

Mr. Forman calls RONALD MICHAEL SEGAL.

My address is 18 Trianon, Ave Merseilles, Fresnaye. I am the Editor and Publisher of a paper. I am a British Honduras. I studied at the Universities of Cape Town, Cambridge and Virginia in U.S.A. I have never yet been convicted of any offence whatsoever. I have never yet been charged with an offence involving violence.

On the night of 12.6.59 I had been asked by two gentlemen whether I would assist in the distribution of certain leaflets around the peninsula. I picked the leaflets and the gentlemen up in Cape Town, each at a different place. I then drove them to various parts of the Peninsula, when various bundles of the leaflets were delivered for subsequent distribution. I knew very few of these places, and the gentlemen in the car directed me. I am, in fact, not acquainted with the area I traversed that night. The centre of the city I knew, but not the parts outside. I was directed to that place where the Police found me, we had dropped one of the passengers and on leaving the area I noticed the floodlights of a car in my rear view mirror, at that stage I did not know where I was, and at no stage did I see a sign board.

When I applied through my attorney for possession of a firearm, subsequent to my first having received threats over the telephone, the Licence was refused.

The threats started straight after a speech I delivered at the University of Cape Town announcing a National Economic Boycott of Nationalised Products.

A few days after the speech and these threats, the offices of the Food and Canning Worker' Union was broken into and a considerable amount of damage was caused. I went to see the damage before the public knew about it, as a result of the Editor of the Golden City Post having told me about it. Immediately after lunch that day, which was before the Argus was on the Streets with the news, I got a phone call from one of these "threats" and all the voice said was, "You're next!" I assumed that since "next" applied to the something which had happened, that the voice and the threat referred to the Canning business. The next few days I was told that I had a week to 'stop', but it did not say what!.

One evening my family and I heard a loud explosion and on leaving the house found that my motor car was in flames. I called the C.I.D. I had informed the police of the threats as these threats occurred, and I had in fact laid down charges against persons unknown. The C.I.D. found a card from a petrol book underneath this car.

As a result of this an urgent representation was made to the Chief Magistrate, who advised me to borrow a firearm, in terms of the Act. I followed this advice. I visited an Attorney who told me he knew of some body who would be prepared to lend me a gun. The Attorney is Mr. Th. Bernardt. The person from whom I eventually borrowed the firearm was a client of Mr. Bernardt's.

I visited the client the following day and I took possession of the firearm, having received from him the copy of the original of a statement, saying that I had borrowed the firearm for a period of a fortnight. I hand in this statement.

The persons name and address is Flegg, at the Alpha Estate Agency.

I did not wish to embarass the man who had lent me the firearm by giving his name to the police until I had asked him if he was prepared to allow me to do so. I feared embarassment from two groups, the ones who had threatened me and the one from the authorities. There were two experiences when other persons have been embarassed through being linked with me.

The first example was my Council who received threats over the telephone after he was briefed by me, to appear for me in this case. The second one was Mr. Beukes, a coloured student who had his passport seized and the reason

given was, that he had had contact with "subversives". I was questioned by members of the Special Branch as to what he had come to see me about, and what I had given him on the matter. The disability this person suffered in that his passport was taken away from him was that he was prevented from going overseas to study.

Mr. Flegg told me that he was the Executor of his late brother's Estate and that since he had a gun under his own name he was quite willing to lend me his late brother's gun. To my knowledge Mr. Flegg is not at all a political person.

As soon as I had been charged, I arranged a meeting with my attorney and he said that I should approach Mr. Flegg for permission to use his name. The three of us went and Mr. Flegg said I could. I was being charged and I intended on the advice of my Attorneys to produce this certificate as soon as I was required to do so. The Minister is at the moment considering my application for a licence.

x-ex  
It is correct that I was arrested in Nyanga Location, I now know it was Nyanga, I admit it was after 10 p.m., at the time I had this firearm in my possession. As far as I know, I handed it to Capt. van der Westhuizen.

Q. What was the purpose of your visit there?

A. I went there at the direction of one of the passengers in order to drop one of the three passengers together with certain leaflets that he took with him. I met these passengers at different places. I met Leguma in ~~Progress~~ <sup>Rogers</sup> Street, Cape Town. I met the two Africans outside a department store in Adderley Street, Cape Town. They asked me to help them with the distribution, I knew the leaflets had to do with the boycott. <sup>Regula</sup> is the other person also being charged for being in the location. I did not at the time know that he was a listed Communist. (La Guma)

Q. Do you know him?

A. Oh yes, I know him. I would say he is a good acquaintance. When we were stopped, I was driving the car. I think we were stopped on the tarred road. I have no idea how we entered the location. I had been driving since 9 p.m. all over the Peninsula, always by direction, and I had no way of knowing, or cared particularly, to know where I was going, since I assumed the passengers in the car were responsible enough to arrange matters.

Q. You must have realised it when you entered the location?

A. No. I had no idea. I had no way of telling unless there were bridges and fences up, at 10.20. at night, whether I was in the location or not. I have at times visited an African friend of mine who lives in Crawford. If I were asked under oath whether I knew Crawford was a location or not I would have thought not. I knew there was such a place as Nyanga Location and this was the first visit, I had ever paid to this location. I have no idea where in Nyanga Location I was stopped. I did not know it was in Nyanga Location until I was told.

Q. Why did you want to pay admission of guilt if you did not know?

A. If I had parked in a non-parking area, and was accosted, I would rather pay admission of guilt and admit I was in a non-parking area than have to go through what I have to go through to-day. Though, was the question asked me:-  
"do you know that you need a permit to be here," I would  
have/.....

have said "no."

Q. Have you a permit to be here?

A. I said "no". He repeated it and I said I did not know but that now that I know I am prepared to pay admission of guilt. I was then told to wait.

Q. Mr. Esthuiford (Superintendent, Nyanga Location) said there are only two entrances.

A. I cannot deny it nor confirm it. I did not see any notice boards at the entrance. People started threatening me since 13.9.59., the day of my speech. I do not know who these people are. From the various telephones I would assume that they are European, but I may be mistaken. I assumed them to be European; that is what I had at the back of my mind.

Q. Did you require a revolver to go to the location?

A. The whole evening was not limited to entering and leaving Nyanga location. I had to return to my flat alone late at night and the people who were threatening me had already informed me on the phone that they knew where I lived. I had two natives and a coloured as passengers. They did not tell me they were going to distribute leaflets in the Location. Once I had satisfied myself of the fact that the boycott was entirely legal and I had consulted my lawyer, my interest was only in assisting those who had arranged to have these leaflets distributed.

Mr. Bernardt told me he could arrange for me to borrow a firearm in terms of the Law. He did not say he could borrow it for 14 days. He did not state a particular period and only said I could borrow it in terms of the Law. I now know I could borrow it for 14 days. When I went to borrow it from Flegg, he told me he was lending it to me for a period of two weeks. He said this one belonged to his late brother.

Q. The gun is licenced in the name of Mrs. G. Flegg?

A. I had no such idea. I borrowed the gun from Mr. Flegg on the clear understanding that it belonged to his late brother, Norman Flegg. Mrs. Hilary Flegg is Norman Flegg's wife. This was the first time I met Flegg. I did not know Norman Flegg. Mrs. Hilary Flegg and I were at University together and I knew her well. I last saw Mrs. Flegg in about 1951 or 1953, at the time I borrowed the gun, I knew she was not in Cape Town, but the two things never connected in my mind in any way. Eric Flegg, I gather, is an Estate Agent. This was the first time I met him. He was aware of the fact that I wanted to borrow the firearm. Bernardt had told him. At the time I was appealing against a decision not to grant me a firearm licence, I acted on the instructions of my Attorney.

Q. Did you not ask Flegg to produce the licence?

A. I generally trust people and since I assumed Flegg was a sufficiently responsible man to lend me only what was his, and that my lawyer, who is someone I greatly respect, would ~~xxx~~ never have sent me to Mr. Flegg in the first place unless he was quite sure of Mr. Flegg's responsibility. It would have been insulting for me to question Flegg on whether or not he has a licence. I knew a person needed a licence to possess a firearm and my lawyer informed me that I could borrow a firearm. That is all I know about the Act. Mr. T. Snitcher saw the Chief Magistrate on my behalf. I did not see him myself. The Attorney did not tell me that the firearm

had/.....

had to be described in the permit certificate. He did not look up the law in my presence. I asked Flegg nothing except for the firearm itself. I did not ask him to describe the gun in the certificate. I did not even ask him for a document. He said would I sign this double document to show that I had received the gun. He then handed in this letter that same day. I did not know I had to have a permit or certificate to be in possession of a borrowed firearm. I know I had to have a licence and if I did not have a licence I could borrow a firearm. I did not know that the person lending the gun had to give me a letter to that effect. My lawyer informed me that he would discuss the matter with Mr. Flegg. When Flegg handed me the firearm he said he had discussed it with my Attorney and that I had to have this letter. From then on I did not know that as long as I had this gun on me I had to have the letter on me. I did not know I had to have it on my person. On the night I was arrested I did not have it on my person. It was lodged in my file in the Office of Bernardt's, Solicitor. Head Constable Sauerman did not ask me that night whether I had a licence for this firearm. His exact words were 'and is it the Captains?' (????)

Q. Have you a licence for this?

Ans. No, but the Magistrate said I could borrow one.

Q. I did not ask you that. I asked you whether you have a licence?

Ans. I said, No. I then said, before I answered any further questions I wished to see my lawyer. I told the police I had borrowed the firearm. They did not ask me whether I could produce a document, not at any stage. What I was asked from where did I borrow it? And I said I was not prepared to say at this stage. I was not prepared to tell them because I did not wish somebody who had done me a service to suffer persecution, either from the people who were threatening me, nor from the authorities.

Q. Why did you think this person would be persecuted, if you thought it was legal?

Ans. A coloured student came to see me in all innocence to say good bye. He stayed not above 10 minutes, this happened after the night that I was arrested.

I know at least four or five friends whose names have been taken merely because they had attended musical evenings at the places, inspected by the Special Branch.

Case Remanded to 16.7.59.

Bail to stand.

(Signed)

N. SLABBERT.

1. 7. 1959.

9th June, 1959.

TO MR. SEGAL.

Dear Mr. Segal,

This serves to record my having loaned to you an Italian automatic pistol belonging to the deceased Estate late N. Flegg. Please return it to me within a fortnight.

(sgd.) E. Flegg

Executor Testamentary.

Received the above pistol

(sgd.) Ronald M. Segal.

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Sachs 21/8

R. SEGAL v. REGINA.

APPELLANT'S LIST OF AUTHORITIES.

1. Sect. 2 of Act No. 33 of 1957.
2. R. v. Kirsten & Others 1959 (1) S.A. 105.
3. Eustenburg Platinum Mines Ltd. v. Molotlegi  
1954 (3) S.A. 875 at 875 and 879.





