

IN THE SUPREME COURT OF SOUTH AFRICA.  
(TRANSVAAL PROVINCIAL DIVISION).

ANNEXURE B TO INDICTMENT.

PART 1.

REQUEST FOR FURTHER PARTICULARS ON BEHALF OF ACCUSED

NOS. 1 - 8, 11 and 12 AND THE REPLIES THERETO.

A. With regard to the description of the  
Accused No.1.

1. Is it alleged that the National High Command, the National Liberation Movement, the National Executive Committee of the National Liberation Movement and Umkonto We Sizwe are different names of the same association, or is it alleged that they are different associations ?

They are different associations but working in such close unison that for all practical purposes they constitute one body.

2. Full and precise details are required of :
  - (a) The date when and the place where and the persons by whom the association (or each of the associations if there be more than one) was formed ;

This is a matter peculiarly within the knowledge of the accused.

- (b) The place or places at which the affairs of the association (or each of the associations if there be more than one) were conducted;

At the places mentioned in the indictment and annexure 'A' thereto.

- (c) The requirements of the association (or each of the said associations if there be more than one) as to the admission to and cessation of membership.

This is a matter peculiarly within the knowledge of the accused.

3. Full and precise details are required of the persons who are alleged to have controlled the affairs of the association during the period 1st July 1961 to 11th July 1963 (or each of the associations if there be more than one), specifying whether or not there was a committee or other similar body which controlled the affairs of the association, and if so, how the members of such committee or body were elected or appointed.

This is a matter peculiarly within the knowledge of the accused.

4. Full and precise details are required of the date when, the place where and the manner in which each of the said Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada,

Lionel Bernstein and Raymond Mahlaba became members of the association (or each of the associations if there be more than one) and the period for which each of the said persons continued to be a member of such association (or such associations if there be more than one).

This is a matter peculiarly within the knowledge of the accused.

5. If it is alleged that the affairs of the association (or associations if there be more than one) were controlled by a committee or other similar governing body, then the State is required to aver whether or not the said Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Mohamed Kathrada, Lionel Bernstein and Raymond Mahlaba belonged to such committee or body of the association (or associations if there be more than one), and if so, to specify where, when, and in what manner each of the said persons was appointed to such committee or body and the period for which each of the said persons continued to be a member of such committee or body.

This is a matter peculiarly within the knowledge of the accused.

6. If the State has no knowledge of the facts requested in paragraphs A. 2,3,4 and 5, but will seek to establish such facts by inference, then the State is required to set out in each instance the facts and

documents on which it will rely for such inferences.

This is a matter of evidence. In any event, as indicated above, the facts are peculiarly within the knowledge of the accused.

B. With regard to the averments in Count 1:

1. Full and precise details are required of the date when, the place where and the manner in which each of the accused and each of the said other persons and associations referred to in the preamble to Count 1 is alleged to have commenced acting in concert with the others, or to have joined the conspiracy or the common purpose with the others and the period for which the said persons continued to adhere to the said conspiracy or continued to act in concert with or make common purpose with the others. If the State is unable to answer this question, but will seek to establish the complicity of the accused by inference, then it is required to set out the facts and documents on which it will rely for such inference.

This is a matter of evidence. In any event, as indicated above, the facts are peculiarly within the knowledge of the accused.

2. Is it alleged that the said accused and the said persons and associations referred to in the preamble to Count 1 acted in concert with, or conspired with, or made common purpose with each

other, in terms of an express agreement? If so, full and precise details are required of the said agreement (or agreements if there be more than one) specifying:

- (a) When it was entered into;
- (b) Where it was entered into;
- (c) By whom it was entered into;
- (d) Whether it was verbal or in writing (if in writing, copies of all documents embodying the terms of the agreement are required);
- (e) The terms thereof (if any of the terms are reflected in written documents, then copies of such documents are required).

This is a matter peculiarly within the knowledge of the accused.

3. If the State relies upon an implied agreement between the accused and the other persons and associations referred to in the preamble to Count 1 then full and precise details are required:
- (a) of the facts and documents on which the State will rely for the inference that there was such an acting in concert, conspiracy, and common purpose;
  - (b) of the facts and documents on which the State will rely to support the allegation that each of the accused, and each of the said other persons and associations acted in concert with each other and adhered to the conspiracy and common purpose, indicating how each such fact or document links each such person to the alleged acting in concert, conspiracy and common purpose.

This is a matter of evidence.

4. Full and precise details are required of the course of conduct relied upon by the State, specifying in respect of each of the accused, and each of the said other persons and associations the acts constituting such course of conduct, indicating when, where and in what manner each such act was performed.

This is a matter of evidence. In any event, as indicated above, the facts are peculiarly within the knowledge of the accused.

5. In view of the fact that the State alleges that "some of" the wrongful and wilful acts are detailed in Annexure "A" to the indictment, the State is required to allege :

- (i) Whether it will rely on any act, other than the acts specified in Annexure "A" to the indictment. If so, full and precise details thereof are required.

Should further acts come to light particulars thereof will be duly furnished.

- (ii) Whether it alleges that all the acts specified in Annexure "A" to the indictment were performed in concert with the others, or pursuant to the common purpose or conspiracy. If not, which of the said acts are alleged not to have been committed in concert with the others or in terms of the common purpose or conspiracy.

Yes.

6. Is it alleged that there is any difference between the alleged acting in concert, the alleged conspiracy, and the alleged common purpose? If so, the State is required to furnish its particulars in a way which demonstrates the difference, and indicates which facts and documents are relied upon to establish the acting in concert, which to establish the conspiracy and which to establish the common purpose.

No.

7. In regard to sub-paragraph (i):

In respect of each of the wrongful acts specified in Annexure "A" to the indictment :

- (a) Which of the accused, or the said persons or associations referred to in the preamble to Count 1 is alleged to have committed such act? If it is alleged that such act was committed by the African National Congress or the Communist Party of South Africa, then in furnishing the particulars the State is required in each instance to specify :

All the accused, together with the named co-conspirators, planned, directed and envisaged the commission of the acts in question.

- (i) The names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in carrying out such acts;

This is a matter peculiarly within the knowledge of the accused.

- (ii) When, where, by whom, and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the case may be);

This is a matter peculiarly within the knowledge of the accused.

- (iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to perform such acts.

This is a matter peculiarly within the knowledge of the accused.

- (b)(i) If it is alleged that persons other than the accused, or the persons and associations referred to in the preamble to Count 1 committed such act, then the State is required to indicate by whom such act was committed and why the accused and the said other persons and associations are alleged to be liable therefor;

All the accused, together with the named co-conspirators, planned, directed and envisaged the commission of the acts in question.



- (ii) When, where, by whom and in what manner was such act planned? If any accused was not party to the planning of such act, the State is required to indicate why such accused is alleged to be liable therefor.

If the State will rely on an inference from facts and documents to establish that the accused were party to the commission and planning of such act, then it is required to set out the facts and documents on which it relies for such inference.

All the accused, together with the named co-conspirators, planned, directed and envisaged the commission of the acts in question.

- (c) Full and precise details are required of the facts and documents relied upon by the State for the conclusion that the acts set out in Annexure "A" to the indictment were envisaged in terms of the alleged conspiracy.

This is a matter of evidence.

8. In regard to sub-paragraph (ii):

- (a) Who are the "other persons" referred to in line 1, and which of the accused, or the persons or associations referred to in the preamble to Count 1, is alleged to have conspired with such other persons to procure the commission of or to commit the alleged acts? If it is alleged that either the African National Congress or the Communist Party of South Africa conspired with such other persons, then in furnishing the particulars the State is required in each instance to specify.

The "other" persons are the persons who, acting on the instructions from the accused and their co-conspirators, committed the acts of sabotage, the identity of these persons being peculiarly within the knowledge of the accused.

- (i) The names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in entering into the conspiracy;

This is a matter peculiarly within the knowledge of the accused.

- (ii) When, where, by whom and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa;

This is a matter peculiarly within the knowledge of the accused.

- (iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to enter into the conspiracy.

This is a matter peculiarly within the knowledge of the accused.

This is a matter peculiarly within the knowledge of the accused.

- (b) Is the said conspiracy alleged to have been in terms of an express agreement? If so, full and precise details of the said agreement are required, specifying :

This is a matter peculiarly within the knowledge of the accused.

- (i) When, where and by whom it was entered into. If each of the accused and the said persons and associations were not party to the agreement, who represented them, and when, where and in what manner was the representation authorised.

This is a matter peculiarly within the knowledge of the accused.

- (ii) Whether the agreement was verbal or in writing (if it was in writing, copies of all documents embodying the terms of the agreement are required);

This is a matter peculiarly within the knowledge of the accused.

- (iii) The terms of the said agreement.

This is a matter peculiarly within the knowledge of the accused.

- (c) If the State relies upon an implied agreement, then full and precise details are required:
- (i) of the facts and documents on which the State will rely for the inference that there was such a conspiracy;
  - (ii) of the facts and documents on which the State will rely to link each of the accused and each of the co-conspirators with the alleged conspiracy;
  - (iii) of the facts and documents on which the State will rely for the inference that the conspiracies in (ii) of Count 1 were part of the conspiracy referred to in the preamble to Count 1.

In furnishing the particulars requested in paragraphs 8 (a) (b) (c) and (d) the State is required to indicate in which instances the conspiracy was to aid or procure the commission of the offence, and in which instance it was to commit the offence.

This is a matter of evidence and in any event the facts are peculiarly within the knowledge of the accused.

9. (a) Full and precise details are required of the manner in which each of the accused and the said persons and associations referred to in the preamble to Count 1 are alleged to have -

- (i) incited ;

- (ii) instigated;
- (iii) commanded;
- (iv) aided;
- (v) advised;
- (vi) encouraged;
- (vii) procured

other persons to commit each of the alleged wrongful or wilful acts, specifying in each instance when, where, by whom and in what manner the alleged incitement, instigation, commanding, aiding, advising, encouraging and procuring was committed and in each instance the person or persons who were incited, instigated, commanded, aided, advised, encouraged or procured. If it is alleged that the African National Congress or the Communist Party of South Africa were parties to the transactions relied upon by the State, then in furnishing the particulars the State is required in each instance to specify:

- (i) The names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in becoming party to the said transaction;
- (ii) When, where, in what manner and by whom such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the case may be);

- (iii) When, where, and in what manner the African National Congress or the Communist Party of South Africa decided to perform such acts.

This is a matter of evidence and is in any event peculiarly within the knowledge of the accused.

(b) When, where and by whom was :

- (i) guerilla warfare;
- (ii) armed invasion;
- (iii) violent revolution

planned, indicating in each instance how each of the accused and the said persons and associations were associated with such planning.

The time, the place and the person, as well as other details are fully set out in Count 1. For the rest it is a matter of evidence.

(c) Full and precise details are required of the alleged plans for :

- (i) Guerilla warfare;
- (ii) armed invasion;
- (iii) violent revolution.

If any of the said plans are contained in documents, copies thereof are required.

This is a matter of evidence and in any event peculiarly within the knowledge of the accused.

- (d) In so far as the State alleges that guerilla warfare, armed invasion and violent revolution was envisaged, it is required to particularise the facts or documents from which this conclusion is drawn. When documents are relied on, copies thereof are required.

This is a matter of evidence and in any event peculiarly within the knowledge of the accused.

10. With regard to sub-paragraph (iii):

- (a) Full and precise details are required of the firearms, explosives and weapons alleged to have been possessed, specifying which of the accused or said persons or associations referred to in the preamble to Count 1 is alleged to have had possession thereof, and in each instance :
- (i) Where the firearms, explosives or weapons were possessed;
  - (ii) Precisely what was possessed;
  - (iii) When possession was obtained and for how long it was continued.

The accused and the named co-conspirators possessed all the explosives, firearms and weapons used in the commission of the acts of sabotage detailed in Annexure "A" and in addition the following :

Explosives :

- 1662 Feet Fuse
- 273 Sticks of Dynamite
- 448 Sticks of Galignite
- 73 Percussion Caps

60 Feet "Cordtex"

3 Railway Detonators

A quantity of Potassium Chlorate

23 Chemical Bombs

A quantity of Gun Powder

A quantity of Aluminium Powder.

Firearms :

3 Revolvers.

Weapons :

3 Battle Axes.

2 Pangas.

Where and When possession was obtained and for how long it was continued is a matter peculiarly within the knowledge of the accused.

- (b) If it is alleged that the African National Congress or the Communist Party of South Africa had possession of the firearms, explosives or weapons, then in furnishing the particulars the State is required in each instance to specify:
- (i) the name of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in taking and retaining possession thereof;
  - (ii) When, where, by whom and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa;
  - (iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to authorise such possession.



This is a matter peculiarly within the knowledge of the accused,

C. With regard to the averments in Count 2:

1. The State is required to furnish full and precise details in support of the allegation that the accused and the persons and associations referred to in the preamble to Count 1 acted in concert, conspired and made common purpose with each other, and in this regard the questions asked in paragraphs B. 1, B.2, B.3, B.4, B.5, B.6 and B.7 are repeated as if they had been asked specifically with reference to Count 2.

See replies above to paragraphs B.1 to B.7.

2. The State is required to give full information of that doctrine, or those doctrines, or the relevant portions thereof enumerated in Section 1 (ii) of Act 44 of 1950 on which it relies for the purpose of securing a conviction against each of the accused.

The State relies particularly on the provisions contained in sub-paragraphs (a), (b), (c) and (d) of Section 1(i)(ii) of Act 44 of 1950, as amended.

3. The State is required to set out the manner in which the performance of the acts on which the State relies for a conviction was calculated to further the achievement of that doctrine or those doctrines or those portions thereof relied upon, and to inform each accused

This is a matter of evidence and argument.

- (a) of the act or acts which he is alleged to have committed, indicating when and where they were committed and why each such act was calculated to further the achievement of the doctrine or the doctrines or those portions thereof relied upon;
- (b) of the acts which are alleged to have been committed by the other persons or associations referred to in the preamble to Count 1 and why each such act was calculated to further the achievement of the doctrine or the doctrines or those portions thereof relied upon, indicating

All the accused, together with the named co-conspirators, planned, directed and envisaged the commission of the acts in question. For the rest it is a matter of evidence and argument.

- (i) when, where and by whom each such act was committed;

As to the date and place see Annexure "A" to the indictment.  
As to who committed the acts see reply to paragraph 3(a) and (b) above.

- (ii) why each accused is alleged to be responsible for the commission of each such act.

This is a matter of argument.

- (c) If it is alleged that an act was committed by the African National Congress or the Communist Party of South Africa, then in furnishing the particulars the State is required in each instance to specify:
- (i) the names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in carrying out such acts;
  - (ii) when, where, by whom and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the case may be);
  - (iii) when, where and in what manner the African National Congress or the Communist Party of South Africa (as the case may be) decided to perform such acts.

This is a matter peculiarly within the knowledge of the accused.

4. In view of the fact that the State apparently relies on the same acts to establish the offence charged under Count 1 as it does to establish the offence charged under Count 2 it is required to inform the accused :

- (a) What, if any, it avers to be the difference between the alleged conspiracy, concert and common purpose charged in Count 1 and the alleged conspiracy, concert and common purpose charged in Count 2; and if there is a difference
  - (b) (i) The manner in which such difference is alleged to affect the liability of each accused;
  - (ii) The act or acts which are relied upon to support the offence charged under Count 1 and those which are relied upon to support the offence charged under Count 2.

There is no difference.

- 5. If the State is unable to answer any of the specific questions which have been asked, but will rely in support of its allegation for an inference which it seeks to draw from facts or documents then it is required in each instance and in respect of each of the accused and the other persons and associations referred to in the preamble to Count 1, to set out the facts and documents on which it will rely for such inference.

This is a matter of evidence.

D. With regard to the averments in Count 3 :

1. The State is required to furnish full and precise details in support of the allegation that the accused and the persons and associations referred to in the preamble to Count 1 acted in concert, conspired and made common purpose with each other, and in this regard the questions asked in paragraphs B.1, B.2, B.3, B.4 and B.6 are repeated as if they had been asked specifically with reference to Count 3.

The reply hereto is the same as the replies to paragraphs B.1, B.2, B.3, B.4 and B.6 above.

2. Full and precise details are required of the alleged soliciting, specifying in respect of each act relied upon:

- (a) Which of the accused, or the said persons or associations referred to in the preamble to Count 1 is alleged to have committed such act. If it is alleged that such act was committed by the African National Congress or the Communist Party of South Africa, then in furnishing the particulars the State is required in each instance to specify :

All the accused together with the co-conspirators named in the preamble to Count 1.

- (i) The names of the person or persons who represented the African National Congress or the Communist Party of

(i) If South Africa (as the case may be) in carrying out such acts;

(ii) When, where, by whom, and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the

case may be);

(iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to perform such acts.

This is a matter peculiarly within the knowledge of the accused.

(b) Who is alleged to have been solicited?

All the members of the African National Congress and the Communist Party of South Africa, as well as their supporters and sympathisers.

(c) When and where the soliciting is alleged to have taken place.

This is a matter peculiarly within the knowledge of the accused.

(d) The precise terms of the alleged soliciting;

This is a matter peculiarly within the knowledge of the accused.

- (e) If any of the accused was not party to such act the State is required to indicate why such accused is alleged to be liable therefor;

All the accused have been charged on this count.

- (f) The respects in which such act enabled or assisted the commission of an offence, indicating precisely what offence or offences it is alleged to have been connected with.

This is a matter of evidence and argument.

3. Full and precise details are required of the allegation that the accused received and accepted money from various persons or bodies of persons within and outside the Republic of South Africa, specifying in respect of each act relied upon :

- (a) Which of the accused, or the said persons or associations referred to in the preamble to Count 1 is alleged to have committed such act. If it is alleged that such act was committed by the African National Congress or the Communist Party of South Africa, then in furnishing the particulars the State is required in each instance to specify :

All the accused together with the named co-conspirators.

- (i) The names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in carrying out such acts;

(ii) When, where, by whom and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the case may be);

(iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to perform such acts.

This is a matter peculiarly within the knowledge of the accused.

(b) When and where the money was accepted or received; in what form (i.e. cash, cheque, etc.) and in what sum;

As to when and where the money was accepted that is a matter peculiarly within the knowledge of the accused. The money was received in part at Johannesburg during the period mentioned in the indictment, both in cash and by cheque in sums varying from 25 cents to R220,000.

(c) By whom the money was given and for what purpose;

See reply to paragraph D 2(b) above. The money was given for the purpose detailed in Count 3.

(d) If any accused was not personally party to the acceptance or receipt of the money the State is required to indicate why such accused is alleged to be liable therefor;

This is a matter for argument.



- (e) How the acceptance or receipt of the money is alleged to have enabled or assisted the commission of an offence, indicating precisely what offence or offences it is alleged to have been related to;

This is a matter of evidence and the offences are those alleged in Count 3.

- (f) In so far as the State may allege that an association was party to the giving or receipt of money it is required in each instance to indicate :
- (i) The name of the association;
  - (ii) The names of the person or persons who represented the association;
  - (iii) When, where, by whom and in what manner such person or persons were authorised to act on behalf of such association;
  - (iv) When, where and in what manner the association decided to participate in the transaction.

This request is not understood.

4. Full and precise details are required of the allegation that money was given to various persons or bodies of persons for the purpose of enabling or assisting the commission of an offence, specifying in respect of each act relied upon:

All the accused together with the named co-conspirators.

(a) Which of the accused, or the said persons or associations referred to in the preamble to Count 1 is alleged to have committed such act. If it is alleged that such act was committed by the African National Congress or the Communist Party of South Africa, then in furnishing the particulars the State is required in each instance to specify :

(i) the names of the person or persons who represented the African National Congress or the Communist Party of South Africa (as the case may be) in carrying out such acts;

(ii) When, where, by whom and in what manner such persons were authorised to act on behalf of the African National Congress or the Communist Party of South Africa (as the case may be);

(iii) When, where and in what manner the African National Congress or the Communist Party of South Africa decided to perform such acts.

This is a matter peculiarly within the knowledge of the accused.

(b) When, where, by whom and to whom the money was given, indicating the form of the payment (i.e. cash, cheque, etc.) and the amount thereof;

This is a matter of evidence and is in any event peculiarly within the knowledge of the accused.

- (c) If any accused was not personally party to such act then the State is required to indicate why such accused is alleged to be liable therefor;

All the accused have been charged on this count.

- (d) How the giving of the money is alleged to have enabled or assisted the commission of an offence, indicating precisely what offence or offences it is alleged to have been connected with.

This is a matter of evidence and once again the offences are those detailed in Count 3.

- (e) In so far as the State may allege that an association was party to the giving or receipt of money it is required in each instance to indicate :

- (i) The name of the association;
- (ii) The names of the person or persons who represented the association;
- (iii) When, where, by whom and in what manner such person or persons were authorised to act on behalf of such association;
- (iv) When, where and in what manner the association decided to participate in the transaction.

This request is in identical terms to the one contained in paragraph 3(f) and is still not understood.

5. Does the State allege that there is any difference between the conspiracy relied upon in Count 3 and the conspiracies relied upon in Counts 1 and 2. If so, it is required to furnish particulars which inform the accused:

- (i) What it avers to be the difference between the alleged conspiracy, concert and common purpose charged in Count 1 and the alleged conspiracy, concert and common purpose charged in Count 2 and the alleged conspiracy, concert and common purpose charged in Count 3;

The conspiracy is the same with the addition of the financial aspect which was necessary for the implementation of the terms of the conspiracy.

- (ii) In what manner such difference is alleged to affect the liability of each accused.

The liability of the accused is not effected.

6. Full and precise details are required of the campaign referred to, indicating against what laws it was to be directed, and what laws were to be repealed, modified, varied or limited in their application, and how this was to be done.

This is a matter of evidence and is not only peculiarly but also blatantly within the knowledge of the accused.

7. Is it alleged that the campaign was expressly agreed to as part of the conspiracy referred

to in Counts 1 and 2 ? If so :

The campaign was agreed to prior to the conspiracy which now sought to achieve the objects of the campaign by means of "violence, sabotage and murder".

(a) When, where and by whom was it agreed to ?

(b) Was the agreement verbal or in writing ?

If the agreement was in writing, a copy thereof is required.

(c) What were the terms of agreement ? If any of the terms of the agreement are reflected in a written document or documents, copies thereof are required.

(d) If any accused was not party to the said agreement, then the State is required to indicate why such accused is alleged to be responsible therefor.

These fall away but in any event this is a matter peculiarly within the knowledge of the accused.

8. If the State relies upon an implied agreement, then full and precise details are required :

(a) of the facts and documents on which the State will rely for the inference that there was such an agreement;

(b) of the facts and documents on which the State will rely to support the allegation that each of the accused, and each of the other persons and associations referred to in the preamble to Count 1, were party to such agreement;

(c) of the terms of the alleged implied agreement.

This too falls away but again is in any event a matter peculiarly within the knowledge of the accused.

- 9. If the State is unable to answer any of the specific questions which have been asked but will rely in support of its allegation for an inference which it seeks to draw from facts or documents, then it is required in each instance to set out the facts and documents on which it will rely for such inference.

This is a matter of evidence and argument.

The State is required to furnish full particulars of the charges, circumstances and documents on which it relies in support of its allegation that all the accused conspired as alleged.

This is a matter of evidence.

- 10. The State is required to furnish full particulars of the facts and circumstances and documents on which it relies in support of the allegation that
  - (a) accused No. 10 and
  - (b) the said Dalpe
 respectively joined the alleged conspiracy referred to in this paragraph, and to identify specifically in the case of them
  - (i) the acts done
  - (ii) the place where, and
  - (iii) the manner in which they joined the alleged conspiracy.

IN THE SUPREME COURT OF SOUTH AFRICA.

(3) The (TRANSVAAL PROVINCIAL DIVISION.)

(4) ANNEXURE B TO INDICTMENT.

PART II.

REQUEST FOR FURTHER PARTICULARS ON BEHALF OF ACCUSED

NOS. 9 and 10 AND THE REPLIES THERETO.

A. AD COUNT 1

Re: Opening Paragraph:

1. The State is required to furnish full particulars of the facts and circumstances and documents on which it relies in support of its allegation that all the accused conspired as alleged?

This is a matter of evidence.

2. (a) The State is required to furnish full particulars of the facts and circumstances and documents on which it relies in support of the allegation that
  - (a) Accused No. 10 and
  - (b) the said Wolperespectively joined the alleged conspiracy referred to in this paragraph, and to specify separately in the case of them
  - (i) The date when
  - (ii) The place where, and
  - (iii) the manner in which they joined the alleged conspiracy.

(b) The State is required to set out in the case of each of

(a) Accused No. 10, and

(b) The said Wolpe  
the acts which he is alleged to have committed  
in pursuance of the alleged conspiracy.

This is a matter of evidence.

3. With regard to the allegation that all the accused acted in concert and made common purpose with other persons named in Count 1, does the State rely upon some agreement other than the alleged conspiracy? If so, the State is required to furnish mutatis mutandis in regard to such agreement the particulars requested in paragraphs 1 and 2 above.

This is a matter peculiarly within the knowledge of the accused.

Re: Paragraph (i)

4. (a) The State is required to set out which of the alleged wrongful and wilful acts as set out in Annexure 'A' were committed by Accused No. 10 personally?

None.

(b) The State is required to set out which of the alleged wrongful and wilful acts as set out in Annexure 'A' were committed by HAROLD WOLPE personally?



None.

- (c) Depending on the answer hereto the State is required to set out whether Accused No. 10 or the said Wolpe in so committing the wrongful and wilful acts acted in collaboration with other persons, in which case the names of all such collaborators in each such occasion are required?

This falls away.

- (d) The State is required to furnish the names of each of the other persons who, it is alleged actually committed any of the respective acts detailed in Annexure 'A' to the charge.

This is a matter of evidence and in any event is peculiarly within the knowledge of the accused.

5. If, in relation to any of the said acts, the State alleges that such act was committed by a person other than one of the accused or one of the persons whose names are set out in this paragraph, or that it was committed by a person or persons unknown, the State is required to furnish full particulars of the facts and circumstances and documents by reason of which it is alleged that accused Nos. 9 and 10 are legally responsible for such act.

This is a matter of evidence and argument.

6. If the State intends to rely on any acts other than those detailed in Annexure 'A' to the charge, the State is required to furnish full particulars thereof including the particulars requested in paragraphs 4 and 5 hereof.

Should further acts come to light particulars thereof will be duly furnished.

Re: Paragraph (ii)

7. The State is required to furnish the names of the "other" persons with whom the accused are alleged in this paragraph to have conspired.

The "other" persons are the persons who, acting on the instructions from the accused and their co-conspirators, committed the acts of sabotage, the identity of these persons being peculiarly within the knowledge of the accused.

8. The State is required to furnish full particulars of the facts, circumstances and documents on which it relies in support of the allegation that all the accused conspired as alleged in this paragraph.

This is a matter of evidence

9. (a) The State is required to furnish full particulars of the facts, circumstances and documents on which it relies in support of the allegation that
- (a) Accused No. 10, and
  - (b) the said Wolpe

respectively joined the alleged conspiracy referred to in this paragraph, and to specify separately in the case of them

- (i) The date when
  - (ii) The place where, and
  - (iii) the manner in which,
- they joined the alleged conspiracy?

This is a matter of evidence and in any event is peculiarly within the knowledge of the accused.

- (b) The State is required to set out in the case of each of
  - (a) Accused No. 10, and
  - (b) the said Wolpe,
 the acts which he is alleged to have committed in pursuance of the alleged conspiracy?

This is a matter of evidence.

10. (a) Is it alleged that
- (i) Accused No. 10, or
  - (ii) the said Wolpe
- personally incited or instigated or commanded or aided or advised or encouraged or procured as alleged in this paragraph?

Yes.

- (b) If so, the State is required in the case of each of the accused No. 10 and the said Wolpe to furnish the following particulars:

- (i) The date of the act alleged?
- (ii) The place at which the act is alleged to have been committed?
- (iii) Full details of the act alleged, including particulars of the words or conduct alleged (and if the act alleged was in writing copies thereof are required),
- (iv) The names of the persons to whom such acts were directed?

This is a matter of evidence and in any event peculiarly within the knowledge of the accused.

- (c) If not, the State is required to furnish full particulars of the facts, circumstances and documents by reason of which it is alleged that accused Nos. 9 and 10 are responsible for such acts.

This is a matter of evidence and argument.

Re: Paragraph (iii)

11. Is it alleged that
- (a) Accused No. 10, or
  - (b) the said Wolpe
- personally possessed any explosives and/or firearms and/or weapons? If so, full particulars are required of any such possession by each such person, including the date on which and the place at which such possession is alleged, and full and precise details of any such explosives and/or firearms and/or weapons alleged to have been so possessed by each of the said persons?

No.

B. AD COUNT 2.

12. The accused repeat, *mutatis mutandis*, the requests contained in paragraphs 1 - 6 Ad Count 1.

The reply is the same as in paragraphs 1 - 6 Ad Count 1.

C. AD COUNT 3.

13. The accused repeat, *mutatis mutandis*, the request contained in paragraphs 1, 2 and 3 Ad Count 1.

The reply is the same as to paragraphs 1, 2 and 3 Ad Count 1.

14. Is it alleged that either

(a) Accused No. 10, or

(b) the said Wolpe

personally committed any of the acts of soliciting,

accepting, receiving or giving money as alleged in

this Count? If so, the State is required to furnish

full particulars of each such act relied upon in

respect of each of

(a) Accused No. 10, and

(b) the said Wolpe,

Yes. For the rest it is a matter of evidence.

including:

(i) In regard to soliciting, the dates, thereof, the persons respectively alleged to have been solicited, and the precise terms of the solicitation, including copies of any documents alleged to constitute such solicitation, and the precise purpose for which it was solicited.

This is a matter of evidence and in any event peculiarly within the knowledge of Harold Wolpe.

(ii) In regard to the acceptance of any moneys, the dates thereof, the respective amounts alleged to have been accepted, the place of such acceptance and the persons from whom such moneys were accepted, and the precise purpose for which each amount is alleged to have been accepted?

(iii) In regard to the receipt of any moneys, the dates thereof, the respective amounts alleged to have been received, the form in which such moneys were received (whether by cash or cheque or otherwise), the places at which such moneys were received, and the persons from whom such moneys were received, and the precise purpose for which each amount is alleged to have been received?

SUMMARY OF RECEIPTS

Date	Form	From	For Account of	Reason	Amount
<u>1961</u>					
Aug 22	Cash	V. Ezra	V. Ezra	Purchase of Property	R 2,600.00
28	Cash & Cheques	V. Ezra	V. Ezra	do	6,900.00
29	Cash	V. Ezra	V. Ezra	do	2,100.00
Sep 18	Cash	Ezra	Ezra	do	600.00
Nov 29	Cash	V. Ezra	V. Ezra	do	62.60
<u>1962</u>					
Mar 8	Cheque	Terblanche and Brigish	J. First	--	14,000.00
Aug 20	Cheque	A. Letile	A. Letile	--	8,000.00
<u>1963</u>					
Feb 19	Cheque	Mrs. Sisulu	W. Sisulu	State vs. Sisulu	1,000.00
Mar 6	Cheque	J. Rosenberg	J. Rosenberg	--	2,000.00
Mar 8	Cheque	Ruron (Pty) Ltd.	W. Sisulu	State vs. Sisulu	500.00
Mar 8	Cheque	G. Brown	W. Sisulu	do	1,500.00
Mar 8	Cheque	F.F. Schermbrucker	W. Sisulu	do	300.00
Mar 8	Cheques & Cash	do	do	do	850.00
Carried forward					R40,412.60

Date	Form	From	For Account of	Reason	Amount
Brought forward					R40,412.60
<u>1963</u>					
Mar 14	Bank Transfer	Standard Bank Ex Midland Bank	W. Sisulu	--	3,995.00
Mar 18	Cheque	C.G. Williams	Defence & Aid	Defence & Aid	10,000.00
May 14	Cheque	Professional Provident Society of S.A.	J. Rosenberg	--	40.00
					R54,447.60

(iv) In regard to the giving of any moneys, the dates thereof, the respective amounts alleged to have been given, the form in which any such amounts were given (whether by cash or cheque or otherwise), the places at which such amounts were given, and the person or body of persons to whom such amounts were given, and the precise purpose for which each amount is alleged to have been given.

SUMMARY OF PAYMENTS

Date	Form	To	Reason	Amount
<u>1961</u>				
Aug 23	Cheque	A. Meikle & Co. Ltd.	Deposit on Lilliesleaf	R 2,500.00
Sep 19	Cheque	D.R. Fyffe	Purchase of Furniture	586.00
Sep 21	Cheque	Webber, Wentzel	Transfer costs	1,164.82
Sep 25	Cheque	do	Bond costs	107.35
Sep 28	Cheque	Selves	Disbursements re Lillies-	9.13
--	Bank Guarantee	--	leaf	7,502.00
Oct 20	Cheque	Crest Garage	Repairs to Car (TJ 116-355)	8.75
Nov 22	Cheque	A.B. Furman	re Lillies- leaf	80.75
Nov 29	Cheque	Atlas Plumb- ing	Renovations to Lilliesleaf	300.00
<u>1962</u>				
May 20	Cheque	Magistrate Johannesburg	Bail - Sisulu	1,000.00
<u>1963</u>				
Feb 25	Cash & Cheque	Bearer	Refund to Mrs. Sisulu	1,000.00
Carried forward				R14,258.80

Date	Form	To	Reason	Amount
			Brought forward	R14,258.80
<u>1963</u>				
Mar 8	Cheque	Magistrate Johannesburg	Bail Sisulu	4,650.00
<u>1962</u>				
Aug 28	Cash			
	Cheque	Bearer	No details	750.00
Aug 30	Cheque	Noach, Jan- kelowitz & Zaitz	No details (but corres- pondence in- dicates re: Mpeke)	2,000.00
Aug 31	Cash			
	Cheque	Bearer	No details	1,030.00
Sep 6	Cash			
	Cheque	Bearer	No details	20.00
Sep 8	Cash			
	Cheque	Bearer	No details	150.00
Sep 11	Cheque	Selves	No details	200.00
Sep 11	Cheque	Selves	No details	250.00
Sep 11	Cheque	N.T. Naicker	re: Tshangela	180.00
Sep 15	Cash			
	Cheque	Bearer	No details	445.00
Sep 28	Cash			
	Cheque	A. Kathrada	No details	295.00
Oct 1	Cash			
	Cheque	J. Hodgson	No details	846.00
Oct 4	Cheque	H. Wolpe	No details	70.00
Oct 6	Cash			
	Cheque	Bearer	No details	700.00
Nov 6	Cash			
	Cheque	Bearer	No details	19.25
Dec 12	Cash			
	Cheque	V. Kumalo	No details	44.00
<u>1963</u>				
Mar 18	Cheque	Ruron (Pty) Ltd.	Bail funds	2,000.00
Mar 18	Cheque	Amateur Photography	Bail funds	2,000.00
Mar 18	Cash			
	Cheque	Bearer	do	2,000.00
Mar 18	Cash			
	Cheque	Bearer	do	2,000.00
Mar 18	Cash			
	Cheque	Bearer	do	2,000.00
Mar 12	Cash			
	Cheque	P.J. Hodgson	No details	340.00
Mar 20	Cash			
	Cheque	P.J. Hodgson	No details	300.00
Mar 27	Cash			
	Cheque	I. Scherm- brucker	Refund money advanced for bail	1,002.44
<u>1962</u>				
Mar 8	Cheque	M. First	No details	3,200.00
Mar 8	Cheque	Ruron (Pty) Ltd.	No details	800.00
Mar 8	Cheque	B. Cohn	No details	1,000.00
Mar 8	Cheque	J. First	No details	5,000.00
Mar 8	Cheque	J. First	No details	4,000.00
				<u>R51,479.69</u>



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***PUBLISHER:***

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

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