

Date of sentence: 1963

Place of trial:

Names of accused: Miss Patricia Pethala
Miss Cynthia Lichaba

Laws under which charged: Suppression of Communism Act

Particulars of charges: Both were accused of being members of an unlawful organization (Pan Africanist Congress) and of furthering its aims.

Sentences: Both were found guilty and each was sentenced to 18 months' imprisonment.

Remarks: Both were arrested as they crossed from Basutoland to South Africa. Miss Lichaba, Mr. Leballe's bookkeeper in Maseru, was carrying about 70 letters from Leballe to Pogo members in South Africa. Miss Lethala had been instructed to hand various documents to a man she would meet in Ladybrand, the nearest town in South Africa.

Miss Lethala is a typist.

Source: A Survey of Race Relations in South Africa 1965, p.47.

Date of judgement: 18 February 1963
Place of trial: Cape Town Supreme Court
Names of appellants: Mr. Joseph Gilela

Laws under which charged:

Particulars of appeal: Mr. Gilela appealed against a sentence of 18 months' imprisonment, passed in lower court, on the charge of attempting to recruit members of Pogo.

Judgement: The sentence was set aside.

Remarks: The Supreme Court ruled that the Government had failed to establish that Pogo is an extension of the banned Pan Africanist Congress or that it is in fact an organization. The fact that people spoke about Pogo and meant P.A.C. was no proof that what they said was true.

Source: A.F.P., 18 February 1963

Date of judgement: 27 February 1963, 28 March 1963

Place of trial: Rand Supreme Court, Johannesburg

Names of appellants: Mr. Percy John Hodgson

Laws under which charged: Suppression of Communism Act

Particulars of appeals: Mr. Hodgson, who had been served on 3 November 1962 with a 24-hour house arrest order applied for the order to be set aside on the ground that it did not fall within the powers of the Minister of Justice.

Judgement: The house arrest order was declared ultra vires on 27 February 1963. The State then noted an appeal to a Full Bench, which was heard on 28 March. The appeal of the State succeeded.

Remarks: Under the Act, the Minister was authorized to confine a person to a "place". Mr. Justice Trollip held that a place does not include a person's residence, dwelling or house, as the legislature did not intend that the word would have such meaning. The State successfully appealed to a Full Bench. The General Law Amendment Act of 1963 was then introduced. This Act had a much wider and retrospective definition of "place", thus dissuading Hodgson from appealing to the Appellate Division.

Date of sentence: March 1963

Place of trial: Johannesburg Magistrate's Court

Names of accused: Mr. Walter Sisulu

Laws under which charged: Suppression of Communism Act, read with the Unlawful Organizations Act.

Particulars of charges: Incitement of non-white workers to strike on 29, 30 and 31 May 1961 in protest against the Constitution Act; furthering the aims of a banned organization, the African National Congress.

Sentences: Three years' imprisonment on each of the two charges.

Remarks: The magistrate refused bail for Mr. Sisulu pending appeal. Following an order by the Rand Supreme Court, he was released on 8 March 1963 on 6,000 Rand bail.

Source: The Star, weekly, Johannesburg, 9 March 1963, 1963 Survey p. 45

Date of sentence: March 1963

Place of trial: Queenstown

Names of accused: Mr. James Mtutu Apleni
Mr. Notase Albert Shweni
and twenty other Africans

Laws under which charged: Suppression of Communism Act ("Sabotage Clause")

Particulars of charges: Mr. Apleni was charged with recruiting members for Fogo in Langa and inciting them to leave for Transkei to kill Chief Kaiser Matanzima at Qamata. The accused, all members of Fogo, left for the Transkei and attacked the police on 21 December 1962 between Cofimvaba and Qamata.

Sentences: Convicted by Mr. Acting Justice J. D. Cloete, Mr. Apleni was sentenced to death. Mr. Shweni, who was found to have led the group in Transkei when it attacked the police, was sentenced to 20 years' imprisonment. The other twenty accused were sentenced to fifteen years' imprisonment each. All the accused were found guilty of "sabotage" under the General Law Amendment ("Sabotage") Act of 1962.

Remarks: Mr. Acting Justice J. D. Cloete said the evidence showed that all the accused belonged to Fogo in Cape Town during 1962. This believed to be the first death sentence under the "Sabotage" Act.

Source: The Star, weekly, Johannesburg, 9 March 1963

Date of sentence: 22 March 1963
Place of trial: Queenstown
Names of accused: Mr. Bonakele Ngcongolo
Mr. Notimba Boswana Mboto
and 17 others

Laws under which charged:

Particulars of charges:

Sentences: Mr. Ngcongolo was found to be one of the leaders of a Fogo gang which had taken part in the Queenstown Station riot of 13 December 1962; and was sentenced to death. Mr. Boswana Mboto was also sentenced to death. Seventeen others were sentenced to 20 years each. Mr. Justice Munnik said that Mr. Mboto was the organizer, inciter and instigator of the task force and that as a result, a police sergeant had been killed.

Remarks: Source: The Star, Johannesburg, 23 March 1963
Executed in Pretoria 11 February 1964- The Star, Johannesburg, 11 February 1964.

Date of sentence:

April 1963

Place of trial:

Goodwood Regional Court

Names of accused:

Seventeen Africans

Laws under which charged:

Particulars of charges:

Furthering the aims of the banned Pan Africanist Congress.

Sentences:

A total of 21 1/2 years' imprisonment.

Date of sentence: 2 April 1963

Place of trial:

Names of accused: eight Africans

Laws under which charged:

Particulars of charges: Leaving the country without passports or valid travel documents.

Sentences: Two years each - maximum penalty at that time.

Remarks: Among the 47 Africans deported from the Rhodesias.

Source: The Cape Times, 6 April 1963.

Date of sentence: 5 April 1963
Place of trial: Pretoria Regional Court
Names of accused: 37 Africans

Laws under which charged:

Particulars of charges: Leaving the country without passports or valid travel documents.

Sentences: Two years' imprisonment each - the maximum for the offence at that time.

Remarks: The 37 men were handed over to the South African authorities at Beit Bridge on 4 March 1963 after being arrested in Livingston and deported by Northern Rhodesian officials.

Source: The Cape Times, 6 April 1963

Date of judgement: 8 April 1963

Place of trial:

Names of appellants: Dr. M. Motara

Laws under which charged: Group Areas Act

Particulars of appeal:

Judgement: Removal order upheld, but the 30 days imprisonment suspended on condition the premises were vacated on or before 30 April

Remarks:

Date of sentence: 11 April 1963
Place of trial: Odendaalsrus Magistrate's Court
Names of accused: Mr. Scotch Ngoma

Laws under which charged:

Particulars of charges:

Sentences:

Remarks: Pled guilty to being in illegal possession of explosives.

Source: The Star, Johannesburg, 11 April 1963

Date of sentence: 22 April 1963

Place of trial: Grahamstown

Names of accused: Andrew Masonda
McGloria Mdingi
Nelson Tamsanga Dick
McGloria Mzandile Mdingi

Laws under which charged:

Particulars of charges: Sabotage of electricity supply in the Bedford-Kingwilliamstown area on 3 March 1963.

Sentences: Masonda was given 12 years imprisonment; Dick and Mdingi got 8 years each.

Remarks: Source: The Star, Johannesburg, 10 April 1963.
Reuters, 22 April 1963.

Date of sentence: 24 April 1963
Place of trial: Cape Town Criminal Sessions
Names of accused: Mr. Jeremia Francis

Laws under which charged: "Sabotage Act"

Particulars of charges: Unsuccessful attempt to set fire to a petrol storage tank in Cape Town on 17 January.

Sentences: Fifteen years' imprisonment.

Remarks: Mr. Francis pleaded guilty.

Date of sentence: May 1963

Place of trial: Rand Criminal Sessions

Names of accused: Mr. Reggie Vandeyar
Mr. Shirish Nanabhai
Mr. Indres Naidoo

Laws under which charged: Suppression of Communism Act ("Sabotage Clause")

Particulars of charges: The case arose out of an explosion at a railway shed in Johannesburg on 17 April 1963. The accused were originally charged on three counts: (a) entering enclosed railway property; (b) exploding a tool shed; and (c) attempting to explode a signal relay apparatus.

On 17 April, the charge sheet was amended to include all three allegations in one count. The accused then pleaded guilty.

Sentences: Ten years' imprisonment each.

Remarks: The defence counsel alleged that the three accused had been assaulted during interrogation.

The accused claimed that they had been instigated by an agent provocateur, Mr. Gamat Jardine.

Source: The Star, Johannesburg, 10 May 1963
The Star, weekly, Johannesburg, 18 May 1963

Date of sentence: 28 May 1963

Place of trial:

Names of accused: Miss Patricia Lethala

Laws under which charged: Suppression of Communism Act.

Particulars of charges: Furthering the aims of the banned Pan Africanist Congress.

Sentences: Eighteen months' imprisonment.

Remarks: Miss Lethala is a typist.

Date of sentence: June 1963
Place of trial: Supreme Court, Cape Town
Names of accused: Mr. Jack David Tarshish

Laws under which charged: "Sabotage Act"

Particulars of charges: "Sabotage"

Sentences: Twelve years' imprisonment.

Remarks: Source: Cape Times, 7 June 1963

Date of sentence: 4 June 1963

Place of trial: Grahamstown

Names of accused: Mr. Faans Nxadi
Mr. Milton Bonani
Mr. Louis Tokani

Laws under which charged: "Sabotage Act"

Particulars of charges: Sabotage attempt by loosening nuts and bolts on
the railway line.

Sentences: Fifteen years' imprisonment each.

Remarks: Source: The Star, Johannesburg, 4 June 1963

Date of sentence: July 1963
Place of trial: Cape Town
Names of accused: Miss Gillian Jewell
Laws under which charged: Suppression of Communism Act

Particulars of charges: Contravening provisions of banning order by communicating with a banned person. (She had talked to her fiancé Mr. Jack Tarshish, who was serving a sentence of twelve years' imprisonment for sabotage).

Sentence: ? 1 month

Remarks: Sentence was reduced on appeal;

Date of sentence: 2 July 1963

Place of trial: Pretoria Supreme Court

Names of accused: Mr. Jeff Masemula (age 32)
Mr. John Nkosi (21)
Mr. Simon Brander (34)
Mr. Isaac Mafatsi (18)
Mr. Mark Skinners (18)
Mr. Petrus Mowcala (21)
Mr. Klass Maswisi (24)
Mr. Solomon Madume (26)
Mr. Michael Mohlolo (18)
Mr. Thilbert Mokolaka (18)
Mr. Absolom Nkwe (19)
and five others

Laws under which charged: "Sabotage Act"

Particulars of charges: Conspiring to commit sabotage. The accused were alleged to belong to the banned Pan Africanist Congress and to a student organization (composed mainly of high school students).

Sentences: Mr. Masemula and Mr. Nkosi were sentenced to life imprisonment; Mr. Brander was sentenced to fifteen years; Mr. Mafatsi and Mr. Skinners to ten years each; Mr. Mowcala and Mr. Maswisi to eight years each; Mr. Madume, Mr. Mohlolo, Mr. Mokolaka and Mr. Nkwe to five years each. In addition two 17-year-old youths were sentenced to five years each and one 16-year-old youth to ten years. Two other accused were acquitted.

Remarks: The Judge, P.M. Cille, said the PAC planned "murder and mayhem" as a means to freedom for Africans.

The 16-year-old schoolboy was sentenced to ten years against the pleas for leniency of his father, a teacher with more than 20 years of service.

Source: The Cape Times, 3 July 1963

Date of sentence:

27 August 1963

Place of trial:

Magistrates Court, Cape Town

Names of accused:

Mr. Mahlabundel Elijah Guma, 25
Mr. Maklava Elijah Fondana, 33
Mr. Mxolise Hilton Mgzashe, 21
Mr. Makhweniwa Gladston Mboambo, 38
Mr. Madoda Lamstert Giyose, 23
Mr. Etheridge Deanjwa, 26
Mr. Fakamile Alpheus Mazaza, 26
Mr. Mzoli Elliott Iwana, 21
Mr. Ndabankulu Philip Nyakaza, 25
Mr. Tozomile Leslie Pukwana, 32
Mr. Alfred Canca, 38
Mr. Canasseus Maselo Lemla, 19

Laws under which charged:

Particulars of charges:

Being members of the banned Pan Africanist Congress

Sentences:

Messrs. Pukwana, Canca and Lemla were found not guilty. Each of the others was sentenced to 18 months' imprisonment.

Remarks:

The magistrate said that a mitigating feature of this "serious offence" was that the men were of good character with no previous convictions and were as yet not prepared to resort to violence but had proposed first to discuss matters with the authorities.

Source: Cape Times, 28 August 1963

Date of sentence: 28 August 1963

Place of Trial: Rand Criminal Sessions, Johannesburg

Names of accused: Mr. Lucas Jiyane
Mr. Elliott Mlotshwa
Mr. Napoleon Letsoko
Mr. Michael Maimane
Mr. Victor Mkabinde

Laws under which charged: Sabotage Act

Particulars of charges: Conspiring to commit unlawful acts and being related to the PAC.

Sentences: "Sentenced to long terms of imprisonment."

Remarks: The court did not allow the accused to lead evidence.
All five appealed.

Source: The Star, Johannesburg, 8 September 1964;
24 September 1964.

Date of sentence: 9 September 1963
Place of trial: Fort Elizabeth
Names of accused: Fourteen Africans
Laws under which charged: Suppression of Communism Act
Particulars of charges: Being office-bearers of the banned African National Congress.
Sentences: Eighteen to twenty-four months' imprisonment each.

Remarks:

Date of sentence: 10 September 1963

Place of trial: Cape Town

Names of accused: Mr. John Hashe
Mr. Robert Hashe

Laws under which charged: Suppression of Communism Act

Particulars of charges: Promoting the aims of the banned Pan Africanist Congress.

Sentences: Three years' imprisonment each.

Remarks: An appeal to Cape Town Supreme Court was dismissed on 25 March 1964.

Date of sentence: 13 September 1963
Place of trial: Cape Town
Names of accused: Six African servants - two women and four men.
Miss Nontombi Ningiza, Miss Ester Stofile, Mr. Bandile Ben
Sivuku, Mr. Mohlomola Samuel Manake, Mr. Mbolekwa Ngenelwa, Mr. Jonathan Mhlana
Laws under which charged: Suppression of Communism Act

Particulars of charges: Membership in the Pan Africanist Congress.

Sentences: The two women were sentenced to eighteen months' imprisonment each and the four men to three years.

Remarks: On 28 April 1964, the Cape Town Supreme Court set aside the convictions of five of the accused. The sentence on the sixth accused, Mr. Jonathan Mhlana, was confirmed.

Source: Cape Times, 29 April 1964

Date of sentence: 17 September 1963

Place of trial: Belleville

Names of accused: Twenty-three Africans

Laws under which charged: Suppression of Communism Act

Particulars of charges: Membership in the banned Pan Africanist Congress or
Pogo

Sentences: Three years' imprisonment each.

Remarks:

Date of sentence: 16 September 1963

Place of trial: Umtata

Names of accused: Forty-eight Africans

Laws under which charged: Suppression of Communism Act

Particulars of charges: Membership of the banned Pan Africanist Congress, soliciting subscriptions for the PAC and furthering the activities of the PAC.

Sentences: Forty of the accused were sentenced to two years' imprisonment; two to three years; and six to five years.

Remarks:

Date of sentence: October 1963

Place of trial: Umtata

Names of accused: Thirty-one African men

Laws under which charged: Suppression of Communism Act

Particulars of charges: Being office-bearers or members of the
banned Pan Africanist Congress

Sentences: Two and a half years' imprisonment each.

Remarks:

Date of sentence: 1 October 1963
Place of Trial: Transvaal Supreme Court
Names of accused: Mr. Henry Fazzie
Mr. James Chipwa
Mr. Matthews Makhalima
Mr. Maxwell Mayekiso
Mr. Ernest Malgaz
Mr. Jack Ndzuzo
Mr. Alfred Khonza

Laws under which charged: Unlawful Organizations Act

Particulars of charges: Undergoing military training in Ethiopia on behalf of the African National Congress

Sentence: Twenty years' imprisonment each.

Remarks: The trial was held in camera .
On 24 September 1964, the Appeal Court in Bloemfontein reduced the sentences to twelve years' imprisonment each.

Source: The Star, Johannesburg, 24 September 1964

Date of sentence: 1 October 1963

Place of trial: Johannesburg

Names of accused: Mr. Richard Matsapahae
Mr. Josia Mocumi
Mr. Thomas Molathlegi
Mr. Petrus Mtshole

Laws under which charged:

Particulars of charges: Participation in the killing of Mr. Johannes Mokeena,
an African Special Branch detective, on 18 March 1963.

Sentences: Death

Remarks: The accused were alleged to be members of the
Pan Africanist Congress.

Date of sentence: 9 October 1963

Place of trial: Grahamstown

Names of accused: Mr. Hector Ntshanyana and nine others

Laws under which charged: "Sabotage Act"

Particulars of charges: Charge of sabotage in connection with an attack on the King William's Town police station on 8 April 1964.

Sentences: Mr. Hector Ntshanyana was sentenced to twenty-five years' imprisonment; two other accused to twenty years; four to twelve years; and three to eight years.

Remarks:

Date of sentence: 13 October 1963
Place of trial: Durban Regional Court
Names of accused: Mrs. Sarah Betty Brown

Laws under which charged: Suppression of Communism Act

Particulars of charges: Contravening the provisions of the Act by changing place of residence or employment without giving notice to the police.

Sentences: One years' imprisonment, all but four days conditionally suspended.

Remarks: Source: The Cape Times, 14 October 1963

Date of sentence: 15 October 1963
Place of trial: Cape Town
Names of accused: Mr. Advocate Ntuli

Laws under which charged: Suppression of Communism Act

Particulars of charges: Membership in the underground Pogo and recruiting members to Pogo.

Sentences: Two years' imprisonment.

Remarks: Two-year banning order gazetted 18 November 1966.

Date of sentence: 15 October 1963
Place of trial: Johannesburg
Names of accused: The Reverend Dr. Arthur W. Blaxall
Laws under which charged: Suppression of Communism Act
Particulars of charges: Aiding banned organizations (PAC & ANC) possessing banned publications ("New Age" and "Fighting Talk").

Sentences: Found guilty. The Minister of Justice suspended the sentence.

Sentenced to two years and four months in prison, all but six months conditionally suspended. A medical specialist said in court that imprisonment of more than a few days could have fatal physical effects on the ailing, 72-year-old clergyman. After one day in jail, the Minister of Justice ordered his release on parole.

Remarks: The Rev. Dr. Blaxall pleaded guilty to charges of taking part in the activities of the banned Pan Africanist Congress and African National Congress, administering funds for the Pan Africanist Congress and arranging secret meetings between Mr. Potlako Leballo and other persons.

Date of conviction: 25 October 1963

Place of trial: Wynberg

Names of accused: Mr. Basil Februarie
Mr. Neville Andrews

Laws under which charged:

Particulars of charges: Malicious damage to property. (Painting anti-Government slogans on roads and factory walls).

Sentences: Found guilty on 25 October 1963.

Sentence was postponed.

Remarks: Mr. Februarie (21) and Mr. Andrews (18)
are both Coloured.

Date of sentence: 7 November 1963

Place of trial: Butterworth

Names of accused: Seventeen Africans

Laws under which charged:

Particulars of charges: Gathering in the bush at Duncan Village (East London) on 18 April 1963 and planning armed insurrection, arson and murder of whites; and various other activities in a banned organization.

Sentences: Terms of imprisonment ranging from six to twenty years.

Remarks: Application for leave to appeal was rejected.

Date of sentence: 18 November 1963

Place of trial: Butterworth

Names of accused: Two Africans

Laws under which charged:

Particulars of charges:

Charges arising out of an alleged plan by the underground Pogo to murder Whites of East London in April 1963.

Sentences:

Two of the accused were acquitted for lack of evidence. Eight were sentenced to terms of imprisonment ranging from seven to fourteen years.

Remarks:

Application for leave to appeal was rejected.

Date of sentence: December 1963

Place of trial:

Names of accused: Fifteen Africans

Laws under which charged: Suppression of Communism Act

Particulars of charges: Conspiring to leave the country for training abroad.

Sentences: Sentences of imprisonment ranging from five to two years, and totalling 155 years.

Remarks: Leave to appeal was refused by the Supreme Court, Pretoria, on 19 March 1964.

Date of sentence: 1 December 1963

Place of trial: Butterworth

Names of accused: Twenty Africans

Laws under which charged:

Particulars of charges: Charges arising from the death of a police assistant in Kanya location, Engcobo, when Africans had attacked police who were arresting a suspect. Two were found guilty of culpable homicide and eighteen of public violence.

Sentences: Sentences from seven to eight years' imprisonment each.

Remarks: All the accused pleaded guilty.

Date of judgement: 7 December 1963

Place of trial: Supreme Court, Bloemfontein

Names of appellants: Twenty-two Africans

Laws under which charged:

Particulars of appeal: Appeal on death sentence imposed by lower court in connection with the murder of five Whites near Bashee River on 5 February 1963.

Judgement: Death sentences upheld.

Remarks:

Date of sentence: 10 December 1963
Place of trial: Fort Alfred
Names of accused: Mr. Jackson Mlinga
Mr. Fundile Msutwana

Laws under which charged: "Sabotage Act"

Particulars of charges: Charge of sabotage for cutting twenty-five telephone lines on 15 February 1963.

Sentences: Mr. Mlinga was sentenced to seven years' imprisonment and Mr. Msutwana to six years.

Remarks:

Date of sentence: 10 December 1963

Place of trial: Goodwood

Names of accused: Mr. Leo Vehilo Tikolo

Laws under which charged:

Particulars of charges: Alleged to have said that if a volunteer were needed to assassinate Prime Minister Verwoerd, he would be the first to volunteer.

Sentences: Eighteen months' imprisonment.

Remarks:

Date of sentence: 17 December 1963

Place of trial: Durban

Names of accused: Mr. George Mbele
Mr. Stephen Dhlamini

Laws under which charged: Suppression of Communism Act

Particulars of charges: Issuing a pamphlet with intent to cause hostility between the races.

Sentences: Nine months' imprisonment, six months of which was conditionally suspended for three years.

Remarks: Mr. Mbele and Mr. Dhlamini were originally charged on 6 March 1963.

Mr. George Mbele, formerly organizing secretary of the African National Congress had been detained under the "90-day law" from 10 May to 4 November 1963.

Date of sentence: 18 December 1963

Place of trial: Port Elizabeth

Names of accused: Mr. William Mtwalo
Mr. Nolali Perse
Mr. Douglas Mhabe

Laws under which charged: "Sabotage Act"

Particulars of charges: Burning down the shop of the official representative of Chief Kaiser Matanzima in New Brighton in September 1962.

Sentences: Mr. Mtwalo was sentenced to twelve years' imprisonment; Mr. Perse to eight years; and Mr. Mhabe to three years.

Remarks:

Date of sentence: 30 December 1963
Place of trial: Pretoria
Names of accused: Mr. Lombard Mbata and 14 others

Laws under which charged:

Particulars of charges: Conspiring to recruit people for military training outside South Africa.

Sentences: Mr. Mbata was given 20 years; two others received 12 years; one 11 years, nine 10 years and two 5 years.

Remarks: Twenty were originally charged but the case against one was withdrawn and four were freed.

Source: The New York Times, 31 December 1963

Date of sentence: 19 December 1963

Place of trial: Krugersdorp

Names of accused: Mr. Jordan Zuma

Laws under which charged:

Particulars of charges: Attempted murder of a policeman; possession of a weapon and ammunition; and escaping from custody.

Sentences: Four years' imprisonment.

Remarks: Query: Was this political? The accused were convicted of "sabotage."