

SCHEDULE NO.1.

J U D G M E N T.

RUMPF. J:

We have considered the evidence put before the Court and the arguments addressed to us on behalf of the Defence.

The further arguments to be addressed to us by the Defence on the contents of a number of reported speeches and on the policy of the organisations other than the African National Congress, do not appear to us to affect materially the consideration of the question whether or not the Prosecution has discharged the onus which rests on it in connection with the policy of violence attributed to the African National Congress, and which alleged policy is the cornerstone of the case for the Prosecution. If the case fails against the African National Congress it must fail against the other organisations. The policy of the African National Congress has been argued fully by the Prosecution and by the Defence, and we do not think it necessary for the Defence further to address us.

We also wish to announce that after full consideration of the issues in this case, we have arrived at a unanimous verdict. In the normal course of events we would not have delivered our verdict without at the same time fully setting out our reasons therefor, but in view of the mass of evidence with which we have to deal the formulation of our reasons will of necessity take a considerable time. This consideration, and the fact that this case has already consumed some years of hearing, have induced us to announce our verdict together with such essential

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findings of fact as have been arrived at by us on the evidence in the case. Written reasons for our verdict will in due course be handed to the Registrar of this Court.

I shall now proceed to deal with our verdict, and the accused may remain seated.

The accused are charged with treason. They have pleaded not guilty.

The first overt act of treason laid against all the accused in the indictment is a conspiracy to overthrow the State by violence. Against each accused further overt acts are laid, and these acts are said to have been committed in pursuance of the conspiracy.

The case for the Prosecution is not that the accused came together and entered into a treasonable agreement. The case for the Prosecution is that during the indictment period, i.e. from the 1st October, 1952, to the 13th December, 1956, a period of about four years, a number of organisations in South Africa, including the African National Congress, the South African Indian Congress, the South African Congress of Democrats, and the South African Coloured Peoples Organisation, had a policy to overthrow the State by violence; that these organisations co-operated with each other to achieve their common object, and that for that purpose an alliance was established, which for convenience sake has been referred to as the Congress Alliance, with the African National Congress as the senior and dominant partner.

The accused are said to have conspired because they took an active and leading part in the activities of the organisations of which he or she was a member,

with full knowledge of and support for the policy of such organisations.

In order to prove the existence of the treasonable conspiracy the Prosecution had to prove the violent policy of the Congress Alliance. It also had to prove the adherence of each of the accused to the conspiracy.

It is conceded by the Prosecution that if it fails to prove the treasonable conspiracy there is no case against any of the accused.

In regard to the alleged policy of violence the indictment alleges that the intention was to overthrow the State by violence, and to substitute for it a Communist State or some other State, and that the means by which the overthrow would be achieved were agreed to be the following:-

- (1) The convening of a gathering of persons known as the Congress of the People, for the adoption of a Freedom Charter, containing certain demands, which demands the accused intended to achieve by overthrowing the State by violence.
- (2) By recruiting and preparing for acts of violence a special Corps of Freedom Volunteers
- (3) Advocating and propagating unconstitutional and illegal action including the use of violence.
- (4) Organising, and participating in, various campaigns against existing Laws, and inciting to illegal and violent resistance against the administration and enforcement of such Laws, more particularly the Native

Resettlement Act, No.19 of 1954, the Bantu Education Act, No.47 of 1953, and the Natives' (Abolition of Passes and Co-Ordination of Documents) Act, No.67 of 1952.

- (5) Promoting feelings of discontent or unrest amongst and hatred or hostility between the various races of the Union.
- (6) Propagating the adoption in the Union of the Marxist-Leninist doctrine, in which doctrine there is inherent the establishing of a Communist State by violence.
- (7) Preparing and conditioning the population of the Union, more particularly the non-European section, for the overthrow of the State by violence, and inciting it to carry into effect the agreed means.

The indictment and the further particulars supplied suggest, in the main, a policy of incitement to violence during the period of the indictment.

After all the evidence had been heard, and at one stage during the argument in reply to questions put by the Court, the Prosecution specifically stated that on the evidence its case against the African National Congress was that it intended to organise the masses against the State, and that through a process of campaigns, stay-at-homes and strikes it would make its demands; that if those demands were not acceded to, and if the circumstances were favourable in the sense that the masses were sufficiently politically conscious, it would organise a nation-wide strike which would be the final clash between the people and the State; that the African National

Congress expected violence from the State to suppress the attack against it, and that the African National Congress intended at that stage actively to retaliate.

The Prosecution also stated that in regard to the removal from the Western Areas its case was that the African National Congress was reckless in regard to whether violence ensued or not, and that as regards the Freedom Volunteers the case against them was not that they were expected to commit violence during the period of the indictment, but in the ultimate end when the order would be given to be violent.

It was submitted by the Defence that the case thus described was not the case set out in the indictment, that the indictment and the Further Particulars suggest a policy of direct violence, and that the case described by the Prosecution during argument was a case of contingent retaliation.

We shall return to the submissions made by the Prosecution later, but because of the view we take of all the evidence put before the Court it is not necessary to consider whether the indictment covers the case suggested by the Prosecution, nor is it necessary to deal with the arguments addressed to us by the Defence on the two witness rule, and on the legal nature of an overt act of treason.

In our opinion the evidence proves the following:-

- 1(a) That the African National Congress and all the other organisations mentioned in the indictment, as well as the present accused, were working together to replace the present form of State with a radically and fundamental-

ly different form of State, based on the demands set out in the Freedom Charter which included inter alia the following:

1. "Every man and woman shall have the right to vote for and to stand as candidate for all bodies which make laws.
2. The national wealth of our country, the heritage of all South Africans, shall be restored to the people.
3. The mineral wealth beneath the soil, the banks and monopoly industry, shall be transferred to the ownership of the people as a whole.
4. Restriction of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger."

1(b) That prior to the adoption of the Freedom Charter the Congress Alliance sought to obtain from its members and others "demands of the people", which were presented at the Congress of the People on the 25th and 26th of June, 1955, and which formed the basis of the Freedom Charter.

1(c) That as part of its campaign to obtain the necessary demands from the people, and also to raise the political consciousness of the people, the Congress Alliance, through its member organisations, arranged for the holding of meetings whereat various members addressed the public. It also made use of propaganda material and arranged for the

distribution and use of various lectures and lecture notes. The general trend of the speeches made and of the propaganda and the lectures and lecture notes, was to condemn the system of Government in South Africa, and to extoll the virtues and advantages of a State described in varying terms as a People's Democracy or True Democracy, and to place the need for the recognition of the principle of general and unqualified franchise in the forefront. The Defence conceded in argument that some of the lectures referred to, contained traces of Communist influence.

1(d) That it has not been proved that the form of State pictured in the Freedom Charter is a Communist State.

1(e) That after the adoption of the Freedom Charter, the Transvaal Executive of the African National Congress propagated the view that "the African National Congress aimed to replace this Government of the few with a Government of people's democracy. In a people's democratic State the power of State will be exercised by the people, i.e. by the working people of all colours, together with all other democratic classes who will work for the changes set out in the Freedom Charter. This will be a Government of the people as a whole, of the present oppressed and exploited classes used to achieve their maximum well-being, and to prevent the few exploiters from regaining State power."

- 1(f) The contention of the Defence that the State advocated by the Transvaal Executive of the African National Congress is not a dictatorship of the proletariat is rejected, and we are of the opinion that the type of State as seen by the Transvaal Executive of the African National Congress is a dictatorship of the proletariat, and accordingly is a Communist State, known in Marxism-Leninism as a people's democracy.
- 1(g) That it was the policy of the African National Congress that Communists and anti-Communists could freely become members of the African National Congress, provided they subscribed to the policy of the African National Congress, and that some responsible Executive leaders of the African National Congress were members of the Communist Party before it was banned in 1950. There is no evidence to support the allegation of the Prosecution that there was infiltration by members of the former Communist Party into the ranks of the African National Congress.
- 1(h) That the African National Congress took up the attitude that Communists were free to spread their ideologies amongst members of the African National Congress, provided they honoured the policy of the African National Congress.
- 1(i) That in the indictment period a strong left-wing tendency manifested itself in the African National Congress.

- 1(j) That it has not been proved that the African National Congress had become a Communist organisation.
- 1(k) That the issue of Communism is relevant in this case to the issue of violence, and that on the evidence as a whole the Prosecution has failed to prove that the accused had personal knowledge of the Communist doctrine of violent revolution, or that the accused propagated this doctrine as such.
2. That the means to be employed for the achievement of the New State were those decided upon by the African National Congress in its duly adopted and official 1949 Programme of Action.
3. The preamble to the Programme of Action reads:
"The fundamental principles of the Programme of Action of the African National Congress are inspired by the desire to achieve national freedom. By national freedom we mean freedom from White domination and the attainment of political independence. This implies the rejection of the conception of segregation, apartheid, trusteeship, or White leadership, which are all in one way or another motivated by the idea of White domination or domination of the Whites over the Blacks. Like all other people the African people claim the right of self-determination."

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In regard to methods of achieving its objects it makes provision for the following:-

"2(c) The regular issue of propaganda material through:-

1. The usual press, newsletter or other means of disseminating our ideas in order to raise the standard of political and national consciousness.

2.. Establishment of a national press.

3(a)to employ the following weapons:-

immediate and active boycott, strike, civil disobedience, non-co-operation and such other means as may bring about the accomplishment and realization of our aspirations.

(b) Preparations and making of plans for a national stoppage of work for one day as a mark of protest against the reactionary policy of the Government."

4. The evidence shows with reference to the methods set out in the Programme of Action that:-

(1) The successful outcome of these methods depended on the non-European masses presenting an organised and united front to coerce the Government or the

electorate through mass actions.

- (ii) That the African National Congress in its endeavour to raise the political consciousness of the masses caused to be published a bulletin called "Congress Voice". In addition it encouraged its volunteers and members to read and support other publications such as "The African Lodestar", "Afrika", "New Age", "Fighting Talk", and a number of other publications all containing propagandist material.
- (iii) That the methods set out in paragraph 3(a) of the Programme of Action envisaged the use of illegal means.

With reference to the illegality of these methods Luthuli, the President General of the African National Congress, said during the course of his evidence.

1. That the application of the methods laid down could, with reference to "strike" action when used as a political action, lead in certain circumstances to a direct clash between the African people, the working class on the one hand and the ruling class on the other.
2. That in the breaking of the laws of the land, the State, in pursuance of its duties to maintain law and order, as it saw the position, might be forced to adopt certain measures

such as calling out the forces.

He added, however, that in the event of violence and bloodshed ensuing, the African National Congress would not regard or visualize such violence or bloodshed as emanating from it "because the African National Congress would carry on its struggle on a non-violent basis, even in the face of a clash, if there should be one. It would in such event not be a clash of the African National Congress."

5. With reference to the propagandist material used or recommended by the African National Congress and the other organisations for consumption by their members, the systems of Government in the Western Democracies such as the United States of America, the United Kingdom and also South Africa, were condemned and were described as belonging to the war-mongering, imperialistic and oppressor camps, whilst the Eastern Democracies such as Soviet Russia and the Chinese Republic and others received admiration and adulation, and were described as belonging to the peace and freedom loving camps.

Apart from such material the leaders of the Congress Alliance verbally endorsed such views at various meetings.

6. With reference to the Defiance Campaign against what was termed "Unjust Laws" launched by the African National Congress and the South African

Indian Congress in 1952, the outcome thereof was the prosecution and imprisonment of some 8,000 people who were persuaded by these organisations to break certain laws. In the case of the 1954/1955 Western Areas Campaign, directed at preventing the Government from removing the inhabitants from Sophiatown and environs to Meadowlands, the National Executive Committee of the African National Congress claimed that the Government was obliged to declare a state of emergency in the affected areas for a period of three weeks as a result of the campaigning of the African National Congress, and that the presence of about 2,000 Police was required whilst the initial removal of some 150 families was being undertaken.

7. Notwithstanding the above, and the further campaigns, namely, the Anti-Pass Campaign and the campaign against the Bantu Education Act, and the Campaign for the Congress of the People, no violence ensued. In fact, in its Further Particulars the Crown made it clear that it was not alleged that violence resulted from the activities of the various organisations.

8(a) The Crown, in order to prove the violent policy of the Congress Alliance, laid before the Court innumerable documents and reports of speeches held at hundreds of meetings,

all in support of the Liberatory Movement.

The documents in the main consisted of:-

1. Official reports and minutes of different organisations.
2. Official publications of these organisations.
3. Documents of which leaders of the organisations were the authors.
4. Literature such as bulletins and magazines published by well-disposed persons or bodies, and which the Congress Alliance recommended its members to read.

- (b) The speeches, of which reports were produced, were made mainly in Johannesburg and its environs, in the Port Elizabeth area, in Cape Town, and a few in the Eastern Transvaal. The number of speeches on which the Crown relies represents a minute percentage of the total number of speeches made during the indicted period of four years, and the Court is uninformed as to the nature of the majority of speeches so delivered. The reports of the speeches, with some exceptions, were made by officials who took them down in longhand, and only a small selected percentage of what was said at such meetings was recorded, and in general these reports are open to grave criticism.
- (c) In so far as a number of official documents of the African National Congress is concerned, the African National Congress stated that its

policy was non-violence, consonant with what was said by many speakers at various meetings.

9. The general trend of speeches made by various members of the African National Congress and of the other organisations, the propaganda and other documentary material relied upon, was to lay stress upon the importance of presenting a united front against the "fascist" Government and its "oppressive" laws, coupled with repeated warnings that the Government would harden and become more "brutal", not hesitating to create a "blood bath" as the liberatory struggle progressed. The people were warned that in the struggle many hardships would have to be endured, and that they might have to pay with their blood and even to make "the supreme sacrifice" to gain freedom. Constant references were made to the struggles of "oppressed" people against imperialist oppressors in other parts of the world such as Korea, Kenya, India and elsewhere, and the people were told that final victory would eventually come to the struggling masses. During the course of these various campaigns, some of the leaders of the African National Congress made themselves guilty of sporadic speeches of violence, which in our opinion amounted to an incitement to violence, but having regard to the total number of speeches made, these form

an insignificant part thereof.

10. With reference to the Freedom Volunteers the indictment alleges that the objects would be achieved inter alia by:-

"4(b)ii. Recruiting, enlisting and preparing for acts of violence a special corps of Freedom Volunteers."

The accused Resha, then the Volunteer in Chief for the Transvaal, admittedly in addressing a meeting of African National Congress delegates on the 22nd November, 1956, in Johannesburg, inter alia said:-

"When you are disciplined and you are told by the organisation not to be violent, you must not be violent. If you are a true volunteer and are called upon to be violent, you must be absolutely violent, and you must murder, murder."

The replay of the tape recording of this speech revealed that there was a thunderous applause from the assembled delegates immediately after Resha had concluded this sentence.

On the other hand the trend of many speeches made by various leaders of the African National Congress and also the documentary evidence, reveal that volunteers were required to carry out the policy of the African National Congress, to be disciplined.

and not to become violent even in the face, of provocation.

It is impossible therefore for the Court to find that the above allegations in the indictment have been proved by the Prosecution.

11. On all the evidence presented to this Court and on our findings of fact, it is impossible for this Court to come to the conclusion that the African National Congress had acquired or adopted a policy to overthrow the State by violence, i.e. in the sense that the masses had to be prepared or conditioned to commit direct acts of violence against the State.

12. Mr. Trengove, on behalf of the Prosecution, however, presented a further argument based on all the evidence, but with special reference to the Programme of Action, and which proceeded on the following lines:-

The African National Congress realised that their struggle and illegal methods employed would bring them into conflict with the State, and they realised that it would lead to a violent clash, at least from the side of the State. He submitted that the African National Congress, by constantly condemning the system in this country on the one hand, and on the other hand praising the systems in the "other camps", indicated a powerful desire or fostering of a mental attitude which would not balk at the over-

throw of this Government, or any other violent action directed towards the downfall of the State as presently constituted. He added that if with such a programme and a state of mind, the African National Congress deliberately provoked the Government into taking measures to maintain law, it was not only responsible for the consequences, but that the African National Congress also intended violence and bloodshed through the application of their illegal methods in order to achieve their freedom. He explained the essence of the Crown case was not only that the African National Congress expected violence from the State, but that it also intended the masses actively to retaliate.

13. We have set out Counsel's argument in some detail because it has to be analysed in the light of the allegations contained in the indictment, the evidence as a whole, and the general probabilities. In so far as the indictment as read with the Further Particulars is concerned, we are of the opinion:-

- (i) That although the means whereby the conspirators planned to overthrow the State by violence were set out in the indictment and were elucidated in the Further Particulars, nowhere was it alleged specifically that the conspirators

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planned to provoke and compel the State, by means of the application of methods under the Programme of Action, to resort to the use of force as a result whereof the masses would retaliate and so bring about the violent overthrow of the State.

(ii) We do not think that it was the intention of the Prosecution to rely on any such plan. If this had been the case, we would have expected some reference in the indictment, or at least in the Further Particulars, to the Programme of Action, and at the very least, proof forthcoming from the Crown of the existence of such a Programme of Action, a matter which was proved by the Defence and not by the Crown.

14. In any event, on the facts we find that though Defence witnesses have stated that they foresaw the possibility of the State being compelled to use violence in certain contingencies, there is insufficient evidence to find that the African National Congress had adopted a plan which revealed a general expectation of violence by the State and an intention to use the masses in retaliation.

15. Whilst therefore the Prosecution has succeeded in showing that the Programme of Action contemplated the use of illegal

methods, and that its application in fact resulted in illegal action during the Defiance Campaign, and that the African National Congress, as a matter of policy, decided to employ such means for the achievement of a fundamentally different State from the present, it has failed to show that the African National Congress as a matter of policy intended to achieve this new State by violent means.

The accused are accordingly found not guilty and are discharged.

SCHEDULE NO. 2.

IN THE SUPREME COURT OF SOUTH AFRICA

(Special Criminal Court constituted in terms
of Section 112 of Act 56 of 1955, as amended).

The Attorney-General of the Transvaal Province,
who as such prosecutes for and on behalf of Her Majesty,
the Queen, presents and informs the Court that:-

- At Prepa-
ratory
Examination
1. (1) FARIED ADAMS.
 2. (13) HELEN JOSEPH.
 3. (18) A.M. KATHRADA.
 4. (20) LEON LEVY.
 5. (22) STANLEY LOLLAN.
 6. (32) NELSON R. MANDELA.
 7. (34) LESLIE MASINA.
 8. (37) PHILEMON MATHOLE.
 9. (42) PATRICK MOLAOA.
 10. (43) JOSEPH MOLIFE.
 11. (44) MOOSA MOOLLA.
 12. (46) E.P. MORETSELE.
 13. (51) PHINEAS NENE.
 14. (52) LILLIAN NGOYI.
 15. (54) JOHN N. NKADIMENG.
 16. (56) P.P. DUMA NOKWE.
 17. (63) ROBERT RESHA.
 18. (66) PETER SELEPE.
 19. (70) WALTER M. SISULU.
 20. (71) GERT SIBANDE.

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21. (75) SIMON TYIKI.
22. (113) C. MAYEKISO.
23. (116) S. NKALIPI.
24. (117) W. MKWAYI.
25. (119) B. NDIMBA.
26. (120) J. NKAMPENI.
27. (121) F. NTSANGANI.
28. (123) T. TSHUME.
29. (124) T.E. TSHUNUNGWA.
30. (127) W.Z. CONCO.

hereinafter called "the accused", are guilty of the crime of

TREASON

IN THAT:

PART A.

During the period 1st October 1952 to 13th December, 1956, while owing allegiance to Her Majesty Queen Elizabeth the Second and her Government in the Union of South Africa (hereinafter called "the State") and at or near Johannesburg, Pretoria, Bloemfontein, East London, Port Elizabeth, Durban, Cape Town, Uitenhage, Queenstown, Cradock, Kimberley, Ermelo, Evaton and other places within the Union of South Africa, the accused, acting in concert and with common purpose and in breach and violation of such allegiance, wrongfully, unlawfully and with hostile intent against the State, namely, to subvert and overthrow the State or to disturb, impair or endanger the existence, or security of the State,

3.

did

- (a) disturb, impair and endanger the existence, or security of the State, or
- (b) actively prepare to subvert and overthrow the State, or to disturb, impair and endanger the existence or security of the State

each accused committing certain hostile and overt acts against the State, namely the hostile and overt act laid against each of the accused in paragraph 1 of Part B of this indictment, the hostile and overt acts laid against him or her in Part C of the indictment, the hostile and overt act laid against him or her in Part D of this indictment and the hostile and overt act laid against him or her in Part E of this indictment.

PART B.

1. During the period and at the places aforesaid the accused did wrongfully, unlawfully, and with the hostile intent aforesaid conspire with each other, with the persons mentioned in Schedule A hereto, and with other persons to the prosecutor unknown, to:-

- (a) subvert and overthrow the State by violence, and to substitute therefor a Communist State or some other State;
- (b) make active preparation for the achievement of the objects set out in sub-paragraph (a) hereof.

2. It was part of the said conspiracy that the objects set forth in paragraph 1 of Part B above, were to be achieved by the accused in their individual capacities and/or as members, or supporters of the associations and/or corporate bodies set forth in

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Schedule B hereto:

3. It was further part of the said conspiracy that the objects aforesaid were also to be achieved through the instrumentality and activities of the said associations and corporate bodies.

4. (a) It was part of the said conspiracy that whilst the objects set forth in paragraph 1 hereof remained constant throughout the whole period as aforesaid, the means for achieving such objects would be determined from time to time.

(b) During the subsistence of the said conspiracy and at various times during the said period and at places to the prosecutor unknown it was agreed that the said objects should be achieved, inter alia, by the following means:

(i) sponsoring, organising, preparing for and convening a gathering of persons known as the Congress of the People for the adoption of a Freedom Charter containing, inter alia, the demands set forth in Part E hereafter, and thereafter propagating the achievement of the said demands of such Charter, adopted at Kliptown, in the district of Johannesburg, on the 25th - 26th June, 1955; which said demands the accused intended to achieve by overthrowing the State by violence;

(ii) recruiting, enlisting and preparing for acts of violence, a special corps of Freedom Volunteers, being a semi-military and disciplined body whose members were obliged

to take an oath or solemn pledge to carry out the instructions, legal or illegal, of the leaders of the associations of persons and/or corporate bodies set forth in Schedule B hereto; and administering the said oath or solemn pledge to Freedom Volunteers;

- (iii) advocating and propagating unconstitutional and illegal action, including the use of violence as means of achieving the afore-said objects of the conspiracy;
 - (iv) organising and participating in various campaigns against existing laws and inciting to illegal and violent resistance against the administration and enforcement of such laws and more particularly -
 - (a) The Native Resettlement Act, No.19 of 1954;
 - (b) The Bantu Education Act, No.47 of 1953;
 - (c) Native (Abolition of Passes and Co-ordination of Documents) Act, No.67 of 1952;
 - (v) promoting feelings of discontent or unrest amongst and hatred or hostility between the various sections and races of the population of the Union of South Africa for the purpose of the ultimate violent overthrow of the State;
 - (vi) advocating, propagating or promoting the adoption and implementation in the Union of South Africa of the Marxist-Leninist
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doctrine in which doctrine there is inherent the establishing of a Communist State by violence;

- (vii) preparing and conditioning the population of the Union of South Africa, and more particularly the non-European section thereof, for the overthrow of the State by violence, and inciting it to carry into effect the means hereinbefore set out.

PART C.

In pursuance and furtherance of the said conspiracy, more particularly as part of the active preparation for the violent overthrow of the State and the substitution therefor of a Communist State or some other State, the accused with the hostile intent aforesaid did during the period 1st February 1954 to 13th December 1956, being a period when all the accused were in the said conspiracy, proceed to certain meetings which were convened in pursuance of the said conspiracy and for the purposes of furthering and carrying into effect the means set out in Part B, paragraphs 4(b)(i) to (v), with the knowledge that the said meetings had been convened for the aforementioned purposes and with the intention of participating in the proceedings thereat, and did then and there attend the said meetings and make speeches for the purpose of furthering and carrying into effect the means aforesaid and/or associate themselves with such speeches, all of which appears more fully in Schedule C hereto.

PART D.

In pursuance and furtherance of the said conspiracy more particularly as part of the active preparation for the violent overthrow of the State and the substitution therefor of a Communist State or some other State, the following accused namely:

Helen Joseph 2
A.M. Kathrada 3
Nelson R. Mandela 6
Joseph Molife 10
C. Mayekiso 22
T.E. Tshunungwa 29
W.Z. Conco 30

with the hostile intent aforesaid, and in order to further and carry into effect the means set out in PART B, paragraphs 4(b)(i) to (v), did during the period 1st February, 1954 to 13th December, 1956, being a period when all the accused were in the conspiracy, write, and publish or cause to be published and/or acquire for the purpose of distribution or disseminating the contents thereof certain articles, speeches, pamphlets, or other written or printed matter as will appear more fully from Schedule D hereto.

PART E.

In pursuance and furtherance of the aforesaid conspiracy, and more particularly as part of the active preparation for the violent overthrow of the State, the following accused namely:

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Faried Adams 1
Helen Joseph 2
Leon Levy 4
Stanley Lollan 5
Leslie Masina 7
Philemon Mathole 8
Patrick Molaoa 9
Joseph Molife 10
E.P. Moretsele 12
Phineas Nene 13
John N. Nkadimeng 15
Robert Resha 17
Peter Selepe 18
Simon Tyiki 21
C. Mayekiso 22
T.E. Tshunungwa 29
W.Z. Conco 30

with the hostile intent aforesaid did attend a gathering of persons known as the Congress of the People held at Kliptown in the district of Johannesburg on the 25th and 26th June, 1955, for the adoption of a Freedom Charter, participate in the said gathering and then and there draft and adopt such Freedom Charter and pledge themselves to work together and campaign for the achievement of the demands set forth in the said Freedom Charter, which included, inter alia, the following demands:

1. Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;
2. The national wealth of our country, the heritage of all South Africans, shall be restored to the people;
3. The mineral wealth beneath the soil, the Banks

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and monopoly industry shall be transferred to the ownership of the people as a whole;

4. Restriction of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger;
5. All shall have the right to occupy land wherever they choose, which said demands the accused intended to achieve by overthrowing the State by violence.

In the case of convictions the said Attorney-General prays for judgment against the accused according to law.

W. J. MCKENZIE

ATTORNEY-GENERAL (TRANSVAAL PROVINCE)

SCHEDULE "A".

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|-------------------------|--------------------------|
| 1. H. BARSEL | 14. TENNYSON X. MAKIWANA |
| 2. LIONEL BERNSTEIN | 15. J. MAKWE |
| 3. PIETER BEYLEVELD | 16. H.G. MAKGOTHI |
| 4. ANDRIES CHLMILE | 17. SAMPI MALUPI |
| 5. BARTHOLOMEW H LAPANE | 18. BERTHA MASHABA |
| 6. ALFRED HUTCHINSON | 19. JONAS MATLOU |
| 7. P.J. HODGSON | 20. THEOPHILIS MMUSI |
| 8. PAUL JOSEPH | 21. JOHANNES MODISE |
| 9. FISH KEITSING | 22. H.M. MOOSSA |
| 10. MOSES KOTANE | 23. OBED MOTSABI |
| 11. JERRY KUMALO | 24. SULIMAN N. NATHIE |
| 12. FRANK MADIBA | 25. P.P. NTHITHE |
| 13. AARON MAHLANGU | 26. AHMED E. PATEL |

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| 27. RONALD E. PRESS | 60. P.H. SIMELANE |
| 28. BENNETT SEITSHIRO | 61. M.B. YENGWA |
| 29. NIMROD SEJAKE | 62. A.E. LETELE |
| 30. SYDNEY SHALL | 63. MOHAMED ASMAL |
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110. NGQANDU	128. Y. CACHALIA
	129. E. MOOLA

SCHEDULE "B"

Associations of Persons or corporate bodies (also referred to in this indictment in abbreviated form as indicated in brackets), including all their local and Provincial branches in the Union of South Africa:-

The African National Congress.....	(A.N.C.)
The South African Indian Congress.....	(S.A.I.C.)
The South African Congress of Democrats....	(S.A.C.O.D.)
The South African Coloured Peoples' Organisation.....	S.A.C.P.O.)

The South African Congress of Trade Unions..	(S.A.C.T.U.)
The South African Peace Council.....	(S.A.P.C.)
The South Africa Society for Peace and Friendship with the Soviet Union.....	(S.A.S. for P. & F. with S.U.)
The Federation of South African Women.....	(F.S.A.W.)
The African National Congress Youth League..	(A.N.C.Y.L.)
The African National Congress Women's League.....	(A.N.C.W.L.)
The Natal Indian Congress.....	(N.I.C.)
The Transvaal Indian Congress.....	(T.I.C.)
The Transvaal Indian Youth Congress.....	(T.I.Y.C.)
The Natal Indian Youth Congress.....	(N.I.Y.C.)
The National Action Council of the Congress of the People.....	(N.A.C.C.O.P.)
The National Consultative Committee of the Congress of the People.	
The Transvaal Action Council of the Congress of the People.	
The Transvaal Action Committee of the Congress of the People.	
The Real Printing and Publishing Company (Proprietary), Limited.	
The Competent Publishing and Printing Company (proprietary), Limited.	
The Natal Midlands Region of the Congress of the People Sched. No. 2.	

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