



Ek sertifiseer dat ek hierdie kennisgewing beteken  
 het deur die duplikaat oorspronklike hiervan aan die ge-  
 adresseerde te oorhandig om 5.30 nm. op 30.9.1970 te  
 8115 Orlando-Wes, Johannesburg, in die teenwoordigheid  
 van Kaptein M.J.P. le Roux en Bantoe Senior Sersant  
 M.P. Senoamadi.

Ek het die inhoud aan haar verduidelik.

(Get.) J. Fourie Nr. 26475 T S/Sers.

(1) Getuie :- (Get.) ? Kapt.

10

~~(2)~~ Getuie :-  
 (get.) ? Kapt.  
 1.10.70.



Exhibit B.  
Case No R5023/

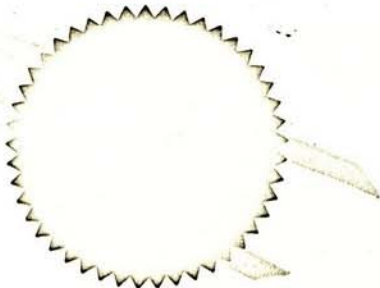
Q

Having been duly authorised thereto by the Secretary for Justice, I hereby, in terms of section 263(1) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), certify the attached document to be a true copy of the original notice, under the control of the said Secretary and issued in terms of section 9(1) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), to **SEXFORD PETER MAGUBANE** on the 18th day of September, 1970.

Given under my hand at Pretoria on this 21st day of October, 1970.

*Seckurwe*  
UNDER SECRETARY FOR JUSTICE.

*21/10/70* *21.10.70*



TO : SEXFORD PETER MAGUBANE (I.N. 1293657),  
 546 ZONE 1,  
 DIEPKLOOF,  
JOHANNESBURG.

NOTICE IN TERMS OF SECTION 9(1) OF THE SUPPRESSION OF COMMUNISM ACT, 1950 (ACT NO. 44 OF 1950).

WHEREAS I, PETRUS CORNELIUS PELSER, Minister of Justice am satisfied that you engage in activities which are furthering or are calculated to further the achievement of any of the objects of communism, I hereby, in terms of section 9(1) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), prohibit you for a period commencing on the date on which this notice is delivered or tendered to you and expiring on the 30th day of September, 1975, from attending within the Republic of South Africa or the territory of South-West Africa - 10

- (1) any gathering contemplated in paragraph (a) of the said section 9(1); or
- (2) any gathering contemplated in paragraph (b) of the said section 9(1), of the nature, class or kind set out below: . 20
  - (a) Any social gathering, that is to say, any gathering at which the persons present/...

also have social intercourse with one another;

- (b) any political gathering, that is to say, any gathering at which any form of State or any principle or policy of the Government of a State is propagated, defended, attacked, criticised or discussed;
- (c) any gathering of pupils or students assembled for the purpose of being instructed, trained or addressed by you.

Given under my hand at Capte Town on this 18th day of September, 1970.

(SGD.) P.C. Pelsler.  
MINISTER OF JUSTICE.

NOTE.

The Magistrate, Johannesburg, has in terms of section 9(1) of the abovementioned Act been empowered to authorise exceptions to the prohibitions contained in this notice.



Ek sertifiseer dat ek hierdie kennisgewing beteken het deur die duplikaat oorspronklike hiervan aan die geadresseerde te oorhandig om 5.55 nm. op 30.9.1970 in die straat voor 7077 Orlando-Wes, Johannesburg, in teenwoordigheid van Kaptein M.J.P. le Roux en Bantoe Senior Sersant M.P. Senoamadi.

Ek het die inhoud aan hom verduidelik.

(Get.) J. Fourie Nr. 26475 T S/Sers.

(1) Getuie :- (Get.) ? Kapt.

10

~~(2)~~ Getuie :- (Get.) ? Kapt.  
1.10.70.

TO:  
WINNIE MANDELA,  
8115 ORLANDO,  
JOHANNESBURG.

NOTICE IN TERMS OF SUB-SECTION (1) OF SECTION TEN QUAT OF  
THE SUPPRESSION OF COMMUNISM ACT, 1950 (ACT NO. 44 OF 1950).

WHEREAS there is in force against you a prohibition under sub-section (1) of section nine of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), by way of a notice addressed and delivered or tendered to you, I, BALTHAZAR JOHANNES VORSTER, Minister of Justice of the Republic of South Africa, hereby, in terms of sub-section (1) of section ten quat of the said Suppression of Communism Act, 1950, order you for a period commencing on the date on which this notice is delivered or tendered to you and expiring on the 28th day of February, 1970, to report to the officer in charge of the Orlando Police Station, Johannesburg, on every Monday between the hours of six in the forenoon and six in the afternoon.

Given under my hand at Cape Town on this 28th day of January, 1965.

signed: B.J. VORSTER  
MINISTER OF JUSTICE

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**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
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