

DIRECTORATE OF RESEARCH AND DEVELOPMENT  
DIRECTORATE OF SECURITY LEGISLATION

LEER NR. ....  
FILE NO. 214/2113

LEER NR. 214/2113  
FILE NO. ....

HOO  
MAIN

DEFENCE AND AIR

ONDERWERP  
SUBJECT

LEER  
FILE

LEER GEOPEN O  
FILE OPENED ON

UNIT OP  
ON 19.1.67

BESKIKKINGEN  
DISPOSITIONS

OF GEVAL  
CASE

LEER NR.  
FILE NO. 214/2113

DEEL  
PART 4

S.A.P. 148 (d).

No. S.13/155 (A2)

SUID-AFRIKAANSE POLISIE SOUTH AFRICAN POLICE.

Privaatsak  
Private Bag ) 302.

Telefoon  
Telephone ) 2-9280-9.

Telegramadres  
Telegraphic Address )

PRETORIA  
"KOMPOL 302"

DEPARTMENT OF JUSTICE

**GEHEIM**

HOOFKANTOOR,  
HEAD OFFICE,

PRETORIA.

3.1.1967.

Die Sekretaris van Justisie,  
P R E T O R I A.

DEFENCE AND AID : LEDE.

1. Met verwysing na my enersgenommerde skrywe gedateer 27/9/66 wens ek die volgende wysigings aan te bring.

2. PORT ELIZABETH:-

(a) Mr. John Morgan Tucker - Oorlede

(b) Mev. Jocelyn Sara Tucker se huidige adres is as volg:-

Ottowalaan 16,  
Robindale Uitbreiding 1,  
Randburg,  
JOHANNESBURG.

LUITENANT-KOLONEL

*J. H. Blignaut*  
n/KOMMI SSARIS : SUID-AFRIKAANSE POLISIE.  
/jcv. **J. H. BLIGNAUT**

S.A.P. 148 (d).

No. S.13/155 (A2).

SUID-AFRIKAANSE POLISIE.  SOUTH AFRICAN POLICE.

Privaatsak ) 302.  
 Private Bag )  
 Telefoon )  
 Telephone )  
 Telegramadres )  
 Telegraphic Address ) "KOMPOL 302"  
 DEPT. OF JUSTICE  
 22-12-1966  
 PRETORIA  
 DEPARTMENT OF JUSTICE

HOOFKANTOOR,  
HEAD OFFICE,  
PRETORIA.


21.12.1966.

**GEHEIM**

Die Sekretaris van Justisie,  
P R E T O R I A.

DEFENCE AND AID : LEDE.

1. Met verwysing na my eners-  
genommerde skrywe van 27/9/66 wens  
ek nou te rapporteer dat Dr. I.P.  
HUGHES tans verbonde is aan n Universi-  
teit in New Jersey, Amerika.

  
 n/KOMMISSARIS : SUID-AFRIKAANSE POLISIE.  
 /jev. E. J. VAN WYK

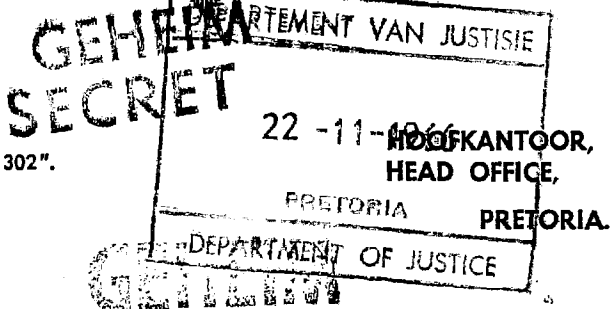
LUITENANT-KOLONEL

S.A.P. 148 (d).

No. S.13/155. (A.2)

SUID-AFRIKAANSE POLISIE. SOUTH AFRICAN POLICE.

Privaatsak Private Bag } 302.  
Telefoon Telephone } 2-9280-9.  
Telegramadres Telegraphic Address } "KOMPOL 302".



21.11.1966.

Die Sekretaris van Justisie,  
P R E T O R I A.

BEDRYWIGHEDE : "DEFENCE AND AID FUND".

1. Bygaande afdruk van n uitknipsel uit die Evening Post gedateer 10.11.1966, word ter inligting van die Beredderaar aangestuur asseblief.

LUITENANT-KOLONEL

n/KOMMISSARIS : SUID-AFRIKAANSE POLISIE.  
EV.

**J. H. BLIGNAUT**

# APPEAL COURT DISMISSES AID FUND CASE

**BLOEMFONTEIN.** — The Appeal Court today dismissed with costs the appeal by the South African Defence and Aid Fund and its Chairman, Mr Raymond Hoffenberg, against the refusal of the Cape Supreme Court to set aside Proclamation 77 of 1966.

This Proclamation declared the Defence and Aid Fund an unlawful organisation.

The Appeal Court also dismissed an appeal by the Fund and Mr Hoffenberg that the Minister of Justice be ordered to produce all documents relating to the appointment by him of a committee in terms of Section 17 of the Suppression of Communism Act to prepare a factual report in connection with the activities of the Defence and Aid Fund.

## Committee

It had been contended for the applicants in the Cape Court that before the State President could issue a proclamation declaring an organisation unlawful, that organisation was entitled to be heard and as the appellant fund had received no notice that action was contemplated against it and had accordingly not been given the opportunity of being heard, the proclamation referred to was invalid.

Further it was said that in terms of one section of the Act, the State President could only act after the Minister of Justice had considered a factual report in relation to the organisation in question made by a committee appointed by him.

Such a committee was obliged in law to afford the fund an opportunity of being heard before any proclamation could be issued under Section 2, Sub-Section 2 of the Act.

## Privilege

It was therefore contended that the court should grant an order against the Minister compelling him to disclose all documents relevant to the appointment of such a committee or otherwise relevant to the proof of whether such committee had or had not functioned.

The Minister had refused to produce such documents on the ground that they were privileged by law from disclosure because it would not be in the public interest.

A final contention advanced for the appellants was that as the correct name of the Fund was the South African Defence and Aid Fund, Proclamation 77 of 1966 had no application to it because it referred to an organ-

— Please turn to Page 2, col. 5

## Aid fund appeal fails

(Continued from page 1)

isation known as the Defence and Aid Fund.

The Cape court had rejected the contentions advanced for the appellants.

The appeal was dismissed by a majority of three of five judges.

The validity of the Proclamation in question had been attacked on the ground that the appellants had not, prior to the issue of the Proclamation, been afforded any opportunity of being heard in its defence.

After examining at great length the relevant provisions of the Act and considering the decisions of the courts on analogous sections in other Acts of Parliament, Mr Justice Botha, who wrote the main judgment of the court, said it seemed to him that it was only by the exercise by the State President of his powers under section 2, sub-section 2 of the Act that an organisation's rights were in law prejudicially affected.

Were it not for the words "without notice to the organisation concerned" the appellants would have been entitled to an opportunity of controverting the prejudicial allegations against it before the issue of the proclamation.

The Chief Justice, Mr Justice Steyn, wrote a concurring judgment. Mr Justice Van Blerk concurred. Mr Justice Williamson and Mr Justice Trollip, Acting Judge of Appeal wrote dissenting judgments. — (Sapa)

WOOL PRICES

S.A.P. 148 (d).

No. S.13/155.

SUID-AFRIKAANSE POLISIE.  SOUTH AFRICAN POLICE.

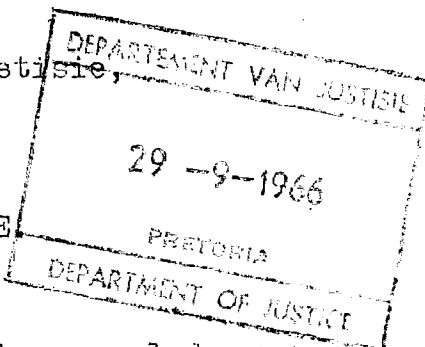
Privaatsak } 302.  
Private Bag }  
Telefoon } 2-9280-9.  
Telephone }  
Telegramadres } „KOMPOL 302“.  
Telegraphic Address }

HOOFKANTOOR,  
HEAD OFFICE,  
PRETORIA.

**GEWEL**

27.9.1966.

Die Sekretaris van Justisie,  
P R E T O R I A.



DEFENCE AND AID : LEDE

1. Aangeheg is n lys van lede van Defence and Aid en die adresse waar hulle hulle tans bevind soos deur die Beredderaar verlang.
2. Sodra die adres van J.P. Hughes vasgestel is, sal u daarvan verwittig word.

*P. J. B. van Wyk*  
n/KOMMISSARIS : SUID-AFRIKAANSE POLISIE.  
EV.

P. J. B. VAN WYK