

Further further Request.

MCH91-6a-9-1-13

425.

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter of :

THE STATE

versus

1. EDWARD JOSEPH DANIELS
2. DAVID GUY DE KELLER
3. ANTONY ANDREW TREW
4. ALAN BROOKS
5. STEPHANIE KEMP

FURTHER REQUEST FOR FURTHER PARTICULARS OF THE INDICTMENT
MADE ON BEHALF OF ACCUSED NOS. 4 AND 5.

(The particulars requested are required in respect of each of the
above accused, i.e. Accused No. 4 and Accused No. 5.)

A. Ad Main Charge

1. Insofar as it is alleged that the said organisation had as
its aim "the overthrow of the South African Government",
the State is asked to state whether it is proposed to rely
on any documents for this allegation and, if so, to specify
which documents. If it is not intended so to rely, the
State is asked to specify upon what grounds the allegation
is founded.
2. Insofar as it is alleged that when Accused Nos. 4 and 5
joined the said organisation they knew that it had as its
aim "the overthrow of the South African Government", the

State/.....

State is asked to state whether it is proposed to rely on any documents for this allegation and, if so, to specify which documents. If it is not intended so to rely, the State is asked to specify upon what grounds the allegation is founded.

3. Insofar as the State will rely on documents to establish the alleged conspiracy, the following particulars are required with regard to each of the said documents :

- (a) whether Nos. 4 and 5 Accused compiled or in any way assisted in the compilation thereof, and, if so, full details as to when, where, how and with whom Accused Nos. 4 and 5 so acted;
- (b) whether Accused Nos. 4 and 5 procured or in any way assisted in the procuring thereof and, if so, full details thereof;
- (c) whether Nos. 4 and 5 Accused, at any time during the material period, possessed any of the said documents and, if so, full details thereof and of the nature of such possession;
- (d) whether Accused Nos. 4 and 5 were at any time during the material period, aware of any of the said documents and, if so, on what grounds and in respect of what documents is it so alleged?

4. (a) What is meant by the "programme of the said organisation"? Full details of the alleged programme are required;
- (b) Is it alleged that Accused Nos. 4 and 5 were aware of the said programme and, if so, on what grounds is it so alleged? Full details are required.

B. Ad the Alternative Charge

The particulars which are required of the said organisation are as follows :

- (a) the names of office-bearers and their offices;
- (b) the aims and objects and the grounds for so alleging;

(c)/.....

- (c) when and by whom it was established;
- (d) when and by whom its name was changed.

C. Ad the Schedule of Particulars

Insofar as it is alleged that Accused Nos. 4 and 5 and the alleged co-conspirators had as their alleged common object the overthrow of the South African Government and that they, by the alleged acts of malicious injury to property, endeavoured to achieve this said common object, the State is asked to state whether it is proposed to rely on any documents for these allegations and if so to specify which documents. If it is not so intended to rely, the State is asked to specify upon what grounds the allegations are founded.

- 2. Which of the alleged Accused and the alleged co-conspirators were to the knowledge of Accused Nos. 4 and 5 members or active supporters of the alleged conspiracy?

DATED at CAPE TOWN this 27th day of OCTOBER 1964.

FRANK, BERNADT & JOFFE

per: 

Attorneys for Accused Nos.
4 and 5,
85, St. George's Street,
CAPE TOWN

TO:
The Registrar of the Supreme Court,
CAPE TOWN

AND TO:
The Attorney General of the Cape Province,
Keeron Street,
CAPE TOWN