

INDICTMENT

(Spare).

THE STATE VERSUS: 1. EDWARD JOSEPH DANIELS  
 2. DAVID GUY DE KELLER  
 3. ANTONY ANDREW TREW  
 4. ALAN BROOKS  
 5. STEPHANIE KEMP

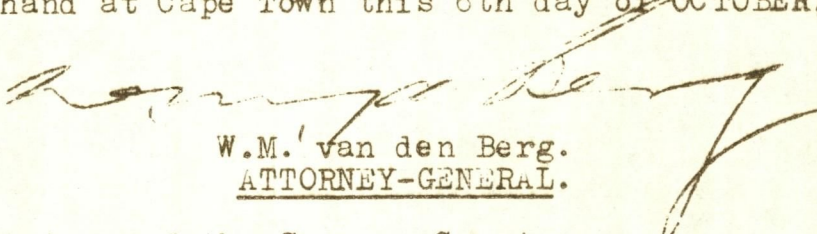
WHEREAS I, WILLEM MARTIN VAN DEN BERG, Attorney-General for the Province of the Cape of Good Hope, am of opinion that danger of interference with or intimidation of witnesses exists, and deem it to be in the public interest, I hereby direct, in terms of sub-section (1) of section 152 bis of Act 56 of 1955, that the said: *(see sec. 11 of Act 37 of 1963)*

1. EDWARD JOSEPH DANIELS  
 2. DAVID GUY DE KELLER  
 3. ANTONY ANDREW TREW  
 4. ALAN BROOKS  
 5. STEPHANIE KEMP,

accused of having committed the offence of contravening section 11(a) of Act 44 of 1950 shall be tried summarily in the Supreme Court of the Province of the Cape of Good Hope, without a preparatory examination having been instituted against them.

In terms of sub-section (2) of the said section I hereby determine that the said summary trial shall be held in the Supreme Court at Cape Town and that the said summary trial shall commence on Monday, the 2nd day of November, 1964.

Given under my hand at Cape Town this 6th day of OCTOBER, 1964.

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

TO: 1. The Registrar of the Supreme Court,  
CAPE TOWN.

2. The abovementioned accused.

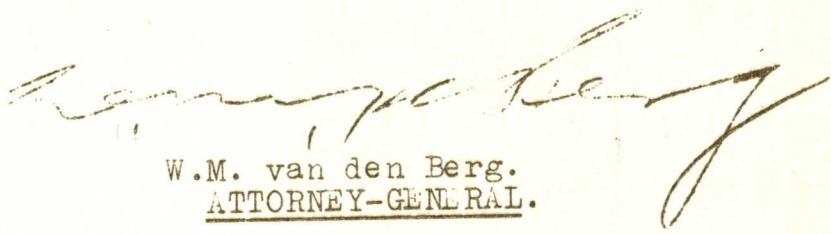
CERTIFICATE ISSUED UNDER SECTION 21(3) OF ACT 76 OF 1962.

In terms of section 21(3) of Act 76 of 1962 I, WILLEM MARTIN VAN DEN BERG, Attorney-General for the Province of the Cape of Good Hope, hereby authorise the trial of

- (1) EDWARD JOSEPH DANIELS
- (2) DAVID GUY DE KELLER
- (3) ANTONY ANDREW TREW
- (4) ALAN BROOKS
- (5) STEPHANIE KEMP

on a charge of SABOTAGE in contravention of section 21(1) of Act 76 of 1962.

Given under my hand at CAPE TOWN, this 6th day of OCTOBER, 1964.

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

TO: 1. The Registrar of the Supreme Court,  
CAPE TOWN.

2. The above accused.

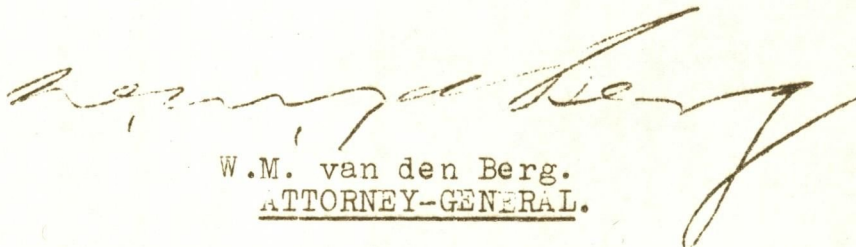
CERTIFICATE ISSUED UNDER SECTION 21(4)(d) OF ACT 76 OF 1962.

In terms of section 21(4)(d) of Act 76 of 1962, I  
WILLEM MARTIN VAN DEN BERG, Attorney-General for the Province  
of the Cape of Good Hope, hereby direct that

- (1) EDWARD JOSEPH DANIELS
- (2) DAVID GUY DE KELLER
- (3) ANTONY ANDREW TREW
- (4) ALAN BROOKS
- (5) STEPHANIE KEMP

accused of having committed the offence of SABOTAGE, shall  
be tried summarily without a preparatory examination having  
been instituted against them.

Given under my hand at Cape Town this 6th day of OCTOBER,  
1964.



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

- TO: 1. The Registrar of the Supreme Court,  
CAPE TOWN.
2. The above accused.

IN THE SUPREME COURT OF SOUTH AFRICA.  
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

WILLEM MARTIN VAN DEN BERG, Esquire, Attorney-General of the Province of the Cape of Good Hope, who prosecutes in the name of and on behalf of the State, presents and gives the Court to be informed:-

- That 1. EDWARD JOSEPH DANIELS  
2. DAVID GUY DE KELLER  
3. ANTONY ANDREW TROW  
4. ALAN BROOKS and  
5. STEPHANIE KEMP

(hereinafter referred to as the accused) are guilty of the crime of Sabotage in contravention of Section 21(1) of Act 76 of 1962;

Alternatively that the accused are guilty of contravening Section 11(a) of Act 44 of 1950, read with paragraph (b) of the definition of "communism" in Section 1 of Act 44 of 1950;

IN THAT during the period from the 23rd day of June, 1962 to the 8th day of July, 1964, and at or near Cape Town, in the district of The Cape, and at or near Wynberg, in the district of Wynberg, the accused did wrongfully and unlawfully conspire with one another and with divers other persons, all acting in concert and in the furtherance of a common purpose, to aid or procure the commission of or to commit the wrongful and wilful acts of malicious injury to property, as more fully set out in the schedule of particulars hereto;

AND did, in the furtherance of the said conspiracy and common purpose :-

- (a) Commit the wrongful and wilful acts set out in the said schedule,  
(b) consider and plan the commission of further wrongful and wilful acts; details of which appear in the said schedule,  
\* (c) in contravention of Section 6(1) of Act 26 of 1956 possess explosives,  
*And personally* \* (d) prepare time bombs and shape charges,  
\* (e) organise themselves into cells to carry out their common purpose which was the overthrow or coercion of the Government of the Republic of South Africa by the intimidation caused by the said wrongful and wilful acts,

Whereby/.....

Whereby they did :-

- ?
- (a) endanger, and would further have endangered, the health and safety of the public,
  - (b) endanger, and would further have endangered, the maintenance of law and order.
  - ✓ (c) endanger, and would further have endangered, or did tamper with or put out of action the distribution of light and power.
  - ✓ (d) endanger a radio transmitting installation, to wit the Frequency Modulation Tower on Constantia Mountain, in the district of Wynberg,
  - ✓ (e) endanger, and would further have endangered, or did restrict the free movement of traffic on land,
  - ✓ (f) injure, damage or destroy property of the South African Railways and Harbours Administration and of the Electricity Supply Commission and would further have injured, damaged or destroyed property of the South African Broadcasting Corporation and of the State,

Alternatively in that the accused did during the period 23rd June, 1962, to the 8th July, 1964, and at or near Cape Town, in the district of The Cape, and at or near Wynberg, in the district of Wynberg, wrongfully and unlawfully perform an act which was calculated to further the achievement of an object of Communism to wit: did become members or active supporters or remain members or active supporters of an organization called the National Committee for Liberation or African Resistance Movement, which organization was declared an unlawful organization by Proclamation No.R.242 dated 25th September, 1964, and which organization was dedicated and committed to a doctrine or scheme which aimed at bringing about political, industrial, social or economic change within the Republic by the promotion of disturbance or disorder, by unlawful acts or by the threat of such acts, or by means which include the promotion of disturbance or disorder, or such acts or threat of such acts; to wit the acts and contemplated acts set out in paragraphs 2, 3, 4 and 5 of the attached schedule of particulars.

When how  
manifest  
membership  
bills - when  
met - who.

1(c)(ii).

Schedule/.....

SCHEDULE OF PARTICULARS.

1. The other persons with whom it is alleged the accused conspired are:-

Neville Rubin, Randolph Vigne, Robert Watson, Adrian Leftwich, Michael Schneider, Lynette van der Riet, Ria Miller McConkey, Nevell Hillman, Dennis Higgs and Hirson as well as other persons to the Prosecutor unknown.

2. The wrongful and wilful acts committed by the accused are as follows:-

(a) The attachment upon or about the 18th August, 1963, of explosives to the anchor wires of the Frequency Modulation Tower, Constantia Mountain, in the district of Wynberg, in an attempt to injure, damage or destroy the said tower, the property of the South African Broadcasting Corporation.

It is alleged that accused No. 1, Adrian Leftwich Lynette van der Riet and Michael Schneider participated in this act in the execution of a common purpose of the accused.

18/8/63.

Mast.

(b) The detonation of explosives causing damage to railway cables the property of the South African Railways and Harbours Administration on the railway line near Woodstock station, in the district of The Cape, upon or about the 3rd September, 1963. It is alleged that Michael Schneider and accused no. 5 participated in this act in the execution of a common purpose of the accused.

3/9/63.  
Woodstock.

(c) The attempt detonation of explosives on railway cables, the property of the South African Railways and Harbours Administration, on the railway line near Rosebank Station, in the district of Wynberg, upon or about the 3rd September, 1963.

It is alleged that accused no. 4 participated in this act in the execution of a common purpose of the accused.

Railway.

(d) The detonation of explosives causing damage to railway cables, the property of the South African Railways and Harbours Administration, on the railway line near Mowbray Station, in the district of Wynberg upon or about the 3rd September, 1963.

It is alleged that Lynette van der Riet and Ria Miller McConkey participated in this act in the execution of a common purpose of the accused.

(e) The detonation of explosives causing damage to railway cables, the property of the South African Railways and Harbours Administration, on the railway line near Kenilworth station, in the district of Wynberg, upon or about the 3rd September, 1963. It is alleged that Adrian Leftwich participated in this act in the execution of a common purpose of the accused.

(f)...../.

1. Left, v.d. Riet  
= Schneider.5. Schneider  
What respect  
particip.  
What.

4.

v.d. Riet  
McConkey.

Left.

1, 2,  
Schneider, Hillman

(f) The attachment of explosives to the legs of a pylon, *Pylon*  
the property of the Electricity Supply Commission, on the farm Joostenberg, Muldersvlei, in the district of Stellenbosch, and the detonation of one of the charges damaging one of the legs of the said pylon upon or about the 18th November, 1963. *18/11/63.*

It is alleged that accused nos. 1 and 2, Michael Schneider and Nevell Hillman participated in this act in the execution of a common purpose of the accused.

3, 5 <  
Schneider.  
What? \*

(g) The detonation of explosives causing damage to a pylon carrying electric power lines, the property of the Electricity Supply Commission, on the farm Fisantkraal, Durbanville, in the district of Bellville, upon or about the night of the 18th/19th June, 1964. *Pylon 18/6/64.*

It is alleged that accused nos. 3 and 5 and Michael Schneider participated in this act in the execution of a common purpose of the accused.

2, Left  
v.d. Riet.

(h) The detonation of explosives causing damage to a pylon carrying electric power lines, the property of the Electricity Supply Commission, on the farm Neethlingshof, Vlottenberg, in the district of Stellenbosch, upon or about the night of the 18th/19th June, 1964. *Pylon 18/6/64.*

It is alleged that accused no. 2, Adrian Leftwich and Lynette van der Riet participated in this act in the execution of a common purpose of the accused.

"

(i) The attempted detonation of explosives attached to a pylon carrying electric power lines, the property of the Electricity Supply Commission, on the farm Klein Welmoed, Lynedoch in the district of Stellenbosch upon or about the night of the 18th/19th June, 1964. *Pylon.*

It is alleged that accused no. 2, Adrian Leftwich and Lynette van der Riet participated in this act in the execution of a common purpose of the accused.

Left Schneider,  
v.d. Riet.

(j) The detonation of explosives causing damage to a pylon carrying electric power lines, the property of the Electricity Supply Commission, on the farm Klein Welmoed, Lynedoch, in the district of Stellenbosch, upon or about the night of the 21st/22nd June, 1964. *21/6/64.*

It is alleged that Adrian Leftwich, Michael Schneider and Lynette van der Riet participated in this act in the execution of a common purpose of the accused. *Pylon*

3. The following further wrongful and wilful acts were considered and contemplated but not committed:-

Decid. personally?

(a) The damaging of supporting standards carrying overhead wires on the railway line, the property of the South African Railways and Harbours Administration.

It is alleged that accused no. 1, Robert Watson and Nevell Hillman worked on this project.

(b) Releasing Robert Sobukwe from Robben Island.

It is alleged that Adrian Leftwich considered this project.

(c) Damaging or destroying the Government Garage, Cape Town, the property of the State.

It is alleged that accused no. 1 worked on this project.

5.


4. It is alleged that the accused were all members, supporters or adherents of an organization called the National Committee for Liberation or African Resistance Movement and that their activities were carried on as part of the programme of this movement which had as its aim the overthrow of the South African Government by means of these acts of malicious injury to property.

5. The explosives possessed by the accused in contravention of section 6(1) of Act 26 of 1956 were as follows:-

50 lbs and 74 sticks of 1" by 8" Ammon Dynamite  
41 Pieces of P.E. No. 3.A.  
36 Capped fuses.  
13 Electric delay action detonators.  
15 Electric detonators  
2 loose bundles of safety fuse  
9 fuse igniters  
1 Bottle of Picric acid  
1 Bottle of Ammonium Nitrate  
1 plastic container with zinc dust  
1 plastic container with Potassium Chlorate and various other chemicals from which explosives could be made.

6. The date and exact place when and where each accused and co-conspirator joined the said organization are to the Prosecutor unknown.

Wherefore, upon due proof and conviction thereof, the said Attorney-General prays the Court to sentence the accused according to Law.

  
W. M. van den Berg.  
ATTORNEY-GENERAL OF THE PROVINCE.

/AH



St. v. Wyk  
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