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except that 3 have no Request.

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REQUEST FOR FURTHER PARTICULARS.

R. v. SYNOD MADLEBE & OTHERS.

The following further particulars to the charge in the abovementioned matter are requested:-

1) In relation to each accused:

In what manner is it alleged that he associated himself with the alleged unlawful campaign?

2) (a) Where and when and at approximately what time and place did the alleged gatherings take place?

(b) Which of the accused were associated with each gathering and in what manner?

(c) Copies of the documents referred to are required.

Defence.

~~1960~~
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IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF CAPE PENINSULA.

Holden at Cape Town

In the matter of

R E G I N A

versus

SYNOD MADLEBE AND OTHERS

FURTHER PARTICULARS.

BE PLEASED TO TAKE NOTICE that the following further particulars to the charge sheet in the above matter are herewith supplied in response to the Request for Further Particulars:-

I. Ad paragraph 1.

It is alleged that the names of the persons noted in the Schedule hereto under the heading "Speakers" did address the various meetings listed in the said Schedule to the general effect set out in Annexures "C" to "BB" to the said Schedule. Furthermore it is alleged that the said accused the one or the other or all of them, did assist in the alleged unlawful campaign by taking part in the various Pan-Africanist Congress Committees, and in their deliberations and by acting as alleged in the Charge Sheet, all in furtherance of the alleged unlawful campaign.

II. Ad paragraphs 2(a) and (b).

The places, dates and times of the alleged gatherings are set out in the attached Schedule read with Annexures "C" to "BB" thereto together with information as to which of the said accused were allegedly present at each of the alleged gatherings. The manner in which the said accused are alleged to have associated themselves with the gathering is by making speeches and by acting in furtherance of the alleged common purpose between such accused and other persons who were either present at the said meetings or who were associated with the alleged campaign against the said laws.

III. Ad paragraph 2(c).

Copies of the documents referred to are not furnished inasmuch as they amount to evidence and will be produced to Court at an early stage to enable Counsel for the Defence to peruse same.

IV. In order to assist the Court and Counsel for the Defence, the Crown annexes hereto

- (a) List of proposed exhibits with supplementary list thereto.
- (b) List of accused persons. This list is attached only to the Defence copy, but a further copy is available should the Court require same.

This action is subject to the condition that it be not construed as forming any part of the Charge Sheet or Further Particulars thereto.

Dated at CAPE TOWN this 1st day of June, 1960.



M. Alton Cuff
P. ALTON CUFF
SENIOR PUBLIC PROSECUTOR.

TO:

Adv. A.L. Sachs,
Defence Counsel

AND

The Clerk of the
Regional Court,
CAPE TOWN.

SCHEDULE TO FURTHER PARTICULARS.

<u>Annex.</u>	<u>DETAILS OF MEETING.</u>	<u>SPEAKERS.</u>	
	(a) PLACE (b) DATE (c) TIME		
"C"	Nyanga Football Ground 3rd May, 1959 3 p.m. - 6.10 p.m.	1. C. Molokoti 3. E. Magwentshu 5. A. Matross 7. T. Seadibuywane	2. D. Phajane 4. P. Waluka 6. A. Gaberone 8. K. Noboza
"D"	Transit Camp Nyanga 5th July, 1959 3 p.m.	1. C. Molokoti 3. A. Matross 5. D. Shajane 7. K. Noboza	2. A. Gaberone 4. T. Seadibuywane 6. E. Magwentshu
"E"	Nyanga Sportsfield 2nd August, 1959 12.30 p.m. to 5.30 p.m.	1. C. Molokoti 3. L. Mgweba 5. P. Waluka 7. B. Siboto	2. K. Noboza 4. S. Madlebe 6. L. Masimini 8. A. Matross
"F"	Bhunga Square, Langa 11th October, 1959 3 p.m.	1. E. Magwentshu 3. B. Pajane 5. L. Masimini 7. W. Phuza 9. C. Molokoti	2. G. Ndluvo 4. A. Maronga 6. A. Matross 8. L. Mgweba
"G"	Nyanga West 25th October, 1959 3 p.m. to 6 p.m.	1. L. Mgweba 3. A. Matross 5. C. Molokoti	2. A. Mampe 4. K. Noboza
"H"	Langa 1st November, 1959 3.15 p.m.	1. E. Magwentshu 3. K. Noboza 5. S. Madlebe 7. N. Shuba	2. W. Shuza 4. G. Ndhlovu 6. A. Matross
"J"	Nyanga Sportsground 17th January, 1960 2.45 p.m. to 6 p.m.	1. A. Matross 3. A. Mampe 5. Z. Njinge	2. A. Gaberone 4. D. Phajane 6. C. Molokoti
"K"	Bhunga Square, Langa 14th February, 1960 1 p.m. to 4.30 p.m.	1. G. Ndhlovu 3. A. Matross	2. C. Molokoti 4. W. Phuza
"L"	Nyanga West 21st February, 1960. 3 p.m. to 6 p.m.	1. S. Madlebe 3. A. Matross 5. W. Phuza 7. K. Noboza	2. C. Molokoti 4. L. Mgweba 6. E. Magwentshu
"M"	Kraaifontein Nyanga 28th February, 1960 3.30 p.m.	1. C. Molokoti 3. A. Gaberone 5. E. Magwentshu 7. K. Noboza	2. G. Ndhlovu 4. W. Ntwana 6. T. Seadibuywane
"N"	Newflats, Langa 28th February 1960 1.15p.m. - 1.45 p.m.	1. C. Molokoti	2. A. Matross

<u>Annex.</u>	<u>DETAILS OF MEETING.</u>	<u>SPEAKERS</u>	
	(a) PLACE (b) DATE (c) TIME		
"O"	Nyanga 28th February, 1960.	1. C. Molokoti	2. A. Matross
"P"	12th Avenue, Windermere 5th March, 1960.	1. S. Madlebe 3. D. Mxuto 5. A. Bula	2. P. Bomale 4. H. Ncokasi
"Q"	Makana Square, Langa 5th March, 1960 2.20 p.m. to 6.30 p.m.	1. N. Shuba 3. G. Ndlovu 5. W. Ndibongo 7. E. Magwentshu	2. B. Siboto 4. S. Magwentshu 6. M. Molokoti
"R"	New Flats, Langa 6th March, 1960 10.30 a.m. - 1.00 p.m.	1. G. Ndlovu 3. A. Mgobolwana	2. L. Nxelewe 4. E. Magwentshu
"S"	Nyanga East 6th March, 1960 3.10 p.m. - 6.35 p.m.	1. A. Matross 3. M. Molokoti 5. T. Seadibuywane	2. D. Phajane 4. A. Gaberone
"T"	Nyanga West 6th March, 1960 3.00 p.m. - 6.30 p.m.	1. S. Madlebe 3. E. Magwa 5. W. Phuza	2. A. Bula 4. P. Bomali 6. L. Mgweba
"U"	Kwezi Location, Worcester. 13th March, 1960	1. G. Ndlovu 3. A. Gaberone 5. W. Ntwana	2. E. Magwentshu 4. E. Magwa
"V"	Cashel Street, Athlone 13th March, 1960 3.40 p.m.	1. L. Masimini	2. S. Madlebe
"W"	Grand Parade, Cape Town 17th March, 1960 1.15 p.m. - 1.45 p.m.	1. G. Ndlovu 3. D. Phajane	2. E. Magwa
"X"	Nyanga West 20th March, 1960 3.10 p.m. - 6.00 p.m.	1. S. Madlebe 3. L. Mgweba	2. P. Kgosana 4. E. Magwa
"Y"	12th Avenue, 4th Street, Windermere <i>11 am 20/3/60.</i>	1. S. Madlebe 3. J. Bolani	2. A. Bula 3. H. Ncokasi

/"Z".....

Annex.

DETAILS OF MEETING.

SPEAKERS.

- (a) PLACE
- (b) DATE
- (c) TIME.

"Z"	Sakkiesdorp, Nyanga East 20th March, 1960 2.50 p.m.	1. A. Matross 3. M. Molokoti 5. C. Molokoti	2. D. Phajane 4. A. Gaberone
"AA"	Bhunga Square, Langa 20th March, 1960 2.30 p.m. - 6.15 p.m.	1. P. Kgosana 3. N. Shuba 5. W. Ndibongo	2. G. Ndlovu 4. B. Siboto 6. E. Magwentshu
"BB"	New Flats, Langa 20th March, 1960 10.30 a.m. - 2.00 p.m.	1. G. Ndlovu 3. Magwentshu	2. L. Nxelewe 4. A. Molale

~~200~~

EXHIBITS.

1. Pan-Africanist Congress membership card in favour of Simon Magwentshu.
2. Receipt from Pan-Africanist acknowledging receipt of £1.2.6 from Simon Magwentshu.
3. Pan-Africanist Congress membership card in favour of Christopher Mlokoti.
4. Two letters dated 28th February, 1960, addressed to African National Congress.
5. Donation collection sheet in favour of Manelisi Ndibongo.
6. Notes found in possession of Phillip Kgosana by D/H/Cst. Pienaar.
7. Copy of "The Africanist" issue of February-March, 1960.
8. Copies of Pan-Africanist Congress Constitution and Manifesto.
9. Pamphlets found in possession of Phillip Kgosana by D/H/Cst. Pienaar.
10. Four envelopes with letters therein found in possession of Phillip Kgosana by D/H/Cst. Pienaar.
11. Donation collection sheet in favour of Bam Siboto.
12. Pamphlets "Final Instructions".
13. Pan-Africanist Congress membership card in favour of L. Magwa.
14. Pamphlet "Passes Must Go Now".
15. Two pamphlets "Passes must go now".
16. Letter dated 10th February, 1960, signed by A. Mampe as Regional Vice Secretary.
17. Letter dated 21st January, 1960, dealing with "positive programme against the Pass Laws."
18. Copy of "The Africanist" issue February-March, 1960.
19. Pamphlet "Sifikile - we have come".
20. Letter dated 16th March, 1960, confirming executive positions.
21. Pan-Africanist Congress membership card in favour of G. Ndlovu.
22. Letter from Secretary, Pan-Africanist Congress, Langa.

23. Pamphlet "Final Instructions".
24. Donation Collection sheet found in possession of Allan Bula
25. Letter dated 4th February, 1960, signed by P. Kgosana.
26. Letter dated 20th December, 1959, signed by L.T. Mgweba as Regional Secretary.
27. Letter dated 22nd January, 1960 from National Secretary, Pan-Africanist Congress.
28. Letter dated ~~22nd~~^{21st} January, 1960, found in possession of C. Mlokoti.
29. Notebook found in possession of Abel Gaberone.
30. Annual Report of Pan-Africanist Congress, Nyanga Branch.
31. Letter dated 16th March, 1960, confirming executive positions.
32. Envelope addressed to "Mr. Ntwana".
33. Draft letter to "Cape Argus" by A. Sikiti.
34. Pan-Africanist Congress membership card in favour of A. Sikiti.
35. Receipt from Pan-Africanist Congress in favour of H.A. Sikiti.
36. Book found in possession of A. Sikiti.
37. Three pamphlets "calling the Nation."
38. Pan-Africanist crd of membership in favour of one Daniel Raselo.

Any allegation in the above list to the effect that certain exhibits were found in the possession of certain persons is not an allegation of such finding but is merely cited in order to identify the particular exhibit. Proof of such finding will be adduced in Court.

S U P P L E M E N T A R Y E X H I B I T S .

39. Copy of the Pan-Africanist Disciplinary Code.
40. Copy of the Constitution of the Pan Africanist Congress.
41. Copy of the Constitution of the Pan-Africanist Congress together with copy of the Manifesto of the Africanist movement.
42. Copy of the Constitution of the Pan-Africanist Congress.
43. Copy of report of the National Executive Committee of the Pan-Africanist Congress to the First Annual National Conference of that body.

In the matter between

R E G I N A

versus

S Y N O D M A D L E B E & O T H E R S .

FURTHER PARTICULARS.

In relation to paragraph 1 of the Request for Further Particulars, the following further information is supplied:-

1. Synod Madlebe.

Exhibit No.

Inference sought to be drawn.

14

To show campaign against the pass laws.

15

To show campaign against the pass laws.

16

To show membership and active participation in Pan-Africanist Congress.

17

To show that Madlebe was involved in distribution of documents and that campaign was planned.

18

To show campaign against the pass laws.

19

To show the scope of the campaign

20 & 31.

To show membership of Pan-Africanist Congress.

2. Abel Gaberone.

Exhibit No.

Inference sought to be drawn

3.

To show membership in Pan-Africanist Congress.

20 & 31

To show membership in Pan-Africanist Congress Committee.

30

To show executive positions of A. Gaberone.

3. Gasson Ndlovu.

Exhibit No.

Inference sought to be drawn.

21

To show membership in Pan-Africanist Congress

22

To show common purpose in meetings.

29

To show position in Committee of Pan-Africanist Congress

4. Elliot Magwentshu.

4. Elliot Magwentshu.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn.</u> |
|--------------------|--------------------------------------|
| 21 | To show position as Secretary. |
| 22 | To show position as Secretary. |
5. Milton Ntwana
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|---|
| 20 & 31 | To show membership in Pan-Africanist Congress Committee |
| 32 | To show link with Regional Committee |
6. Phillip Kgosana.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|---|
| 5 | To show position as Regional Secretary |
| 6 | To show knowledge of campaign |
| 7. | To show campaign against pass laws |
| 8 | To show objects of Pan-Africanist Congress |
| 9 | To show assistance in distribution etc., of pamphlets |
| 10 | To show position as Regional Secretary |
| 11 | To show complicity in campaign |
| 12 | To show objects of Pan-Africanist Congress |
| 25 | To show position as Regional Secretary |
| 26 | To show executive position |
7. Lawrence Mgweba
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|--|
| 20 & 31 | To show executive position |
| 26 | To show quondam position as Regional Secretary |
| 27 | To show position as Regional Secretary |
8. Diago Phajane.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|---|
| 20 & 31 | To show executive position in Pan-African Congress. |
| 30 | To show executive position. |
9. Enoch Magwa.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|---|
| 13 | To show membership in Pan-Africanist Congress |
10. Wycliffe Phuza.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn</u> |
|--------------------|--|
| 20 & 31 | To show executive position in Pan-African Congress |
11. Norman Shuba.
- | <u>Exhibit No.</u> | <u>Inference sought to be drawn.</u> |
|--------------------|--|
| 20 & 31 | To show executive positions in Pan-African Congress. |
12. Alfred Mampe.

12. Alfred Mampe.
Exhibit No.
16
29
Inference sought to be drawn.
To show position as Regional Vice-Secretary
To show executive position in Pan-African Congress
13. Lawrence Masimini.
Exhibit No.
20 & 31
Inference sought to be drawn
To show executive positions in Pan-Africanist Congress.
14. Peter Bomali.
Exhibits No.
20 & 31
Inference sought to be drawn
To show executive positions in Pan-Africanist Congress
15. W. Ndibongo Manetsi.
Exhibits No
5
20 & 31
Inferences sought to be drawn.
To show membership in and assistance to the affairs of the Pan-Africanist Congress.
To show executive positions in Pan-Africanist Congress.
16. Ladebe Nxelewe.
Exhibits No.
20 & 31
Inference sought to be drawn.
To show executive positions in Pan-Africanist Congress.
17. Algernon Sikiti.
Exhibits No.
30
33
34
35
36
Inference sought to be drawn
To show executive positions in Pan-Africanist Congress
To show pending attack against pass laws.
To show membership in Pan-Africanist Congress
To show that Sikiti was an active member of Pan-Africanist Congress
To show knowledge of various committee meetings of Pan-Africanist Congress.
18. Christopher Molokoti.
Exhibits No.
3
4
26
27
28
29 & 30
Inference sought to be drawn.
To show membership in Pan-Africanist Congress
To show complicity in anti-pass campaign
To show knowledge of meetings of committees.
To show knowledge of campaign
To show complicity in campaign.
To show executive position

19. Amos Matross

Exhibit No.

20,30 & 31

Inferences sought to be drawn.

To show executive positions in the Pan-Africanist Congress.

20. Simon Magwentshu

Exhibit No.

1

Inference sought to be drawn

To show membership in Pan-Africanist Congress

2

To show continued participation in Pan-Africanist Congress

21. Kedron Noboza

Exhibit No.

29 & 30

Inference sought to be drawn

To show executive position in the Pan-Africanist Congress

22. Bam Siboto.

Exhibit No.

1

Inference sought to be drawn

To show position as Secretary

11

To show active participation in affairs of Pan-Africanist Congress

20 & 31

To show executive position in Pan-Africanist Congress

23. Allan Bula

Exhibit No

16

Inference sought to be drawn

To show participation in Pan-Africanist Congress

23

To show connection with campaign.

24

To show collection for Pan-Africanist Congress and membership thereof.

1st June, 1960.

P. ALTON CUFF

SENIOR PUBLIC PROSECUTOR

REQUEST FOR FURTHER PARTICULARS.

Dups. 1

82113 31/11

R. v. SYNOD MADLERE & OTHERS.

The following further particulars to the charge in the abovementioned matter are requested:-

- 1) In relation to each accused:
In what manner is it alleged that he associated himself with the alleged unlawful campaign?
- 2) (a) Where and when and at approximately what time and place did the alleged gatherings take place?
(b) Which of the accused were associated with each gathering and in what manner?
(c) Copies of the documents referred to are required.