

Mr A.L. Sachs.

Further particulars - 4 & 5.

MCH91-6a-9-14.

SUPPLIED

IN THE SUPREME COURT OF SOUTH AFRICA.

(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between

THE STATE

and

EDWARD JOSEPH DANIELS  
DAVID GUY DE KELLER  
ANTHONY ANDREW TREW  
ALAN BROOKS  
STEPHANIE KEMP

Accused No. 1.	
Accused No. 2.	
Accused No. 3.	
Accused No. 4.	
Accused No. 5.	

FURTHER PARTICULARS

A. Ad Main Charge.

1. It is not understood what further particulars accused Nos. 4 and 5 require in regard to allegations which they have to meet.
2. The State is unable to state the exact date and place where the conspiracy was entered into by each of accused Nos. 4 and 5 and the other conspirators.

The conspiracy was entered into by the accused Nos. 4 and 5 joining the organization called the National Committee for Liberation or N.C.L. as members or active supporters in the Cape Peninsula, which organization to their 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/.....



or A.R.M. on a date unknown to the State.

The dates when the said accused Nos. 4 and 5 joined the said organization are unknown to the State but it is alleged that this took place before the attempted detonation 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 Nos. 4 and 5 are joined with the other accused in that it is alleged that they conspired with the other accused and the other conspirators in order to achieve the said common purpose, and in that they assisted the commission of actual acts or attempted acts of malicious injury to property as specified in the schedule of particulars to the indictment. They are also alleged to be liable for the acts of their co-conspirators committed in the execution of the common purpose and their co-conspirators are alleged to be liable for their 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/.....



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, 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 Nos. 4 and 5 are 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.

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, 19 A 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: Nevelle Hillman, Accused No. 1, Lynette van der Riet, Adrian Leftwich and Michael Schneider.

It is alleged that accused No. 5 actively supported and assisted in the execution of the common purpose of the accused by hiring garage No. 4 in the lane off Belmont Avenue, Oranjezicht, upon or about the 15th August, 1963.

It is also alleged that the co-conspirators of accused Nos. 4 and 5 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 each of accused Nos. 4 and 5 belonged to a cell but its composition and membership and the details of meetings are unknown to the State.

B. Ad. the Alternative charge.

1. It is not understood what further particulars are required by accused Nos. 4 and 5 in regard to the allegations which they have to meet.
2. It is not understood what further particulars about the organization are required.
3. It is alleged that accused Nos. 4 and 5 became members or active supporters and remained members or active supporters of the said organization.
4. The State is unable to specify the exact period when accused Nos. 4 and 5 were members or active supporters of the said organization but does aver that each one of them became a member or active supporter before the 18th August, 1963.

5(a) The occasions known to the State when accused No. 4 manifested his membership or active support of the said organization are:-

- (1) An inspection of the site of the Frequency Modulation Tower, Constantia Mountain prior to the attempt to damage it upon or about the 18th August, 1963. The date is unknown to the State.
- (2) By receiving instruction in the use of explosives and attending meetings at the house of accused No. 2 in Kloof Nek Road and in cars. The other members present at these meetings were Accused No. 2, Adrian Leftwich and Livingstone Mrwetyana but the dates and number of meetings are unknown to the State.
- (3) By inspecting a possible target on the railway line near Claremont station in company of accused No. 2, Adrian Leftwich and Livingstone Mrwetyana. The date is unknown to the State.

*cl/f Not mentioned re NO. 2. f.p's.*



- (4) By inspecting the site near Rosebank station in company of Adrian Leftwich and Livingstone Mrwetyana. The date is unknown to the State.
  - (5) As described in paragraph C.3(a).
- (b) The occasions known to the State when accused No. 5 manifested her membership or Active support of the said organization are described in paragraph A.4 and C.3(b) and (c) supra.

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 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.

Nevelle Hillman was employed by the S.A. Canvas Company, Natal Street, Paarden Island. He is at present in Police custody.

Dennis Higgs/.....



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(a) Ad paragraph 2(c):

It is alleged that accused No. 4 took the explosives at the flat of Lynette van der Riet, proceeded to the scene, attached the explosives to the railway cables on the railway line and attempted to detonate them by lighting the fuse.

The exact time is unknown to the State.

3(b) Ad paragraph 2(b):

It is alleged that accused No. 5 was the driver of the car which conveyed Michael Schneider to the vicinity of the scene and which conveyed him from the vicinity of the scene after the explosives had been attached to the cables and the fuse ignited. The precise time is unknown to the State.

(c) Ad Paragraph 2(g):

It is alleged that accused No. 5 was the driver of the car in which Michael Schneider and accused No. 3 were driven to a spot near the pylon which was the target and which conveyed them back after the attachment of the time bombs to the pylon.

The precise time is unknown to the State.

4. Ad paragraphs 2(a) 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 of the sites and that this was done in the execution of the common purpose of the accused.

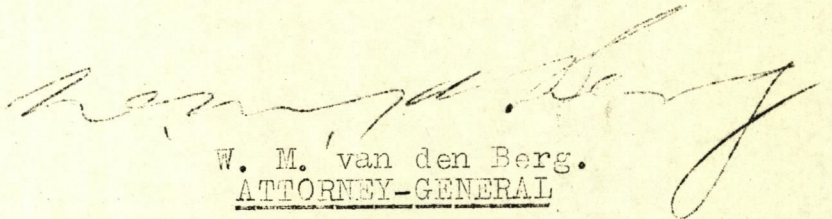
6. Ad paragraph 4.

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 19th day of October, 1964.



W. M. van den Berg.  
ATTORNEY-GENERAL

TO:

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Prof. Wils.

Dr. B.

Swenson.

Mathews.

Watson -

Lowrie - 1/2 month pay.

Principal Physics School - Miss Roper.

Max Davis - Senior Physic - Lowrie.

Ma x pa.

Testimonials - writing case - black leather.  
will ask Ma.

Inspection  
Newspaper.

