

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF CAPE TOWN
 IN THE REGIONAL DIVISION OF THE CAPE PENINSULA.
 HELD AT CAPE TOWN.

THE STATE

versus

RISSIK HIRIBHAI DESAI.

FURTHER PARTICULARS.

The State hereby furnishes the following further particulars as requested:-

COUNT 1.

1. It is alleged that the accused incited, instigated, commanded or procured on 6/4/1961 approximately during the period 8 p.m. to 10.15 p.m. at the Parade Cape Town.
2. It is alleged that the accused incited, instigated, commanded or procured on 6/4/1961 by way of language, copy of the alleged speech attached hereto.
3. All Natives and other Non-Europeans in general who were employees of local authorities or other persons which supplied the communities of the Magisterial district of Cape Town with light, power, water, sanitary and transportation services are referred to.
4. The conditions or contracts of employment by implication or specifically stated therein, that the said employees not being on daily contract, could not stay away from their employment without leave or lawful cause.
5. It is alleged that the services supplying light, water, power, sanitary and/or transportation to the communities of the Magisterial district of Cape Town stood to be effected.

COUNT 2.

1. The same particulars as stated in paragraph 1 supra are alleged.
2. The same particulars as stated in paragraph 2 supra are alleged.
3. All Natives and other Non-Europeans in general, other than those engaged in agriculture or employed on farms, who were servants in terms of Act 18 of 1873 (c); (Master and Servants Act, Cape).

DATED at CAPE TOWN THIS 6TH DAY OF SEPTEMBER, 1961.

J. SWART.

PUBLIC PROSECUTOR REGIONAL COURT
CAPE TOWN.

"Ladies and gentlemen, on behalf of the South African Coloured Peoples' Congress I have great pleasure in welcoming you here - the thousands of you that have gathered here today - and I want to express my gratitude that there are so many people who are realising that freedom must inevitably come to the people of this land. (Applause).

"With your consent and on behalf of my organisation I wish to lodge the strongest protest at the police banning of our procession this evening, and I want to assure the Prime Minister, Dr. Verwoerd, that we had no intention of burning Parliament to-night. (Applause). And never will we do so, for we are responsible people, we have never indulged in unnecessary violence - the violence has always come from the state - and we protest. (Applause). We protest, ladies and gentlemen, we protest very strongly, because the Town Clerk of the Cape Town City Council thought fit to grant us permission to march through the streets, and was satisfied that we could conduct a peaceful procession, so I cannot see what other information the police has to ban this procession. (Applause). The Town Clerk said that he had no objection to the South African Coloured Peoples' Congress holding a procession on Thursday the 6th of April, at 9.30, along the following route - he gave us the route - and he said that this permission is given on the understanding that it may be withdrawn at any time, that no possible obstruction is caused to pedestrian or vehicular traffic, and that instructions of the policemen are obeyed. We were prepared to do that. And still because we are voteless, because we are voiceless, because we are black, these people take advantage of us. (Loud Applause). But so let it be, for I know as there is a sky above me that we will one day walk up Parliament Street with Luthuli in front of us. (Loud applause). But that won't happen, that won't happen because I want it, that won't happen because you feel like it, that will happen if you come into your organisations and you organise, organise and keep on organising.

"Friends, tonight there are many fathers among you who have been told that you cannot any longer live on the mountainside of Cape Town, because it has been declared a white area. There are many of you who have sweated, who have toiled, who have suffered, built and to put those bricks into your homes, and today, with the stroke of a pen a proclamation says that you must clear out on to the dust heaps of the Flats.

"In 1950 as a result of a Commission appointed by Dr. Donges, a joint Committee appointed by Dr. Ebenezer Donges, the Group Areas Act was introduced in Parliament, and the basis of this report to Dr. Donges for creating this Act was, that we must at all costs make it so difficult for the Indian people to live in this country that they will go back. Dr. Malan said that this racial separation of groups was the heart of apartheid. What are the aims of this Act? One complete racial separation of various groups in South Africa, residential, industrial and commercial. The idea is to bring about a situation where intercourse between any particular group takes place only by permit of a Minister. The Group Areas Act is a gross infringement of your right to live, of your right to worship, of your right to learn, of your right to be entertained where you wish to be. The real intentions at the beginning were to work for the destruction of the Indian economic life. The Act is nothing less than the plunder of the best of South Africa for the whites at the expense of the black people (Applause). It set about the establishment of vast coloured, Indian and African locations, designed to keep an iron grip on the affairs of those people. The African people already know what that means.

"I want to say that although when Jan Van Riebeeck came here 309 years ago this land all belonged to the people who lived here, now we've been told that we can't stay here any longer. And it is ironical that when the Minister of the Interior, Dr. Ebenezer Dinges, introduced the Group Areas Act, he said 'it is not our intention to create any suffering for any particular group, but to apply the Group Areas Act with due circumspection and without causing any unnecessary suffering.' But what are the results my friends? Seven thousand coloured people must move in Pretoria to an undeveloped area, 9 miles from the centre of the City. Eight thousand Indians must also move another 8 miles from the centre of the City to an undeveloped barren gound. And 58,000 Africans must be moved from Lady Selborne - they're already ten miles from town but now they must move another ten miles. But comrades, there are good white people and there are bad white people, and the good white people are here in the audience tonight, and together with them....(Applause)...I want to say friends, as a digression from my talk on the Group Areas Bill, that I conceive a situation in this South Africa where black and white will stand together to rid this country of Nationalist Fascism. (Loud applause).

"Probably the most vicious aspect of Group Areas Proclamation is the proposal to remove 25,000 Indians from the centre of Johannesburg to a location 20 miles outside of town. (Boo!). In Alberton, Johannesburg, again, the homes of 10,000 coloured people, 10,000 coloured people have been told that after developing that area for over 25 years, that they now must make way for the white man. (Boo.) As for the African people of Johannesburg, who number 600,000 they are already confined to a gigantic barbed-wire location - a vast zoo. I say that above all I'm not an African, I'm not a coloured, I'm not an Indian, I'm not a white man, I'm a man and I demand the right to live as a man. (Applause).

"To those good gentlemen who are meeting at the D.R.C. Synods throughout the country, I want to say that I too have received divine inspiration, and my divine inspiration comes direct from Jesus Christ himself, who believed in humanity of man and not the segregation of man. (Applause). I say that under the Group Areas Act we will ask the people NOT TO MOVE. We will use every method in our power to remain where we are, to guard our homes, and if we have to move the only place we move to is to gaol. (Applause). And I assure you, I assure you my good friends, I spent many months in gaol last year, and I'm still here with you - gaol can't kill you. (Applause) I want to say from this platform today that we are very pleased, that we are immensely overjoyed, and we send our heartfelt greetings to those brave and gallant people who have been discharged from the treason trial. It has once again proven that although 156 people were arrested and gaoled, you cannot gaol the ideals of freedom, you cannot gaol the onward march to freedom. (Applause).

"I am now making my special appeal to the thousands of coloured people that are here today - this appeal comes to you from the South African Coloured Peoples Organisation - and I ask you to listen to me very closely. Next month, the African people have given notice that next month they intend to have demonstrations throughout the country in support of the demand for a national convention to draw up a new constitution. (Applause). And I want to say that in pursuance of the ideals of my organisation which is unity of the oppressed people of this country. I am now appealing to the coloured people of the Cape, of Cape Town and of the Cape, to pull in their belts, stock up the food, and get ready - the time is here. (Applause).

"Finally, we need money from you, we need you to join our organisation, so that these people going round with collection boxes, don't chase them, pay, pay, for you have to pay so very dearly for your freedom, my friends, you have to pay so very dearly. But I

assure you that in the leadership of my organisation you have tried and trusted me, you've had men who've been to gaol on charges of incitement, you've had men that've been in prison on the treason trial, you've had men ~~that~~ imprisoned during the last emergency, and they are still with you, and I say to you, in those men you can place the future of this dear loved country we know.

"I say this - long live the Congress, long live the people's fight for freedom, long live Luthuli, long live Dadoo, forward to a new South Africa! " (Loud applause).