

Request for Further Particulars

MCH91-6a-9-15

Accd 4(5)

HB/JJ.

13th October, 1964.

ATTENTION MR. BEUKES.

The Attorney General,
Supreme Court,
CAPE TOWN.

Dear Sir,

re: THE STATE VS. ALAN BROOKS, ACCUSED NO. 4, AND 4 OTHERS.

As you are aware, we act for Accused No. 4.

We enclose a copy of a request for further particulars to the indictment on his behalf and shall appreciate it if you will kindly furnish us with the reply to these particulars as soon as possible as it is a matter of urgency for us to have these particulars in order to prepare adequately and timeously for his defence, taking into account the serious and involved nature of the charges against him.

We thank you,

Yours faithfully,

FRANK, BERNADT & JOFFE.

Per:

H. BERNADT.

IN THE SUPREME COURT OF SOUTH AFRICA

(CASE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between:

THE STATE

and

<u>EDWARD JOSEPH DANIELS</u>	Accused No. 1
<u>DAVID GUY DE KELLER</u>	Accused No. 2
<u>ANTHONY ANDREW TREW</u>	Accused No. 3
<u>ALAN BROOKS</u>	Accused No. 4
<u>STEPHANIE KEMP</u>	Accused No. 5

APPLICATION FOR FURTHER PARTICULARS BY ACCUSED NO. 4.

The State is requested to furnish accused No. 4 with the following further particulars to the indictment in the abovementioned matters:-

A. Ad the Main Charge:

1. Full particulars are required of all the allegations which accused No. 4 personally has to meet.
2. Full particulars of the alleged conspiracy are required - precisely who conspired with whom, how, when and where the conspiracy was entered into.
3. By virtue of what facts is it sought to join accused No. 4 with the other accused? More particularly, in precisely what respects is it alleged that he participated in or associated himself with the said conspiracy?
4. Precisely where and when were the alleged explosives possessed? Who is alleged to have kept, stored or been in actual possession at the said times and place(s)? What form did such possession take? Is it alleged that the accused No. 4 personally possessed the said explosives? If not, full details are required of the circumstances and/or facts upon which the State will rely to substantiate/.....

substantiate its allegation that accused No. 5 did "possess" the said explosives.

5. Precisely where and when were the said time bombs and shape charges prepared? Who is alleged to have done such preparation at the said time(s) and place(s)? Is it alleged that accused No. 4 personally prepared the said materials? If not, full details are required of the circumstances and/or facts upon which the State will rely to substantiate its allegation that accused No. 4 did "prepare" the said bombs and charges.

6. How many cells were organised and what precisely was their character and composition? Is it alleged that accused No. 4 belonged to a cell? If so, full particulars are required, more especially, who the members of the cell were, precisely when and where they met and precisely who were present and what business was conducted on each occasion.

B. Ad the Alternative Charge:

1. Full details are required of all the allegations which accused No. 4 personally has to meet on this charge.

2. Full particulars about the organisation are required.

3. Is it alleged that accused No. 4 became a member, remained a member, or was an active supporter of the said organization?

4. During what period is it alleged that he was a member/supporter as aforesaid?

5. Precisely where and when and in what manner is it alleged that he manifested his membership/support as aforesaid? Full particulars thereof are requested. If it is alleged that he attended meetings of the said organization, full details of the exact time, place, composition and business of each such meeting is required.

C. Ad the Schedule of Particulars.

1. How, when, where and in what manner is it alleged that the five accused conspired with each other and with the said co-conspirators? How, when, where and in what manner is it alleged that

accused/.....

accused No. 4 personally conspired with the other accused and the said co-conspirators?

2. Further details are required to identify the said co-conspirators, e.g., their occupations and present whereabouts. With regard to the "other persons to the Prosecutor unknown" such particulars as are available with regard to their number, character and whereabouts are required.

3. Ad paragraph 2(c): The precise time(s) and place(s) and the exact extent of accused No. 4's participation in the said act are required. Full particulars hereof are requested.

4. Ad paragraphs 2(a), 2(b), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i) and 2(j):

Full details are required of the facts whereby it is alleged that accused No. 4 is responsible for each or any of the acts specified in these paragraphs.

5. Ad paragraph 3: Where, when and in precisely what manner were the said acts considered and contemplated? Full details are required of the facts whereby it is alleged that accused No. 4 is responsible for each or any of these acts.

6. Ad paragraph 4: Is it alleged that accused No. 4 was a member, a supporter or an adherent of the said organization? Precisely when, where and in what manner did accused No. 4 manifest his membership/support/adherence as aforesaid? Full particulars thereof are required. If it is alleged that accused No. 4 attended meetings of the said organization, full details of the exact time, place, composition and business of each such meeting are required.

7. Ad paragraph 5: The same particulars are required as are requested in paragraph A (4) above.

DATED at CAPE TOWN this 13th day of OCTOBER, 1964.

FRANK/.....

FRANK, BERNHART & JOFFE.

per:
Attorneys for accused No. 4.
85, St. George's Street,
CAPE TOWN.

TO: The Registrar,
Supreme Court,
CAPE TOWN.

AND TO:

The Attorney General,
Supreme Court,
CAPE TOWN.