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

In re:

THE STATE

versus

DAVID ERNST

ROWLEY ISRAEL ARNSTEIN

JOSEPH VICTOR BEREL FINKELSTEIN

REQUEST FOR FURTHER PARTICULARS TO THE INDICTMENT ON
BEHALF OF THE FIRST AND THIRD ACCUSED

To enable the First and Third Accused to plead and to prepare their defence the following Further Particulars to the Indictment are requested.

COUNT 1:

- (a) Exactly when, where and in what manner did each Accused become an office bearer, officer or member of the South African Communist Party?
- (b) Which of the aforesaid designations applies to each Accused?
- (c) The State is asked to define the period during which each Accused "did continue" to be an office bearer, officer or member of the South African Communist Party?

(d) Is/...

- (d) If the State is unable to furnish the information requested then the State is asked to set forth the facts (not evidence) from which the necessary inferences have been drawn.
- (e) If the State relies upon any documents then copies of such documents should be furnished to the defence.

COUNT 2:

- (a) Exactly when, where and in what manner did each Accused act in concert with one or more of the persons referred to including the persons to the prosecutor unknown?
- (b) Exactly when, where and in what manner did each Accused become party to the alleged common purpose?
- (c) Exactly when, where and by whom was each of the documents referred to in sub-paragraph (a) of Count 2 prepared?
- (d) Copies of the said documents are to be furnished to the defence.
- (e) Exactly when, where and in what manner was each Accused party to the recruiting ^{or attempted recruiting} of each and every person referred to in sub-paragraph (b) of Count 2?
- (f) Exactly when, where and in respect of which letters and reports did each Accused make use of code names?
- (g) Copies of the said letters and reports are requested.

Count 2a

Count 2b

Count 2c

(h) Exactly/...

(h) Exactly when, where and in what manner did each Accused make use of contacts?

(i) Who are the "other persons" and "others" referred to in sub-paragraph (d) of Count 2?

(j) Exactly when, where and in what manner did each Accused submit reports to one or more of the other Accused?

(k) Copies of the said reports are requested.

(l) Is it intended to allege that one or more of the Accused persons compiled such reports? If not, exactly when, where and by whom was each of these reports prepared?

(m) Exactly when, where and in what manner did each Accused select the cover addresses for party correspondence referred to in sub-paragraph (f) of Count 2?

(n) Is it Intended to allege that party correspondence was received at one or more of these addresses? If so, full particulars of the receipt of such correspondence together with copies thereof are requested.

(o) Exactly when did each Accused write letters to and receive letters at the addresses mentioned in sub-paragraph (f) of Count 2?

(p) Copies of such letters are to be furnished.

(q) Exactly when did each Accused write letters to the overseas branch of the Communist Party as alleged in sub-paragraph (g)(ii) of Count 2?

(r) Copies of all such letters and reports contained in such letters are to be furnished.

(s) Exactly/...

9(d)

2 (e)

2 (f)

9(g)

2(3)

(s) Exactly when did the Second and Third Accused write letters to the First Accused?

(t) Exactly when, where and in what manner did Fischer issue instructions to the Second and Third Accused to write such letters to the First Accused?

(u) Copies of the letters are to be furnished.

2(4)

(v) Exactly when, where and by whom was the use of certain books as code references arranged?

(w) The defence requests full particulars of such code references.

2(5)

(x) Exactly when, where and in what manner and to whom did each Accused hand over or recommend for study the books described in sub-paragraph (i) of Count 2?

(y) Exactly when, where and in what manner did each Accused make requests to one or more of the remaining Accused or to the overseas branch of the Communist Party for financial aid?

(z) Copies of these requests are to be furnished.

2(6)

(aa) Exactly when, where and in what manner is it alleged that each Accused provided financial aid or undertook to provide such aid?

(bb) Copies of all requests and other relevant documents are to be furnished.

(cc) For what purpose was the sum of R20,000.00 referred to in sub-paragraph (j)(1) of Count 2 to be transferred from England to South Africa?

(dd) Was the said sum in fact so transferred and to what purpose was it put?

- (ee) For what purpose is it alleged did Accused Nos. 1 and 2 provide money for the accommodation and expense of Rudin in Durban and Finkelstein, Accused No. 3, in Johannesburg?
- (ff) Exactly when did the said Brooks proceed to Tzaneen?
- (gg) What, if any, was the significance of the selection to Tzaneen in connection with the proposed scheme of securing money from England?
- (hh) What was the source of the money so to be obtained?
- (ii) Full particulars of the visit to Tzaneen and the activities of the said Brookes at Tzaneen are required.
- (jj) The State is asked to set forth why it was necessary for Brooks to proceed to Cape Town to evade the Police.
- (kk) During what period was it necessary for the said Brooks so to evade the Police?
- (ll) For what purpose were monies paid to Fletcher and Barkham by Accused No. 1 and by Accused No. 2?
- (mm) Full particulars of the request for aid for Poonen are requested.
- (nn) Full particulars are to be furnished of the financial aid given by A. Fischer to Accused No. 1 for party purposes.
- (oo) What party purposes were to be financed in this manner?

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- (pp) Exactly when and where did the various persons referred to in sub-paragraph (k) of Count 2 visit each other and for what purpose did such visits take place?
- (qq) Exactly when, where and by which Accused was Rudin instructed to evade the Police?
- (rr) Why was it necessary for the said Rudin to evade the Police?
- (ss) In what manner did each Accused assist the said Rudin in regard to travel, accommodation and expenses?
- (tt) Full details of the alleged co-operation with the African National Congress and the Congress Movement are requested. In this regard the Court is asked to say what each Accused did and further to say exactly when and where such co-operation took place.
- (uu) Exactly when, where and in what manner did each Accused make contact with the non-white leaders referred to in sub-paragraph (n) of Count 2?
- (vv) Exactly when, where and in what manner did each Accused support the principle of participation in elections by the Transkeian Democratic Party?
- (ww) Exactly what part was played by each Accused in the preparation of a memorandum and data as a guide to action for the said Transkeian Democratic Party?
- (xx) Copies of the memorandum and data are to be furnished.

(yy) Exactly/...

- (yy) Exactly what methods were devised by each Accused for making contact with the persons referred to in sub-paragraph (n) of Count 2?
- (zz) Exactly when, where and in what manner did each Accused advise the said persons to co-operate with those opposing the present government in Zululand?
- (aaa) Exactly when and where and in what manner did each Accused undertake to supply the name of a party contact in Eastern Pondoland to one James Dunne?
- (bbb) Exactly when, where and in what manner did each Accused claim that the South African Communist Party was well represented in the bodies of the Transkeian Democratic Party?
- (ccc) Exactly when, where and in what manner did each Accused request information as to the strength of the Pan African Congress in ~~the~~ Transkei?
- (ddd) Generally in respect of sub-paragraph (n) of Count 2 the State is asked to furnish copies of each and every relevant document.
- (eee) Exactly when, where and in what manner and by whom was a message sent to Chief Gatsha Buthelezi in Zululand?
- (fff) Exactly when, where, in what manner did each Accused subscribe to the Marxist-Leninist Doctrine and apply the said Doctrine to their writings?

- (ggg) Copies of the relevant writings are to be furnished.
- (hhh) Exactly when and where did each Accused lecture to one or more of the remaining Accused on the aspects of the said Doctrine?
- (iii) Exactly when, where and in what manner did each Accused propagate the views referred to in sub-paragraph p(ii) and p(iii)?
- (jjj) Exactly when, where and in what manner did each Accused maintain contact with the Chinese Communist Party?
- (kkk) Exactly when, where and in what manner did Accused Nos. 2 and 3 make enquiries from Accused No. 1 in regard to the escape route used by political refugees from Natal?
- (lll) Exactly when, where and in what manner did each Accused store communist books, documents and correspondence?
- (mmm) Particulars of the books, documents and correspondence so stored are requested.
- (nnn) Exactly when, where and in what manner did each Accused request that investigations be made in regard to "de-bugging" devices for party use?
- (ooo) Exactly when, where and in what manner did each Accused maintain contact with the National Union of South African Students (N.U.S.A.S.) for party purposes?
- (ppp) With which members of this body was such contact maintained and for what party purposes?

(qqq) Exactly what security measures were taken by each Accused in regard to meeting one another or in taking part in the activities of the Communist Party?

COUNT 3:

- (a) Exactly when, where and in what manner did each Accused act in concert with one or more of the persons mentioned in Count 3 and with the persons described as "to the Prosecutor unknown"?
- (b) Exactly what act or acts were performed by each Accused which were calculated to further the achievement of any of the objects of Communism as set out in Count 3?

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