

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 PARTICULARS

A. Ad the Main Charge

1. It is not understood what further particulars accused No. 2 requires in regard to allegations which he has to meet.
- 2-3. The State is unable to state the exact date and place where the conspiracy was entered into by accused No. 2 and the other conspirators.

The conspiracy was entered into by accused No. 2 joining the organization called the National Committee for Liberation or N.C.L. as a member or active supporter in the Cape Peninsula towards the end of 1962, which organization, to his knowledge had as its aim the overthrow of the South African Government by means of acts of malicious injury to property thereby causing inconvenience, confusion and disruption.

The other accused and conspirators were all members or active supporters of the said organization in the Cape Peninsula except Dennis Higgs and Hirson who were members of the said organization in Johannesburg.

The organization changed its name to African Resistance Movement or A.R.M. on a date unknown to the State.

It/.....

It is thus alleged that all the accused and other conspirators conspired with one another to commit acts of malicious injury to property in order to overthrow the Government of South Africa by means of these acts and that this was a common purpose of all the accused and other conspirators.

The State will also rely on documents to establish the said conspiracy but does not propose to attach them to the indictment. Photostatic copies of the documents which could conveniently be reproduced in this way are available for the defence, and those that could not be reproduced in this way can be inspected by arrangement with the State.

4. It is alleged that accused No. 2 acted in concert with the co-accused and the said divers other persons and in the furtherance of the common purpose on the grounds that the acts were committed as part of the programme of the said organization and in the attempted execution of the common aim of the said members or active supporters of the said organization.

5. Explosives were kept as follows:-

By Robert Watson prior to approximately June, 1963, at a place unknown to the State. Thereafter in turn in Servant's Room No. 9, Bowwood Gardens, Bowwood Road, Claremont, by accused No. 1 and Adrian Leftwich; in flat 19 A Dorp Street, Cape Town, by Michael Schneider and accused No. 3; at Cambridge Flats, Main Road, Rosebank by Lynette van der Riet and from about the 4th July, 1964, to the 6th July, 1964, by Michael Schneider in Garage No. 2 at 105 Monreith Flats, Hall Road, Sea Point. The last four items of explosives listed in paragraph 5 of the schedule of particulars to the indictment were kept by

Ria Miller/.....

Ria Miller McConkey in her flat at 19 Orpheus Court, Main Road, Rondebosch, up to the 4th July, 1964, and were thereafter removed to the said garage No. 2, Monreith Flats; the "41 pieces of P.E. No. 3A" were only received during June, 1964, by Michael Schneider.

Accused No. 2 is alleged to have possessed the said explosives through the medium of the conspirators named who were keeping them on behalf of the said organization in the execution of the common purpose of the accused.

- 6(a) The time bombs and shape charges were prepared before use but the exact approximate dates unknown to the State.

The places known to the State where these items were prepared are a shed behind No. 2 Clipper Road, Newlands, Garage No. 4 in a lane off Belmont Avenue Oranjezicht, 19 A Dorp Street, Cape Town, 19 Orpheus Court, Main Road, Rondebosch, and at the flat of Lynette van der Riet namely at Cambridge Flats, Main Road, Rosebank.

The following persons are known to the State to have assisted in the preparation of time bombs and shape charges :- Nevell Hillman, Accused No. 1, Lyrette van der Riet, Adrian Leftwich and Michael Schneider.

- (b) It is alleged that the co-conspirators of accused No. 2 committed these acts of preparation in the execution of the common purpose of the accused.
7. The State is unable to aver the number, nature, composition, organization and activities of the said cells. It is alleged that accused No. 2 belonged to a cell but no further particulars of the cell are known to the State.

B./.....

B. Ad. the Alternative Charge.

1. It is not understood what particulars accused No. 2 requires in regard to the allegations he has to meet.
2. It is not understood what further particulars of the organization are required by accused No. 2.
3. It is alleged that when joining the said organization a code name was given to the person. It is alleged that the code names of the accused were:-

Accused No. 1: George later changed to Aubrey and then to Matthew or Matt.

Accused No. 2: Derrick

Accused No. 3: Roy

Accused No. 4: Tony

Accused No. 5: Mary.

It is alleged that accused No. 2 was a member or active supporter of the said organization from approximately the end of 1962 to the 8th July, 1964. He manifested his membership or active support by the following acts:-

- (a) By inspecting the Frequency Modulation Tower on Constantia Mountain on a date prior to the attempt to damage it. The date is unknown to the State.
- (b) By receiving instruction in the use of explosives and attending meetings at his house in Kloof Nek Road and in cars. The other members present at these meetings were accused No. 4, Adrian Leftwich and Livingstone Mrwetyana but the dates number of meetings and what was discussed are unknown to the State.
- (c) By participating in the acts described in paragraphs 2(f), 2(h) and 2(i) of the Schedule of particulars to the indictment.

4. It is not alleged that the organization held meetings of all its members or active supporters.

5(a) It is alleged on evidence which will be led at the trial that the said organization was dedicated and committed to the doctrine or scheme alleged in the indictment. Such evidence will include documents, and the inference to be drawn from the possession of explosives and other articles used in the making of time bombs as well as the facts of the acts described in paragraphs 2 and 3 of the Schedule of particulars to the indictment.

Photostatic copies of those documents which could with convenience be reproduced by this method are available for the defence and the other documents can be inspected by arrangement with the State.

C. Ad the Schedule of Particulars

1 & 2 See paragraphs A 2-3 supra.

3 - 4 It is alleged that accused No. 2 conspired with the other accused and co-conspirators to commit acts of malicious injury to property by joining the organization of which they were members; that the acts described in paragraphs 2(a), 2(b), 2(c), 2(d), 2(e), 2(g) and 2(j) were acts which he either knew or ought to have known would be a probable result in their endeavouring to achieve their common object namely to overthrow the South African Government by means of acts of malicious injury to property.

5. No other particulars of the other persons to the Prosecutor unknown are known to the State. It is alleged that Livingstone Mrwetyana is also a conspirator.

6. It is alleged that accused No. 2 drove the car conveying accused No. 1, Michael Schneider and Nevell Hillman

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with the explosives to the farm Joostenberg, Muldersvlëi, upon or about the 18th November, 1963, and again conveyed these persons back from the farm. This happened at night but the precise time is unknown to the State.

It is alleged that accused No. 2 drove the car conveying Adrian Leftwich and Lynette van der Riet with the explosives to the farm Neethlingshof, Vlottenberg, and that he assisted in attaching the explosives to the pylon on the farm Klein Welmoed, Lynedoch, upon or about the 18th June, 1964. This happened at night but the precise time is unknown to the State.

7. Ad paragraph 3.

The State is unable to aver when, where and in what manner the acts were considered and contemplated. It is alleged that the conspirators mentioned in paragraph 3 of the Schedule of particulars to the indictment investigated the projects and drew plans of the sites and that this was done in the execution of the common purpose of the accused.

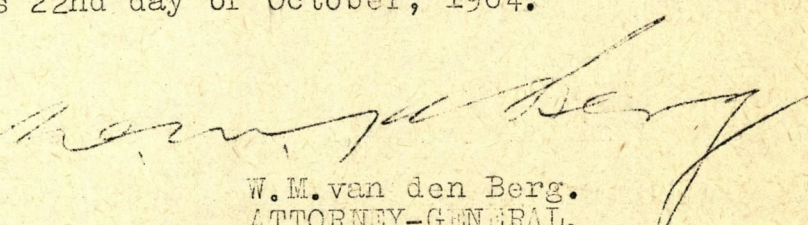
8. Ad Paragraph 4.

See paragraph B supra.

9. Ad paragraph 5.

See paragraph A.5 supra.

Dated at CAPE TOWN this 22nd day of October, 1964.


W.M. van den Berg.
ATTORNEY-GENERAL.

TO:

1. The Registrar,
Supreme Court,
CAPE TOWN.
2. Messrs. Findlay & Tait,
140 St. George's Street,
CAPE TOWN.