

A. SACHS

SUPPLIED.

FRANK, BERNADT & JOFFE.

Further particulars -

NO. 1.

MCH 91-6a-9-6

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

SACHS 76/2

In the matter between

THE STATE

and

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

FURTHER PARTICULARS

A. Ad Main Charge.

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

The conspiracy was entered into by the accused No. 1 joining the organization called the National Committee for Liberation or N.C.L. as a member in the Cape Peninsula, 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.

The dates when the said accused No. 1 joined the said organization is unknown to the State but it is alleged that this took place before the attempted de-

tonation /

tonation of explosives on the anchor cables of the Frequency Modulation Tower on Constantia Mountain which took place upon or about the 18th August, 1963.

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.

3. Accused No. 1 is joined with the other accused in that it is alleged that he conspired with the other accused and the other conspirators in order to achieve the said common purpose, and in that he assisted the commission of actual acts or attempted acts of malicious injury to property as specified in the schedule of particulars to the indictment. He is also alleged to be liable for the acts of his co-conspirators committed in the execution of the common purpose and the co-conspirators are alleged to be liable for his acts committed in the execution of the common purpose.

4. Explosives were kept as follows:-

By Robert Watson prior to approximately June, 1963, at a place unknown to the State. Thereafter in turn in Servants' Room No. 9, Bowwood Gardens, Bowwood Road, Claremont, by accused No. 1 and Adrian Leftwich, in flat 19A 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 were kept by Ria Miller McConkey in her flat at 19 Orpheus

Court /

Court, Main Road, Rondebosch, up to the 4th July, 1964, and thereafter in the said garage at Monreith Flats, and the "41 pieces of P.E. No. 3A" were only received during June, 1964, by Michael Schneider.

Accused No. 1 is alleged to have possessed the said explosives personally and also 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.

5. The time bombs and shape charges were prepared before use but the exact or approximate dates are 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, 19A Dorp Street, Cape Town, 19 Orpheus Court, Main Road, Rondebosch, and 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, Lynette van der Riet, Adrian Leftwich and Michael Schneider.

It is alleged that accused No. 1 on occasions whereof the dates are unknown assisted in the preparation of the bombs and charges.

It is also alleged that the co-conspirators of accused No. 1 committed these acts of preparation in the execution of the common purpose of the accused.

6. The State is unable to aver how many cells were organised. It is alleged that accused No. 1 belonged to a cell but its composition and membership and the details of meetings are unknown to the State. It is alleged that accused No. 1

was /

was a leader of a cell.

B. Ad. the Alternative charge.

1. It is not understood what further particulars are required by accused No. 1 in regard to the allegations which he has to meet.
2. It is not understood what further particulars about the organization are required.
3. It is alleged that accused No. 1 became a member and remained a member of the said organization.
4. The State is unable to specify the exact period when accused No. 1 was a member of the said organization but does aver that he became a member before the 18th August, 1963 and remained a member till the 8th July, 1964.
5. The occasions known to the State when accused No. 1 manifested his membership or active support of the said organization are as follows: The dates are unknown to the State:
 - (a) By planning the attack on the Frequency Modulation Tower and inspecting the site of the Frequency Modulation Tower, Constantia Mountain, prior to the attempt to damage it upon or about the 18th August, 1963.
 - (b) By recruiting Nevell Hillman as a member, receiving his monthly subscriptions as a member and giving him instructions and information as leader of the cell.
 - (c) By receiving instruction in the use of explosives and electrical timing mechanisms from Robert Watson at 2 Clipper Road, Newlands.
 - (d) By assisting Nevell Hillman in the making of shape charges at the shed at 2 Clipper Road, Newlands and by assisting in removing the work bench and training gear to garage No. 4 in a lane off Belmont Avenue, Oranjezicht.
 - (e) By assisting in the construction of timing devices for time bombs both at his studio and in garage No. 4.
 - (f) By going on trips of inspection looking for targets near Ysterplaat and on the Paarl Road.
 - (g) By assisting Nevell Hillman in preparing charges in the flat of Lynette van der Riet at Cambridge Flats, Main Road, Rosebank.
 - (h) By serving on the Regional Committee of the National Committee for Liberation, by attending a meeting of members from Johannesburg with Adrian Leftwich and Randolph Vigne in the flat of Currey in Kloof Nek.

The members from Johannesburg were known as Peter and Jackson. The full details of what was discussed are unknown to the State but they dealt with organizational matters.

- (i) By serving on the planning committee of the National Committee for Liberation with Lynette van der Riet, Michael Schneider and Adrian Leftwich where plans for sabotage were discussed and approved.
- (j) By staying in the flat of Lynette van der Riet on the night of the 18th/19th June, 1964, to arrange for medical treatment in case of injury to the conspirators who committed the acts as described in paragraphs 2(g), 2(h) and 2(i) of the Schedule of Particulars to the Indictment.
- (k) By taking Nevell Hillman to meet Dennis Higgs in an unknown flat in Sea Point where an equation was explained by Higgs to find out the number of batteries required to set off a given member of detonators.
- (l) By committing the acts described in paragraphs 2(a) and 2(f) of the Schedule of Particulars to the Indictment.
- (m) By acts of preparation such as investigation and drawing of sketches for the contemplated projects as described in paragraphs 3(a) and 3(c) of the Schedule of Particulars to the Indictment.

C. Ad the Schedule of Particulars

1. See paragraph A.2 supra.
2. Neville Rubin was an attorney, former President of NUSAS, a member of the Liberal Party and former Editor of New Africa. His present occupation and whereabouts are unknown to the State.

Randolph Vigne was a former editor of Contact, former chairman of the Liberal Party of the Western Cape, and editor of New Africa. His present occupation and whereabouts are unknown to the State.

Robert Watson was a student at the University of Cape Town. His present occupation and whereabouts are unknown to the State.

Adrian Leftwich was a student at the University of Cape Town. He is at present in Police custody.

Michael Schneider../

Michael Schneider was employed as a clerk by Garden Cities, Pinelands. His present occupation and whereabouts are unknown to the State.

Lynette van der Riet was employed as a bacteriologist by Lever Brothers; Cape Town. She is at present in Police custody.

Ria Miller McConkey was an employee of the Cape Provincial Library service. She is at present in Police custody. Nevell Hillman was employed by the S.A. Canvas Company, Natal Street, Paarden Island. He is at present in Police custody.

Dennis Higgs was a lecturer at the Witwatersrand University. His present whereabouts and occupation are unknown to the State.

Hirson was a lecturer at the Witwatersrand University. He is at present in Police custody.

In addition to these members of the conspiracy the State is alleging that Livingstone Mrwetyana was also a conspirator. He was a clerk - interpreter in the S.A. Institute of Race Relations, Dorp Street, Cape Town, and is at present in Police custody.

The number, character and whereabouts of the other persons to the Prosecutor unknown are unknown to the State.

3. Ad paragraphs 2(a) and 2(f)

It is alleged that Accused No. 1 accompanied Adrian Leftwich, Michael Schneider and Lynette van der Riet in a car to Hout Bay or Constantia Nek. Accused No. 1 and Adrian Leftwich then proceeded on foot to the Frequency Modulation Tower and attached the charges to the cables. They were picked up by Michael Schneider and Lynette van der Riet at Constantia Nek. The dates and times are unknown to the State.

It is alleged that accused No. 2 drove the car conveying Nevell Hillman, Michael Schneider and accused No. 1 to the vicinity of the pylon on the farm Joostenberg. Accused No. 1, Michael Schneider and Nevell Hillman then proceeded on foot to the pylon. Accused No. 1 and Nevell Hillman loosened nuts holding the reinforcing stays and Michael Schneider set the charges and wired them. Accused No. 1 then assisted Michael Schneider with the insertion of detonators and the setting up of the clock as a timing device. While they were busy the explosion occurred. They proceeded to the National Road and were picked up by Accused No. 2.

4. Ad paragraphs 2(b) to 2(e) and 2(g) to 2(j)

See paragraph A.3 supra.

5. 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 investigated the projects and drew plans or sketches of the sites. Two of these acts were committed by accused No. 1 personally in the execution of the common purpose.

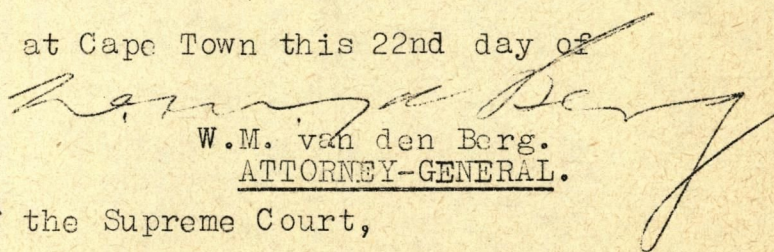
6. Ad paragraph 4.

See paragraphs B.3 to B.5 supra.

7. Ad paragraph 5.

See paragraph A.4 supra.

Given under my hand at Cape Town this 22nd day of
OCTOBER, 1964.


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

- TO: 1. The Registrar of the Supreme Court,
CAPE TOWN.
2. Messrs. B. Zackon & Birkan,
36 Burg Street,
CAPE TOWN.